

impose different conditions, institute different restrictions or require different special flight procedures to be adopted in respect of different buildings, structures or places.

(6) Nothing in this regulation shall be construed as conferring any right to land at any building, structure or place against the wishes of the owner of, or any other person who has an interest in, the building, structure or place or as prejudicing the rights or remedies of any person in respect of any injury to persons or property caused by the helicopter or its occupants.

Aerodrome operating minima

91.07.5 (1) No pilot of an aircraft shall use an aerodrome as a destination or alternate aerodrome, unless the operating minima for such aerodrome, established by the appropriate authority of the State in which the aerodrome is situated, can be complied with.

(2) The aerodrome operating minima for a specific type of approach and landing procedure shall be applicable if –

- (a) the ground equipment shown on the respective instrument approach and landing chart required for the intended procedure, is operative;
- (b) the aircraft systems required for the type of approach, are operative;
- (c) the required aircraft performance criteria are complied with; and
- (d) the flight crew is qualified to conduct the type of approach.

(3) In determining or establishing the aerodrome operating minima applicable to any particular operation, the owner or operator shall take into account –

- (a) the type, performance and handling characteristics of the aircraft;
- (b) the composition of the flight crew, their competence and experience;
- (c) the surface condition, dimensions and characteristics of the runways or touch-down areas which may be selected for use;
- (d) the adequacy and performance of the available visual and non-visual ground aids;
- (e) the equipment available in the aircraft for the purpose of navigation or control of the flight path, as appropriate, during the take-off, approach, flare, landing or missed approach;
- (f) the obstacles in the approach and missed approach areas and the climb-out areas and necessary clearance;
- (g) the obstacle clearance altitude or height for the instrument approach procedures;
- (h) the means to determine and report meteorological conditions; and
- (i) the availability and adequacy of emergency services.

(4) The aerodrome operating minima are those prescribed in Document SA-CATS 91 and no pilot shall conduct operations in weather conditions lower than such minima unless approved by the Director to do so.

Threshold crossing height

91.07.6 The PIC of an aircraft being used to conduct an instrument approach, shall ensure that the aircraft crosses the threshold by a safe margin and in the required landing configuration and attitude.

Pre-flight selection of aerodromes

91.07.7 (1) The owner or operator of an aircraft shall select destination or alternate aerodromes in accordance with regulation 91.07.5 when planning a flight.

(2) The owner or operator shall select a departure, destination or alternate aerodrome only when the serviceability status of the aerodrome permits safe operation of the type of aircraft concerned.

(3) The owner or operator shall select and specify in the ATS flight plan, a take-off alternate aerodrome, if it would not be possible for the aircraft to return to the aerodrome of departure due to meteorological or performance reasons.

(4) The take-off alternate aerodrome referred to in sub-regulation (3), shall be located within –

- (a) twenty (20) minutes flying time from the departure aerodrome in the case of single-engine aircraft;
- (b) except as provided in paragraph (c), one hour flight time at the one-engine cruising speed according to the AFM in still-air standard conditions based on the actual take-off mass for a twin-engine aircraft;
- (c) for aeroplanes authorized for ETOPS under Parts 93, 121 or 135, the approved ETOPS diversion time, up to a maximum of two hours of flight time, subject to any MEL restriction, at the published one-engine-inoperative cruising speed in still-air standard conditions based on the actual take-off mass; or
- (d) two hours flight time at one-engine inoperative cruising speed according to the AFM referred to in regulation 91.03.2, in still-air standard conditions based on the actual take-off mass for three-engine and four-engine aircraft:

Provided that if the AFM does not contain a one-engine inoperative cruising speed as referred to in paragraphs (b) and (c), the speed to be used for calculation shall be the speed which is achieved with the remaining engine or engines set at maximum continuous power.

(5) The owner or operator of a helicopter shall select at least one destination alternate aerodrome for each IFR flight, unless the meteorological conditions prevailing are such that, for the period from one hour before until one hour after the expected time of arrival at the destination aerodrome, the approach from the minimum sector safe altitude and landing can be made in VMC.

(6) The owner or operator of an aeroplane shall select at least one destination alternate aerodrome for each IFR flight unless –

- (a) the meteorological conditions prevailing are such that, for the period from one hour before until one hour after the expected time of arrival at the destination aerodrome, the approach from the minimum sector safe altitude and landing can be made in VMC; or
- (b) the destination aerodrome is isolated and no adequate destination alternate aerodrome exists, and –
 - (i) a standard instrument approach procedure is prescribed for the aerodrome of intended landing and the associated navigation aids will be functional from two hours before time of arrival; and
 - (ii) for aeroplanes, available current meteorological information indicates that the following meteorological conditions will exist from two hours before time of arrival –
 - (aa) a cloud base of at least 1 000 ft above the minimum associated with the instrument approach procedure; and
 - (bb) visibility of at least 5.5 km or of 4 km more than the minimum associated with the procedure, whichever is greater.

(7) Except as provided in sub-regulations (10) and (13), when planning a flight, the owner or operator shall only select an aerodrome as a destination or alternate aerodrome if the appropriate weather reports or forecasts, or a combination thereof, are at or above the applicable planning minima for a period of one hour before to one hour after the estimated time of arrival of the aircraft at the aerodrome.

(8) The owner or operator of a helicopter shall select at least one destination alternate aerodrome for each IFR flight unless –

- (a) available current meteorological information indicates that the following meteorological conditions will exist from two hours before to two hours after the estimated time of arrival, or from the actual time of departure to two hours after the estimated time of arrival, whichever is the shorter period –
 - (i) a cloud base of at least 400 ft above the minimum associated with the instrument approach procedure; and
 - (ii) visibility of at least 1.5 km more than the minimum associated with the procedure. or
- (b) the heliport of intended landing is isolated and no suitable alternate is available and –
 - (i) an instrument approach procedure is prescribed for the isolated heliport of intended landing; and
 - (ii) a point of no return (PNR) is determined in case of an offshore destination.

(9) Suitable offshore alternates for helicopters may be specified subject to the following –

- (a) the offshore alternates shall be used only after passing a PNR. Prior to a PNR, onshore

alternates shall be used;

- (b) mechanical reliability of critical control systems and critical components shall be considered and taken into account when determining the suitability of the alternate;
- (c) one-engine inoperative performance capability shall be attainable prior to arrival at the alternate;
- (d) to the extent possible, deck availability shall be guaranteed; and
- (e) weather information must be reliable and accurate.

(10) The owner or operator of an aircraft shall select two destination alternate aerodromes for IFR flights when the appropriate weather reports or forecasts for the destination aerodrome, or any combination thereof, indicate that during a period commencing one hour before and ending one hour after the estimated time of arrival, the weather conditions will be below the applicable planning minima or no weather information is available at the destination aerodrome.

(11) The owner or operator of an aircraft shall specify the destination alternate aerodrome, if required, in the ATS flight plan referred to in regulation 91.03.3.

(12) The owner or operator shall specify *en route* alternate aerodromes for extended-range operations with twin-engine aeroplanes and shall specify such *en route* alternate aerodromes in the ATS flight plan referred to in regulation 91.03.4.

(13) In addition to the provisions of sub-regulation (10), an owner or operator may conduct a flight in accordance with IFR to a destination for which there is no aviation weather report or forecast available: Provided the requirements specified in Document SA-CATS 91 are met.

Planning minima for IFR flights

91.07.8 (1) The owner or operator of an aircraft shall not select an aerodrome as a take-off alternate aerodrome for a flight to be conducted, wholly or partly in accordance with IFR under IMC unless the appropriate weather reports or forecasts, or any combination thereof, indicate that, during a period commencing one hour before and ending one hour after the estimated time of arrival at the aerodrome, the weather conditions will be at or above the applicable landing minima prescribed in regulation 91.07.5.

(2) The ceiling shall be taken into account when the only approaches available are non-precision or circling approaches.

(3) Any limitation related to one-engine inoperative operations shall be taken into account.

(4) Except as provided in regulation 91.07.7(13), the owner or operator of an aircraft shall only select the destination aerodrome or destination alternate aerodrome, if required, if the appropriate weather reports or forecasts, or any combination thereof, indicate that, during a period commencing one hour before and ending one hour after the estimated time of arrival at the aerodrome, the weather conditions will be at, or above, the applicable planning minima as follows –

- (a) planning minima for a destination aerodrome –

- (i) RVR or visibility specified in accordance with regulation 91.07.5; and
 - (ii) for non-precision approach or a circling approach, the ceiling at, or above, MDA/H; and
- (b) planning minima for a destination alternate aerodrome shall be as prescribed in Document SA-CATS 91.

(5) The owner or operator of an aircraft shall not select an aerodrome as an *en route* alternate aerodrome unless the appropriate weather reports or forecasts, or any combination thereof, indicate that, during a period commencing one hour before and ending one hour after the estimated time of arrival at the aerodrome, the weather conditions will be at or above the planning minima as prescribed in Document SA-CATS 91.

Meteorological conditions

91.07.9 (1) On a flight to be conducted in accordance with IFR, the pilot shall not –

- (a) commence take-off; or
- (b) continue beyond the in-flight decision point,

unless information is available indicating that conditions will, at the estimated time of arrival of such aircraft, be at, or above, the applicable aerodrome operating minima –

- (i) at the destination aerodrome; or
- (ii) where a destination alternate aerodrome is required, at the destination aerodrome and one destination alternate aerodrome or at two destination alternate aerodromes.

(2) On a flight conducted in accordance with VFR, the pilot shall not commence take-off unless current meteorological reports, or a combination of current reports and forecasts, indicate that the meteorological conditions along the route, or that part of the route to be flown under VFR, shall, at the appropriate time, be such as to render compliance with the provisions prescribed in this Part possible.

VFR operating minima

91.07.10 The owner or operator of an aircraft shall ensure that –

- (a) VFR flights are conducted in accordance with the VFR prescribed in Subpart 6; and
- (b) special VFR flights are not commenced when the visibility is less than the visibility prescribed in regulation 91.06.22(1).

Mass and balance

91.07.11 (1) The owner or operator of an aircraft shall ensure that, during any phase of the operation, the loading, mass and the centre of gravity of the aircraft complies with the limitations specified in the approved AFM referred to in regulation 91.03.2 or the operations manual if the limitations therein are more restrictive.

(2) The owner or operator shall establish the mass and the centre of gravity of the aircraft by actual weighing prior to initial entry into operation and thereafter at intervals of five years.

(3) The accumulated effects of modifications and repairs on the mass and balance of the aircraft, shall be accounted for and properly documented by the owner or operator.

(4) The aircraft shall be weighed in accordance with the provisions of sub-regulation (2), if the effect of modifications on the mass and balance is not accurately known.

(5) The owner or operator shall determine the mass of all operating items and flight crew members included in the dry operating mass of the aircraft, by weighing or by using the appropriate standard mass as prescribed in Document SA-CATS 91.

(6) The influence of the mass of the operating items and flight crew members referred to in sub-regulation (5) on the centre of gravity of the aircraft shall be determined by the owner or operator of such aircraft.

(7) The owner or operator shall establish the mass of the traffic load, including any ballast, by actual weighing, or determine the mass of the traffic load in accordance with the appropriate standard passenger and baggage mass as prescribed in Document SA-CATS 91.

(8) The owner or operator shall determine the mass of the fuel load by using the actual specific gravity or, if approved by the Director, a standard specific gravity.

Fuel supply

91.07.12 (1) The pilot shall not commence a flight unless he or she is satisfied that the aircraft carries at least the planned amount of fuel to complete the flight safely, taking into account operating and meteorological conditions and the expected delays.

(2) The PIC shall ensure that the amount of usable fuel remaining in flight is not less than the fuel required to proceed to an aerodrome or, in the case of a helicopter, a suitable landing place, where a safe landing can be made.

(3) If the usable fuel on board the aircraft is less than the final reserve fuel, the PIC of such aircraft, shall –

- (a) in the case of an aeroplane, declare an emergency; or
- (b) in the case of a helicopter, land as soon as possible.

(4) The method of calculating the amount of fuel to be carried for each flight shall be as prescribed in Document SA-CATS 91.

Refuelling or defuelling with passengers on board

91.07.13 (1) Except as provided for in Parts 93, 121, 127 and 135, the owner or operator of an aircraft shall ensure that the aircraft is not refuelled or defuelled with aviation gasoline or wide-cut type fuel when passengers are embarking, on board or disembarking such aircraft.

(2) In cases other than the cases referred to in sub-regulation (1), necessary precautions shall be taken and the aircraft shall be properly manned by qualified personnel ready to initiate and direct an evacuation of such aircraft by the most practical and expeditious means available.

Smoking in aircraft

91.07.14 (1) No person shall smoke in a South African registered aircraft or in any foreign registered aircraft when in or over the Republic.

(2) In all South African registered aircraft, notices shall be displayed in a prominent place in the aircraft indicating that smoking is prohibited and that such notices are clearly visible to all passengers and flight crew members.

Instrument approach and departure procedures

91.07.15 (1) The owner or operator of an aircraft shall ensure that the instrument approach and departure procedures, established by the appropriate authority of the State in which the aerodrome to be used, is located, are used.

(2) Notwithstanding the provisions prescribed in sub-regulation (1), a PIC may accept an air traffic control clearance to deviate from a published approach or departure route: Provided that –

- (a) obstacle clearance criteria are observed and full account is taken of the operating conditions; and
- (b) the final approach is flown visually.

(3) The owner or operator of an aircraft shall ensure that the appropriate temperature corrections to all published altitudes are applied when conducting approaches at an aerodrome in temperatures below standard.

Noise abatement procedures

91.07.16 No person shall operate an aircraft contrary to noise abatement procedures established for an aerodrome in terms of the provisions of the regulations of the State into or out of which the aircraft is being flown.

Submission of ATS flight plan

91.07.17 The owner or operator of an aircraft shall ensure that a flight is not commenced unless an ATS flight plan has been filed, or adequate information has been deposited in order to permit alerting services to be activated, if required.

Seats, safety belts and harnesses

91.07.18 (1) Before take-off and landing, and whenever deemed necessary in the interests of aviation safety, the PIC of an aircraft shall ensure that each person on board such aircraft occupies a seat or berth with his or her safety belt or harness, where provided, properly secured.

(2) The PIC shall ensure that multiple occupancy of aircraft seats does not occur other than by one adult and one infant who is properly secured by a child restraint device.

Passenger seating

91.07.19 (1) The owner or operator of an aircraft shall ensure that passengers are seated where, in the event that an emergency evacuation is required, such passengers may best assist and not hinder evacuation from the aircraft.

(2) The owner or operator of an aircraft shall ensure that if a disabled passenger is carried together with other passengers, such passenger shall not be positioned in such a way that access to emergency exits is blocked.

(3) Passengers may be carried in an aircraft, other than an air ambulance aircraft operated and equipped in terms of Part 138, on a stretcher only if such stretcher and the manner in which it is secured to the aircraft have been approved by the Director and the condition of the passenger does not require the attention of an aviation health care provider or require the passenger to be connected to any external medical equipment.

(4) In the case of an emergency medical situation, where no air ambulance aircraft operated and equipped in terms of Part 138 can be made available within a reasonable time span at or near the place where the situation exists, an aircraft owner or operator may disregard sub-regulations (1), (2) and (3) in the interest of saving human life.

(5) Any non-standard emergency transport in terms of sub-regulation (4) shall be reported by the operator to the Director on the appropriate form as described in Document SA-CATS 138, explaining the reasons for the deviation from regulation 91.07.19, within fourteen days of the flight having taken place.

Passenger movements and briefing

91.07.20 (1) The owner or operator of an aircraft shall take reasonable steps to provide for the safe movement of his or her passengers to or from the aircraft while on the aerodrome movement area.

(2) The owner or operator of an aircraft shall ensure that –

- (a) passengers are verbally briefed about safety matters, parts or all of which may be given by an audio-visual presentation; and
- (b) in an emergency during flight, passengers are instructed in such emergency action as may be appropriate to the circumstances.

(3) The owner or operator shall ensure that, before take-off –

- (a) passengers are briefed, to the extent applicable, on –
 - (i) the smoking prohibition;
 - (ii) when the back of the seat is to be in the upright position and the tray table stowed;
 - (iii) the location of emergency exits;
 - (iv) the location and use of floor proximity escape path markings;
 - (v) the stowage of carry-on baggage;

- (vi) any restrictions on the use of portable electronic devices; and
- vii) the location and the contents of the safety briefing card; and
- (b) passengers receive, to the extent applicable, a demonstration of –
 - (i) the use of safety belts or safety harnesses, including the manner in which the safety belts or safety harnesses are to be fastened and unfastened;
 - (ii) the location and use of oxygen equipment; and
 - (iii) the location and use of life jackets.
- (4) The owner or operator shall ensure that, after take-off, passengers are reminded of –
 - (a) the smoking prohibition; and
 - (b) the use of safety belts or safety harnesses.
- (5) The owner or operator shall ensure that, before landing, passengers are reminded of –
 - (a) the smoking prohibition;
 - (b) the use of safety belts or safety harnesses;
 - (c) when the back of the seat is to be in the upright position and the tray table stowed, if applicable;
 - (d) the re-stowage of carry-on baggage; and
 - (e) any restrictions on the use of portable electronic devices.
- (6) The owner or operator of an aircraft shall ensure that, after landing, passengers are reminded of –
 - (a) the smoking prohibition while on board the aircraft and any prohibitions after disembarkment; and
 - (b) the use of safety belts or safety harnesses.

Passenger health and safety

91.07.21 (1) The PIC of an aircraft shall notify air traffic control or the South African Port Health Authority (PHA), as applicable, where it appears that any person displays the symptoms of a communicable disease as provided in Document SA-CATS 91.

(2) Immediately upon landing, a report shall be made to the PHA containing the information contained in Document SA-CATS 91.

Emergency equipment

91.07.22 (1) The owner or operator of an aircraft shall ensure that emergency equipment, carried or installed in the aircraft in order to meet the requirements prescribed in this Part and the MEL, is in such condition that it will satisfactorily perform its design function.

(2) The PIC of the aircraft shall ensure that the emergency equipment concerned remains easily accessible for immediate use by the flight crew.

Illumination of emergency exits

91.07.23 When an aircraft, which is equipped with an emergency lighting system is in flight and below 1 000 feet above ground level, or on the ground with passengers on board –

- (a) the emergency lighting system shall be switched on; or
- (b) the normal cabin lighting system shall be switched on and the emergency lighting shall be armed.

Use of supplemental oxygen

91.07.24 (1) The PIC of an aircraft shall ensure that flight crew members engaged in performing duties essential to the safe operation of an aircraft in flight, use supplemental oxygen –

- (a) continuously when the flight deck pressure altitude exceeds 10 000 feet for more than 120 minutes intended flight time, and
- (b) at all times when the flight deck pressure altitude exceeds 12 000 feet.

(2) The PIC of an aircraft shall ensure that when a flight is conducted above FL 410, at least one pilot at a pilot station wears an oxygen mask when the other pilot leaves the flight deck for any reason.

Approach and landing conditions

91.07.25 Before commencing an approach to land, the PIC of an aircraft shall satisfy himself or herself that, according to the information available to him or her, the weather at the aerodrome and the condition of the runway or touch-down area intended to be used, will not prevent a safe approach, landing or missed approach, having regard for the performance information contained in the AFM referred to in regulation 91.03.2 or similar document.

Approach ban

91.07.26 (1) Except as provided for in sub-regulation (3), when operating in IMC and in accordance with IFR, the PIC of an aircraft may commence an approach regardless of the reported RVR or visibility, but the approach shall not be continued beyond the FAF or equivalent published position, or, in the case of a non-precision approach, below 1 000 feet above the aerodrome, unless the reported RVR or visibility for the runway or touch-down area is equal to, or better than, the applicable operating minima.

(2) Where RVR is not available, the PIC may derive an RVR value by converting the reported visibility in accordance with the provisions as prescribed in section 8 of technical standard 91.07.5 of Document SA-CATS 91.

(3) The PIC may continue the approach to DA/H or MDA/H if –

- (a) at the time the RVR report is received, the aircraft has passed the FAF inbound or, where there is no FAF, the point where the final approach course is intercepted or, in the case of a non-precision approach, below 1 000 feet above the aerodrome;
- (b) the aircraft is on a training flight where a landing is not intended and the appropriate air traffic control unit is informed that a missed approach procedure will be initiated at or above the decision height or minimum descent altitude, as appropriate; or
- (c) the RVR is varying between distances less than and greater than the minimum RVR.

(4) The PIC may continue the approach below DA/H or MDA/H and the landing may be completed. Provided that the required visual reference is established at the DA/H or MDA/H and is maintained.

(5) Where no FAF or equivalent published position exists for a precision approach, the PIC shall decide whether to continue or abandon the approach before descending below 1 000 feet above the aerodrome on the final approach segment.

In-flight testing on passenger- and cargo-carrying flights

91.07.27 The owner or operator of an aircraft, when passengers or cargo are on board such aircraft, shall ensure that no person –

- (a) simulates emergency situations in the aircraft affecting the flight characteristics of such aircraft;
- (b) conducts flight testing for the initial skills test or renewal of an instrument rating;
- (c) conducts any flight or skills test other than a route proficiency test; or
- (d) conducts any skills test for a class or type rating.

Turning helicopter rotors

91.07.28 (1) Except as provided for in sub-regulation (2), no person engaged in helicopter operations shall permit helicopter rotors to be turned under power without a qualified pilot at the controls of such helicopter.

(2) A licensed AME, who has undergone instruction from a qualified Grade II or higher qualified helicopter flight instructor on the ground-running of the relevant helicopter type, and thereafter has been certified as competent to undertake such a task by the instructor in his or her AME's Record of Experience (TV2/308), may turn helicopter rotors under power for the purposes of blade tracking on condition that –

- (a) the collective has been locked in the down position; and
- (b) ground-runs are carried out when the helicopter is stationary, and wind conditions do not require major cyclic inputs.

Starting and running of engines

91.07.29 (1) Except when the brakes are serviceable and are fully applied, chocks shall be placed in front of the wheels of an aeroplane before starting the engine or engines, and a competent person shall be seated at the controls when the engine or engines are running.

(2) Where the pilot of an aeroplane is the only person present and it has been necessary for chocks to be used, he or she shall ensure that the chocks are removed prior to starting the engine, unless the aircraft is equipped with a parking brake, in which case the parking brake shall be set before the pilot removes the chocks.

(3) Except as provided in sub-regulation (2), when the engines are running, at least one pilot seat of an aircraft shall be attended by a person qualified to occupy the pilot seat.

Acrobatic flights

91.07.30 (1) No aircraft shall be flown acrobatically so as to endanger air traffic.

(2) Except by individual permission from the Director, aircraft shall not be flown acrobatically

- (a) unless the manoeuvre can be concluded and the aircraft brought on an even keel at a height of not less than 2 000 feet above the ground or water;
- (b) within a five nautical mile distance of an aerodrome reference point of an aerodrome licensed and approved in terms of Part 139 unless at a height not less than 4 000 feet above ground level;
- (c) in the vicinity of air traffic services routes; or
- (d) over any populous area or public gathering.

Simulated instrument flight in aircraft

91.07.31 (1) The owner or operator of an aircraft shall ensure that no person operates the aircraft in simulated instrument flight in VMC unless –

- (a) the other aircraft control seat is occupied by a safety pilot who possesses at least a PPL with category and class ratings appropriate to the aircraft being flown;
- (b) the safety pilot has adequate vision forward and to each side of the aircraft, or there is a competent observer in the aircraft who adequately supplements the vision of the safety pilot; and
- (c) except in the case of lighter-than-air aircraft, the aircraft is fitted with fully functioning dual controls: Provided that simulated instrument flight may be conducted in a single-engine aircraft, equipped with a single, functioning throw-over control wheel in place of fixed dual controls of the elevator and ailerons, when –
 - (i) the safety pilot has determined that the flight can be conducted safely; and
 - (ii) the person manipulating the controls has at least a PPL with appropriate category, class and type ratings.

(2) When simulated instrument flight is being practised by a pilot, at least one of the two pilots shall hold the appropriate valid type rating in respect of the aircraft being flown and shall act as the PIC.

(3) When a simulated instrument flight takes place at night in VMC, the safety pilot shall be the holder of a valid instrument rating.

(4) When simulated instrument flight is being practised for the purpose of obtaining an instrument rating, the safety pilot shall be an appropriately rated flight instructor.

Aeroplane operating procedures

91.07.32 Unless otherwise specified in an air traffic control instruction, the PIC of an aircraft shall climb or descend to an assigned altitude or flight level at a rate less than 1 500 ft/min throughout the last 1 000 ft of climb or descent to the assigned altitude or flight level.

Head-up displays and enhanced vision systems

91.07.33 No owner or operator shall use a head-up display or enhanced vision system while operating in accordance with the IFR unless he or she meets the requirements specified in Document SA-CATS 91 and is approved to do so by the Director.

Electronic flight bags

91.07.34 No owner or operator shall use an electronic flight bag unless he or she meets the requirements specified in Document SA-CATS 91 and is approved to do so by the Director.

SUBPART 8: PERFORMANCE OPERATING LIMITATIONS

General provisions

91.08.1 (1) The owner or operator of an aircraft shall ensure that, under all conditions that could reasonably be expected to be encountered, the aircraft is operated in compliance with –

- (a) the terms and conditions of the certificate of airworthiness and AFM issued in respect of such aircraft;
- (b) the operating limitations, the markings and placards as prescribed by the appropriate authority of the State of Registry; and
- (c) the mass limitations prescribed in Part 21 or as imposed by compliance with the applicable noise certification standards under which the aircraft was certified unless otherwise authorized in exceptional circumstances by the competent authority of the State in which the aerodrome is situated for a certain aerodrome or a runway where there is no noise disturbance problem.

(2) In complying with sub-regulation (1), the owner or operator shall take account of airframe configuration, environmental conditions and the operation of systems which may have an effect on the performance of the aircraft, when appropriate, including aircraft mass, operating procedures, the pressure altitude appropriate to the elevation of the aerodrome, temperature, wind, runway gradient and condition of runway.

(3) The operator of an aircraft engaged in a commercial air transport operation, shall comply with the provisions of the appropriate regulations in Part 121, Part 127 or Part 135, as the case may be.

Helicopter operating limitations

91.08.2 (1) Except as provided in Part 127, performance Class 3 helicopters shall only be operated in conditions of weather and light, and over such routes and diversions therefrom, which may permit a safe forced landing to be executed in the event of an engine failure.

(2) The provisions of sub-regulation (1) shall apply to performance Class 2 helicopters prior to the take-off decision point or after passing the landing decision point.

(3) Only performance Class 1 helicopters shall be permitted to operate from elevated heliports in built-up urban areas.

Helicopter performance classification

91.08.3 For performance purposes, helicopters are classified as follows:

- (a) Class 1 helicopter – a helicopter with performance such that, in case of critical power unit failure, the helicopter is able to safely continue the flight to an appropriate landing, unless the failure occurs prior to reaching the take-off decision point or after passing the landing decision point, in which cases the helicopter must be able to land within the rejected take-off or landing area;
- (b) Class 2 helicopter – a helicopter with performance such that, in case of critical power unit failure, the helicopter is able to safely continue the flight, except when the failure occurs early during the take-off manoeuvre or late in the landing manoeuvre, in which case a forced landing may be required; and
- (c) Class 3 helicopter – a helicopter with performance such that, in case of power unit failure at any point in the flight profile, a forced landing has to be performed.

Aeroplane performance classification

91.08.4 For performance purposes, aeroplanes are classified as follows –

- (a) Class A aeroplanes –
 - (i) multi-engine aeroplanes powered by turbo-propeller engines with a maximum certificated mass exceeding 5 700 kilograms; and
 - (ii) multi-engine turbojet-powered aeroplanes;
- (b) Class B aeroplanes – propeller-driven aeroplanes, other than single-engine aeroplanes, with a MCM of 5 700 kilograms or less;
- (c) Class C aeroplanes – aeroplanes powered by two or more reciprocating engines with a MCM exceeding 5 700 kilograms; and
- (d) Class D aeroplanes – single-engine aeroplanes.

Performance limitations Class A and Class C aeroplanes

91.08.5 (1) No owner or operator of a Class A or C aeroplane shall start a take-off unless the aeroplane is able, in the event of a critical power-unit failing at any point in the take-off, either to discontinue the take-off and stop within either the accelerate-stop distance available or the runway available, or to continue the take-off and clear all obstacles along the flight path by an adequate margin until the aeroplane is in a position to safely transition to the *en route* phase of flight.

(2) The adequate margin referred to in sub-regulation (1) shall be determined as prescribed in Document SA-CATS 91.

(3) For the purposes of sub-regulation (1), in determining the length of the runway available, account shall be taken of the loss, if any, of runway length due to alignment of the aeroplane prior to take-off.

(4) No owner or operator of a Class A or C aeroplane shall operate such aeroplane unless it is able, in the event of the critical engine becoming inoperative at any point along the route or planned diversions there from, to continue the flight to an aerodrome at which the requirements of sub-regulation (5) can be met, without flying below the minimum obstacle clearance altitude at any point.

(5) No owner or operator of a Class A or C aeroplane shall operate such aeroplane unless it is able, at the aerodrome of intended landing and at any alternate aerodrome, after clearing all obstacles in the approach path by a safe margin, be able to land, with assurance that it can come to a stop or, for a seaplane, to a satisfactorily low speed, within the landing distance available. Allowance shall be made for expected variations in the approach and landing techniques, if such allowance was not made during the establishment of the aeroplane's performance data.

(6) An owner or operator may, in meeting the requirements of sub-regulations (4) and (5), make allowance for normal fuel consumption and if applicable, the ability to jettison fuel *en route*.

(7) An owner or operator of aeroplanes without approved performance data may submit an alternative means of meeting the requirements of sub-regulations (1), (4) and (5) to the Director for approval.

SUBPART 9: MAINTENANCE**General**

91.09.1 (1) No owner, operator or pilot of an aircraft shall operate the aircraft unless such aircraft is maintained and released to service in accordance with the provisions of Part 24 or Part 43, as applicable to the aircraft.

(2) An owner or operator may assign the responsibility for the maintenance and release of his or her aircraft to an approved maintenance organisation by means of a written agreement.

Aeroplane maintenance programme

91.09.2 Each owner or operator shall ensure that the aeroplane is maintained in accordance with an aeroplane maintenance programme as specified in Document SA-CATS 43 or Document SA-CATS 24, as applicable.

Maintenance responsibilities

91.09.3 (1) The owner or operator of an aircraft, or maintenance organisation so assigned in accordance with regulation 91.09.01(2), shall ensure that, in accordance with procedures acceptable to the Director –

- (a) the aircraft is maintained in an airworthy condition;
- (b) the operational and emergency equipment necessary for an intended flight is serviceable; and
- (c) the certificate of airworthiness or authority to fly, as applicable, of the aircraft remains valid.

(2) The owner or operator shall not operate the aircraft unless it is maintained and released to service under a system acceptable to the Director.

(3) When the maintenance release is not issued by an approved maintenance organization in accordance with the provisions of Part 145, the person signing the maintenance release shall be licensed in accordance with the provisions of Part 66.

(4) The owner or operator shall ensure that the maintenance of the aircraft is performed in accordance with a maintenance programme acceptable to the Director.

Maintenance records

91.09.4 (1) The owner or operator of an aircraft, or maintenance organisation so assigned in accordance with regulation 91.09.01(2), shall ensure that the following records are kept for the periods mentioned in sub-regulation (2) –

- (a) the total time in service (hours, calendar time and cycles, as appropriate) of the aircraft and all life-limited components;
- (b) the current status of compliance with all applicable mandatory continuing airworthiness information;
- (c) appropriate details of modifications and repairs;
- (d) the time in service (hours, calendar time and cycles, as appropriate) since the last overhaul of the aircraft or its components subject to a mandatory overhaul life;
- (e) the current status of the aircraft's compliance with the maintenance programme; and
- (f) the detailed maintenance records to show that all requirements for the signing of a

maintenance release have been met.

(2) The records in sub-regulations (1)(a) to (e) shall be kept for a minimum period of 90 days after the unit to which they refer has been permanently withdrawn from service and the records in sub-regulation (1)(f) for a minimum period of one year after the signing of the maintenance release.

(3) In the event of a temporary change of owner or lessee, the records shall be made available to the new owner or lessee. In the event of any permanent change of owner or lessee, the records shall be transferred to the new owner or lessee.

Modifications and repairs

91.09.5 All modifications and repairs shall comply with airworthiness requirements acceptable to the Director. Procedures shall be established to ensure that the substantiating data supporting compliance with the airworthiness requirements are retained.

Maintenance release

91.09.6 (1) A maintenance release shall be completed and signed, as prescribed by the Director, to certify that the maintenance work performed has been completed satisfactorily and in accordance with data and procedures acceptable to the Director.

(2) A maintenance release shall contain a certification including –

- (a) basic details of the maintenance performed;
- (b) the date such maintenance was completed;
- (c) when applicable, the identity of the approved maintenance organization;
- (d) the identity of the authorized person or persons signing the release;
- (e) the expiry date of the release where a calendar limit exists;
- (f) the hours at which the release will expire;
- (g) if the maintenance program makes provision for such, the hours or time by which the inspection may be extended.

(3) An owner shall, notwithstanding an extension as contemplated in sub-regulation (2)(g), ensure that a maintenance release remains valid by meeting the requirements of sub-regulation (2)(d) and (e) or (f), as applicable, with respect to such extension.

Continuing airworthiness information

91.09.7 An owner or operator of an aeroplane of a maximum certificated take-off mass in excess of 5 700 kg shall monitor and assess maintenance and operational experience with respect to continuing airworthiness and provide such information as required by the Director and

shall report said information to him or her using a reporting system the Director has developed for that purpose.

PART 92: CONVEYANCE OF DANGEROUS GOODS

List of regulations

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92.00.31	Issuing of competency cards

Applicability

92.00.1 (1) This Part applies to –

- (a) any aircraft used for the conveyance of dangerous goods;
- (b) any person who –
 - (i) offers dangerous goods for conveyance by air;

- (ii) conveys dangerous goods by air; or
 - (iii) accepts dangerous goods conveyed by air; and
- (c) any passenger or flight crew member on board or to be taken on board an aircraft.

(2) This Part does not apply to –

- (a) military aircraft;
- (b) military personnel who perform their official duties on board a military aircraft;
- (c) dangerous goods carried in an aircraft where such goods are intended –
 - (i) to provide medical aid to a patient during a flight;
 - (ii) to provide veterinary aid or a humane killer for an animal during a flight;
 - (iii) for spraying, dusting or dropping in connection with agricultural, horticultural, forestry or pollution control operations; or
 - (iv) for purposes of game and livestock management during a flight;
- (d) articles and substances which would otherwise constitute dangerous goods but which are required to be on board the aircraft in accordance with the appropriate airworthiness requirements and the provisions of the operations manual concerned: Provided that articles and substances intended as replacements for such articles and substances, shall be conveyed in accordance with the requirements and standards as prescribed in Document SA-CATS 92;
- (e) articles and substances which would otherwise constitute dangerous goods but which are on board the aircraft for the specialised purposes as prescribed in Document SA-CATS 92; and
- (f) articles and substances intended for the personal use of passengers and flight crew members to the extent as prescribed in Document SA-CATS 92.

Prohibition of conveyance of dangerous goods

92.00.2 No person shall offer for conveyance in an aircraft, convey in an aircraft or accept for conveyance in an aircraft –

- (a) the dangerous goods specifically identified by name or by generic description in Document SA-CATS 92 as being forbidden for conveyance by air under any circumstances;
- (b) the dangerous goods identified in Document SA-CATS 92 as being forbidden for conveyance by air under normal circumstances;
- (c) any other dangerous goods, unless in accordance with the provisions of the Act, this part and the requirements and standards as prescribed in Document SA-CATS 92; and
- (d) infected live animals.

Exemption

92.00.3 (1) The Director may, upon application in writing by any person referred to in regulation 92.00.1(1)(b), exempt such person from the provisions of regulation 92.00.2(b), in the case of –

- (a) extreme urgency;
 - (b) other forms of conveyance being inappropriate; or
 - (c) full compliance with the provisions of this part being contrary to aviation safety.
- (2) The provisions of Part 11 apply with the necessary changes to an application for exemption in terms of sub-regulation (1).

Classification, division and listing of dangerous goods

92.00.4 The classes, divisions and listing of dangerous goods are contained in Document SA-CATS 92.

Designated body or Institution

92.00.5 (1) The body or institution designated under Part 12 shall, in addition to the powers and duties referred to in regulation 12.01.2 –

- (a) promote the safety of the conveyance of dangerous goods by air and an awareness thereof; and
 - (b) advise the Director on any matter connected with the safe conveyance of dangerous goods by air.
- (2) The powers and duties referred to in sub-regulation (1) shall be exercised and performed according to the conditions, rules, requirements, procedures or standards as prescribed in Document SA-CATS 92.

Designation of dangerous goods inspectors

92.00.6 (1) The Director may designate dangerous goods inspectors to exercise the powers referred to in regulation 92.00.7.

(2) The conditions and requirements for and the rules, procedures and standards connected with a designation referred to in sub-regulation (1), are prescribed in Document SA-CATS 92.

(3) The Director shall sign and issue to each designated dangerous goods inspector a document which shall state the full name of such inspector and contain a statement indicating that –

- (a) such inspector has been designated in terms of sub-regulation (1); and
- (b) such inspector is authorised to exercise the powers referred to in regulation 92.00.7.

Powers of dangerous goods inspectors

92.00.7 (1) A designated dangerous goods inspector may –

- (a) enter and inspect any –
 - (i) aerodrome or hangar;

- (ii) premises where goods intended for conveyance by air are made, produced or manufactured or where goods or baggage intended for the conveyance by air are packed, held or received or where goods or baggage are received after being conveyed by air; and
 - (iii) aircraft, vehicle, freight container or unit load device used for the conveyance of dangerous goods, in order to ensure that the provisions of the Act, this part and the requirements and standards as prescribed in Document SA-CATS 92, are complied with; and
- (b) request any person to produce or furnish him or her with all documents and information relating to dangerous goods or baggage in so far as this may be necessary for the proper execution of his or her functions.

(2) A designated dangerous goods inspector who on reasonable grounds suspects that any baggage, consignment, freight container or unit load device contains goods which may not, in terms of the provisions of the Act, this part and the requirements and standards as prescribed in Document SA-CATS 92, be conveyed by air, or goods which constitute a danger or potential danger to persons, aircraft or any other property, may inspect such baggage, consignment, freight container or unit load device and, if he or she deems it necessary in the interest of aviation safety, order that such goods be detained and not be loaded in an aircraft.

(3) A designated dangerous goods inspector may at any time –

- (a) search –
- (i) any baggage, consignment, freight container or unit load device presented or accepted for conveyance by air;
 - (ii) any baggage, consignment, freight container or unit load device received after being conveyed by air; and
 - (iii) any person who has disembarked from an aircraft or who intends to board an aircraft, or the baggage or personal possessions of such person,

in order to ascertain whether dangerous goods have been or are to be conveyed by air, and a search referred to in subparagraph (iii) shall be conducted with strict regard to decency and order and a person shall be searched only by a person of the same gender;

- (b) satisfy himself or herself that the mass, quantity or composition of any –
- (i) goods or baggage offered or presented for conveyance in any consignment;
 - (ii) passengers' baggage;
 - (iii) freight container or unit load device;
 - (iv) stores conveyed by the owner of an aircraft, or his or her agent; and
 - (v) goods or baggage on board an aircraft, comply with the requirements and standards as prescribed in Document SA-CATS 92;

- (c) satisfy himself or herself that the requirements and standards as prescribed in Document SA-CATS 92 are complied with regarding the separation of the classes of dangerous goods in storage areas, unit load devices, vehicles and aircraft;
- (d) require goods to be removed from an aircraft if the requirements and standards referred to in paragraphs (b) and (c) are not complied with;
- (e) request any person to produce or cause to be produced for inspection any document relating to a consignment intended for conveyance by air or which has been conveyed by air, or any other document specified in Document SA-CATS 92;
- (f) question any person handling dangerous goods in order to ascertain whether that person complies with the provisions of the Act, this part and the requirements and standards as prescribed in Document SA-CATS 92 relating to the handling of such dangerous goods; and
- (g) condemn any dangerous goods which, in his or her opinion, are not in a good condition, or the storage or use of which he or she deems to be dangerous and order any such dangerous goods to be destroyed forthwith, in which case the owner of goods so condemned, shall have no claim against such inspector or against the State for the loss thereof and shall, in connection with the destruction of explosives, be responsible for any expense incurred.

Training

92.00.8 (1) Any –

- (a) shipper of dangerous goods, including a packer and shipper's agent;
- (b) operator of any aircraft used –
 - (i) in a commercial air transport operation in terms of Part 121, 127, or 135 of these Regulations; or;
 - (ii) in a service as defined in paragraph (b) of the definition of 'air service' in section 1 of the Air Services Licensing Act, 1990 (Act No. 115 of 1990); or
- (c) person –
 - (i) which performs the act of accepting, handling, loading, unloading, transferring or other processing of cargo, on behalf of an operator;
 - (ii) located at an aerodrome, which performs the act of processing passengers on behalf of an operator;
 - (iii) not located at an aerodrome, which performs the act of checking in passengers on behalf of an operator;
 - (iv) other than an operator, involved in processing cargo; or
 - (v) engaged in the security screening of passengers, their baggage and cargo,

shall ensure that the following categories of personnel in his, her or its employ successfully complete initial dangerous goods training and refresher dangerous goods training:

- (aa) Cargo personnel, i.e. any person who has access to a cargo warehouse;
- (bb) personnel engaged in the ground handling, storage and loading of dangerous goods;
- (cc) passenger handling personnel;
- (dd) security personnel who deal with the screening of passengers, their baggage and cargo;
- (ee) flight crew members;
- (ff) packers;
- (gg) shippers;
- (hh) shipper's agents;
- (ii) any person who has unescorted access to a cargo warehouse who is not responsible for the handling, storage, loading or transportation of cargo; and
- (jj) cabin crew members.

(2) Training as required by this Part shall only be provided by a dangerous goods training organisation designated in terms of Part 141.

(3) The subject matter of initial dangerous goods training and refresher dangerous goods training are prescribed in Document SA-CATS 92.

(4) Any person, employee or agency, referred to in sub-regulation (1) shall complete refresher dangerous goods training every 24 months, calculated from the date of the successful completion of the initial dangerous goods training or the preceding refresher dangerous goods training, as the case may be.

(5) Upon the successful completion of the initial dangerous goods training or the refresher dangerous goods training referred to in sub-regulation (3), the dangerous goods training organisation concerned shall issue to the candidate a certificate in the handling of dangerous goods to be conveyed by air.

(6) Any instructor conducting a dangerous goods training programme shall successfully complete a category 6 initial training course and thereafter successfully complete a dangerous goods training refresher course within 24 months calculated from the date of the completion of the initial course with an approved ATO.

(7) The curriculum for the training referred to in sub-regulation (6) is prescribed in Document SA-CATS 92.

(8) An operator, aerodrome manager or ramp handling organization and or their respective service providers, sub-contractors shall maintain a record of training for their personnel, including third party personnel, and such records shall be made available on site and upon request.

Validation of foreign certificates

92.00.9 (1) The Director may upon application in writing by a person, validate any foreign certificate issued in the handling of dangerous goods to be conveyed by air, if the holder of the certificate submits documentary proof that –

- (a) such certificate has been obtained from an approved foreign training organisation; and
- (b) he or she has successfully completed the refresher dangerous goods training referred to in regulation 92.00.8(3).

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

(3) The provisions of regulation 92.00.8(4) and (5) shall apply with the necessary changes to the holder of a certificate referred to in sub-regulation (1).

Packing and packaging

92.00.10 (1) A shipper shall ensure that all dangerous goods which the shipper prepares or offers for conveyance by air, are packed in accordance with the provisions of this part and the requirements and standards as prescribed in Document SA-CATS 92.

(2) A shipper shall ensure that any packaging used for the conveyance of dangerous goods by air shall –

- (a) comply with the material and construction specifications of, and be tested initially in accordance with the requirements and standards as prescribed in Document SA-CATS 92; and
- (b) be of good quality and constructed and securely closed so as to prevent leakage caused by changes in temperature, humidity, pressure or vibration under normal conditions of conveyance by air.

(3) A shipper shall ensure that inner packaging is packed, secured or cushioned to prevent its breakage or leakage and to control its movement within the outer packaging during normal conditions of conveyance by air.

(4) A shipper shall ensure that packaging in direct contact with dangerous goods is resistant to any chemical or other action of such goods and cushioning, and that absorbent materials do not react dangerously with the contents of the receptacles.

- (5) A shipper shall ensure that packaging for which retention of a liquid is a basic function, is capable of withstanding, without leaking, the pressure as prescribed in Document SA-CATS 92.
- (6) No receptacle used for the conveyance of dangerous goods by air shall be re-used by the shipper until such receptacle has been inspected by such shipper and found free from corrosion or other damage.
- (7) If a receptacle, used for the conveyance of dangerous goods by air, is re-used by the shipper, all necessary measures shall be taken by the shipper to prevent contamination of subsequent dangerous goods conveyed therein.
- (8) If, because of the nature of their former contents, uncleaned empty receptacles may present a hazard, the shipper shall ensure that such receptacles are tightly closed and treated according to the hazard that they constitute.
- (9) A shipper shall ensure that no harmful quantity of any dangerous substance adhere to the outside of a package.

Responsibility of shipper

92.00.11 (1) A shipper shall ensure that dangerous goods offered for conveyance by air, are not dangerous goods identified as forbidden for conveyance by air in terms of regulation 92.00.2 and are –

- (a) identified, classified, packed, marked and labelled; and
- (b) accompanied by a properly executed dangerous goods transport document, in accordance with the provisions of this part and the requirements and standards as prescribed in Document SA-CATS 92.

(2) A shipper shall ensure that any person employed by him or her or any person employed to act on his or her behalf, who is involved in the preparation of a consignment of dangerous goods to be conveyed by air, is trained in accordance with the provisions of regulation 92.00.8.

Labelling and marking

92.00.12 (1) Any person who offers any package containing dangerous goods for conveyance by air, shall ensure that such package thus offered is labelled with the appropriate label or labels in accordance with the requirements and standards as prescribed in Document SA-CATS 92.

(2) Any person who offers any package containing dangerous goods for conveyance by air, shall ensure that such package thus offered is marked with the proper shipping name, UN number, class of hazard, and subsidiary risk, and that any authorisation reference of the contents of the package in accordance with the requirements and standards as prescribed in Document SA-CATS 92.

(3) (a) Any person who offers any package containing dangerous goods for conveyance by air, shall ensure that each packaging which is manufactured in accordance with a packaging specification as prescribed in Document SA-CATS 92, is marked with the appropriate packaging specification marking as prescribed in Document SA-CATS 92.

(b) No packaging shall be marked with a packaging specification marking unless such packaging complies with the appropriate packaging specification as prescribed in Document SA-CATS 92.

Dangerous goods transport document

92.00.13 (1) Any person who offers dangerous goods for conveyance by air, shall, unless otherwise provided for in Document SA-CATS 92, complete, sign and provide the operator with a dangerous goods transport document and such other appropriate documents as prescribed in Document SA-CATS 92.

(2) A dangerous goods transport document shall contain the information as prescribed in Document SA-CATS 92 as well as a declaration, signed by the person referred to in sub-regulation (1), indicating that the dangerous goods offered for conveyance by air are –

- (a) fully and accurately described by their proper shipping names;
- (b) identified, classified, packed, marked and labelled in accordance with the requirements and standards as prescribed in Document SA-CATS 92;
- (c) in proper condition for conveyance by air in accordance with the requirements and standards as prescribed in Document SA-CATS 92; and
- (d) not dangerous goods identified as forbidden for conveyance by air in terms of regulation 92.00.2.

Acceptance procedures

92.00.14 (1) The operator of an aircraft in which dangerous goods are to be conveyed, shall not accept such dangerous goods for conveyance by air –

- (a) unless the dangerous goods are accompanied by a completed dangerous goods transport document, except where Document SA-CATS 92 provides that such document is not required; and
- (b) until such operator has inspected the exterior or the package, overpack or freight container containing the dangerous goods in accordance with the acceptance procedures as prescribed in Document SA-CATS 92.

(2) The operator referred to in sub-regulation (1) shall develop and use an acceptance checklist to ensure that the provisions of sub-regulation (1) regarding the acceptance of dangerous goods for conveyance by air, are complied with.

(3) The acceptance checklist referred to in sub-regulation (2), shall comply with the requirements as prescribed in Document SA-CATS 92.

Information to be provided

92.00.15 (1) The operator of an aircraft in which dangerous goods are to be conveyed shall provide the PIC, as soon as practicable before departure of the aircraft, with the written information as prescribed in Document SA-CATS 92.

(2) The operator referred to in sub-regulation (1), shall provide information to the flight crew members and employees concerned to enable such flight crew members and employees to carry out their duties with regard to the conveyance by air of dangerous goods, and such information shall include the information as prescribed in Document SA-CATS 92.

Inspection for damage or leakage by operator

92.00.16 (1) The operator of an aircraft in which dangerous goods are to be conveyed, shall inspect the exterior of each package and overpack containing dangerous goods and each freight container or package containing radioactive materials to ensure that there is no damage to or leakage from such package, overpack and freight container, before loading such package, overpack and container in the aircraft or into a unit load device.

(2) The operator referred to in sub-regulation (1) shall inspect a unit load device before loading such device in the aircraft to ensure that there is no damage to or leakage from any dangerous goods contained therein.

(3) No damaged or leaking package, overpack, freight container or unit load device shall be loaded in an aircraft.

(4) If any package, overpack or freight container containing dangerous goods appears to be damaged or leaking after loading such package, overpack or freight container in an aircraft, the operator shall remove or arrange for the removal of such package, overpack or freight container from the aircraft and shall ensure that the remainder of the consignment is in a proper condition for conveyance by air and that no other package, overpack or freight container has been contaminated.

(5) Each package or overpack containing dangerous goods, or a freight container or package containing radioactive materials, shall be inspected by the operator for signs of damage or leakage upon unloading such package, overpack or freight container from the aircraft or unit load device, and if damage or leakage has occurred, the area where such package, overpack, freight container or unit load device were stowed in the aircraft, shall be inspected for damage or contamination.

(6) If a package, overpack or freight container containing radioactive materials is found to be damaged or leaking, the operator shall –

- (a) take all necessary precautions to restrict access to such package, overpack or freight container containing radioactive materials; and
- (b) designate a qualified person to assess the extent of the contamination and the radiation level.

(7) If any hazardous contamination is found in an aircraft as a result of damage to or leakage from a package or overpack containing dangerous goods, the operator shall decontaminate the aircraft immediately.

(8) The operator shall remove an aircraft from service immediately when such aircraft is contaminated by radioactive materials and shall not return such aircraft to service until the radiation level resulting from the fixed contamination at any accessible surface and the non-fixed contamination, is below the values as prescribed in Document SA-CATS 92.

(9) Any person responsible for the conveyance and opening of packages containing infectious substances who becomes aware of damage to or leaking from such packages, shall –

- (a) avoid handling such infectious substances, where possible;
- (b) inspect adjacent packages for contamination;
- (c) inform the appropriate public health authority or veterinary authority of such damage or leakage;
- (d) provide the appropriate authority of the country of transit with information regarding any possible contamination; and
- (e) notify the shipper or the consignee accordingly.

Storage and loading

92.00.17 The operator of an aircraft in which dangerous goods are to be conveyed shall comply with the storage and loading provisions of this part and the requirements and standards as prescribed in Document SA-CATS 92.

Loading restrictions in cabin or on flight deck

92.00.18 Unless otherwise provided for in Document SA-CATS 92, dangerous goods shall not be stowed in an aircraft cabin occupied by passengers or on the flight deck of an aircraft.

Separation and segregation

92.00.19 (1) The operator of an aircraft in which dangerous goods are to be conveyed shall ensure that packages containing dangerous goods which might react dangerously when coming into contact with each other, are not stowed in an aircraft next to each other or in a position that would allow interaction between them in the event of leakage.

(2) The operator shall ensure that a package containing poison or an infectious substance, is stowed in an aircraft in accordance with the requirements and standards prescribed in Document SA-CATS 92.

(3) The operator shall ensure that a package containing radioactive materials, is stowed in an aircraft in a manner which separates the package from persons, live animals and undeveloped film, in accordance with the requirements and standards as prescribed in Document SA-CATS 92.

Securing of dangerous goods

92.00.20 (1) The operator of an aircraft in which dangerous goods are to be conveyed, shall, when dangerous goods are loaded in the aircraft, protect such dangerous goods from being damaged, and shall secure such dangerous goods in the aircraft in a manner which will prevent any movement in flight that could change the orientation of the packages.

(2) When securing packages containing radioactive materials, the operator shall ensure that the securing is adequate in order that the requirements regarding the separation of radioactive materials referred to in regulation 92.00.19(3) are complied with.

Loading in cargo aircraft

92.00.21 Unless otherwise provided for in Document SA-CATS 92, a package or overpack containing dangerous goods and bearing a "cargo aircraft only" label, shall be loaded in a manner that any flight crew member or other person authorised by the operator, can see, handle and, where size and weight permit, separate such package or overpack from other cargo in flight.

Dangerous goods accident and incident reporting

92.00.22 (1) The operator of an aircraft, cargo warehouse personnel, aerodrome manager, ramp and ground handlers involved in a dangerous goods accident or dangerous goods incident within the Republic, shall within 48 hours after such accident or incident has occurred, notify –

- (a) in the case of an accident, the Director, any ATSU or the nearest police station; or
- (b) in the case of an incident, any ATSU,

of such accident or incident, and such ATSU or police station, as the case may be, shall immediately on receipt of the notification, notify –

- (i) the Director; and
- (ii) where such accident or incident occurs at an aerodrome, the aerodrome manager.

(2) The operator of a South African aircraft involved in a dangerous goods accident or dangerous goods incident outside the Republic, must, as soon as practicable, notify –

- (a) the appropriate authority of the State in territory where the accident or incident has occurred, directly or through any ATSU; and
- (b) the Director,

of such accident or incident.

(3) Any notification of a dangerous goods accident or dangerous goods incident shall, in addition to the provisions of regulation 12.02.4(a), contain the particulars as prescribed in Document SA-CATS 92.

(4) In the event of an aircraft accident or a serious incident where dangerous goods carried as cargo may be involved, the operator of the aircraft carrying the dangerous goods as cargo must provide information, without delay, to emergency services responding to the accident or serious incident about the dangerous goods on board, as shown on the written information to the PIC.

(5) In the event of an aircraft incident, the operator of an aircraft carrying dangerous goods as cargo must, if requested to do so, provide information without delay to emergency services responding to the incident, as shown on the written information to the PIC.

Dangerous goods accident and incident investigation

92.00.23 The investigator-in-charge shall investigate all dangerous goods accidents and dangerous goods incidents reported in terms of regulation 92.00.22(1), and Part 12 shall apply with the necessary changes to such investigation.

Dangerous goods accident and incident information

92.00.24 In the case of a consignment for which a dangerous goods transport document is required in terms of this part, the operator or cargo handling organisation shall ensure that the information as prescribed in Document SA-CATS 92 is available at all times for use in an emergency response to dangerous goods accidents or dangerous goods incidents.

Notification of undeclared or misdeclared dangerous goods

92.00.25 The operator of an aircraft in which dangerous goods are conveyed within the Republic or outside the Republic shall, within 48 hours after the discovery of –

- (a) any undeclared or misdeclared dangerous goods; or
- (b) dangerous goods not permitted in terms of regulation 92.00.27, on board the aircraft or in the baggage of a passenger or flight crew member, notify the Director or the appropriate authority thereof, as the case may be.

Retention of documents

92.00.26 (1) The operator of an aircraft in which dangerous goods are conveyed, shall ensure that at least one copy of all records pertaining to a flight on which dangerous goods are conveyed, including the –

- (a) dangerous goods transport records;
- (b) acceptance checklist, if completion of the checklist is required; and
- (c) written information provided to the PIC in terms of regulation 92.00.15(1),

are retained for a period of 90 days, calculated from the date of such flight.

(2) The operator of an aircraft involved in a dangerous goods accident or incident, and aerodrome managers, where such accident or incident occurred, shall keep the records of dangerous goods incident or accidents and undeclared or misdeclared dangerous goods and such records shall be made available on site and upon request by an authorized officer or inspector and shall be reported to the Director within 48 hours.

Dangerous goods carried by passengers or flight crew members

92.00.27 No passenger or flight crew member shall carry dangerous goods as, or in, carry-on baggage or checked baggage, or on his or her person, except in accordance with the requirements and standards as prescribed in Document SA-CATS 92.

Information to passengers

92.00.28 Every operator shall ensure that information regarding the types of goods that passengers are prohibited to carry on board an aircraft, is available to such passengers as prescribed in Document SA-CATS 92 and such information shall include –

- (a) applicable information accompanying the passenger ticket; and
- (b) notices which are prominently displayed –
 - (i) at any location where tickets are issued and baggage checked; and
 - (ii) in aircraft boarding areas and baggage claim areas.

Powers of an aerodrome operator in regard to the loading and unloading of dangerous goods

92.00.29 (1) If in the opinion of the aerodrome operator a possibility exists that persons on a licensed aerodrome may be endangered through the loading or unloading of dangerous goods, he or she may take any of the steps as contemplated in sub-regulations (2), (3) and (4) of this regulation.

(2) If the operator of an aircraft has informed the aerodrome operator of the proposed loading or unloading and the aerodrome operator considers that persons or property on the licensed aerodrome will be endangered by the proposed loading or unloading, the aerodrome operator may –

- (a) permit such loading or unloading subject to such conditions as the aerodrome operator may deem necessary to impose with a view to safeguarding persons or property on the aerodrome, or
- (b) prohibit such loading or unloading.

(3) If dangerous goods have been loaded in or unloaded from an aircraft without the permission of the aerodrome operator, the aerodrome operator may direct that such dangerous cargo be unloaded from or reloaded in such aircraft, or give such other directions or impose such conditions as the aerodrome operator may deem necessary with a view to safeguarding persons or property on the aerodrome.

(4) The operator of an aircraft carrying dangerous goods on an aerodrome shall, if directed to do so by the aerodrome operator, move such aircraft to another place on the aerodrome and keep such aircraft in that place until the aerodrome operator grants permission for such aircraft to be moved.

Designation of persons responsible for dangerous goods

92.00.30 (1) Each operator, ramp handling organisation, ground handling organisation and aerodrome manager shall designate a dangerous goods person who shall be responsible for the following matters involving dangerous goods:

- (a) Compliance with the regulations;
- (b) Quality control;
- (c) Reporting of accidents and incidents;
- (d) Maintenance of dangerous goods incidents and accidents records;

(2) The minimum requirement or qualification for the designated dangerous goods personnel is the successful completion of a minimum dangerous goods Category 6 training from an approved ATO.

Issuing of competency cards

92.00.31 All personnel required to have a dangerous goods qualification as prescribed in Document SA-CATS 92 shall be issued with a competency card and shall carry the card on their person at all times while on duty.

PART 94: OPERATION OF NON-TYPE CERTIFICATED AIRCRAFT

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SUBPART 1: GENERAL PROVISIONS

Applicability

94.01.1 (1) This Part applies to –

- (a) non-type certificated aircraft operated within the Republic;
- (b) non-type certificated aircraft registered in the Republic;
- (c) persons acting as flight crew members of non-type certificated aircraft registered in the Republic; and
- (d) persons who are on board a non-type certificated aircraft operated in terms of this Part.

- (2) The provisions of the various other Parts of these regulations shall apply with the necessary changes to any non-type certificated aircraft unless specifically exempted by the provisions of this Part.
- (3) Non-type certificated aircraft operated in terms of this Part are prohibited from providing a commercial air transport operation, as defined in Part 1 of the regulations.
- (4) Although flying training is not considered to be a commercial air transport operation, any non-type certificate aircraft used in flight training shall be operated in terms of Part 96.
- (5) Notwithstanding the provision of sub-regulations (3) and (4), non-type certificated aircraft operated in terms of this Part may be used for the training of its registered owner: Provided the training is provided by an ATO approved in terms of Part 141 and the airworthiness requirements in respect of a non-type certificated aircraft used in training are met.
- (6) The proviso in sub-regulation (5), does not apply in respect of the conversion training contemplated in sub-regulations (14) and (15) of regulation 24.02.3.

Authority to fly

94.01.2 (1) No person shall operate a non-type certificated aircraft unless –

- (a) in the case of aircraft classified in the paragraphs (a) to (g) of sub-regulation 24.01.1(2) for such aircraft an authority to fly or proving flight authority has been issued in terms of these regulations;
- (b) the aircraft is in an airworthy condition; and
- (c) the PIC is the holder of a valid pilot licence with the appropriate rating for the particular category and type of non-type certificated aircraft.

(2) In the case of a foreign-registered non-type certificated aircraft, prior written permission by the Director is required before such aircraft may enter the Republic.

(3) The permission referred to in sub-regulation (2) shall normally be granted only –

- (a) for a limited period of time;
- (b) for the purpose of participation in international events within the Republic, for record-breaking purposes or demonstration flights, or at the discretion of the Director if an acceptable level of safety can be shown and public safety is not jeopardized;
- (c) proof is submitted that for the aircraft an authority to fly or similar certificate was issued by the foreign civil aviation authority or an organisation designated for the purpose by such authority; and
- (d) if the aircraft is made available for inspection by a licensed AME or AMO or an Approved Person with the relevant rating or approval, or by any other person designated for the purpose by the Director, as soon as possible after its arrival in the Republic, and an inspection report has been submitted to the Director.

SUBPART 2: FLIGHT CREW**Ex-military aircraft****94.02.1 (1) Pilot Licensing – General Requirements**

- (a) No person shall act as pilot of a South African registered ex-military aircraft unless such person is the holder of a PPL or higher category pilot licence with the appropriate category and type rating, issued or validated in terms of Part 61.
- (b) A type-rating shall be issued by the Director once the licence holder has completed the required training as detailed in Document SA-CATS 61 or Document SA-CATS 94, as applicable, and has submitted the required type rating forms, logbook copies, technical examination and payment as specified in these regulations to the Director. The currency of the type rating shall be in accordance with the provisions of Part 61 of these regulations.
- (c) Before performing acrobatic flight in an aircraft that has been certificated for, or is capable of performing acrobatic flight, the PIC shall also be the holder of an acrobatic rating issued by the Director or by an organisation designated for the purpose in terms of Part 149, as the case may be.
- (d) The Director may exempt a candidate from undergoing all or part of the prescribed training if he or she is satisfied that the candidate –
 - (i) has sufficient flying experience on similar types of aircraft; or
 - (ii) is the holder of a foreign type rating for the aircraft type and the Director is satisfied that the training was of an acceptable standard.

(2) Pilot Training on Ex-Military Jet Aircraft

- (a) Pilots wishing to be rated to fly ex-military jet aircraft shall have the appropriate flying experience. Conversion, refresher and technical training requirements for these aircraft will be assessed on an individual basis by the Director, after receiving the relevant documentation.
- (b) Flying training is not allowed prior to the approval of the applicable syllabus.
- (c) Pilots who have little or no military jet or high-performance piston-engine or turbo-prop aircraft experience shall be required to undergo rigorous and detailed conversion training according to the syllabus prescribed in Document SA-CATS 94.
- (d) Guidelines for the establishment of training and acrobatic training criteria for individual applicants are provided in Document SA-CATS 94.
- (e) The applicant shall supply the information as detailed in Document SA-CATS 94 when applying for approval of the training criteria referred to in paragraph (a).
- (f) The Director may allow a Grade II or Grade I flight instructor with the appropriate category and type rating to determine how many hours of acrobatic training may be counted towards the conversion training prescribed by paragraph (c).
- (g) In the case of an ex-military aircraft that is available in a single-seat version only, the Director may accept the training requirements for single-seat aircraft of the air force of the country of origin, or – where not available – training may be simulated in a similar aircraft. The Director will treat each application for a type rating on a single-seat type on its merits.

- (h) For training purposes, the Director may permit the candidate to enter into an arrangement with an owner of a similar aircraft type that has a valid Authority to Fly, e.g. a dual-seat training variant or dual-seat aircraft of similar performance: Provided that:
- (i) the candidate has obtained permission from the Director to place the aircraft type for which the training is required on the South African Civil Aircraft Register;
 - (ii) the candidate and the owner of the training variant submit to the Director for approval the commercial agreement for the use of the aircraft;
 - (iii) the owner submits to the Director the insurance documentation stating that the candidate may undergo training on the aircraft; and
 - (v) the Director issues a revised authority to fly for the aircraft stipulating that it may be used for the training of the candidate.

SUBPART 3: DOCUMENTATION AND RECORDS

Operations manual

94.03.1 (1) The owner or operator of –

- (a) a veteran aeroplane with a maximum all-up mass in excess of 5 700 kg or with more than 9 passenger seats;
- (b) a veteran helicopter with a maximum all-up mass in excess of 3 175 kg;
- (c) an ex-military jet aircraft; or
- (d) any non-type certificated aircraft, classified in any of the paragraphs (a) to (g) in regulation 24.01.1(2) and operated by an ATO approved in terms of Part 141 for the purpose of providing flying training,

shall draw up an operations manual containing all information required under this Part, and if applicable, required under Part 96 of the Regulations, whether the aircraft is to be operated in commercial air transport operations or not. The operations manual shall set out the manner in which the owner will operate and maintain the aircraft.

(2) The owner shall submit the operations manual in duplicate for approval to the Director.

(3) If the Director is satisfied that the owner will comply with the provisions of the relevant Parts of the Regulations, he or she shall certify in writing on both copies of the operations manual that such manual has been approved and shall return one copy of the approved operations manual to the owner.

(4) The owner shall submit any amendment to an approved operations manual in duplicate for approval to the Director.

(5) If the Director is satisfied that the owner will comply with the provisions of the relevant Parts of the Regulations, he or she shall certify in writing on both copies of the amendment to the approved operations manual that such amendment has been approved and shall return one copy of the approved amendment to the owner.

(6) The owner shall at all times operate the aircraft, referred to in sub-regulation (1), in accordance with the approved operations manual or an approved amendment thereto.

(7) The owner shall –

- (a) ensure that all operations personnel are able to understand the technical language used in those sections of the operations manual which pertain to their duties;
- (b) ensure that every flight is conducted in accordance with the operations manual and that those parts of the operations manual which are required for the conduct of a flight, are easily accessible to the flight crew members on board;
- (c) make the operations manual available for the use and guidance of operations personnel;
- (d) provide the flight crew members with their own personal copy of the sections of the operations manual which are relevant to the duties assigned to them;
- (e) keep the operations manual up to date; and
- (f) keep the operations manual in a safe place.

(8) The contents of the operations manual shall not contravene the conditions contained in the authority to fly issued to the owner in terms of Subpart 2 of Part 24 of these Regulations.

(9) The structure and contents of the operations manual referred to in sub-regulation (1) shall be as prescribed in Document SA-CATS 96.

Logbooks

94.03.2 (1) For any veteran or ex-military aircraft, and for any non-type certificated aircraft used in a commercial air transport operation or for the provision of flight training, appropriate airframe, engine and propeller logbooks, as applicable, shall be maintained in accordance with the provisions of Part 44 of these Regulations.

(2) Notwithstanding the provisions of sub-regulation (1), the owner or operator of an ex-military aircraft may continue to use the equivalent document or documents used by the previous military operator for the recording of flight times and maintenance carried out.

(3) Notwithstanding the provisions of regulation 44.01.2, the following non-type certificated aircraft are exempted from keeping the logbooks, prescribed by Part 44 to the extent stated:

- (a) balloons: record of maintenance to be kept in accordance with the approved maintenance schedule;
- (b) parachutes: record of maintenance assembly packing to be kept in a logbook or a separate log page approved by the Director or the organisation designated for the purpose in terms of Part 149, as the case may be;
- (c) model aircraft.

SUBPART 4: COMMUNICATION AND NAVIGATION EQUIPMENT

Communication equipment

94.04.1 (1) Notwithstanding the provisions of regulation 91.05.1 of these Regulations, the prescribed communication equipment is not required for aircraft operated in Class G airspace under VFR.

(2) Unmanned free balloons and unmanned aerial vehicles shall carry the equipment as prescribed in the authority to fly or in terms of regulation 94.06.6.

(3) Notwithstanding the provisions of sub-regulation (1), at sites where and when paragliding, hang-gliding, or parachute descents takes place, the persons involved shall

preferably arrange for the automatic transmission on the applicable flight information frequency of a warning that such activity takes place, or alternatively make use of a hand-held transceiver to warn other aircraft in the vicinity.

(4) Notwithstanding the provisions of sub-regulation (1) and (3), at sites where aero-towing of hang-gliders takes place, the use of the appropriate communication equipment, either airborne or ground-based, to warn other air traffic in the vicinity that aero-towing is in progress is mandatory.

(5) The Director may authorise in writing the Central Airspace Management Unit (CAMU) to allocate a temporary segregated airspace (TSA) to separate aircraft operating without radio from other air traffic.

SUBPART 5: RULES OF THE AIR

Conditions for Flight

94.05.1 (1) Unless granted permission by the Director or the organisation designated for the purpose in terms of Part 149, as the case may be, on a case-by-case basis, a non-type certificated aircraft may not be flown –

- (a) by night;
 - (b) in meteorological conditions less than those prescribed as suitable for flight under VFR;
 - (c) within controlled airspace, unless cleared by and on conditions prescribed by ATC; or
 - (d) within 5 NM from the aerodrome reference point of an aerodrome, licensed or approved in terms of Part 139 of these regulations and situated in Class G airspace, unless established unmanned aerodrome procedures for the particular aerodrome can be adhered to; or
 - (e) unless unavoidable, over built up areas and open-air assemblies of persons except for the purpose of take-off, transit and landing.
- (2) Notwithstanding the provisions of sub-regulation (1) a non-type certificated aircraft may operate under IFR conditions by day if it has been granted permission in terms of Regulation 24.02.3(3) of these Regulations.
- (3) Notwithstanding the provisions of sub-regulation (1)(e), paragliders and hanggliders, and powered versions thereof, may fly over built up areas provided they are foot-launched.

Aircraft speed

94.05.2 Notwithstanding the provisions of regulation 91.06.9 the Director may authorise in writing the CAMU to allocate a TSA in which aircraft may be flown at –

- (a) Mach 0.90 if below 5 000 feet AGL;
- (b) Mach 0.95 if between 5 000 feet AGL and FL 300; and
- (c) supersonic speeds if at or above FL 300.

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SUBPART 6: FLIGHT OPERATIONS**Standards and procedures**

94.06.1 (1) Any person operating a non-type certificated aircraft for aviation recreational purposes or in air displays, shall comply with the standards and procedures determined by the organisation designated for the purpose in terms of Part 149, if any, and if applicable.

(2) Any person operating a non-type certificated aircraft for aviation recreational purposes shall be a *bona fide* member of an applicable aviation recreation organisation designated by the Director in terms of Part 149 and abide by its constitution and code of conduct, if any.

(3) For the purposes of this Subpart, and until such time that an organisation has been approved in terms of Part 149, any person operating a non-type certificated aircraft for aviation recreational purposes or in air displays, shall comply with the flight operation 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.

Operation of paragliders, including powered paragliders and paratrikes

94.06.2 (1) Notwithstanding the provisions of –

- (a) regulation 91.03.2 and regulation 91.03.5, a person may operate a paraglider without carrying on board a current, approved flight manual or flight folio;
- (b) regulation 91.03.7, a person may operate a paraglider without a certificate of release to service;
- (c) Subpart 4 of Part 91, a person may operate a paraglider if the paraglider has been equipped with –
 - (i) a safety harness or safety belt for each person on board the paraglider;
 - (ii) in the case of flights above 500 feet AGL, an altimeter that is accurate to within approximately 100 feet; and
 - (iii) in the case of flight over water beyond gliding distance from shore, one lifejacket or individual flotation device for each person on board, worn by such persons.
- (d) regulation 91.06.7(5), the PIC of a paraglider, overtaking another paraglider or hang-glider soaring on a ridge, shall pass on the ridge side of the overtaken paraglider or hang-glider;
- (e) regulation 91.06.21, a person may operate a paraglider to 500 feet vertically below cloud –
 - (i) up to a maximum altitude of 19 500 feet above MSL in class G airspace; and
 - (ii) up to a maximum altitude of 19 500 feet above MSL in Class E airspace, other than transponder-mandatory airspace;
- (f) regulation 91.07.2, the PIC of a paraglider may fly the paraglider below 500 feet AGL for the purpose of ridge soaring if such paraglider is flown in a manner that does not endanger persons or property on the ground;
- (g) regulation 139.01.1(2)(b), the pilot in-command of a paraglider may use any suitable area to launch the paraglider: Provided permission has been obtained from the owner of the

site or the local authority having jurisdiction; and provided further that in the case of flight training or tandem operations, only launch sites approved by the Director or by the organisation designated for the purpose in terms of Part 149, as the case may be, shall be used.

(2) Each person on board a paraglider shall wear a serviceable, rigid, protective helmet of a type approved by the Director or by the organisation designated for the purpose in terms of Part 149.

(3) In addition to the restrictions imposed by regulation 94.05.1, no paraglider operation shall be conducted over a built-up area higher than 19 500 feet above MSL.

(4) (a) On every winch, used for the launching of paragliders, a means shall be provided for the severing of the launching cable.

(b) The means referred to in paragraph (a) shall be subject to the approval of the Director or the organisation, approved for the purpose in terms of Part 149, as the case may be, and shall be so positioned that it can be easily and readily operated by the winch operator.

(5) (a) No person may operate a paraglider with a passenger, unless that person holds a valid tandem rating.

(b) Tandem operations shall be limited to two persons, including the pilot.

(c) For tandem operations the carriage of a back-up parachute is compulsory.

Operation of gyroplanes

94.06.3 (1) Notwithstanding the provisions of –

(a) regulations 91.03.3 and 91.03.5, a person may operate a non-type certificated gyroplane or gyroglider without carrying on board a current, approved flight manual or flight folio;

(b) Subpart 4 of Part 91, a person may operate a non-type certificated gyroplane or gyroglider if the gyroplane or gyroglider has been equipped with –

(i) a seat with an approved safety harness or safety belt for each person on board the gyroplane or gyroglider;

(ii) a map which covers the complete route of the proposed flight;

(iii) in the case of flights above 500 feet AGL, an altimeter that is accurate to within approximately 100 feet;

(iv) a rotor brake; and

(v) in the case of flight over water beyond autorotative distance from shore, one lifejacket or individual flotation device for each person on board, stored in a position easily accessible for such persons, or alternatively worn by such persons.

(2) In addition to the restrictions imposed by regulation 94.05.1, no gyroplane or gyroglider operation shall be conducted above 500 feet AGL unless fitted with an approved, serviceable compass.

Operation of manned free balloons

94.06.4 (1) Notwithstanding the provisions of Subpart 4 of Part 91, a person may operate a non-type certificated manned free balloon if the balloon has been equipped with –

(a) a map which covers the complete route of the proposed flight;

(b) an approved sensitive altimeter;

(c) a rate-of-climb indicator;

- (d) a fire extinguisher;
- (e) gloves;
- (f) a handling line;
- (g) in the case of a hot-air balloon:
 - (i) two alternate methods of ignition;
 - (ii) a fuel quantity gauge;
 - (iii) envelope temperature indicator; and
- (h) in the case of flight over water, one lifejacket or individual flotation device for each person on board, stored in a position easily accessible for such persons, or alternatively worn by such persons.

Operation of captive balloons

94.06.5 (1) Captive balloons are exempted from these regulations –

- (a) except from regulation 94.05.1; and
- (b) provided that no captive balloon operation shall be conducted –
 - (i) higher than 150 feet above the surface; or
 - (ii) from or above a public road;

unless with the prior approval of the Director and on conditions determined by him or her.

(2) In the event of a captive balloon breaking free from its moorings, the operator thereof shall immediately report the occurrence to the nearest ATSU, indicating the direction in which the balloon is drifting.

Operation of unmanned free balloons

94.06.6 (1) Unmanned free balloons are exempted from these regulations, except that no unmanned free balloon operations shall take place without the prior permission of the Director and on the conditions determined by him or her.

(2) For purposes of this regulation, the mass release of toy balloons shall be considered to be the launch of an unmanned free balloon.

Operation of amateur-built or production-built aircraft, including microlight aeroplanes

94.06.7 (1) Notwithstanding the provisions of –

- (a) regulation 91.03.2 and regulation 91.03.5, a person may operate an amateur-built or production-built aircraft, including a microlight aeroplane, without carrying on board a current, approved flight manual or flight folio should such carriage not be safely possible;
- (b) Subpart 4 of Part 91, a person may operate an amateur-built or production-built aircraft, including a microlight aeroplane, if the aircraft has been equipped with –
 - (i) a seat with an approved safety harness or safety belt for each person on board the aircraft;
 - (ii) a map which covers the complete route of the proposed flight; and
 - (iii) in the case of flight over water beyond gliding distance from shore, one lifejacket or individual flotation device for each person on board, stored in a position easily accessible for such persons, or alternatively worn by such persons.

Operation of gliders

94.06.8 (1) Notwithstanding the provisions of –

- (a) regulation 91.03.2 and regulation 91.03.5, a person may operate a non-type certificated glider without carrying on board a current, approved flight manual or flight folio should such carriage not be safely possible;
 - (b) Subpart 4 of Part 91, a person may operate a non-type certificated glider if the glider has been equipped with –
 - (i) a seat with an approved safety harness or safety belt for each person on board the glider;
 - (ii) a map which covers the complete route of the proposed flight;
 - (iii) in the case of flights above 500 feet, an altimeter that is accurate to within approximately 100 feet;
 - (iv) vertical speed indicator or similar instrument; and
 - (v) in the case of flight over water beyond gliding distance from shore, one lifejacket or individual flotation device for each person on board, stored in a position easily accessible for such persons, or alternatively worn by such persons;
 - (c) Part 139, in the event of an unavoidable out-landing a person may land a glider, at a suitable site other than an airfield.
- (2) (a) On every winch, used for the launching of gliders, a means shall be provided for the severing of the launching cable.
- (b) The means referred to in paragraph (a) shall be subject to the approval of the Director or the organisation, approved for the purpose in terms of Part 149, as the case may be, and shall be so positioned that it can be easily and readily operated by the winch operator.

Operation of hang-gliders**94.06.9 (1) Notwithstanding the provisions of –**

- (a) regulation 91.03.2 and regulation 91.03.5, a person may operate a hang-glider without carrying on board a current, approved flight manual or flight folio;
- (b) regulation 91.03.7, a person may operate a hang-glider without a certificate of release to service;
- (c) Subpart 4 of Part 91, a person may operate a hang-glider if the hang-glider has been equipped with –
 - (i) an approved safety harness or safety belt for each person on board the hang-glider;
 - (ii) in the case of flights above 500 feet AGL, an altimeter that is accurate to within approximately 100 feet; and
 - (iii) in the case of flight over water one lifejacket for each person on board and worn by such persons;
- (d) regulation 91.06.7(5), the person operating a hang-glider overtaking another hang-glider or paraglider soaring on a ridge shall pass on the ridge side of the overtaken hang-glider or paraglider;
- (e) regulation 91.06.21, a person may operate a hang-glider to 500 feet vertically below cloud –
 - (i) up to a maximum altitude of 19 500 feet above MSL in class G airspace; and
 - (ii) up to a maximum altitude of 19 500 feet above MSL in Class E airspace, other than transponder-mandatory airspace;
- (f) regulation 91.06.32, a person may operate a hang-glider below 500 feet AGL for the purpose of ridge soaring: Provided such hang-glider is flown in a manner that does not endanger persons or property on the surface;

(g) regulation 139.01.1(2)(b), the pilot in-command of a hang-glider may use any suitable area to launch the hang-glider: Provided permission has been obtained from the owner of the site or the local authority having jurisdiction; and Provided furthermore that in the case of flight training or tandem operations, only launch sites approved by the Director or by the organisation designated for the purpose in terms of Part 149, as the case may be, shall be used.

(2) Each pilot and passenger of a hang-glider shall wear a serviceable, rigid, protective helmet of a type approved by the Director or by the organisation designated for the purpose in terms of Part 149.

(3) In addition to the restrictions imposed by regulation 94.05.1, no hang-glider operation shall be conducted –

- (a) over a built-up area; or
- (b) higher than 19 500 feet above MSL.

(4) (a) On every winch, used for the launching of hang-gliders, a means shall be provided for the severing of the launching cable.

- (b) The means referred to in paragraph (a) shall be subject to the approval of the Director or the organisation, approved for the purpose in terms of Part 149, as the case may be, and shall be so positioned that it can be easily and readily operated by the winch operator.

(5) (a) No person may operate a hang-glider with a passenger, unless that person holds a valid tandem rating.

- (b) Tandem operations shall be limited to two persons, including the pilot.

- (c) The PIC shall carry a tandem-rated reserve parachute during tandem operations.

(6) (a) No person may operate a hang-glider in an aero-tow operation unless such person is the holder of an appropriately endorsed license.

- (b) The requirements for the issue of an aero-tow endorsement are those prescribed in Part 62.

Operation of line-controlled kites

94.06.10 Line-controlled kites are exempted from these regulations –

- (a) except from regulation 94.05.1; and
- (b) provided that no line-controlled kite shall be flown –
 - (i) higher than 150 feet above the surface;
 - (ii) from or above a public road; or
 - (iii) on the approaches to any aerodrome licensed or approved in terms of Part 139 of these regulations,

unless with the prior approval of the Director and on conditions determined by him or her.

Operation of model aircraft

94.06.11 Model aircraft are exempted from these regulations –

- (a) except from regulation 94.05.1; and
- (b) provided that no model aircraft shall be flown –
 - (i) higher than 150 feet above the surface; or
 - (ii) from or above a public road,

unless with the prior approval of the Director and on conditions determined by him or her; or in airspace specifically approved for the purpose by the Director and on conditions set by him or her for the use of such airspace.

Operation of parachutes

94.06.12 The regulations governing parachuting operations are those prescribed in Part 105 of these regulations.

Operation of ex-military jet aircraft

94.06.13 (1) Further to the provisions of regulation 91.07.12, an ex-military jet aircraft shall carry sufficient fuel –

- (a) to divert from its destination aerodrome to an alternate aerodrome that is at least 100 km distant from the destination aerodrome; and
- (b) to allow for at least 10 minutes of flight at cruise-power settings when arriving over the alternate aerodrome referred to in sub-regulation (a).

(2) (a) Only if the Director on the authority to fly has approved the carriage of passengers may passengers be carried in an ex-military jet aircraft.

- (b) Where applicable, the owner of an ex-military jet aircraft shall ensure that the medical and physical condition of the passenger complies with the conditions prescribed by the manufacturer of the ejection seat of the aircraft.

- (c) It is the responsibility of the owner of an ex-military jet aircraft to provide the passenger with suitable and serviceable flying equipment, protection gear and clothing.

(3) The owner of an ex-military jet aircraft shall ensure that the passenger is thoroughly briefed on –

- (a) all the dangers associated with the flying in an ex-military jet aircraft, including the possible injuries following ejection; and
- (b) actions during flight:
 - (i) the operation of switches and handles, if applicable;
 - (ii) the actions and execution of commands during emergency situations;
 - (iii) the actions should the PIC become incapacitated during flight; and
 - (iv) any other information as seen fit by the owner or the PIC.

(4) MEL

(a) Oxygen Systems

Oxygen system shall be fully serviceable, unless specifically exempted, whether or not it is intended to fly the aircraft above FL 100.

(b) Aircraft Pressurisation

Aircraft pressurisation systems shall be fully serviceable, unless specifically exempted, irrespective of the altitudes it is intended that the aircraft be flown.

(c) Ejection Seats

Where ejection seats are an integral part of the aircrew escape system, as specified in the relevant Flight Manual or Aircrew Notes, they shall be fully serviceable for all flights unless specifically exempted, and all occupants shall have been suitably instructed in their use.

(d) Flying Clothing and Equipment

- (i) Certain items of flying clothing and personal equipment are an integral part of the aircraft safety equipment, such as life-saving jackets with dinghy connections or

- personal equipment connectors with oxygen connections. Where the appropriate clothing, equipment or systems are required for flight, these additional items shall be made available and be fully serviceable.
- (ii) Unless specifically exempted, all occupants of an ex-military jet or turbo-prop aircraft shall wear protective helmets, equipped with suitable visors and facilitating communication.
 - (iii) Aircraft that are to be operated over large water masses beyond gliding distance from shore shall be equipped with suitable survival equipment, and the occupants shall wear suitable survival clothing and equipment.
- (e) *Emergency and Backup Systems*
Systems under this heading are invariably an integral part of the aircraft build standard and will have been installed with certain emergencies in mind (i.e. emergency undercarriage lowering, or hood opening or jettison). All such systems shall be serviceable for flight, unless specifically exempted.
- (f) *Instrumentation for Flight under IFR and Standby Instrumentation*
Where permission has been granted to operate the aircraft in IMC, all instrumentation and equipment normally required for operation in IMC according to IFR shall have been fitted and be serviceable in accordance with the provisions of Part 91 of the Regulations.
- (g) *Weaponry*
 - (i) Where weaponry are an integral part of the aircraft, such weaponry shall be permanently de-activated, or be removed and replaced by ballast to ensure that the correct mass and centre of gravity of the aircraft is maintained.
 - (ii) The carriage of external weaponry is prohibited.
- (h) *External Equipment*
Where aircraft are capable of carrying external fuel tanks, whether jettisonable or not, such fuel tanks may be used: Provided that all systems applicable to the fuel tanks are serviceable. The pilot must also be fully qualified in the handling of the aircraft with and without the external fuel tanks (including asymmetric flight) and conversant with the jettison restrictions, limits and implications.

Display authorization

94.06.14 (1) When a non-type certificated aircraft, classified in the paragraphs (a) to (g) of regulation 24.01.1(2), is to participate in a public flying demonstration, the PIC shall be the holder of an appropriate Display Authorization.

(2) The Display Authorization may be issued by the Director or by an organisation designated for the purpose in terms of Part 149, as the case may be, in writing if he, she or it is satisfied that –

- (a) the pilot has the required experience; and
- (b) the proposed display sequence can be executed safely with the particular aircraft.

(3) The Display Authority shall be issued on the prescribed form, and shall detail the aircraft to be used, its configuration, the sequence to be flown, and any other condition that may be imposed by the Director or by the organisation designated for the purpose in terms of Part 149, as the case may be, at his, her or its discretion in the interest of flight and public safety.

(4) The following information shall be submitted to the Director or the organisation designated for the purpose in terms of Part 149, as the case may be, when applying for a Display Authorization:

- (a) a summary of the pilot's total flying experience and details of experience on the type of aircraft to be flown in the display;
 - (b) a detailed list of previous air display experience, to include events, dates, duration, aircraft types, and sequences flown;
 - (c) the details of the sequence for which Display Authorization is sought, including:
 - (i) good weather sequence; and
 - (ii) bad weather sequence, where the weather conditions, such as cloud ceiling, impose a restriction on the good weather display sequence.
- The sequences shall be submitted in textual and graphical form, with the minimum meteorological conditions for each sequence specified.
- (d) The specific procedures to be followed for possible emergencies that may arise during the display, including the listing of diversion aerodromes.
 - (e) Details of the aircraft in the configuration to be used in the display, including take-off mass, take-off fuel and landing fuel.
 - (5) The application shall be made in the form prescribed in SA-CATS 94.
 - (6) The application shall be accompanied by the appropriate fee prescribed in Part 187.

SUBPART 7: MAINTENANCE

General

94.07.1 (1) No owner, operator or PIC of a non-type certificated aircraft, classified in paragraphs (a) to (g) of sub-regulation 24.01.1(2), shall operate the aircraft unless such aircraft is maintained and released to service in accordance with the provisions of Part 24.

(2) No owner, operator or PIC of a non-type certificated aircraft, classified in paragraphs (h) to (l) in regulation 24.01.1(2) shall operate the aircraft unless such aircraft has been properly maintained and is in an airworthy condition.

Maintenance control manual

94.07.2 Where an owner or operator is required in terms of Part 94 to maintain an operations manual, the latter shall include a maintenance control manual in the format as prescribed in Document SA-CATS 44.

PART 96: COMMERCIAL OPERATION OF NON-TYPE CERTIFICATED AIRCRAFT

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SUBPART 1: GENERAL

Applicability

96.01.1 (1) This Part applies to –

- (a) non-type certificated aircraft engaged in flying training or commercial air transport operations within the Republic;
- (b) non-type certificated aircraft registered in the Republic;
- (c) persons acting as flight crew members of non-type certificated aircraft registered in the Republic and engaged in flying training or commercial air transport operations; and
- (d) persons on board a non-type certificated aircraft engaged in flying training or commercial air transport operations.

(2) A non-type certificated aircraft shall not be used in commercial air transport operations unless the operator is the holder of the appropriate air service licence issued in terms of the Air Services Licensing Act, 1990 or International Air Services Act, 1993: Provided that no amateur-built, production-built or ex-military aircraft shall be issued with a Class I or a Class II domestic air service licence, nor with any international air service licence.

(3) An amateur-built, production-built or ex-military aircraft may be issued with a Class 2, type G16, domestic air service licence for the purpose of flipping, as defined in sub-regulation (7).

(4) A non-type certificated aircraft shall not be used for flight training unless the operator is the holder of the appropriate ATO approval, issued in terms of Part 141 of these Regulations.

(5) The provisions of Part 24, Part 91 and Part 94 of these Regulations shall apply with the necessary changes to any non-type certificated aircraft unless specifically exempted by the provisions of this Part.

(6) For the purpose of sub-regulation (2), tandem operations with hang-gliders, paragliders or parachutes, even if carried out for remuneration or reward, shall not be considered to be the providing of an air service as defined in the Air Services Licensing Act, 1990 or International Air Services Act, 1993 nor to be a commercial air transport operation, as defined in Part 1 of these Regulations.

(7) For the purpose of sub-regulation (3), flipping is defined as the carrying of fare-paying passengers for the purpose of sight-seeing, and such operations shall be restricted as follows:

- (a) flights shall commence and end at the same aerodrome or helicopter landing site without any intermediate landing, and without any disembarking taking place by any means while the aircraft is in flight;
- (b) the duration of flights shall not exceed one hour of flight time; and
- (c) the number of passengers carried, whether fare-paying or carried for free, shall not exceed nine.

(8) For the purpose of sub-regulation (3), flipping is defined as the carrying of fare-paying passengers for the purpose of sight-seeing, and such operations shall be restricted as follows:

- (a) flights shall commence and end at the same aerodrome or helicopter landing site without any intermediate landing, and without any disembarking taking place by any means while the aircraft is in flight (parachute, rappelling, etc.);
- (b) the duration of flights shall not exceed one hour of flight time;
- (c) the number of passengers carried, whether fare-paying or carried for free, shall not exceed nine.

SUBPART 2: FLIGHT CREW

In-flight relief of flight crew members

96.02.1 In the case of a large non-type certificated aircraft engaged in commercial air transport operations, the provisions of regulation 121.02.2 of Part 121 shall apply with the necessary changes.

Cabin crew member compliment

96.02.2 In the case of a large non-type certificated aircraft engaged in commercial air transport operations, the provisions of regulations 121.02.5 to 121.02.9 (both inclusive) of Part 121 shall apply with the necessary changes.

Flight time and duty periods

96.02.3 (1) The operator of a non-type certificated aircraft engaged in commercial air transport shall –

- (a) establish a scheme for the regulation of flight time and duty periods for each flight crew member;
- (b) include the scheme referred to in paragraph (a) in the operations manual referred to in regulation 96.04.1;
- (c) ensure that each flight crew member complies with the provisions of the scheme referred to in paragraph (a);
- (d) not cause or permit any flight crew member to fly in the aircraft if such operator knows or has been made aware that such flight crew member –
 - (i) will exceed the flight time and duty periods referred to in sub-regulation (1)(a) while on flight duty; or
 - (ii) is suffering from or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from fatigue which may endanger the safety of the aircraft or its flight crew members and passengers; and
- (e) not schedule a flight crew member for active flight duty for a period exceeding eight consecutive hours during any given flight time and duty period unless authorised in the scheme referred to in paragraph (a).

(2) Except with the approval of the Director, the flight time and duty scheme of the operator shall not be in conflict with the provisions of regulation 91.02.3(3).

(3) The provisions to be included in a flight time and duty scheme referred to in sub-regulation (1) shall be as prescribed in Document SA-CATS 96.

Training and checking

96.02.4 (1) The owner of a non-type certificated aircraft engaged in commercial air transport operations shall establish and maintain a ground and flight training and recurrent training programme for flight crew members in his permanent or part-time employ.

(2) The training shall be provided by the holder of an ATO approval issued in terms of Part 141.

(3) Training shall be in accordance with the syllabi prescribed in Document SA-CATS 96.

SUBPART 3: DOCUMENTATION AND RECORDS

Operations manual

96.03.1 (1) The operator of a non-type certificated aircraft used for the purpose of flight training or in commercial air transport operations shall draw up an operations manual containing all information required under this Part and setting out the manner in which such operator will conduct the flying training for which he or she has been approved in terms of Part 141 of these Regulations, or operate the air service for which such operator is licensed in terms of the Air Services Licensing Act, 1990, as the case may be.

(2) The operator shall submit the operations manual in duplicate to the Director for approval.

(3) If the Director is satisfied that the operator –

- (a) will comply with the provisions of regulation 96.04.7; and

- (b) will not conduct flying training contrary to the conditions of the ATO approval held, or operate the air service concerned contrary to any provision of the Act or the Air Services Licensing Act, 1990, as the case may be,

the Director shall certify in writing on both copies of the operations manual that such manual has been approved, and shall return one copy of the approved operations manual to the operator.

- (4) The operator shall submit an amendment to an approved operations manual in duplicate to the Director for approval.

(5) If the Director is satisfied that the operator will comply with the provisions of sub-regulation (3)(a) and (b), the Director shall certify in writing on both copies of the amendment to the approved operations manual that such amendment has been approved, and shall return one copy of the approved amendment to the operator.

(6) The operator shall at all times operate the non-type certificated aircraft, when operated in terms of this Part, in accordance with the approved operations manual or an approved amendment thereto.

- (7) The operator shall –

- (a) ensure that all operations personnel are able to understand the technical language used in those sections of the operations manual which pertain to their duties;
- (b) ensure that every flight is conducted in accordance with the operations manual and that those parts of the operations manual which are required for the conduct of a flight, are easily accessible to the flight crew members on board;
- (c) make the operations manual available for the use and guidance of operations personnel;
- (d) provide the flight crew members with their own personal copy of the sections of the operations manual which are relevant to the duties assigned to them;
- (e) keep the operations manual up to date; and
- (f) keep the operations manual in a safe place.

(8) The contents of the operations manual shall not contravene the conditions contained in the operating certificate issued to the operator in terms of regulation 96.04.3.

(9) The structure and contents of the operations manual referred to in sub-regulation (1) shall be as prescribed in Document SA-CATS 96.

Exemptions

96.03.2 Notwithstanding the provisions of regulation 91.03.1, a person may operate an amateur-built or production-built aircraft, including a microlight aeroplane, while conducting flight training or in a commercial air transport operation without carrying on board any of the documents prescribed in the foregoing regulation should such carriage not be safely or practically possible.

Disclosure

96.03.3 (1) A provider of flight training using, or a commercial air transport operator of, a non-type certificated aircraft shall disclose to any student or any fare-paying passenger to be carried on board the aircraft, as applicable, the warning that the aircraft is an aircraft not required to comply with all the regulations for type-certificated aircraft and that boarding the aircraft is at one's own risk.

(2) The disclosure referred to in sub-regulation (1) shall be made to any potential student before commencing flight training, or to any passenger before a ticket is purchased by means

suitable to the kind of operation and shall be repeated in the flight training agreement or on the passenger ticket or similar contract of carriage, as applicable.

SUBPART 4: OPERATING CERTIFICATE

Operating certificate

96.04.1 The operator of a non-type certificated aircraft used for the provision of flight training or in commercial air transport operations, as the case may be, shall not operate the aircraft unless such operator is the holder of a valid –

- (a) ATO approval, issued in terms of Part 141; or
- (b) licence issued in terms of the Air Services Licensing Act, 1990; and
- (c) operating certificate issued in terms of regulation 96.04.3.

Application for operating certificate

96.04.2 An application for an operating certificate shall be made to the Director in the appropriate form as prescribed in Document SA-CATS 96 and shall be accompanied by the appropriate fee as prescribed in Part 187.

Adjudication of application for operating certificate

96.04.3 (1) In considering an application referred to in regulation 96.04.2 the Director may conduct the investigation he or she deems necessary.

(2) An application shall be granted and the operating certificate issued if the Director is satisfied that –

- (a) the applicant will comply with the provisions of regulation 96.04.7; and
- (b) the applicant will not conduct flight training contrary to the ATO approval held, or operate the air service concerned contrary to any provision of the Act, or the Air Service Licensing Act, 1990.

(3) If the Director is not so satisfied, he or she shall notify the applicant, stating the reasons in the notification, and grant the applicant the opportunity to rectify or supplement any defect within the period determined by the Director, after which period the Director shall grant or refuse the application concerned.

(4) An operating certificate shall be issued on the appropriate form as prescribed in Document SA-CATS 96, under such conditions that the Director may determine.

Period of validity of operating certificate

96.04.4 (1) An operating certificate shall be valid for such period as may be determined by the Director: Provided that such period shall not exceed a period of 12 months from the date of issuing thereof.

(2) If the holder of an operating certificate applies at least 30 days prior to the expiry thereof for a new operating certificate, that first-mentioned operating certificate shall, notwithstanding the provisions of sub-regulation (1), remain in force until such holder is notified by the Director of the result of the application for the issuing of a new operating certificate.

Safety inspections and audits

96.04.5 (1) An applicant for an operating certificate shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits which may be necessary to verify the validity of an application made in terms of regulation 96.04.2.

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

Duties of holder of operating certificate

96.04.6 The holder of an operating certificate shall –

- (a) notify the Director in the manner as prescribed in Document SA-CATS 96, before any change is effected to the particulars on the operating certificate;
- (b) keep the operating certificate in a safe place and produce such operating certificate to an authorised officer, inspector or authorised person for inspection if so requested by such officer, inspector or person authorised person; and
- (c) not commence or continue with the air service concerned unless such holder is the holder of a valid operating certificate.

Register of operating certificates

96.04.7 (1) The Director shall maintain a register of all operating certificates issued in terms of this Part.

(2) The register shall contain the following particulars –

- (a) the full name and, if any, the trade name of the holder of the operating certificate;
- (b) the postal address of the holder of the operating certificate;
- (c) the number of the operating certificate issued to the holder;
- (d) particulars of the type of air service for which the operating certificate was issued;
- (e) particulars of the category of aircraft for which the operating certificate was issued; and
- (f) the date on which the operating certificate was issued.

(3) The particulars referred to in sub-regulation (2) shall be recorded in the register within 30 days from the date on which the operating certificate 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 5: MAINTENANCE

General

96.05.1 (1) A non-type certificated aircraft used for the provision of flight training or in commercial air transport operations shall be maintained by a licensed AME or AMO with the appropriate rating or by a person approved for the purpose by the Director or the organisation designated for the purpose in terms of Part 149, as the case may be, in accordance with the

provisions of Part 24 and Part 43 of these regulations, as they with the necessary changes apply, and as has been specified in the approved Maintenance Control Manual.

(2) The Maintenance Control Manual shall –

- (a) be drawn up in the format as prescribed in Technical Standard 44.03.2 in Document SA-CATS 44;
- (b) prescribe who may carry out maintenance on the aircraft, and incorporate the terms of the contract between the operator and any outside maintenance personnel or organisation responsible for all or part of the maintenance, if any; and
- (c) prescribe the environmental conditions under which maintenance may be carried out and, if applicable, the special tools and equipment that are to be used in maintenance.

(3) Notwithstanding the provisions of sub-regulations (1) and regulation 96.01.1(4), the privilege extended by regulation 44.01.13 shall apply only in respect of an owner who is the holder of the valid applicable AME licence and ratings issued in terms of Part 66.

Certificate of airworthiness

96.05.2 The authority to fly for a non-type certificated aircraft approved to be operated for the provision of flight training or in commercial air transport operations is issued in the form of a certificate of airworthiness for non-type certificated aircraft as prescribed in Document SA-CATS 44.

PART 105: OPERATION OF PARACHUTES AND DROP ZONES

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SUBPART 1: GENERAL

Applicability

105.01.1 (1) This Part applies to the operation of parachutes.

(2) This Part does not apply to –

- (a) persons making emergency descents; or
- (b) persons making base jumps.

Persons making parachute descent

105.01.2 (1) Any person making a parachute descent shall –

- (a) be a *bona fide* member of an aviation recreation organisation designated by the Director or organisation designated for the purpose as the case may be in terms of Part 149;
- (b) be authorised by such approved aviation recreation organisation to make such parachute descent;

- (c) comply with the privileges and limitations of the authorisation referred to in paragraph (b);
- (d) comply with the standards and procedures determined by such approved aviation recreation organisation;
- (e) comply with the currency requirements determined by such approved aviation recreation organisation.

(2) Notwithstanding anything in this part, no parachuting activities shall be undertaken in conflict with the applicable the aviation recreation organisation's approved manual of procedures.

Alcohol and drugs

105.01.3 No person shall make a parachute descent while under the influence of alcohol or a drug having a narcotic effect, to the extent where the safety of such person or other persons is likely to be endangered.

Securing of articles

105.01.4 Any article or object that forms part of the parachutist's acceptable gear or accessories, may be carried on board if secured through acceptable means by the respective person performing the parachute jump.

Hazard

105.01.5 No person shall make a parachute descent if such parachute descent constitutes, or is likely to constitute, a safety hazard to air traffic, persons or property in the air or on the ground, the aircraft concerned or its occupants.

Exit from aircraft

105.01.6 (1) The loadmaster or chief instructor or instructor on duty or jump master on board the aircraft, shall give an instruction to proceed with the parachute descent, after approval has been received from the PIC, or when the aircraft is positioned correctly.

(2) Each person making a parachute descent shall only exit from the aircraft and commence the parachute descent, on instruction of the loadmaster or chief instructor or instructor on duty or jump master on board the aircraft nominated to do so.

Minimum parachute opening altitude

105.01.7 Each person making a parachute descent shall activate the main parachute at not less than 2 000 feet AGL, except for –

- (a) a student parachutist, who shall activate the main parachute at not less than 2 500 feet AGL;
- (b) a person carrying out a tandem parachute descent, who shall activate the main parachute at not less than 4 000 feet AGL;

- (c) a demonstration or display parachutist who may exit and activate their parachute at an altitude less than 2000 feet AGL as per the aviation recreation organisation's approved manual of procedures; or
- (d) a parachutist performing a jump as part of a unusual descent may exit and activate their parachute at an altitude less than 2000ft AGL as approved by the aviation recreation organisation's national safety and training officer and the body designated for the purpose.

Parachute drop zone

105.01.8 (1) All parachute descents, except emergency and display parachute descents, shall be made within a parachute drop zone approved by the designated body.

(2) A person may make a parachute descent outside a parachute drop zone, if the descent is authorised by the designated body.

Parachute landing area

105.01.9 (1) Each person making a parachute descent is required to land on a parachute landing area authorised by the designated body.

(2) Simultaneous parachute and aircraft movements may be conducted at aerodromes if the parachute landing area is located clear of –

- (a) any movement area in use;
- (b) the strip area of any runway in use;
- (c) the taxiway minimum separation distances; and
- (d) the approach and take-off area of any runway or heliport in use.

Ground signal

105.01.10 (1) A person making a parachute descent shall not land at an unattended aerodrome unless the ground signal, as prescribed in Document SA-CATS 105, is displayed.

(2) When parachute descents are being performed by night, the ground signal shall be illuminated.

Controlled airspace

105.01.11 Each person making a parachute descent in controlled airspace shall –

- (a) have an air traffic control clearance; and
- (b) within a CTA/E, coordinate the parachute descent with the appropriate ATSU.

Descents into attended aerodromes

105.01.12 Each person making a parachute descent onto an attended aerodrome shall have prior approval from the owner or operator of the aerodrome.

Descents into unattended aerodromes

105.01.13 Each person making a parachute descent onto an aerodrome where no ATS is provided, shall –

- (a) have prior approval from the owner or operator of the aerodrome;
- (b) observe other aerodrome traffic operating within the parachute descent zone for the purpose of avoiding collision;
- (c) conform with or avoid the pattern of traffic formed by other aircraft operating within the parachute descent zone at the aerodrome; and
- (d) land within the parachute landing area.

Descents within restricted areas

105.01.14 A person shall not make a parachute descent within the restricted area of an aerodrome unless he or she has obtained the authorisation referred to in regulation 91.06.20.

Visibility and clearance from cloud

105.01.15 No person shall make a parachute descent above or through cloud if the visibility is less than the visibility and distance from cloud as prescribed in SA- CATS 105, unless –

- (a) performed in accordance with the aviation recreation organisation's approved manual of procedures; and
- (b) has the prior approval from the Chief Instructor responsible at a particular drop zone.

Descent from unpressurised aircraft

105.01.16 Each person making a parachute descent from an unpressurised aircraft shall –

- (a) if between an altitude of FL120 and FL170 for longer than 30 minutes continuously, use supplementary oxygen;
- (b) if between an altitude of FL150 and FL180 for longer than 15 minutes continuously, use supplementary oxygen until immediately prior to exiting the aircraft and has received instruction on the use of oxygen equipment and the effects of Hypoxia; and
- (c) if between an altitude of FL180 or higher for more than 10 minutes continuously, use supplementary oxygen until immediately prior to exiting the aircraft.

Descent from pressurised aircraft

105.01.17 Each person making a parachute descent from a pressurised aircraft up to FL200 shall use supplementary oxygen during the period from immediately prior to decompression to immediately prior to exiting the aircraft.

Descent from above FL200

105.01.18 (1) Each person making a parachute descent from above FL200 shall comply with the standards, procedures and training requirements determined by the applicable aviation recreation organisation's approved manual of procedures.

(2) No person shall make a parachute descent from above FL200 unless he or she has the prior written approval of the designated body.

(3) Each person making a parachute descent from above FL200 shall, in addition to sub-regulation (1) above and regulation 105.01.17, use individual supplementary oxygen during the dispatch and descent.

Seats, safety belts and harnesses

105.01.19 Notwithstanding anything contained in regulation 91.07.18 parachutists shall not be required to occupy a seat or berth with a safety belt or harness as the case may be unless such a person is a passenger who does not intend to perform a parachute or tandem descent.

NTCA aircraft used for parachute drop operations

105.01.20 No NTCA aircraft may be used for parachute drop operations unless –

- (a) such aircraft has been considered and found as suitable for the purpose by the applicable aviation recreation organisation and the designated body; and
- (b) such aircraft is issued with a valid authority to fly.

Pilots performing flights for purposes of parachute operations

105.01.21 Any pilot performing a flight for the purposes of a parachute drop shall –

- (a) be the holder of a valid pilot licence issued in terms of Part 61 or Part 62 as the case may be;
- (b) have no less than 100 hours as PIC;
- (c) have received an appropriate briefing on the intended parachute drop operations in accordance with the applicable the aviation recreation organisation's approved manual of procedures; and
- (d) have the briefing in paragraph (c) above entered and signed in the pilots logbook.

SUBPART 2: PARACHUTE EQUIPMENT

Main parachute

105.02.1 Each person or tandem pair making a parachute descent shall be equipped with a main parachute which complies with the requirements prescribed by the applicable the aviation recreation organisation's approved manual of procedures.

Reserve parachute

105.02.2 Each person or tandem pair making a parachute descent shall be equipped with a reserve parachute assembly which –

- (a) complies with the requirements prescribed by the applicable aviation recreation organisation's approved manual of procedures;
- (b) has been inspected, re-packed and signed-off within the previous six months by a parachute technician authorised by the applicable aviation recreation organisation's approved manual of procedures;
- (c) where necessary, has been repaired in accordance with –
 - (i) the standards of such designated body or institution; and
 - (ii) the instructions of the manufacturer.

Night descent

105.02.3 Each person making a parachute descent by night shall be equipped with an illuminated altimeter.

Water descent

105.02.4 (1) Each person making a parachute descent into water shall wear a serviceable, flotation device capable of supporting the person and equipment.

(2) Each person or group of persons making a parachute descent shall ensure that there is a rescue tender stationed at the parachute landing area to retrieve such persons.

(3) Each person making a parachute descent into water shall be briefed on the procedures for water jumps

Altimeter

105.02.5 Each student parachutist or solo jumper making a free-fall descent of more than 15 seconds shall –

- (a) be equipped with, and use, a serviceable altimeter of a type suitable for parachuting; and
- (b) prior to take-off, zero the altimeter to the parachute landing area height.

Automatic activation devices

105.02.6 Each student parachutist or tandem master making a parachute descent, and every person making a parachute descent from above FL200, shall, in addition to regulation 105.02.2, be equipped with an automatic activation device on the reserve parachute, which has been –

- (a) certified as compatible with the reserve parachute assembly on the parachute assembly packing-record by a parachute technician authorised by the designated body; and
- (b) calibrated in accordance with the manufacturer's operating instructions;
- (c) set to operate the reserve parachute at a minimum altitude of –

- (i) for an individual parachute descent, 1 000 feet AGL or such lower altitude as predetermined and set within the automatic activation device by the manufacturer of such device for the category of use; and
- (ii) for a tandem parachute descent, 2 000 feet AGL or such lower altitude as predetermined and set within the automatic activation device by the manufacturer of such device for use on tandem descents;
- (d) inspected by the parachute technician in accordance with the manufacturer's instructions.

Helmets

105.02.7 Each student parachutist making a parachute descent shall wear a serviceable, rigid, protective helmet of a type authorised by the applicable aviation recreation organisation's approved manual of procedures.

Parachute descent near water

105.02.8 Each student parachutist making a parachute descent within one nautical mile of a coastline, harbour, lake or major river shall wear a serviceable flotation device capable of supporting the person and equipment.

Tandem harness

105.02.9 Each tandem rider making a tandem descent shall wear a harness which is –

- (a) authorised by the applicable aviation recreation organisation's manual of procedures; and
- (b) properly secured to the matching tandem master harness approved by the applicable aviation recreation organisation's manual of procedures.

SUBPART 3: PARACHUTE MAINTENANCE

Parachute technician (Rigger)

105.03.1 Each parachute technician shall –

- (a) be a current *bona fide* member of the holder of an aviation recreation organisation approval issued in terms of Part 149;
- (b) be at least 18 years old;
- (c) be authorised as a parachute technician by the applicable aviation recreation organisation;
- (d) comply with the currency requirements determined by such aviation recreation organisation;
- (e) comply with the privileges and limitations of his or her authorisation; and

- (f) comply with the operational standards and procedures determined by the applicable aviation recreation organisation.

Safety directives

105.03.2 A person shall not make a parachute descent unless the parachute assembly complies with –

- (a) any applicable safety directive issued by the aviation recreation organisation or the designated body; and
- (b) all mandatory modifications or instructions issued by the manufacturer.

Parachute serviceability

105.03.3 (1) Any person who finds a parachute assembly to be unserviceable or not airworthy shall have the assembly –

- (a) re-inspected and returned to a serviceable and airworthy state; or
- (b) withdrawn from service.

(2) Each owner of a parachute assembly shall ensure that it is in a serviceable and airworthy condition before use.

Modification and repair

105.03.4 A person shall not make a parachute descent with an emergency or reserve parachute, or harness and container system, which has been modified or repaired, in a manner that may affect the airworthiness of the parachute assembly, unless such emergency or reserve parachute has been re-inspected and re-assessed by a parachute technician authorised by the applicable aviation recreation organisation.

Parachute assemblies

105.03.5 (1) Subject to the provisions of sub-regulations (2) and (3), no person shall make a parachute descent unless he or she has checked the state of serviceability of the parachute assembly by –

- (a) reference to the assembly packing record with the equipment;
- (b) a comprehensive external check; and
- (c) checking the correct setting of the applicable equipment.

(2) A student parachutist shall not make a parachute descent unless his or her parachute assembly has been checked in accordance with sub-regulation (1) by a person, authorised to supervise the descent by the applicable the aviation recreation organisation's approved manual of procedures.

Parachute records

105.03.6 (1) Each owner of an emergency or reserve parachute assembly, shall maintain a permanent record of the assembly in –

- (a) a logbook; or
- (b) a separable log page, approved by the applicable aviation recreation organisation.

(2) The owner referred to in sub-regulation (1) shall make the record available for inspection when required by an authorised officer, inspector or authorised person.

PART 108: AIR CARGO SECURITY

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108.06.1	Air cargo security familiarisation training
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SUBPART 1: GENERAL

Applicability

108.01.1 This Part applies to all persons engaged in acceptance, forwarding, storage and carriage of cargo by air and shall regulate:

- (a) aviation security in respect of all cargo entering the airside of an aerodrome;
- (b) security measures required for the storage and carriage of cargo by an air carrier;
- (c) training requirements for personnel involved in handling air cargo; and
- (d) any other aspect incidental to air cargo security.

Requirements for carriage by air of cargo

108.01.2 (1) Any person engaged in the acceptance or storage or forwarding or handling of cargo intended for carriage by air in an air carrier shall comply with the security controls prescribed by this Part.

(2) No air carrier shall carry unknown cargo.

(3) Air carriers shall treat all unaccompanied baggage as unknown cargo.

(4) Any regulated agent engaged in the acceptance and/or storage and/or forwarding and/or handling of cargo to be carried by air shall hold a certificate of approval issued by the Director: Provided that any person in the employ of a regulated agent and involved with known cargo, shall be required to complete the training prescribed in regulation 108.06.1 and hold a certificate of proficiency for such training.

(5) A regulated agent shall draw up an air cargo security manual containing all information prescribed by Document SA-CATS 108 and setting out the manner in which such regulated agent will operate. Such a manual shall be submitted to the Director for approval.

(6) Each regulated agent shall have a designated official responsible for the implementation, application and supervision of the security controls as prescribed by this Part and the Document

SA-CATS 108 and such designated official shall undergo the training as prescribed by Document SA-CATS 108.

(7) Any person applying for approval as a regulated agent or accreditation as a known consignor, shall permit an authorised officer, inspector or authorised person designated by the Director to carry out inspections and audits which may be necessary to verify whether the security measures regarding the handling, transportation and storage of known cargo comply with the requirements of this Part.

(8) The holder of a certificate of approval or a accreditation certificate shall permit an authorised officer, inspector or authorised person designated by the Director to carry out such inspections and audits which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

(9) The holder of a certificate of approval or a accreditation certificate shall permit an authorised officer, inspector or authorised person designated by the Director to conduct random checks of cargo, emanating from and through regulated agents or known consignors, to ensure compliance with this Part.

Issuing of air cargo security directives

108.01.3 The Director may issue air cargo security directives in respect of cargo to be carried by air where it is deemed necessary to improve standards of aviation security. If the Director issues an air cargo security directive, the regulated agent holding a certificate of approval issued under the regulations in this Part shall –

- (a) immediately make amendments to the security manual in line with the security directive and submit such amendments to the Director for approval; and
- (b) upon approval of the security manual amendments, make such changes available to all persons engaged in the regulated agent's acceptance, storage, forwarding and handling of air cargo.

SUBPART 2: DUTIES AND FUNCTIONS OF REGULATED AGENTS AND KNOWN CONSIGNORS

Duties of regulated agents

108.02.1 Any person approved by the Director as a regulated agent shall –

- (a) maintain records of all shipping documents documenting the transport and handling history in accordance with the requirements of Document SA-CATS 108;
- (b) ensure that, after the receipt of known cargo, and whilst such cargo is under his or her control, it is safeguarded from unlawful interference in accordance with the security measures stipulated in the security manual, referred to in sub-regulation 108.01.2(5);

- (c) ensure that the acceptance and handling of cargo and shipping documentation is carried out by trained personnel, who have received job-specific cargo security training, as stipulated in the security manual, required in terms of Document SA-CATS 108;
- (d) apply any physical checks or screening in the manner prescribed in Document SA-CATS 108, for the purpose of determining whether consignments of cargo contain any explosives, incendiary devices or any other prohibited or harmful articles which may be used to commit acts of unlawful interference;
- (e) maintain records of screening applied to cargo;
- (f) ensure that known cargo is sealed with tamper-evident seals or tamper-evident packaging and that such seals or packaging are intact;
- (g) label or mark known cargo in the manner as prescribed in Document SA-CATS 108;
- (h) endorse and submit documentation relating to known cargo in the manner prescribed in Document SA-CATS 108;
- (i) check, verify and record the identity of persons tendering cargo;
- (j) conduct background checks on all personnel recruited for accepting all cargo and processing shipping documentation and storing, forwarding and/or handling of known cargo intended for carriage by air;
- (k) conduct criminal record checks every 24 months on all personnel employed in the adherence of all cargo and processing shipping documentation and storing, forwarding or handling of known cargo intended for carriage by air;
- (l) ensure that personnel employed to conduct Standard Air Cargo Security Training and familiarisation training as stipulated in Document SA-CATS 108 have been subjected to background checks;
- (m) ensure that each consignment of known cargo is accompanied by a consignment security declaration in the manner prescribed in Document SA-CATS 108.

Duties of regulated agents regarding known consignors

108.02.2 (1) All regulated agents who conduct business with and receive known cargo from known consignors shall –

- (a) verify whether the known consignor is a holder of a known consignor accreditation certificate issued in terms of this Part;
- (b) document the identity and address of the known consignors and advise the Director of the details of these known consignors;
- (c) have on record a declaration from a known consignor stating that:
 - (i) consignments of known cargo are prepared in secured premises;
 - (ii) all personnel employed to handle known cargo and shipping documentation have been subjected to background checks and have received job-specific cargo security familiarisation training as stipulated in Document SA-CATS 108;

- (iii) consignments of known cargo are protected from unlawful interference during preparation, storage and transportation;
- (iv) consignments do not contain any explosives or other dangerous goods or devices or substances unless declared as such;
- (v) air waybills, despatch notes or other valid transportation documents have been signed by authorised personnel; and
- (d) conduct random quality control checks of the premises and cargo of known consignors to ensure that the requirements of this Part are adhered to, and maintain documented records of such quality control checks.

(2) The declaration referred to in sub-regulation (1)(c) shall be valid for a period of twelve months from the date of signature by the consignor.

(3) Cargo may be opened and examined for security reasons.

Requirements for known consignor

108.02.3 (1) Any person who has a known consignor relationship with a regulated agent and wishing to be accredited and listed by the Authority as a known consignor shall apply to the Director for accreditation as a known consignor.

(2) The person wishing to become a known consignor shall ensure that:

- (a) consignments of known cargo are packed and secured by the known consignor in secure premises;
- (b) all personnel employed to handle cargo to be shipped by air and shipping documentation have been subjected to background checks and have received job-specific cargo security familiarisation training as stipulated in the SA-CATS 108;
- (c) all personnel employed to conduct familiarisation training as stipulated in Document SA-CATS 108 have been subjected to background checks;
- (d) consignments of known cargo are protected from unlawful interference during preparation, storage and transportation;
- (e) procedures relating to the protection, storage and transportation of known cargo are documented;
- (f) records of all shipping documents are maintained in accordance with the requirements of Document SA-CATS 108;
- (g) all business is conducted in line with the requirements of the security manual of each regulated agent with whom he or she conducts business.
- (h) consignments of known cargo are sealed with tamper-evident seals or tamper-evident packaging and that such seals or tamper-evident packaging remain intact whilst in his or her possession.

SUBPART 3: SECURITY CONTROLS**General**

108.03.1 (1) No air carrier may transport cargo by air unless a valid air waybill or other valid transport documentation accompanies it.

(2) Any person tendering a diplomatic bag for carriage by air shall ensure that it is properly sealed and marked and may only be carried by air, without an airway bill, when accompanied by an employee of the respective embassy holding:

- (a) a valid passport issued to the respective embassy employee;
- (b) a letter from the official in charge of the embassy from which the diplomatic bag originates, authorising the specific employee to accompany the diplomatic bag.

(3) Diplomatic cargo accompanied by an air waybill must comply with the following requirements:

- (a) The status and number of packages shall be clearly indicated on the air waybill.
- (b) The cargo must be properly sealed and marked and bearing visible external marks of its character.
- (c) The person tendering the cargo must be duly authorised in writing by the sending state or originating embassy and shall carry official identification.

(4) Diplomatic cargo shall be exempt from screening. The use of sniffer dogs will however be allowed.

(5) The provisions of regulation 108.03.7(2) applies with the necessary changes to diplomatic cargo.

Known cargo

108.03.2 (1) No cargo may be placed on board an air carrier's aircraft –

- (a) unless it has been subjected to security controls prior to loading whereupon it is deemed to be known cargo and shall be declared as such; or
- (b) unless it has been packed and made known and secured by a known consignor and handed to a regulated agent in compliance with the provisions of this Part.

(2) Known cargo, after acceptance by a regulated agent, shall be kept in a secure area, as prescribed in the security manual, to protect it from unlawful interference whilst in the custody of a regulated agent.

(3) Where known cargo is forwarded from a known consignor to a regulated agent or from one regulated agent to another regulated agent and is kept secure, such cargo shall continue to be treated as known cargo.

(4) The air carrier shall ensure that cargo is at all time safeguarded whilst on the ramp prior to loading on-board an aircraft.

(5) Prior to loading on-board a commercial air transport aircraft, the air carrier shall ensure that all cargo consignments are visually inspected to ensure that they have not been tampered with.

Unknown cargo

108.03.3 (1) Cargo originating from a consignor that has not been subjected to the security controls prescribed in this Part shall be treated as unknown cargo.

(2) Known cargo that, after acceptance by a regulated agent, has not been stored in a secure area, as stipulated in the security manual, shall be treated as unknown cargo.

(3) Known cargo, where the seals on the packaging are broken or where there is evidence that the seals or the cargo has been tampered with, except where the cargo has been resealed with tamper seals or tamper-evident packaging by a regulated agent, shall be treated as unknown cargo.

(4) Cargo presented as unknown cargo shall be subjected to security controls prescribed in this Part and Document SA-CATS 108 before being loaded into an aircraft.

Mail

108.03.4 (1) The Postal Company may apply for a certificate of approval as a regulated agent in terms of regulation 108.05.1.

(2) Mail received by the Postal Company, that is to be tendered for carriage by air, shall be –

- (a) subjected to screening, sealed; and
- (b) accompanied by a valid postal manifest listing the numbers of secured bags.

(3) The Postal Company shall be responsible for the screening and sealing of mail before submitting the mail for carriage by air.

(4) For the purpose of excluding the introduction of explosives, incendiary devices, or other prohibited or harmful articles on board an air carrier's aircraft, the following measures shall be applied:

- (a) the Postal Company shall ensure that mail is kept in locked or closed containers and protected against unlawful interference prior to being placed in mail bags;
- (b) prior to loading on-board a commercial air transport aircraft, the airline operator, or his or her ground handling agent shall ensure that all mail bags are visually inspected to ensure that they have not been tampered with;

(5) At times of high security alert declared by the Authority, the following additional measures shall be implemented:

- (a) The Postal Company shall declare that mail has been inspected and searched for explosives, incendiary and other prohibited or harmful articles which may be used to commit acts of unlawful interference.
- (b) In the event that the security of mail be in doubt, the Postal Company shall not tender or accept mail for carriage by air.

Express cargo and mail

108.03.5 (1) A regulated agent or Postal Company tendering express cargo and mail for carriage on air carrier shall ensure that such express cargo and mail has been subjected to security controls in terms of Document SA-CATS 108.

Transshipment cargo and mail

108.03.6 (1) Transshipment cargo and mail arriving by air, for onward carriage by air, need not be screened or searched provided that it was subjected to security controls at the point of departure and is protected against unlawful interference en route and at the transit points.

(2) Transshipment cargo or mail arriving by air, road, rail or sea for onward carriage by air that has not been subjected to security controls at the point of departure or en route and at the transit points, should be treated as unknown cargo and screened or searched accordingly.

Exemptions

108.03.7 (1) The security controls required by this Part shall not be applicable in respect of –

- (a) transshipment cargo, as provided for in regulation 108.03.6(1);
- (b) human remains;
- (c) live animals;
- (d) *bona fide* consignments of life-saving materials or other essential medical supplies, human organs, blood plasma or similar materials; or
- (e) any nuclear materials;

(2) The regulated agent tendering consignments for carriage by air that are exempted from security controls in terms of regulation 108.03.7 (1) shall ensure that such consignments are –

- (a) clearly declared on shipping documents as such;
- (b) physically checked upon receipt for signs of tampering;
- (c) subjected to documentary checks to establish on face value the correctness and sufficiency of information on any document; and
- (d) protected from unauthorised interference at all times.

(3) The cargo mentioned in sub-regulation (1) is only exempted from security controls if it is tendered by a regulated agent.

Right of inspection and refusal of carriage

108.03.8 Any air carrier or regulated agent shall have the right –

- (a) to examine, or cause to be examined by his or her handling agent, the packaging and contents of all cargo tendered for carriage by air, and to inquire into the correctness or sufficiency of information or documentation submitted in respect of any cargo; and
- (b) without assuming any liability, to refuse, delay or return any cargo, if there is a reasonable belief that the cargo may contain explosives or dangerous devices.

SUBPART 4: SECURITY SCREENING - EQUIPMENT AND EXPLOSIVE DETECTION DOG TEAMS

Requirements for security screening equipment

108.04.1 (1) Any equipment operated by an air carrier or regulated agent to screen cargo, shall meet the minimum technical specifications as prescribed in Document SA-CATS 108.

(2) Any explosive detection dog team utilised by an air carrier or regulated agent to screen cargo shall meet the minimum competency requirements set out in Document SA-CATS 108.

(3) (a) Any assessor wishing to conduct competency assessments of explosive detection dog teams shall apply to the Director for approval and be affiliated to an approved training organisation under Part 141, or Authority recognised state entity.

(b) Such approval shall require renewal every 12 months.

(4) Any assessor wishing to conduct competency assessments of explosive detection dog teams shall meet the minimum competency requirements set out in Document SA-CATS 108.

(5) Any explosive detection dog team utilised by an air carrier or regulated agent to screen cargo shall meet the minimum deployment standards set out in Document SA-CATS 108.

SUBPART 5: APPROVALS

Application for approval as a regulated agent

108.05.1 An application for a certificate of approval as a regulated agent and renewal of such a certificate of approval shall –

- (a) be made to the Director in the appropriate prescribed format ;
- (b) include duplicate copies of the air cargo security manual of procedure referred to in regulation 108.01.2 (5); and
- (c) be accompanied by the appropriate fee or fees as prescribed in Part 187 of these Regulations.

Certificate of approval

108.05.2 (1)(a) The Director may carry out an inspection on the operation of an applicant wishing to be approved as a regulated agent, to ascertain whether he or she is able to comply with the provisions of this Part.

(b) A fee as prescribed in Part 187 shall be paid for such inspection.

(2) If the Director is satisfied with the applicant's security manual and premises and that the applicant is able to comply with the provisions of this Part, the Director shall –

- (a) certify in writing on both copies of the security manual that these documents have been approved;
- (b) return one copy of the approved security manual to the applicant; and
- (c) issue to the applicant a certificate of approval as regulated agent in the prescribed format

(3) The regulated agent shall submit all amendments to an approved security manual to the Director for approval.

(4) If the Director is satisfied that the amendments will not contravene the provisions of this Part, the Director shall certify in writing on both copies of the amendment to the approved security manual that such amendment has been approved, and shall return one copy of the approved amendment to the regulated agent.

(5) The regulated agent shall at all times operate in accordance with the approved security manual or an approved amendment thereto.

(6) The certificate of approval shall be valid for a period of 12 months from the date of issue.

Renewal of certificate of approval

108.05.3 (1) The holder of a certificate of approval shall apply to the Director for the renewal of such certificate no later than two months before the date on which such approval expires.

(2) In considering an application for renewal of the certificate of approval the Director may conduct the investigation he or she deems necessary to ascertain whether the applicant continues to comply with the requirements of this Part.

(3) An application shall be granted and the certificate of approval issued if the Director is satisfied that the applicant complies with the provisions of this Part.

(4) If the Director is not so satisfied, he or she shall notify the regulated agent, stating the reasons in the notification, and grant the regulated agent the opportunity to rectify or supplement any defect within the period determined by the Director, after which period the Director shall grant or refuse the application concerned.

(5) The application for the renewal of the certificate of approval shall be made on the prescribed form and shall be accompanied by the appropriate fee as prescribed in Part 187.

(6) The provisions of regulation 108.05.01 shall apply with the necessary changes to the application for renewal of certificate of approval.

Duties of holder

108.05.4 A regulated agent shall at all times conduct his or her operations in accordance with the approved security manual.

Application for accreditation as known consignor

108.05.5 An application for accreditation certificate and renewal of such a certificate shall –

- (a) be made to the Director in the appropriate prescribed format as ;
- (b) be accompanied by the appropriate fee or fees as prescribed in Part 187.

Known consignor accreditation certificate

108.05.6 (1) The Director may conduct an inspection on the operation of an applicant wishing to be validated as a known consignor, to ascertain whether he or she is able to comply with the provisions of this Part, for which inspection fee shall be paid as set out in Part 187.

(2) If the Director is satisfied that the applicants' security measures and handling transportation and storage of known cargo comply with the requirements of this Part, the Director shall issue to the applicant an accreditation certificate as a known consignor in the prescribed format .

(3) The accreditation certificate shall be valid for a period of 12 months from the date of issue.

Designation of validator

108.05.7 (1) The Director may designate a validator of known consignors to conduct inspections on known consignors for the purpose of issuing certificates of accreditation, renewal and reissuing of such certificates.

(2) The privileges referred to in sub-regulation (1) shall be exercised and performed according to the conditions, requirements, rules, procedures or standards as prescribed in Document SA-CATS 108.

(3) The Director shall sign and issue to each designated validator a document which shall state the full name of such validator and contain a statement stating that –

- (a) such validator has been designated in terms of sub-regulation (1); and
- (b) such validator is empowered to exercise the privileges referred to in sub-regulation (1).

(4) The application to be considered for designation as referred to in sub-regulation (1) shall be accompanied by the appropriate fee as prescribed in Part 187.

Renewal of certificate of accreditation

108.05.8 (1) The holder of an accreditation certificate shall apply to the Director for the renewal of such certificate no later than two months before the date on which such approval expires.

(2) In considering an application for renewal of the accreditation certificate the Director may conduct the investigation he or she deems necessary to ascertain whether the applicant continues to comply with the requirements of this Part.

(3) An application shall be granted and an accreditation certificate issued if the Director is satisfied that the applicant will comply with the provisions of this Part.

(4) If the Director is not so satisfied he or she shall notify the known consignor, stating the reasons in the notification, and grant the known consignor the opportunity to rectify or supplement any defect within the period determined by the Director, after which period the Director shall grant or refuse the application concerned.

(5) The application for the renewal of an accreditation certificate shall be made on the prescribed form and shall be accompanied by the appropriate fee as prescribed in Part 187.

(6) The provisions of regulations 108.05.05 shall apply with the necessary changes to the application for the renewal of certificate of approval.

Inspection fee

108.05.9 Anywhere a non-compliance with these Regulations is identified, necessitating further inspection, such an inspection shall be charged at the hourly rate, which excludes travelling time, as set out in Part 187.

Validation of foreign certificates

108.05.10 (1) The Director may upon application in writing, validate any foreign certificate issued for air cargo security training, if the holder of the certificate submits documentary proof that –

- (a) such certificate has been obtained from an approved foreign training organisation; and
- (b) he or she has successfully completed the refresher air cargo security training referred to in Subpart 6.

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

(3) The provisions of regulation 108.06. 2 shall apply with the necessary changes to the holder of a certificate referred to in sub-regulation (1).

Register of certificates of approval

108.05.11 (1) The Director shall maintain a register of all approval and accreditation certificates issued in terms of this Part.

(2) The register of certificates of approval shall contain the following particulars –

- (a) the full name and, if any, the trade name of the holder of the certificate of approval or accreditation;
- (b) the postal and physical address of the holder of the certificate of approval or accreditation; and
- (c) the date on which the certificate of approval or accreditation was issued;

(3) An excerpt of the register shall be furnished by the Director, on payment of the appropriate fee prescribed in Part 187, to any person who shows good and sufficient reason why he or she should be furnished with such extract.

SUBPART 6: TRAINING

Air cargo security familiarisation training

108.06.1 (1) Any –

- (a) air carrier involved in the transportation of cargo;
- (b) person who performs the act of accepting, handling, loading, unloading, transferring, guarding or other processing of cargo, on behalf of an air carrier;
- (c) regulated agent approved by the Director in terms of this Part;
- (d) known consignor accredited by the Director in terms of this Part;

shall ensure that the following categories of personnel in his, her or its employ, or personnel provided by a service provider, successfully complete air cargo security familiarisation training and refresher training every 24 months thereafter:

- (i) personnel involved in acceptance, handling, storage, loading and unloading of cargo and shipping documentation to be transported by air;
- (ii) drivers involved in transporting known cargo to be transported by air;

(2) The subject matter of initial air cargo security familiarisation training and refresher air cargo security familiarisation training shall be as specified in the syllabi contained in the security manual as prescribed in Document SA-CATS 108.

(3) Any person referred to in sub-regulation (1) shall complete refresher air cargo security familiarisation training every 24 months, calculated from the date of the successful completion of the air cargo security familiarisation training or the preceding air cargo security familiarisation training, as the case may be.

(4) Records of such training shall be maintained as stipulated in the Document SA-CATS 108.

Standard air cargo security training

108.06.2 (1) Any –

- (a) air carrier involved in the transportation of cargo;
- (b) person who performs the act of accepting, handling, loading, unloading, transferring or other processing of cargo, on behalf of an operator;
- (c) regulated agent approved by the Director in terms of this Part;
- (d) known consignor accredited by the Director in terms of this Part;

shall ensure that the following categories of personnel in his, her or its employ, or personnel provided by a service provider, have successfully completed standard air cargo security training and refresher training every 24 months thereafter:

- (i) screeners;
- (ii) deputy designated officials; and
- (iii) designated officials.

(2) Any level of standard cargo security training, referred to in sub-regulation (1) of this regulation shall be conducted by a training organisation designated in terms of Part 141.

(3) The subject matter of the level of aviation security training shall be as prescribed in Document SA-CATS 108.

(4) Any person referred to in sub-regulation (1) shall complete refresher standard cargo security training every 24 months.

(5) Upon the successful completion of the initial aviation security training or the refresher aviation security training referred to in sub-regulation (2), the aviation security training organisation concerned shall issue to the candidate a certificate of competence in standard cargo security training detailing the level of course completed.

PART 109: AVIATION SECURITY TRAINING ORGANISATIONS

List of regulations

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SUBPART 1: GENERAL

Applicability

109.01.1 (1) This Part applies to the approval and operation of organisations conducting –

- (a) aviation security training; and
- (b) aviation security awareness training.

(2) For purposes of this Part, aviation security training means the training referred to in sub-regulations (1)(a) and (b).

Designation of body or institution

109.01.2 (1) The Director may, by notice in the Government Gazette, designate a body or institution to –

- (a) exercise control over the aviation security training specified in the Regulations, and over the persons conducting such training;
- (b) develop standards for the aviation security training and for the training of such persons as prescribed in Document SA-CATS 109;
- (c) issue, confirm, suspend or withdraw certificates for the successful completion of the aviation security training, and keep all books or documents regarding such training; and
- (d) advise the Director on any matter connected with the aviation security training or persons.

(2) The powers and duties referred to in sub-regulation (1) shall be exercised and performed according to the conditions, rules, requirements, procedures or standards as prescribed in Document SA-CATS 109.

Display of aviation security training organisation approval

109.01.3 The holder of an aviation security training organisation approval shall display the approval in a prominent place, generally accessible to the public at such holder's principal place of business and, if a copy of the approval is displayed, shall produce the original approval upon request by an authorised officer, inspector or authorised person.

Advertisements

109.01.4 Any advertisement by an organisation indicating that it is an aviation security training organisation, shall –

- (a) reflect the number of the aviation security training organisation approval issued by the Director; and
- (b) contain a reference to the aviation security training for which such approval was issued.

Security inspections and audits

109.01.5 (1) An applicant for the issuing of an aviation security training organisation approval shall permit an authorised officer, inspector or authorised person to carry out such security inspections and audits which may be necessary to verify the validity of any application made in terms of regulation 109.02.6.

(2) The holder of an aviation security training organisation approval shall permit an authorised officer, inspector or authorised person to carry out such security inspections and audits which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

Register of approvals

109.01.6 (1) The Director shall maintain a register of all aviation security training organisation approvals issued in terms of the regulations in this Part.

(2) The register shall contain the following particulars:

- (a) full names of the holder of the approval;
- (b) the postal address of the holder of the approval;
- (c) the date on which the approval was issued or renewed;
- (d) particulars of the scope of the approval issued to the holder thereof;
- (e) the nationality of the holder of the approval; and
- (f) the principal place of business of the holder of approval.

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

(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: APPROVAL OF ORGANISATION (AVIATION SECURITY TRAINING)

Requirement for approval

109.02.1 No organisation shall conduct aviation security training except under the authority of, and in accordance with the provisions of, an aviation security training organisation approval issued under this Subpart.

Manual of procedure

109.02.2 An applicant for the issuing of an aviation security training organisation approval shall provide the Director with its manual of procedure which shall –

- (a) comply with the requirements prescribed in this Subpart; and
- (b) contain the information as prescribed in Document SA-CATS 109.

Quality assurance system

109.02.3 (1) The applicant shall establish a quality assurance system, to be included in its manual of procedure, for the control and supervision of the aviation security training covered by the application.

(2) The minimum standards for a quality assurance system are as prescribed in Document SA-CATS 109.

Personnel requirements

109.02.4 (1) The applicant shall engage, employ or contract –

- (a) a senior person to whom contractual authority has been granted to ensure that all activities undertaken by the organisation are carried out in accordance with the applicable requirements prescribed in this Subpart, and who shall in addition, be vested with the following powers and duties in respect of the compliance with such requirements:

- (i) unrestricted access to work performed or activities undertaken by all other persons as employees of, and other persons rendering service under contract with, the organisation;
 - (ii) full rights of consultation with any such person in respect of such compliance by him or her;
 - (iii) powers to order cessation of any activity where such compliance is not effected;
 - (iv) a duty to establish liaison mechanisms with the Director with a view to ascertain correct manners of compliance with the said requirements, and interpretations of such requirements by the Director, and to facilitate liaison between the Director and the organisation concerned; and
 - (v) powers to report directly to the management of the organisation on his or her investigations and consultations generally, and in cases contemplated in subparagraph (iii), and with regard to the results of the liaison contemplated in subparagraph (iv);
- (b) a competent person who is responsible for quality control, and who has direct access to the senior person referred to in paragraph (a) on matters affecting aviation security; and
 - (c) adequate personnel to plan conduct and supervise the aviation security training covered by the application.

(2) The applicant shall establish a procedure for initially assessing, and a procedure for maintaining, the competence of those personnel involved in planning, conducting or supervising the aviation security training covered by the application.

(3) The applicant shall have personnel responsible for training or assessing students, who have competence and experience adequate for the level of competence required for such training or assessment.

Accommodation, facilities and equipment

109.02.5 The applicant shall have adequate accommodation, facilities and equipment to enable the personnel to conduct the aviation security training covered by the application.

Application for approval or amendment thereof

109.02.6 An application for the issuing of an aviation security training organisation approval, or an amendment thereof, shall be –

- (a) made to the Director in the appropriate prescribed form ; and
- (b) accompanied by –
 - (i) the appropriate fee as prescribed in Part 187;
 - (ii) the manual of procedure referred to in regulation 109.02.2; and

- (iii) copies of training material to be used in such training.

Issuing of approval

109.02.7 (1) The Director shall issue an aviation security training organisation approval if –

- (a) the applicant complies with the requirements prescribed in regulations 109.02.2 to 109.02.5;
- (b) the applicant's senior personnel required by Regulation 109.02.4 have never held a senior position in a security training organisation whose approval to conduct such training was cancelled by the Director.

(2) The Director shall issue the approval on the appropriate prescribed form .

Scope of approval

109.02.8 An aviation security training organisation approval shall specify the aviation security training which the holder of the approval is entitled to conduct as prescribed in Document SA-CATS 109.

Period of validity

109.02.9 (1) An aviation security training organisation approval shall be valid for the period determined by the Director, which period shall not exceed five years, calculated from the date of issuing or renewal thereof.

(2) The approval shall remain in force until it expires or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Director.

(3) The holder of an approval which has expired or has been cancelled, shall forthwith surrender the approval to the Director.

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

Transferability

109.02.10 An aviation security training organisation approval is not transferable.

Changes in quality assurance system

109.02.11 (1) If the holder of an aviation security training organisation approval desires to make a material change in the quality assurance system referred to in regulation 109.02.3, such holder shall apply to the Director for the approval of such change.

(2) The provisions of regulation 109.02.6 shall apply with the necessary changes to an application for the approval of a change in the quality assurance system.

(3) An application for the approval of a change in the quality assurance system shall be granted if the Director is satisfied, upon submission of appropriate proposed changes to its manual of procedure that the applicant will continue to comply with the provisions of regulation 109.02.2, after the implementation of such approved change.

Renewal of approval

109.02.12 (1) An application for the renewal of an aviation security training organisation approval shall be –

- (a) made to the Director in the appropriate prescribed form ; and
- (b) be accompanied by –
 - (i) the appropriate fee as prescribed in Part 187;
 - (ii) the manual of procedure referred to in regulation 109.02.2; and
 - (iii) copies of training material to be used in such training.

(2) The holder of the approval shall at least 60 days immediately preceding the date on which such approval expires, apply for the renewal of such approval.

Duties of holder of approval

109.02.13 The holder of an aviation security training organisation approval shall –

- (a) hold at least one complete and current copy of its manual of procedure referred to in regulation 109.02.2, at each training facility specified in the manual of procedure;
- (b) comply with all procedures detailed in the manual of procedure;
- (c) make each applicable part of the manual of procedure available to the personnel who require those parts to carry out their duties; and
- (d) continue to comply with the appropriate requirements prescribed in Document SA-CATS 109.

Documents and records

109.02.14 (1) The holder of an aviation security training organisation approval shall –

- (a) keep copies of all relevant documents which may be necessary –
 - (i) for the specified aviation security training conducted by such holder; and
 - (ii) to determine compliance with the appropriate requirements prescribed in this Subpart; and
- (b) establish procedures to control the documents referred to in paragraph (a) to ensure that –
 - (i) all documents are reviewed and authorised by the appropriate personnel before the issuing thereof;

- (ii) current issues of all relevant documents are available to those personnel involved in planning, conducting or supervising the specified aviation security training undertaken by the holder of the approval;
- (iii) all obsolete documents are promptly removed from all points of issue or use; and
- (iv) changes to documents are reviewed and authorised by the appropriate personnel.

(2) The holder of the approval shall establish procedures to identify, collect, index, store and maintain all records which may be necessary for the specified aviation security training conducted by such holder and to determine compliance with the appropriate requirements prescribed in this Subpart, and to ensure that –

- (a) a record is kept of each quality control review of the holder of the approval;
- (b) a record is kept of each person who conducts the specified aviation security training, including particulars of the competence assessments and experience of each such person;
- (c) a record is kept of each student being trained or assessed by the holder of the approval, including particulars of enrolment, attendance, modules, instructor comments and practical sessions and assessments of each such student;
- (d) all records are legible; and
- (e) all records are kept for a period of at least five years calculated from the date of the last entry made in such records.

PART 110: AVIATION SECURITY SCREENER CERTIFICATION

List of regulations

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- 110.01.3 Competency
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- 110.02.1 Requirements for screener certification
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110.02.6	Issuing of screener certification
110.02.7	Validation of certification issued by appropriate authority
110.02.8	Period of validity
110.02.9	Functions

SUBPART 1: GENERAL

110.01.1 This part applies to the certification of screeners, the functions and limitations of such certification and matters related thereto.

Authority to act as a screener

110.01.2 (1) No person shall act as a screener at a South African airport, airline or regulated agent unless such person is the holder of a valid screener certification in terms of this Part.

(2) No screener shall perform functions other than the functions afforded by the certification held by such screener.

(3) The holder of a screener certification shall pay the annual currency fees as prescribed in Part 187 applicable to the type of certification on the anniversary date of such certification.

Competency

110.01.3 (1) No screener shall perform the functions afforded by a screener certification unless such screener maintains competency by complying with the requirements prescribed in this Part.

(2) The holder of a screener certification shall submit copies of all documentation reflecting continued maintenance of competency to the Director within 7 days after compliance with the appropriate requirements prescribed in this Part.

Documentation

110.01.4 The Director shall ensure that a screener certification is issued in such a manner that the validity thereof may readily be determined by any appropriate authority.

Logbooks

110.01.5 (1) A screener certified to operate technical screening equipment shall maintain a logbook and shall record therein all the time spent as a screener.

(2) The form of and information to be contained in a logbook referred to in sub-regulation (1) and the manner in which such logbook has to be maintained, shall be prescribed in Document SA-CATS 110.

Register of certification

110.01.6 (1) The Director shall maintain a register of all screener certification issued in terms of the regulations in this Part.

(2) The register shall contain the following particulars –

- (a) full names of the holder of the certification;
- (b) the physical and postal address of the holder of the certification;
- (c) the date on which the certification was issued;
- (d) the nationality of the holder of the certification; and
- (e) the organisation in which the holder thereof is employed.

(3) The particulars referred to in sub-regulation (2) shall be recorded in the register within seven days from the date on which the certification is issued.

(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, on payment of the appropriate fee as prescribed in Part 187, to any person who requests the copy.

Language

110.01.7 Screeners shall have sufficient ability in reading, speaking and understanding the English language to enable them to adequately carry out their responsibilities as screeners.

Designation of examiner

110.01.8 (1) The Director may designate an examiner to conduct skills tests and to issue skills test reports.

(2) The privileges referred to in sub-regulation (1) shall be exercised and performed according to the conditions, rules, requirements, procedures or standards as prescribed in Document SA-CATS 110.

(3) The Director shall sign and issue to each designated examiner a document which states the full names of such examiner and contain a statement that –

- (a) such examiner has been designated in terms of sub-regulation (1); and
- (b) such examiner is empowered to perform the functions referred to in sub-regulation (1).

(4) The application to be considered for designation as referred to in sub-regulation (1) shall be accompanied by –

- (a) detail of the approval or licence to which the application applies; and
- (b) the appropriate fee as prescribed in Part 187.

SUBPART 2: SCREENER CERTIFICATION

Requirements for screener certification

110.02.1 An applicant for the issuing of a screener certification shall –

- (a) be not less than 18 years of age;
- (b) hold a valid Class 2 medical certificate issued as prescribed in Document SA-CATS 110;
- (c) have successfully completed the training referred to in regulation 110.02.2;
- (d) have passed the theoretical knowledge examination referred to in regulation 110.02.3;
- (e) have undergone the skills test referred to in regulation 110.02.4;
- (f) have undergone the background checks;
- (g) have a minimum qualification as prescribed in Document SA-CATS 110.

Training

110.02.2 (1) An applicant for the issuing of a screener certification shall have successfully completed the appropriate training as prescribed in Document SA-CATS 110.

(2) The training contemplated in this Part shall be conducted by the holder of an aviation security training organisation approval issued in terms of Part 109.

Theoretical knowledge examination

110.02.3 (1) An applicant for the issuing of a screener certification shall have passed the appropriate theoretical knowledge examination as prescribed in Document SA-CATS 110.

(2) The applicant who fails a theoretical knowledge examination may apply for retesting after the appropriate period specified in Document SA-CATS 110.

Skills test

110.02.4 (1) An applicant for the issuing of a screener certification shall demonstrate to an aviation security designated examiner, the ability to perform as a screener, the procedures as prescribed in Document SA-CATS 110.

(2) The applicant shall undergo the skill test referred to in sub-regulation (1) within three months of passing the theoretical knowledge examination referred to in regulation 110.02.3.

Application for screener certification

110.02.5 An application for the issuing of a screener certification shall be –

- (a) made to the Director in the appropriate prescribed form ; and
- (b) accompanied by –
 - (i) original or certified copy of –
 - (aa) the identity document of the applicant; and
 - (bb) the Grade C or equivalent qualification issued by the Private Security Industry Regulatory Authority;
 - (ii) a valid medical certificate issued as prescribed in Document SA-CATS 110;
 - (iii) the original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 110.02.3;
 - (iv) the skills test report as prescribed in Document SA-CATS 110, signed by a designated examiner;
 - (v) the appropriate fee as prescribed in Part 187; and
 - (vi) two recent passport size photographs of the applicant.

Issuing of screener certification

110.02.6 (1) The Director shall issue a screener certification if the applicant complies with the requirements referred to in regulation 110.02.1.

(2) A certification shall be issued on the appropriate prescribed form.

(3) Upon the issuing of a certification the holder thereof shall forthwith affix his or her signature in ink in the space on the certification provided for such purpose.

Validation of certification issued by appropriate authority

110.02.7 (1) The holder of a certification issued by a foreign authority, who desires to act as a screener at a South African airport, airline or regulated agent, shall apply to the Director in the appropriate prescribed form , for a validation of such certification.

(2) The application for a validation referred to in sub-regulation (1) shall be accompanied by –

- (a) a certified true copy of the certification to which the validation refers;
- (b) a valid medical certificate, if applicable; and
- (c) the appropriate fee as prescribed in Part 187.

(3) Certification issued by an appropriate authority may be validated by the Director –

- (a) subject to the same restrictions which apply to such certification;
- (b) in accordance with and subject to the requirements and conditions as prescribed in Document SA-CATS 110; and
- (c) on the appropriate prescribed form .

(4) The validation issued by the Director is valid for –

- (a) 12 months calculated from the date of issue of such a validation; or
- (b) the period of validity of the certification issued by the appropriate authority concerned, whichever period is the lesser.

(5) The holder of a validation issued by the Director may, subject to the provisions of sub-regulation (6), apply to the Director for the renewal of such validation at least 21 days immediately preceding the date of expiry of such validation.

(6) The Director may renew a validation of a certification in the circumstances and on conditions as prescribed in Document SA-CATS 110: Provided that a validation of certification, the functions of which are to be performed for commercial purposes, may only be renewed for the same period as referred to in sub-regulation (4).

(7) The holder of a validation issued by the Director shall comply with the provisions prescribed in this Part and the requirements and conditions as prescribed in Document SA-CATS 110.

Period of validity

110.02.8 A screener certification is valid for 5 years, subject to re-validation every 12 months and provided that the holder thereof –

- (a) complies with the requirements of a screener as prescribed in these Regulations;
- (b) is still employed to perform the functions of screener.

Functions

110.02.9 (1) The holder of a valid screener certification shall be entitled to perform screening duties for which the holder received his or her training referred to in Document SA-CATS 110 and which is specified on such certification.

(2) The functions afforded to the holder of screener certification shall not be exercised by such holder unless he or she –

- (a) is the holder of a valid Class 2 medical certificate issued as prescribed in Document SA-CATS 110; and
- (b) undergoes the refresher or recurrent training during the year with retesting to occur no less than every 12 months.

PART 111: AVIATION SECURITY

List of regulations

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111.01.5	Air Traffic and Navigation Services Security Program
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111.01.7	Review of the National Aviation Security Program and other aviation security programs

General

111.01.1 This Part deals with policy relating to the National Aviation Security Programme as well as matters related thereto.

National Aviation Security Program

111.01.2 (1) The Department of Transport shall draw up the National Aviation Security Program, providing for –

- (a) the specific civil aviation security responsibilities of the Department and the Authority in accordance with the Act;
- (b) the functions to be exercised by the airport management of a designated airport in respect of the establishment and implementation of security measures to prevent the occurrence of acts of unlawful interference;
- (c) the functions to be exercised by the Air Traffic and Navigation Services Company contemplated in section 2 of the Air Traffic and Navigation Services Company Act, 1993 (Act No. 45 of 1993) in respect of the establishment and implementation of security measures to prevent the occurrence of acts of unlawful interference;
- (d) the responsibility regarding the control of access of airport tenants at designated airports whose concession or facility forms part of the landside or airside boundary or through which access can be gained from landside to airside;
- (e) the specific responsibilities, in the context of aviation security, of the policing authority at designated airports;
- (f) the establishment of an airport security committee for the co-ordination of the development and implementation of security measures and procedures at designated airports;
- (g) the co-operation and communication between States in the development and implementation of aviation security practices and procedures;

- (h) steps to ensure the co-ordination of aviation security measures among government departments, parastatal entities, agencies and other organisations responsible for implementation of the said Program;
- (i) the protection of airports, aircraft and air navigation facilities with specific reference to the designation and protection of restricted areas, access control and the listing of both on- and off-airport navigational and aviation-related facilities which are vital to the continued safe operation of civil aviation;
- (j) the security control of persons boarding an aircraft and items being placed on board aircraft, including –
 - (i) screening and searching of the passengers and carry-on baggage;
 - (ii) the control of transit and transfer passengers;
 - (iii) the screening of airline crew, airport staff, permit holders, and other non-passengers;
 - (iv) the provision of special screening procedures;
 - (v) the authorised carriage of weapons;
 - (vi) procedures for the proper control and screening of checked baggage;
 - (vii) control of cargo, courier and express parcels and mail;
 - (viii) procedures to prevent the introduction of weapons, explosives and other dangerous devices into catering supplies intended for carriage on aircraft;
 - (ix) the procurement, calibration, operation, details (including minimum criteria) and maintenance of security equipment;
 - (x) the selection, background check and recruitment criteria for persons charged with the execution of aviation security-related duties;
 - (xi) the background check of persons who in the execution of their duties are required to gain access to restricted areas;
 - (xii) the management of response to acts of unlawful interference;
 - (xiii) measures for the evaluation of the Program;
- (k) a National Civil Aviation Security Quality Control Program, to determine compliance with and validate the effectiveness of the NASP;
- (l) a National Training Program in order to determine that persons applying and monitoring the NASP, are in a position to comply with the laid-down requirements;
- (m) a National Certification Program for the certification of persons carrying out screening operations according to the requirements of the NASP to ensure that performance standards are consistently and reliably achieved;
- (n) the establishment of a centralised security reporting system for analysing security information which shall focus on the following types of reports:
 - (i) Mandatory incident reports: incident reports that are required to be made as a result of the Civil Aviation Regulations with the exception of an accident or serious incident that is reported to the Aviation Safety Investigation Board.
 - (ii) Voluntary reports: reporting of a hazard or incident without any legal or administrative requirement to do so at the reporter's own will and initiative.

- (iii) Confidential reports: voluntary incident or hazard reports where the reporter's identity is protected by providing a means by which individuals are able to raise issues of concern without being identified to their peer group, management or respective organisations. Confidentiality is achieved by the identification of the reporter's details and following the requirements of the confidential aviation hazard reporting system; and
- (o) any other matter, or international standards that are deemed necessary in the interests of aviation safety and security relating to civil aviation.

(2) The Department may incorporate directly into the NASP any international aviation standard contained in any Annex and particularly Annex 17.

(3) The Department shall –

- (a) determine the nature of the training required for persons charged with the execution of the provisions of security programmes and the nature of essential equipment for use at designated airports, ATS providers and by air carriers;
- (b) prescribe the criteria applicable to the personnel and equipment to be utilised within the aviation security environment .

Airport Security Program

111.01.3 (1) A person responsible for the execution of the airport security program appointed by the Minister in terms of section 110 of the Act, shall apply the security program for that airport.

(2) An airport authority shall draw up a security program (also referred to as a "security plan" in terms of section 155 of the Act,) for the airport concerned providing for –

- (a) the role of and the specific tasks entrusted to airport authority staff, airport security officers, policing authorities, other government agencies (including health, customs, intelligence and immigration), domestic and foreign airline operators operating flights to and from the airport, tenants, municipal authorities and other authorities involved;
- (b) the establishment and terms of reference of a local airport security committee which shall include all entities engaged in the operation of the airport and which contribute to the establishment and implementation of security measures;
- (c) distribution of reports and summaries on various security aspects of the airport, security information circulars, security surveys, security incidents and screening reports as well as communications to all relevant entities and the media (if deemed necessary in the interests of aviation security);

- (d) description of the airport activities with specific reference to a general description of the airport, a description of the various areas and sectors thereof, its hours of operation, and the activities of organizations operating at or using the airport;
- (e) a description of the security measures applicable to airport security, security control of passengers and hand baggage, security control of hold baggage, cargo, mail and small parcels, certain categories of passengers including VIPs, diplomats, staff members, disabled passengers, inadmissible persons, deportees and escorted passengers, the control of firearms and weapons, the security of aircraft and security equipment and specifications;
- (f) the designation of responsibilities in respect of the approval, procurement, installation, operation and maintenance of security equipment;
- (g) details as to the number, location maintenance, calibration and maintenance of security equipment, including X-ray equipment, explosives detection equipment, hand-held and walk-through metal detectors, simulation chambers, explosive detection dogs and explosive disposal equipment;
- (h) guidelines for the establishment of an appropriate contingency plan in response to acts of unlawful interference including information pertaining to the responsibilities for command control and communications procedures, hostage negotiation procedures, designated aircraft parking locations, incident site access and control, communications equipment guidelines on dealing with the media and the public;
- (i) practical and theoretical training instructions for airport authority and security personnel of an airport, aircraft operators and regulated agents, police, military, customs and immigration personnel, aircraft crew members and other airport personnel; and
- (j) the process to be followed to effect changes to equipment, infrastructure, procedures and contracted security companies.

Air Carrier Security Program

111.01.4 (1) An air carrier shall designate a security officer who shall be charged with ensuring compliance with legislation applicable to the security of its operations.

(2) Every air carrier shall draw up a security program (also referred to as a "security plan" in terms of section 155 of the Act), for flights undertaken as a scheduled public air transport service or undertaken as a scheduled international public air transport service by that air carrier which shall provide for –

- (a) the line of command of the air carrier's executive management for security related functions;
- (b) the security structure of the air carrier and its charter of duties;

- (c) receipt and dissemination of and accountability for security information circulars, as well as reports and surveys;
- (d) the procedures regarding the channels and methods of communication of information subject to section 107 of the Act;
- (e) a description of the air carrier's activities together with the policy and procedures relating to the security of each activity;
- (f) the security measures in effect in regard to air carrier security, the security control of passengers, hand baggage, checked baggage, cargo, mail, small parcels courier services, measures relating to certain categories of passengers including VIPs, diplomats, staff members, disabled passengers, inadmissible passengers, deportees and escorted passengers, the carriage of firearms and weapons, the security of aircraft and security equipment; and
- (g) contingency and emergency plans in respect of acts of unlawful interference including the unlawful seizure of aircraft, sabotage, extortion, bomb threats and interference with staff as well as the training of staff (including security staff) and must be in accordance with the airport security and airport contingency measures;

Air Traffic and Navigation Services Security Program

111.01.5 (1) The Air Traffic and Navigation Services Company shall designate a security officer who shall be charged with ensuring compliance with legislation applicable to security at its air navigation facilities.

(2) The Air Traffic and Navigation Services Company shall draft a security program providing for –

- (a) the protection of ATSU's, communication facilities and radio navigation aids and surveillance facilities by appropriate measures, which may include intrusion detection systems;
- (b) the inspection of control towers, communication facilities and radio navigation aids by relevant maintenance technicians and security staff;
- (c) the procedures for the control of access to Air Traffic and Navigation Services Company facilities;
- (d) the procedures to be followed where unlawful interference of aircraft is known or suspected or in the event where a bomb threat warning has been received; and
- (e) the additional procedures to be followed when a threat is received indicating that a bomb or other explosive device has been placed on board a known aircraft.

General Security Program pertaining to other aviation participants

111.01.6 (1) An aviation participant designated by the Minister shall designate a security officer who shall be charged with ensuring compliance with legislation applicable to its activities.

(2) Other aviation participants as designated by the Minister in terms of section 111(1) (d) of the Act shall draft a security program providing for –

- (a) the compliance with the requirements contained in the National Aviation Security Programme as far as it is applicable; and
- (b) compliance with the provisions of the airport, air carrier and the Air Traffic and Navigation Services Company security programmes as far as they are applicable.

Review of the National Aviation Security Program and other aviation security programs

111.01.7 (1) The Department of Transport shall review the National Aviation Security Program on a regular basis in consultation with the Authority and relevant security agencies.

(2) The Authority shall review the other aviation security programs referred to in section 111(1) of the Act on a regular basis and submit recommendations for approval to the Minister.

PART 112: AIRCRAFT PASSENGER IDENTIFICATION

List of regulations

- 112.00.1 Identification requirements
- 112.00.2 Verification of personal information
- 112.00.3 Non-compliance with identification requirements
- 112.00.4 Powers of authorised person

Identification requirements

112.00.1 Any person 18 years and older who is either –

- (a) departing as a passenger from an aerodrome in the Republic of South Africa on a scheduled public air transport flight to a destination either within the Republic of South Africa or outside the borders of the Republic of South Africa; or
- (b) arriving as a passenger at an aerodrome in the Republic of South Africa on a scheduled public air transport flight to a destination within the Republic of South Africa or to a destination outside the borders of the Republic of South Africa, is required to produce a valid identification document to the relevant air carrier, at the boarding gates, before boarding the aircraft concerned.

Verification of personal information

112.00.2 (1) The details on the personal identification document, including the name, date of birth and gender of the person concerned, must correspond to the details in the air carrier's possession in respect of the intended passenger.

(2) The name of the person appearing on the identification document or passport must correspond to the name of the person appearing on the issued boarding pass.

(3) The air carrier shall confirm that the person checking in baggage is the same person who is to be a passenger on the flight and who has been issued with a boarding pass, or is to be issued with a boarding pass.

Non-compliance with identification requirements

112.00.3 (1) A person whose identity cannot be verified in terms of sub-regulations (2) and (3) shall be refused carriage, without recourse to the air carrier concerned, unless some other form of personal identification that is acceptable to the air carrier concerned, is provided.

(2) A person whose form of personal identification as referred to in sub-regulation (1), is not acceptable to the air carrier concerned, may be required to undergo additional security screening.

Powers of an authorised person

112.00.4 An authorised person appointed in terms of section 88(1) of the Act is authorised to request a person referred to in sub-regulation (2) for his or her personal identification documentation for verification purposes.

PART 121: AIR TRANSPORT OPERATIONS – CARRIAGE ON AEROPLANES OF MORE THAN 19 PASSENGERS OR CARGO**List of regulations****SUBPART 1: GENERAL**

- 121.01.1 Applicability
- 121.01.2 Admission to flight deck
- 121.01.3 Passenger intoxication and unruly behaviour
- 121.01.4 Compliance with foreign and domestic regulations
- 121.01.5 Regulatory infractions during emergency situations
- 121.01.6 Language proficiency

SUBPART 2: OPERATIONS PERSONNEL REQUIREMENTS

Division One: Minimum crew requirements

- 121.02.1 Composition of flight crew
- 121.02.2 Crew pairing and in-flight relief of flight crew members
- 121.02.3 Flight and cabin crew member emergency duties
- 121.02.4 Cabin crew member complement
- 121.02.5 Operation on more than one type or variant by cabin crew member
- 121.02.6 Senior cabin crew member
- 121.02.7 Cabin crew emergency evacuation stations
- 121.02.8 Seating of cabin crew members during flight

Division Two: Flight crewmember, cabin crew member and flight operations officer qualifications

- 121.02.9 Flight crew member qualifications
- 121.02.10 Flight engineer qualifications
- 121.02.11 Cabin crew member qualifications
- 121.02.12 Flight operations officer qualifications

Division Three: Flight time and duty limitations

- 121.02.13 Flight time and duty period scheme

SUBPART 3: TRAINING AND CHECKING**Division One: General**

- 121.03.1 Air service operator approved training programme
- 121.03.2 Approval of training programme

Division Two: Flight crew member training

- 121.03.3 Flight crew member training
- 121.03.4 Advanced qualification programme

Division Three: Training of cabin crew members

- 121.03.5 Aeroplane type and differences training
- 121.03.6 Operator induction training
- 121.03.7 Familiarisation flights
- 121.03.8 Recurrent training
- 121.03.9 Regaining qualification training

Division Four: Training of persons other than flight and cabin crew members

121.03.10 Employees and service agent training

Division Five: Training, checking, certification and validity

121.03.11 Training, checking, certification and validity periods

SUBPART 4: DOCUMENTATION AND RECORDS

- 121.04.1 Documentary requirements
- 121.04.2 Operations manual
- 121.04.3 Aircraft operating manual
- 121.04.4 Aircraft flight manual
- 121.04.5 Operational flight plan
- 121.04.6 Flight time and duty period records
- 121.04.7 Records of emergency and survival equipment
- 121.04.8 Training records
- 121.04.9 Load and trim sheet
- 121.04.10 Aeroplane search procedure checklist
- 121.04.11 Preservation of documents
- 121.04.12 Cosmic radiation records

SUBPART 5: AEROPLANE INSTRUMENTS AND EQUIPMENT

- 121.05.1 Approval of instruments and equipment
- 121.05.2 Flight, navigation and associated equipment for aeroplanes operated under VFR
- 121.05.3 Flight, navigation and associated equipment for aeroplanes operated under IFR
- 121.05.4 Altitude alerting system
- 121.05.5 Terrain awareness and warning system
- 121.05.6 Airborne weather radar equipment
- 121.05.7 Cosmic radiation detection equipment
- 121.05.8 Flight deck crew interphone system
- 121.05.9 Flight crew interphone system
- 121.05.10 Public address system
- 121.05.11 Windshield wipers
- 121.05.12 Internal doors and curtains
- 121.05.13 First aid, emergency and universal precaution kits
- 121.05.14 Means for emergency evacuation
- 121.05.15 Airborne collision avoidance system
- 121.05.16 Passenger cabin signs and placards
- 121.05.17 Flight recorders
- 121.05.18 Flight data recorders
- 121.05.19 Cockpit voice recorders

- 121.05.20 Data link recorders
- 121.05.21 Life saving equipment during flight over water
- 121.05.22 Equipment requirements for aeroplanes on long range over water flights
- 121.05.23 Cabin attendant seats
- 121.05.24 Emergency locator transmitter
- 121.05.25 Microphones

SUBPART 6: AIR OPERATOR CERTIFICATE

- 121.06.1 Requirements to hold AOC
- 121.06.2 Application for the issuance or amendment of AOC and operations specifications
- 121.06.3 Application, adjudication of and issuance of AOC or operations specifications
- 121.06.4 Validity and status of AOC
- 121.06.5 Safety and security inspections and audits
- 121.06.6 Administrative duties of an AOC holder
- 121.06.7 Register of AOCs
- 121.06.8 Demonstration flights

SUBPART 7: FLIGHT OPERATIONS

Division One: General

- 121.07.1 Routes and areas of operation and aerodrome facilities
- 121.07.2 Establishment of procedures
- 121.07.3 Competence of operations personnel
- 121.07.4 Use of air traffic services
- 121.07.5 Single-engine aeroplane operations
- 121.07.6 Defect reporting
- 121.07.7 Instrument approach and departure procedures
- 121.07.8 Noise abatement procedures
- 121.07.9 Reporting of hazardous flight conditions
- 121.07.10 Refuelling and defuelling with passengers on board
- 121.07.11 Reporting acts of unlawful interference
- 121.07.12 Cabin and flight deck signals

Division Two: Dispatch and flight release rules

- 121.07.13 Operational control and supervision of flight operations
- 121.07.14 Contracted services for an operational control system
- 121.07.15 Operational flight plan and flight release
- 121.07.16 Familiarity with weather conditions and technical data
- 121.07.17 Retention of flight operation documents and reports
- 121.07.18 Maintenance status

- 121.07.19 Requirements for minimum equipment lists
- 121.07.20 Aerodrome operating minima
- 121.07.21 Minimum flight altitudes
- 121.07.22 Ditching
- 121.07.23 Fuel policy
- 121.07.24 Fuel supply and record keeping
- 121.07.25 Operation of aircraft in icing conditions
- 121.07.26 Surface contamination programme
- 121.07.27 Reduced vertical separation minima – aeroplane monitoring
- 121.07.28 Inertial navigation systems and inertial reference systems
- 121.07.29 Mass and balance control
- 121.07.30 Low visibility operations
- 121.07.31 Operations with head-up displays or enhanced vision systems
- 121.07.32 Operations with electronic flight bags

Division Three: Cabin safety

- 121.07.33 Carriage of infants
- 121.07.34 Carriage of persons with a disability
- 121.07.35 Limitations on carriage of children and passengers with disability
- 121.07.36 Carriage of persons without documentation, deportees or persons in custody
- 121.07.37 Carry-on baggage
- 121.07.38 Hold baggage screening
- 121.07.39 Securing of passenger, cabin and galley
- 121.07.40 Passenger services
- 121.07.41 Seats for cabin safety inspectors
- 121.07.42 Briefing of passengers
- 121.07.43 Safety features card

SUBPART 8: AEROPLANE PERFORMANCE OPERATING LIMITATIONS

- 121.08.1 General requirements
- 121.08.2 Take-off mass limitations
- 121.08.3 Net take-off flight path
- 121.08.4 *En route* limitations with one engine inoperative
- 121.08.5 *En route* limitations with two engine inoperative
- 121.08.6 Dispatch limitations: landing at destinations and alternate aerodromes
- 121.08.7 Dispatch limitations: wet runway – turbojet-or turbofan- powered aeroplanes
- 121.08.8 Landing at destination and alternate aerodromes
- 121.08.9 Landing on dry runways
- 121.08.10 Landing on wet and contaminated runways

SUBPART 9: MAINTENANCE

- 121.09.1 General
- 121.09.2 Aeroplane maintenance programme

- 121.09.3 Maintenance contracted to approved AMO
- 121.09.4 Operator's maintenance responsibilities
- 121.09.5 Operator's maintenance control manual
- 121.09.6 Maintenance records
- 121.09.7 Continuing airworthiness information
- 121.09.8 Modifications and repairs

SUBPART 10: SAFETY AND QUALITY MANAGEMENT SYSTEMS

Division One: Safety management system

- 121.10.1 Requirement for safety management system
- 121.10.2 Components of safety management system
- 121.10.3 Development and approval of safety management manual
- 121.10.4 Establishment and structure of safety management system
- 121.10.5 Holder of more than one certificate
- 121.10.6 Size and complexity

Division Two: Quality management system

- 121.10.7 Requirement for quality management system

SUBPART 1: GENERAL

Applicability

121.01.1 (1) This Part applies to –

- (a) any South African operator, engaged in a commercial air transport operation, using an aeroplane registered in the Republic of South Africa –
 - (i) having a maximum certificated passenger seating capacity of 20 or more as authorized on the initial type certificate issued to such aeroplane;
 - (ii) operating in an all-cargo configuration having a maximum certificated take-off mass of greater than 8 618 kg;
 - (iii) that is authorized by the Director to be operated under this Part ; or
 - (iv) that is required by the Director to be operated under this Part, based on the size or complexity of the aeroplane;
- (b) any aircraft that is authorised by the Director to be operated under this Part;