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GOVERNMENT NOTICE

Notice 1163 of 1999

DEPARTMENT OF TRANSPORT

AVIATION ACT, 1962

PROPOSED AMENDMENT OF THE CIVIL AVIATION REGULATIONS.

Under Regulation 11.03.2(1)(a) of the Civil Aviation Regulations, the Chairperson of the Regulations Committee hereby publishes, for comment, the proposed Amendment to the Civil Aviation Regulations, 1997, as set out in the Schedules. Any comments or representations on this proposed amendments should be lodged in writing with the Chairperson of the Regulations Committee, for attention of Mr Levers Mabaso, Private Bag X 193, Pretoria, 0001, Fax No. (012) 323-7007 or E-mail at: Mabasol@NDOT.PWV.GOV.ZA, before or on 1 November 1999.

CIVIL AVIATION REGULATIONS

SCHEDULE 1

PROPOSAL FOR THE AMENDMENT OF REGULATION 1.00.1

PROPOSER

Civil Aviation Authority
Private Bag X08
Waterkloof
0145

Proposed amendment (addition to definitions)
Regulation 1.00.1

" **marine pilot operations** " means the transport of marine pilots to and from ships entering or leaving a harbour by means of a helicopter which operations will only be conducted within the boundaries of a harbour and the marine pilot boarding area, seawards of a harbour."

Current regulation
1.00.1

New definition to be inserted in regulation 1.00.1.

Motivation

To restrict operations under special VFR, for the placement of marine pilots on board ships, to over-water area only.

SCHEDULE 2

PROPOSAL FOR THE AMENDMENT OF REGULATION 43.02.5

PROPOSER

Civil Aviation Authority
Private Bag X08
Waterkloof
0140

Proposed amendment

Regulation 43.02.5

"Maintenance for IFR or Public Transport Operations

Any person who carries out an inspection of or maintenance of an aircraft radio station in an aircraft to be used under **IFR or public transport operations**, shall carry out the inspection as prescribed in Document SA-CATS-GMR."

Current Regulation

43.02.5

"Maintenance for IFR Operations

Any person who carries out an inspection of or maintenance of an aircraft radio station in an aircraft to be used under **IFR**, shall carry out the inspection as prescribed in Document SA-CATS-GMR."

Motivation

A large percentage of aircraft registered are used for public transport operations, and there is no control over the maintenance/calibration/accuracy of the navigation equipment on these aircraft. In the interest of public safety, it is recommended that the mentioned regulation be changed.

SCHEDULE 3

PROPOSAL FOR THE AMENDMENT OF REGULATION 91.06.5

PROPOSER

Aeroclub
PO Box 1993
Halfway House
1685

Proposed amendment

Regulation 91.06.5 (1)

"Operation of vehicle- or vessel-towed aircraft

(1) Except with the prior written approval of the Commissioner and subject to such conditions as he or she may impose, an aircraft which is intended, for purposes of flight, to be towed by a vehicle or vessel travelling on the surface or to be moored on the surface, shall not

- a. be flown higher than 150 feet above the surface on which the towing vehicle or vessel is travelling or to which such aircraft is moored;
- b. be flown closer than five nautical miles from the boundary of an aerodrome; or
- c. take-off from, land on or be flown above any public road.

"(2) The provisions of subregulation (1) a and (b) shall not apply to the winching or towing of gliders and hang gliders at the aerodrome of departure."

Current regulation

91.06.5

"(1) Except with the prior written approval of the Commissioner and subject to such conditions as he or she may impose, an aircraft which is intended, for purposes of flight, to be towed by a vehicle or vessel travelling on the surface or to be moored on the surface, shall not-

- a. be flown higher than 150 feet above the surface on which the towing vehicle or vessel is travelling or to which such aircraft is moored;
- b. be flown closer than five nautical miles from the boundary of an aerodrome; or
- c. take-off from, land on or be flown above any public road.

(2) The provisions of subregulation (1)(a) and (b) shall not apply to the winching or towing of gliders at the aerodrome of departure."

Motivation

Besides footlaunching of hang gliders and paragliders off mountains, winching is also a method of launching hang gliders and paragliders. Winching hang gliders and paragliders off airfields is becoming a very popular method in flatland areas where no suitable mountains are available.

SCHEDULE 4

PROPOSAL FOR THE AMENDMENT OF REGULATION 91.06.22

PROPOSER

Civil Aviation Authority
Private Bag X08
Waterkloof
0145

Proposed amendment

Regulation 91.06.22

Creation of sub-paragraphs (1) and (2)

"(1) A pilot-in-command of an aeroplane may conduct special VFR operations in weather conditions below the conditions prescribed in regulation 91.06.21 within a control zone-

- a. under the terms of an air traffic control clearance;
- b. by day only;
- c. clear of clouds;
- d. with a ceiling of at least 600 feet and visibility of at least 11 500 m;
- e. in an aeroplane equipped with two-way radio equipment capable of communicating with an air traffic service unit on the appropriate frequency; and
- f. if leaving the control zone, in accordance with instructions issued by an air traffic service unit prior to departure.

(2) A pilot-in-command of a helicopter may conduct a special VFR flight for marine pilot operations only in weather conditions below the conditions prescribed in regulation 91.06.21 within a control zone-

- a. under the terms of an air traffic control clearance;
- b. by day and night;
- c. clear of clouds;
- d. with a ceiling of at least 300 feet and visibility of at least 900m;
- e. in a Class 1 helicopter with a MEL that complies with IFR/Night operations;
- f. if leaving the control zone, in accordance with instructions issued by an air traffic service unit prior to departure."

Current regulation

91.06.22

"A pilot-in-command of an aircraft may conduct special VFR operations in weather conditions below the conditions prescribed in Regulations 91.06.21 within a control zone-

- a. under the terms of an air traffic control clearance;
- b. by day and night;
- c. clear of clouds;
- d. with a ceiling of at least 300 feet and visibility of at least 900m;
- e. in a Class 1 helicopter with a MEL that complies with IFR/Night operations;
- f. if leaving the control zone, in accordance with instructions issued by an air traffic service unit prior to departure."

Motivation

An exemption for 89 days was granted to an operator in Durban to fly Marine Pilots with helicopters from the harbours in Durban and Richards Bay to ships entering and leaving harbours. No legislation exists to allow operators to continue this type of operations on a 24hour basis. The rationale behind this request is to allow a helicopter to continue operating under special VFR conditions, day and night, in an environment with minimal risk. As this is only possible over the sea, the term "marine pilot operations" must be defined in Part 1 (Definitions).

SCHEDULE 5

PROPOSAL FOR THE AMENDMENT OF REGULATION 91.10.2

PROPOSER

Civil Aviation Authority
Private Bag X08
Waterkloof
0140

Proposed amendment to Part 91.10 of the Regulations

Insertion of regulations 91.10.2 to 91.10.7

"91.10.2 Requirements applicable to logbooks.

91.10.2 (1) The following logbooks shall be kept in respect of South African registered aircraft and in respect of other specified equipment for the purpose of recording therein the maintenance history of the equipment to which each relates:

- a. an aircraft logbook for each aircraft;
- b. an engine logbook for each aircraft engine;
- c. a propeller logbook for each propeller.

(2) The provisions of subregulation (1) shall not apply to aircraft which do not qualify for the issue of a certificate of airworthiness.

(3) Logbooks to be kept in terms of subregulation (1) shall conform to such format as the Commissioner may from time to time prescribe in an AIC.

(4) Logbooks should preferably be kept at the aircraft's base of operation. Details in respect of maintenance carried out while away from base shall be transferred to the appropriate logbook or logbooks within 48 hours after the return of the aircraft to its base of operation or entered within 48 hours on completion of any maintenance performed on the aircraft or installed equipment at a base other than its base of operation.

(5) All logbooks to be kept and maintained in terms of the preceding subregulations shall on demand be made available at all times for inspection by an authorised person.

Preservation of logbooks

91.10.03 (1) The logbooks required to be kept in accordance with this Part shall be preserved in a safe place at all times and for a period of six months after the date of destruction of the airframe, engine or propeller for which they were kept.

(2) Logbooks shall not be carried in the aircraft to which they relate unless the aircraft is flown to a place where the logbooks are required for compliance with maintenance to the aircraft. Where a logbook is carried on board an aircraft a suitable record of the last inspection performed shall be maintained at the base of operation of the aircraft.

Entries in logbooks

91.10.4 (1) Entries in the logbooks required to be kept in accordance with this Part shall be made and signed by the holder of an appropriate licence or by a person approved by the Commissioner, except that matters which could not have come to the notice of the holder of an appropriate licence or an approved person shall be entered and signed by the pilot-in-command.

(2) Any record kept for the purpose of compiling a logbook or any other technical data relating to the airworthiness of an aircraft or component shall be produced when called for in the event of any inspection or investigation.

(3) All entries made in logbooks shall furnish the information and particulars provided for in the relevant logbook.

Entries of special significance

91.10.5 When repairs to an aircraft, aircraft engine or component or fixed or removable equipment have been required in consequence either of damage caused by a forced landing or of defects which have occasioned a forced landing or any other incident the entry or entries made in the relevant logbook or books in respect of such repairs shall state that they have been so required and shall identify the forced landing or incident in question.

How logbooks are to be maintained

91.10.6 The logbooks referred to in this Part shall be kept up to date and maintained in ink in a legible manner and reasonable condition and in accordance with the "Instructions for use" in the relevant logbook.

Lost Records

91.10.7 In the event that required maintenance records have been lost or destroyed, alternative proof should be provided that the tasks in question have been performed. (ref. ICAO Doc 9642)."

Current Regulation

91.10.2

New regulation.

Motivation

The CARs do not directly imply that aircraft logbooks are a requirement. Further to this they however do not indicate what logbooks should be kept for an aircraft. By implication the CAR do however indicate in Part 43.02.13 (1) "Any person who carries out maintenance on an aircraft or aircraft component shall record, on completion of the maintenance (a) details of the maintenance etc. (2) The person who carried out the maintenance shall record the details referred to in sub-regulation (1) in the appropriate logbooks or in a maintenance record approved by the Commissioner.

The term, "appropriate logbook" leaves a lot to be desired as interpretation varies from operator to operator. ICAO Doc Annex 6 chapter 8 subparagraph 8.8 (Records) indicates that detailed maintenance records to show that all requirements in the maintenance manual for issuance of a maintenance release have been met.

SCHEDULE 6

PROPOSAL FOR THE AMENDMENT OF REGULATION 121.06.4(2)

PROPOSER

The Commercial Aviation Association of Southern Africa
PO Box 7283
Halfway House
1685

Proposed amendment (relating to period of validity of operating certificate)

121.06.4(2)

"If the holder of an operating certificate applies at least 30 days prior to the expiry thereof for a renewal of the 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 Commissioner of the result of the application for the issuing of the renewed operating certificate."

Current regulation

121.06.4(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 Commissioner of the result of the application for the issuing of a new operating certificate."

Motivation

Members have complained that they are being asked to pay the fees for a new application of the Operating Certificate as referred to in Part 187.00.12(a) or 187.00.13 (a) or 187.00.14(a) when applying only for renewal where the fees detailed in 187.00.12(c) etc. are less.

The Renewal Certificate may be a piece of paper but it is not new in terms of the correctly applied for renewal application.

SCHEDULE 7

PROPOSAL FOR THE AMENDMENT OF REGULATION 127.06.4(2)

PROPOSER

The Commercial Aviation Association of Southern Africa
PO Box 7283
Halfway House
1685

Proposed amendment (relating to the period of validity of operating certificate)
127.06.4(2)

"If the holder of an operating certificate applies at least 30 days prior to the expiry thereof for a renewal of the 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 Commissioner of the result of the application for the issuing of the renewed operating certificate."

Current regulation
127.06.4(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 Commissioner of the result of the application for the issuing of a new operating certificate."

Motivation

Members have complained that they are being asked to pay the fees for a new application of the Operating Certificate as referred to in Part 187.00.12(a) or 187.00.13 (a) or 187.00.14(a) when applying only for renewal where the fees detailed in 187.00.12(c) etc. are less.

The Renewal Certificate may be a piece of paper but it is not new in terms of the correctly applied for renewal application.

SCHEDULE 8

PROPOSAL FOR THE AMENDMENT OF REGULATION 127.07.8(1)

PROPOSER

Civil Aviation Authority
Private Bag X08
Waterkloof
0140

Proposed amendment (relating to offshore operations helicopters)
Regulation 127.07.8(1)

Addition of sub-paragraph (d)

"(d) only onshore alternate heliports are used."

Current regulation

127.07.8(1)

"The operator of a commercial air transport helicopter shall ensure that in the case of flights over water-

- a. radio contact is maintained with his or her shore base or other flight-monitoring station;
- b. a full compliment of flight crew to operate the helicopter and its safety equipment under normal emergency conditions; and
- c. the helicopter is equipped for flights over water in terms of these regulations."

Motivation

The Civil Aviation Regulations, 1997, do not make provision for extended offshore helicopter operations. This is not surprising because this type of operation is not common to the RSA with only the Mosgas platform in our Southern waters and two or three platforms off the Namibian coast inside the restricted diamond area.

It is likely that this situation will remain the same for some years to come and thus eliminate the requirement for extended offshore helicopter operations and therefore offshore alternates,

SCHEDULE 9

PROPOSAL FOR THE AMENDMENT OF REGULATION 135.06.4(2)

PROPOSER

The Commercial Aviation Association of Southern Africa
PO Box 7283
Halfway House
1685

Proposed amendment (relating to the period of validity of operating certificate)

Regulation 135.06.4(2)

"If the holder of an operating certificate applies at least 30 days prior to the expiry thereof for a renewal of the 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 Commissioner of the result of the application for the issuing of the renewed operating certificate."

Current regulation

135.06.4(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 Commissioner of the result of the application for the issuing of a new operating certificate."

Motivation

Members have complained that they are being asked to pay the fees for a new application of the Operating Certificate as referred to in Part 187.00.12(a) or 187.00.13 (a) or 187.00.14(a) when applying only for renewal where the fees detailed in 187.00.12(c) etc. are less.

The Renewal Certificate may be a piece of paper but it is not new in terms of the correctly applied for renewal application.

SCHEDULE 10

PROPOSAL FOR THE AMENDMENT OF REGULATION 138.03.2(c)

PROPOSER

Civil Aviation Authority
Private Bag X08
Waterkloof
0145

Proposed amendment (relating to pilot qualifications-emergency services operations)
Regulation 138.03.2(c)

Amendment of sub-paragraph (c) (relating to pilot qualifications)

"The pilot of an aircraft engaged in an emergency medical services (EMS) operation shall-

in the case of a helicopter engaged in an emergency medical service operation, have completed not less than 1000 hours flight time as pilot-in-command of a helicopter, of which not less than-

- i. 25 hours shall be as pilot-in-command or 50 hours at the controls of the type of helicopter operated; or
- ii. 50 hours shall be as pilot-in-command at the controls of the helicopter, if the helicopter is the first multi-engine helicopter to be flown by such pilot."

Current regulation

138.03.2(c)

"The pilot of an aircraft in an emergency medical services (EMS) operation shall

in the case of a helicopter engaged in an emergency medical service operation, have completed not less than 2000 hours flight time as pilot-in-command of a helicopter, of which not less than-

- i. 5 hours shall be as pilot-in-command or at the controls of the type of helicopter operated; or
- ii. 10 hours shall be as pilot-in-command at the controls of the helicopter, if the helicopter is the first multi-engine type helicopter to be flown by such pilot."

Motivation

Most EMS operators make use of freelance pilots and must therefore have a sufficient amount of qualified pilots on which they can call upon to guarantee the EMS. The required hours as pilot-in-command at present is extremely high compared to the hours required on type. The change as proposed, will not be detrimental to aviation safety, but will most definitely benefit the community at large.

SCHEDULE 11**PROPOSAL FOR THE AMENDMENT OF REGULATION 139.01.33****PROPOSER**

Civil Aviation Authority
Private Bag X08
Waterkloof
0145

Proposed amendment

Regulation 139.01.33

"Obstacle limitation and marking outside aerodrome or heliport

(1) All objects, whether temporary or permanent, which project above the horizontal surface within a specified radius of the aerodrome reference point should be marked as specified - refer Annex 14

(2) Any other object which projects the horizontal surface beyond these radii (refer annex 14) or above the conical surface and which constitutes a potential hazard to aircraft shall be marked as specified (Annex 14)

(3) Buildings or other obstructions which will constitute an obstruction or potential hazard to aircraft moving in the navigable air space in the vicinity of an aerodrome, or navigation aid, or which will adversely affect the performance of the radio navigation or instrument landing systems, shall not be erected or allowed to come into existence without the prior approval of the Commissioner for Civil Aviation.

(4) No buildings or structures higher than 45 metres above the mean level of the landing area, or, in the case of a water aerodrome or heliport, the normal level of the water, shall without the approval of the commissioner be erected within a distance of 8km measured from the nearest point on the boundary of an aerodrome or heliport.

(5) No building, structure or other obstruction which projects above a slope of 1 in 20 and which is within 3000 metres measured from the nearest point on the boundary of a aerodrome or heliport shall, without the prior approval of the commissioner, be erected or be allowed to come into existence.

(6) No building, structure or other obstruction which will project above the approach, transitional or horizontal surfaces of a aerodrome or heliport shall, without the prior approval of the commissioner, be erected or allowed to come into existence.

7) In cases where a special circumstances do not permit the requirements of these regulations to be met, the commissioner may in public interest grant exemption from compliance with any or all the provisions of this Chapter."

Current regulations

139.01.33

"(1) No buildings or structures higher than 45 metres above the mean level of the landing area, or, in the case of a water aerodrome or heliport, the normal level of the water, shall without the approval of the commissioner be erected within a distance of 8km measured from the nearest point on the boundary of an aerodrome or heliport.

(2) No building, structure or other obstruction which projects above a slope of 1 in 20 and which is within 3000 metres measured from the nearest point on the boundary of a aerodrome or heliport shall, without the prior approval of the commissioner, be erected or be allowed to come into existence.

(3) No building, structure or other obstruction which will project above the approach, transitional or horizontal surfaces of a aerodrome or heliport shall, without the prior approval of the commissioner, be erected or allowed to come into existence."

Motivation

It is felt that the withdrawal of the **AIRPORT REGULATIONS of 1982** from THE AVIATION LEGISLATION IN SOUTH AFRICA left a gap as far as obstacles is concerned and structures that could endanger aircraft. The current section 139.01.33 only deals with licenced aerodromes/heliports in this regard and only within 8km from such facility thus excluding all unlicenced aerodromes and also obstacles/obstruction beyond the 8km limit which constitutes a potential hazard to aircraft. Re-introducing amended sections 2.15 and 2.16 from the AIRPORT REGULATIONS of 1982 can address these problems.

SCHEDULE 12

PROPOSAL FOR THE AMENDMENT OF REGULATION 187.00.19

PROPOSER

Civil Aviation Authority
Private Bag X08
Waterkloof
0145

Proposed amendment (relating to fees)
Regulation 187.00.19

The relevant CAR regulation 187.00.19 should read:-

"Fees relating to Part 148

187.00.19 The following fees should be payable upon application

(a) for a copy of the register of manufacturing organisation approvals (regulating 148.01.7(5))
(b) i. for the issuing of a manufacturing organisation approved with a M rating (regulation 148.02.6(b)(i))
ii. for the amendment of a manufacturing organisation approval with a M rating (regulation 148.02.6(b)(i))
(c) for the renewal of a manufacturing organisation approval with a M rating (regulation 148.02.15(1)(a)(i))
(d) i. for the issuing of a manufacturing organisation approved with a P rating (regulation 148.03.6(b)(i))
ii. for the amendment of a manufacturing organisation approval with a P rating (regulation 148.03.6(b)(i))
(e) for the renewal of a manufacturing organisation approval with a P rating (regulation 148.03.15(1)(b)(i))
(f) i. for the issuing of a manufacturing organisation approved with a T rating (regulation 148.04.6(b)(i))
ii. for the amendment of a manufacturing organisation approval with a T rating (regulation 148.03.6(b)(i))
(g) for the renewal of a manufacturing organisation approval with a T rating (regulation 148.04.15(1)(b)(i))
(h) for the issuing of a duplicate manufacturing organisation approval
(h) for the issue, amendment or renewal of a manufacturing organisation approval outside the borders of RSA (regulations 148.02.6(b)(i), 148.02.15(1)(a)(i), 148.03.6(b)(i), 148.03.15(1)(b)(i), 148.04.6(b)(i), 148.04.15(1)(b)(i):

Table A

Additional fee per Employee	
0-5	R500 per employee
6-10	R2500 + R250 per employee more than 5
11-20	R3750 + R150 per employee more than 10
21-50	R5250 + R50 per employee more than 20
51+	R6750 + R10 per employee more than 50"

Current Regulation

187.00.19

"Fees relating to Part 148

187.00.19 The following fees should be payable upon application:

(a)	for a copy of the register of manufacturing organisation approvals (regulating 148.01.7(5)) (R1.00 per page up to a n
(b)	i. for the issuing of a manufacturing organisation approved with a M rating (regulation 148.02.6(b)(i))
	ii. for the amendment of a manufacturing organisation approval with a M rating (regulation 148.02.6(b)(i))
(c)	for the renewal of a manufacturing organisation approval with a M rating (regulation 148.02.15(1)(a)(i))
(d)	i. for the issuing of a manufacturing organisation approved with a P rating (regulation 148.03.6(b)(i))
	ii. for the amendment of a manufacturing organisation approval with a P rating (regulation 148.03.6(b)(i))
(e)	for the renewal of a manufacturing organisation approval with a P rating (regulation 148.03.15(1)(b)(i))
(f)	i. (for the issuing of a manufacturing organisation approved with a T rating (regulation 148.04.6(b)(i))
	ii. for the amendment of a manufacturing organisation approval with a T rating (regulation 148.03.6(b)(i))
(g)	for the renewal of a manufacturing organisation approval with a T rating (regulation 148.04.15(1)(b)(i))
(h)	for the issuing of a duplicate manufacturing organisation approval
(i)	for each additional rating (per application)
(j)	for the inspection of an organisation for insurance of a Certificate of Approval per hour per inspection
(k)	for the application for the annual renewal of a Certificate of Approval
(l)	for the annual inspection for continued approval per hour per inspection

Motivation

CAA works on a cost recovering financial system. At this stage the issue of a Certificate of Approval is covered by the application fee. There is however a substantial shortfall of the actual man-hour and equipment costs relating to the renewal and amendment of the relevant Certificate of Approvals for Manufacturing Organisations.

The present fees are (CAR Part 148 organisations):

- i. For the issue of a manufacturing certificate, per rating
- ii. For the amendment of manufacturing certificate, per rating R 2 500 + VAT
- iii. For the renewal of a manufacturing certificate, per rating R 500 + VAT
- R 200 + VAT

The main difference between the fee structure between AMOs and MPTs is that the AMO fee structure makes provision for the size of the organisation being audited, by taking the number of employees working at the

organisation into considerations. (See CAR 187.00.16).

Average costs layout for a manufacturing organisation:-

DESCRIPTION	HOURS	RATE (R/hr)	AMOUNT (R)
2 Persons @ 3 hrs each	6	350	2100
Admin (C of Appr. Issue)	2	350	700
Admin (C of Appr. Amend)	1	350	350
Admin (C of Appr. Renewal)	0.5	350	175

Average total costs for the issue of a Manufacturing Licence R2800

Average total costs for the amendment of a Manufacturing Licence R2450

Average total costs for the renewal of a Manufacturing Licence R2275

It can be seen that the current fee of R2500.00 for the issue is realistic, but the fees of R200.00 renewal and R500.00 amendment, do also not cover the actual audit costs.