

GOVERNMENT NOTICE

DEPARTMENT OF TRANSPORT

No. R. 364

15 April 2005

AVIATION ACT, 1962 (ACT No. 74 OF 1962)

PROPOSED AMENDMENT TO THE CIVIL AVIATION REGULATIONS, 1997

Under regulation 11.03.2(1)(a) of the Civil Aviation Regulations, the Chairperson of the Civil Aviation Regulations Committee (CARCOM) hereby publishes for comment the proposed amendments to the Civil Aviation Regulations, 1997, as set out in the schedules. Any comments or representations on the proposed amendments should be lodged in writing with the Chairperson of the Regulations Committee, for attention Ms. Merriam Mamabolo or Mr. Herman Wildenboer, Private Bag 73 Halfway House, 1685, fax: (011) 545-1452, or e-mail at mamabolom@caa.co.za or wildenboerh@caa.co.za before or on 16 May 2005.

SCHEDULE 1

Proposer

Civil Aviation Authority
Private Bag X 73
Halfway House
1685

Explanation of interest of the Proposer

The proposer administers the Aviation Act, 1962 (Act No 74 of 1962) and regulations and technical standards issued in terms thereof

(All the proposals contained in this document emanates from the Authority)

1. PROPOSAL TO AMEND REGULATION 64.02.2 OF PART 67 OF THE REGULATIONS

1.1 Proposed amendment of regulation 64.02.2(Training) by the addition of sub-regulation (2):

"(2) The Commissioner may designate Cabin Crew Aviation Medical Examiners for the purpose of medical training for cabin crew members. The procedures and requirements will be as stipulated in Document SA-CATS-FCL".

1.2 MOTIVATION

The current provisions do not allow the Commissioner for Civil Aviation to designate cabin crew aviation medical examiners in respect of the training of cabin crew members.

1.3 CURRENT REGULATION

Not in existence.

SCHEDULE 2**2. PROPOSAL TO AMEND REGULATION 67.00.1 OF PART 67 OF THE REGULATIONS**

2.1 Proposed amendment of regulation 67.00.1 by the insertion of the following sub-regulation as sub-regulation (2):

"(2) The reference to the Commissioner in this Part shall be deemed to include officer's designated by the Commissioner to undertake any such duties as the Commissioner sees fit".

2.2 MOTIVATION

To enable the Commissioner to designate medical officers to perform duties on his behalf.

2.3 CURRENT REGULATION

Not in existence

SCHEDULE 3**3 PROPOSAL TO AMEND REGULATION 67.00.10 (1) OF PART 67 BY ITS RENUMBERING**

3.1 Proposed amendment of regulation 67.00.10 by renumbering It as regulation 67.00.10A (Validations)

3.2 MOTIVATION

The renumbering of regulation 67.00.10 as regulation 67.00.1 OA has become necessary due to the introduction of regulation 67.00.1 OB

3.3 CURRENT REGULATION

It is just a numbering change

SCHEDULE 4**4. PROPOSAL TO INSERT REGULATION 67.00.10B INTO PART 67 OF THE REGULATIONS**

4.1 Proposed insertion of regulation 67.00.103 into the Regulations

"Foreign medical examinations

67.00.10B

- (1) The Commissioner may recognize any foreign medical report, history and examination form and investigations issued by an appropriate authority for the purposes of renewing a flight crew member's licence.
- (2) This law shall apply to flight crew members who already hold a South African licence, are based outside the borders of the Republic, and are unable, for whatever reason, to come to South Africa to undergo a medical examination.
- (3) In case (2) above, it is the responsibility of the flight crew member to submit to the Commissioner all the medical records, which may include, but is not limited to, a history and examination form signed by the both the licence holder and the examining doctor registered with the appropriate authority, and all relevant investigations.

- (4) **The** Commissioner will than confirm that all the South African standards **have** been met by the licence holder.
- (5) All medical records submitted should be in English, or, if originally in a foreign language, translated into English by an appropriate person who will then sign.
- (6) The Commissioner reserves the right not to recognize any medical records if any doubt exists as to their authenticity.
- (7) Flight crew members who have undergone an examination by a South African registered AME based in a foreign country, and have been issued with the appropriate medical certificate, will be deemed to have undergone a South African medical examination.

4.2 MOTIVATION

- (1) **The current regulation addresses only validations and not foreign** medical assessments.
- (2) **It is sometimes** not possible for holders of a South African licence **to come to South Africa to undergo a** medical examination.
- (3) **Examinations and investigations done in foreign country will be similar to ones done in South Africa; there is thus** no need **to these to be done** twice
- (4) It is imperative that all holders of South African licences meet the same **medical standards**

4.3 CURRENT REGULATION

Not in existence

SCHEDULE 5

5. PROPOSAL TO ADD REGULATION 67.00.14 TO PART 67 OF THE REGULATIONS

5.1 Proposal to add regulation 64.00.14 **(Suspension, withdrawal or** cancellation of a medical certificate) **to Part 67**

"Suspension, withdrawal or cancellation of a medical certificate

67.00.14 (1)The Commissioner reserves the right to suspend, withdraw or cancel a medical certificate **should the holder be in breach of the regulations as** stipulated **in 67.00.09.**

(2) **Further to 67.00.9, the Commissioner** may suspend **or withdraw a** medical certificate if reasonable doubt/suspicion exists that **the holder poses a risk to** aviation safety by being in breach of the afore-mentioned regulations.

(3) **Further to (2)** above, reasonable doubt may include, but **is not limited to,** confidential reporting of a holder by **another aviator or a member of the public.**

(4) **Such suspicion may include, but is not limited to:**

- **Alcohol dependence, misuse and abuse**
- **Recreational and illicit drug and substance dependence, misuse and abuse**

(5) Such certificate may be suspended **or withdrawn,** provided:

- a. **The holder** is informed of the decision and the reasons for the decision
- b. Recorded **telephonic** conversations, e-mail, fax and postages **to the holders** address as appears on record **shall be** accepted **as the holder** being informed of **the decision.**

- c. The holder may be given an opportunity to present his/her case before the Commissioner, either in person, in representation or in writing within the stipulated period of the suspension or withdrawal.
 - d. The holder undertakes at his/her expense any examinations and investigations (which may include, but are not limited to, blood tests, urine tests, stool tests) as deemed appropriate and necessary by the Commissioner.
 - e. The Commissioner reserves the right to refer the holder to any practitioner, specialist or institution of the Commissioner's choosing, for the purposes of (d) above.
- (6) The Commissioner may take whatever other steps necessary to investigate any allegations of Risks to aviation safety.
- (7) Such suspension or withdrawal of a medical certificate in (5) shall be for a period not exceeding 30 days.
- (8) Failure of the holder to adhere to above stipulations may result in a fine (see Part 187), temporary or permanent cancellation of a medical certificate as the Commissioner sees fit.
- (9) Suspicion of being in contravention of Chapter XI, Section 5 of the National Road Traffic Act, 1996 (Act No. 3 of 1996) shall result in further investigation by the Commissioner, and may result in a fine (see Part 187), temporary or permanent cancellation of a medical certificate as the Commissioner sees fit.
- (10) Such temporary cancellation may be for a period deemed fair by the Commissioner, or until conditions as set out by the Commissioner are met by the holder

5.2 MOTIVATION

- (1) Although "duties of holder of medical certificate" appears in the regulations as 67.00.9, there is no penalty system attached to the regulation.
- (2) It is imperative that the Commissioner be able to suspend, withdraw or cancel a medical certificate if the holder is in breach of the regulations and poses a risk to aviation safety.

5.3 CURRENT REGULATION

Not in existence

SCHEDULE 6

6. PROPOSAL TO AMEND CERTAIN REFERENCES IN PART 67 OF THE REGULATIONS

6.1 Proposed amendment of the references to "designated body or institution" to read "designated officer(s), body/bodies or institution(s)"

The following regulations are affected by the said proposal (changes in bold and italic):

- 67.00.3 (1) The Commissioner may, subject to provisions of section 4(2) and (3) of the Act, designate **officer(s), body/bodies or institution(s)** to-
- 67.00.3 (2) The designation referred to in sub-regulation (1) ***pertaining only to body/bodies or institution(s)***, shall be made in writing and shall be published by the Commissioner in the Gazette within 30 days from the date of such designation.
- 67.00.4 (1) The Commissioner may, after consultation with the designated **officer(s), body/bodies or institution(s)**, designate aviation medical examiners.
- 67.00.4 (3) (b) (iii) defer the issuing of such medical certificate pending an appropriate Instruction from the designated **officer(s), body/bodies or Institution(s)**.

- 67.00.5 (3) (b)... to the designated **officer(s), body/bodies or institution(s)** for the verification of the application and the issuing of the medical certificate.
- 67.00.5 (5) On receipt of the documents referred to in sub-regulation (3), the designated **officer(s), body/bodies or institution(s)** shall-

67.00.5 (6) The designated officer(s), body/bodies or institution(s) may-
- **67.00.8 (2) (b) results of medical examinations or tests performed, to the designated officer(s), body/bodies or institution(s) for verification processes.**
- 67.00.8 (3) on receipt of the documents referred to in sub-regulation (), the designated **officer(s), body/bodies or institution(s)** shall verify.
- 67.00.8 (4) A medical certificate issued by a designated medical examiner, shall remain in force, subject to any requirement or limitation endorsed thereon and for the period for which it was issued: Provided that the designated **officer(s), body/bodies or institution(s)** may-

67.00.9(c) without undue delay, notify the designated **officer(s), body/bodies and institution(s)** of any-
- 67.00.9 (2) For the purpose of sub-regulation (1) (c), the holder of a medical certificate shall furnish the designated **officer(s), body/bodies or institution(s)** with proof that he or she is fully recovered from the decrease in medical fitness
- 67.00.9 (3) The holder of a Class 4 medical certificate shall, after the medical certificate has been issued to him or her, on an annual basis complete and submit to the designated **officer(s) body/bodies or institution(s)** the medical declaration as described in the Document SA-CATS-MR
- 67.00.10 (1) The Commissioner may, in consultation with the designated **officer(s), body/bodies or institution(s)** recognize any foreign medical report.
- 67.00.11 (1) (a) a decision by the designated **officer(s), body/bodies or institution(s)** in terms of
- 67.00.11 (1) (c) any endorsement made by the designated **officer(s), body/bodies or institution(s)** in terms of
- 67.00.11(3) The appellant shall submit a copy..., to the designated aviation medical examiner concerned or the designated **officer(s), body/bodies or institution(s)**, as the case may be,
- 67.00.11(4) The designated aviation medical examiner concerned or the designated **officer(s), body/bodies or institution(s)**, as the case may be,
- 67.00.11(7) The Commissioner may order the appellant and the designated aviation medical examiner concerned or the designated **officer(s), body/bodies or institution(s)**, as the case may be

62 MOTIVATION

The reference to designated officer(s), body/bodies or institution(s) need to be reflected in the pertinent regulations.

63 CURRENT REGULATIONS

As contained in paragraph 6.1 above, with the proposed changes effected in **bold and italics**

SCHEDULE 7

7. PROPOSAL To AMEND REGULATION 139.02.19 OF PART 139 OF THE REGULATIONS

7.1 Proposed amendment of regulation 139.02.19 by the insertion of paragraph (f) and the consequential renumbering of existing paragraphs (f) to (m) to paragraphs (g) to (n)

"(2) The holder of the licence shall ensure that-

paragraphs (a) to (e).....

- (f) *VHF Direction Finding (VDF) equipment is installed where an ATSLJ is present on the aerodrome and that it functions satisfactorily to the requirements and specifications as per Document SA-CATS- AH. This requirement may be omitted if the ATSU is serviced by surveillance radar.*
- (g) *the markings as prescribed in Document SA-CATS-AH , are maintained in a conspicuous condition, readily visible to aircraft in the air or manoeuvring on the ground;*
- (h) *the accommodation and facilities offered to the public are available and in a serviceable condition;*
- (f) *all apparatus installed by such holder to promote safety in flight, is functioning efficiently;*
- (g) *unserviceable areas on the landing terrain are appropriately marked as prescribed in Document SA-CATS-AH;*
- (k) *the Commissioner is informed whenever an aerodrome becomes unserviceable through any cause or whenever any portion of the surface of the landing area deteriorates to such an extent that the safety of an aircraft may thereby be endangered, and aircraft operations are limited to those portions of the aerodrome not rendered unsafe by those conditions;*
- (l) *Such reports on the condition of the aerodrome as may be required from time to time by the Commissioner, are submitted to the Commissioner;*
- (m) *The particulars of a foreign operator's permit are obtained and verified, in the case where a foreign aircraft which is used by virtue of such foreign operator's permit, issued in terms of section 26(1) of the International Air Service Act, 1993, (Act No 60 of 1993), lands at the aerodrome; and*
- (n) *An annual survey is carried out on the aerodrome for the purposes of the approval of let- down procedures by the Commissioner".*

7.2 MOTIVATION

To make provision for the installation of VDF equipment where an ATSU is present on the aerodrome concerned.

7.3 CURRENT REGULATION

The current regulation does not contain such a provision.