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GENERAL NOTICE

NOTICE 535 OF 2010

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 hereto. Any comments or representations on the proposed amendments should be lodged in writing with the Chairperson of the Regulations Committee, for attention Ms. Monica Sonjani or Mr. Herman Wildenboer, Private Bag 73 Halfway House, 1685, fax: (011) 545-1201, or e-mail at sonjanim@caa.co.za or wildenboerh@caa.co.za, before or on 28 JUNE 2010

SCHEDULE 1

PROPOSAL FOR THE AMENDMENT OF PART 64 OF THE CIVIL AVIATION REGULATIONS, 1997

A. PROPOSER

South African Civil Aviation Authority
Private Bag X73
HALFWAY HOUSE
1685

B. PROPOSER'S INTEREST

The proposer has been established in terms of the Civil Aviation Act, 2009, (Act No. 13 of 2009), to control and regulate civil aviation in South Africa and to oversee the functioning and development of the civil aviation industry, and, in particular, to control, regulate and promote civil aviation safety and security.

C. GENERAL EXPLANATORY NOTE

Words underlined with a solid line indicate insertions in the existing regulations

1. SUBSTITUTION OF REGULATION 64.01.8 OF THE REGULATIONS

1.1 The following regulation is hereby substituted for regulation 64.01.8:

"LANGUAGE

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64.01.8 (1) Cabin crew members shall have sufficient ability in reading, speaking and understanding the English language to enable them to adequately carry out their responsibilities as cabin crew members.

(2) A person shall not be issued with a cabin crew license under this Part, unless he or she has demonstrated or provided proof that he or she meets the language proficiency requirements prescribed in Document SA-CATS-FCL 64.".

1.2 MOTIVATION

The proposed amendment intends to ensure that the cabin crew license applicants are not only able to speak but also understand the English language used to enable them to carry out their responsibilities. It also introduces a testing procedure to be followed to ensure that the required standards are met.

2. AMENDMENT OF PART 187 OF THE REGULATIONS

2.1 Part 187 of the Regulations is hereby amended by the insertion of the following regulation after regulation 187.00.23:

"Fees relating to Part 129

187.00.23 A	**The following fees shall, be payable upon application:**	**R**
(a)	For issuing or amendment of a South African foreign air operator certificate issued in terms of regulation 129.01.4 (2)(a)	6000.00
(b)	For issuing of a flight authorisation in terms of regulation 129.01.8 (2)	4000.00
(c)	For the renewal of a South African foreign air operator certificate in terms of regulation 129.01.12(1).".	3000.00

2.2 MOTIVATION

It is necessary to provide for the payment of fees for services rendered in terms of Part 129.

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SCHEDULE 3

PROPOSAL FOR THE SUBSTITUTION OF PART 1 AND 175 OF THE CIVIL AVIATION REGULATIONS, 1997

A. PROPOSER

SACAA
Private Bag X73
HALFWAY HOUSE
1685

B. PROPOSER'S INTEREST

The proposer has been established in terms of the Civil Aviation Act, 2009, (Act No. 13 of 2009), to control and regulate civil aviation in South Africa and to oversee the functioning and development of the civil aviation industry, and, in particular, to control, regulate and promote civil aviation safety and security.

C. MOTIVATION FOR AMENDMENTS

The objective of Part 175 is to provide the regulatory requirements for persons or organizations wishing to provide aeronautical information services in support of South Africa and ICAO designated area of responsibility.

Part 175 adopts the standard layout for the rule parts relating to the certification of organizations. The layout prescribes specific requirements for the certification (entry standards), operation (continued operations), and safety audit (surveillance) of persons providing aeronautical information services.

The provision of aeronautical information services to meet RSA international obligations under the ICAO is subject to separate formal agreements between the Authority and the appropriate certificated aeronautical information service provider.

ICAO raised a finding during the USOAP in 2006 that there is need to separate a regulatory body and a service provider where the regulatory body would oversee the entire provision of AIS in RSA.

The proposed amendment is in accordance with the requirements of ICAO.

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1. AMENDMENT OF REGULATION 1.00.1 OF THE REGULATIONS

1.1 Regulation 1.00.1 is hereby amended by –

(a) the insertion of the following definitions:

"'**aeronautical information**' means information resulting from the assembly, analysis and formatting of aeronautical data;

'**aeronautical information service**' means a service established within the defined area of coverage responsible for the provision of aeronautical information/data necessary for the safety, regularity and efficiency of air navigation;

'**International NOTAM Office**' means an office designated by a State for exchange of NOTAM internationally;

(b) the substitution for the definition of "integrated aeronautical information package" of the following definition:

"'**integrated aeronautical information package**' means a package which consists of –

(a) an AIP including an amendment service;
(b) supplements to the AIP;
(c) NOTAM and PIB;
(d) AIC; and
(e) checklists and ~~summaries~~ lists of valid NOTAM.".

2. AMENDMENT OF REGULATION 1.00.2 OF THE REGULATIONS

2.1 Regulation 1.00.2 is hereby amended by the insertion of the following abbreviations:

"**AIS**" means aeronautical information service;

"**FIR**" means flight information region;

"**NOF**" means International NOTAM office;".

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3. SUBSTITUTION OF PART 175 OF THE REGULATIONS

3.1 The following Part is hereby substituted for Part 175 of the Regulations:

"List of regulations: Aeronautical Information Services (AIS)

AERONAUTICAL INFORMATION SERVICES

SUBPART 1: GENERAL

175.01.1 Applicability
175.01.2 Requirements for the AIS certificate
175.01.3 Provision of AIS at own initiative
175.01.4 Display of AIS certificate
175.01.5 Safety inspections and audits
175.01.6 Suspension, cancellation and appeal
175.01.7 Register of certificates

SUBPART 2: REQUIREMENTS FOR AIS CERTIFICATE

175.02.1 Manual of procedure
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175.02.3 Safety management system
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175.02.5 Facility requirements
175.02.6 Application for approval or amendment thereof
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175.02.10 Duties of holder of approval
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SUBPART 3: OPERATING REQUIREMENTS

175.03.1 Provision of AIS
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175.03.3 Publication of aeronautical information or IAIP
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175.03.5 Error correction in published information

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SUBPART 1: GENERAL

Applicability

175.01.1 This Part shall apply to –

(a) the certification and operation of organisations providing an aeronautical information service; and

(b) the provision of the integrated aeronautical information package.

Requirements for AIS certificate

175.01.2 No organisation shall provide an aeronautical information service unless such organization holds a certificate complying with the requirements in this Part and appropriate to the duties being performed.

Provision of AIS at own initiative

175.01.3 The provisions of this Part does not preclude an aerodrome licence holder from providing at his or her own initiative aeronautical information services, excluding NOTAM, that comply with the minimum required level for the issue of a license.

Display of AIS certificate

175.01.4 The holder of AIS certificate shall display the certificate in a prominent place, generally accessible to the public at such holder's principal place of business and, if a copy of the certificate is displayed, shall produce the original to an authorized officer if so requested by such authorized officer.

Safety inspections and audits

175.01.5 An applicant for the issuing of AIS certificate shall permit an authorised officer to carry out such inspections and audits which may be necessary to verify the validity of any application made in terms of this Part.

Suspension, cancellation and appeal

175.01.6 (1) An authorised officer, inspector or authorised person may suspend a certificate issued under this Part, if –

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(a) immediate suspension is necessary in the interests of aviation safety;

(b) an authorised officer, inspector or authorised person is prevented by the holder of the certificate from carrying out any safety inspection and audit or from performing any of the functions that the authorised officer, inspector or authorised person is permitted to perform in terms of the Act and these Regulations; or

(c) it is evident that the holder of the certificate does not comply with the relevant requirements prescribed in this Part, after such holder has been given at least 14 days within which to comply therewith and has been notified of the proposed suspension and the purpose thereof.

(2) The notice of suspension shall be given in writing, stating the reasons for the suspension.

(3) An authorised officer, inspector or authorized person who has suspended a certificate shall, within 7 days, submit a report in writing to the Commissioner with a proof that a copy thereof has been submitted to the person concerned, stating the reasons why, in his or her opinion, the suspended certificate should be withdrawn or restored.

(4) A person whose certificate has been suspended in terms of sub-regulation (1) may appeal, to the Commissioner, against such suspension within 14 days from the date of such suspension.

(5) The appeal referred to in sub-regulation (4), shall be in writing, and stating the reasons why, in the appellant's opinion, the suspension should be varied or set aside.

(6) The appellant shall furnish proof to the Commissioner that a copy of the appeal and any documents supporting such appeal have been served on the authorised officer, inspector or authorised person concerned.

(7) The Commissioner shall consider the appeal referred to in sub-regulation (4) within 14 days of receipt thereof.

(8) The Commissioner may at any time extend, confirm, vary or set aside the suspension.

(9) The Commissioner may cancel the certificate if –

(a) he or she confirms the suspension in terms of sub-regulation (8); or

(b) the holder of the certificate does not appeal against the suspension referred to in sub-regulation (1).

(10) The holder of the certificate who feels aggrieved by the cancellation referred to in sub-regulation (9), may appeal against such cancellation to the Minister, within 30 days from the date the holder is notified about the cancellation.

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(11) The appellant shall submit a copy of the appeal and any documents or records supporting such appeal, to the Commissioner, and shall furnish proof of such submission to the Minister.

(12) The Commissioner shall, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (10), deliver his or her written reply to such appeal together with the report that has been submitted to him or her, in terms of sub-regulation (3).

(13) The Minister may –

(a) adjudicate or authorize the adjudication of the appeal on the basis of the documents submitted to him or her; or

(b) order the appellant and the Commissioner, the authorized officer, inspector or authorized person concerned to appear before him or her or before the authorized adjudicator to give evidence, either in person or through a representative, at a time and place determined by the Minister or the authorized adjudicator.

(13) The Minister or the authorized adjudicator may confirm, vary or set aside the cancellation referred to in sub-regulation (9).

(14) The Commissioner may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (3) and (4).

(15) The Minister may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (10) and (12).

(16) In adjudicating the appeals in terms of this regulation, the Commissioner and the Minister or the authorised adjudicator referred to in sub-regulation (13) may afford the appellant –

(a) a reasonable opportunity to make representation;
(b) an opportunity to appear in person; and
(c) an opportunity to present and dispute evidence and arguments.

(18) The Commissioner and the Minister shall within 14 days of their decision, furnish written reasons to the parties cited in the appeal, for any decision taken pursuant to the appeal.

Register of certificates

175.01.7 (1) The Commissioner shall maintain a register of all AIS certificates issued in terms of this Part.

(2) The register shall contain the following particulars:

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(a) The full name of the holder of the certificate;
(b) the business address of the holder of the certificate;
(c) the postal address of the holder of the certificate;
(d) the date on which the certificate was issued or renewed;
(e) the type of AIS in respect of which the certificate was issued;
(f) the date on which the certificate was suspended, if applicable; and
(g) the date on which the certificate expires.

(3) The particulars referred to in sub-regulation (2) shall be recorded in the register within seven (7) working days from the date on which the certificate is issued by the Commissioner.

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

SUBPART 2: REQUIREMENTS FOR AIS CERTIFICATE

Manual of procedure

175.02.1 An applicant for the issuing of AIS certificate shall provide the Commissioner with its manual of procedure which shall –

(a) comply with the requirements prescribed in this subpart for the service to be provided.; and
(b) contain the information as prescribed in Document SA-CATS-AIRS.

Quality management system

175.02.2 (1) The applicant shall establish a quality management system for the management of the services covered by the application.

(2) The minimum standards for a quality control system shall be as prescribed in Document SA-CATS-AIRS.

Safety management system

175.02.3 (1) The holder of an AIS certificate shall establish a safety management system for the control and supervision of the services rendered or to be rendered by that organisation.

(2) The Commissioner shall determine the acceptable level of safety for the holder of an AIS certificate.

(3) The safety management system shall include the following:

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(a) the identification of safety hazards;
(b) remedial action necessary to maintain an acceptable level of safety;
(c) continuous monitoring and regular assessment of the safety level achieved; and
(d) continuous improvement to the overall level of safety.

(4) The safety management system shall clearly define lines of safety accountability throughout the organization, including direct accountability for safety to senior management.

(5) The minimum standards for a safety management system shall be as prescribed in Document SA-CATS-AIRS .

Personnel requirements

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

(a) a senior person identified as the accountable manager and compliance officer of the unit concerned, to whom contractual authority has been granted to ensure that all activities undertaken by the unit 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 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 unit;

(ii) full rights of consultation with any such persons 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 Commissioner with a view to ascertain correct manners of compliance with the said requirements, and interpretations of such requirements by the Commissioner, and to facilitate liaison between the Commissioner and the unit concerned; and

(v) powers to report directly to the management of the unit on his or her investigations and consultations generally, and in case contemplated in subparagraph (iii), and with regard to the results of the liaison contemplated in subparagraph (iv);

(b) standards officer who is responsible for quality control, and who has direct access to the accountable manager and compliance officer referred to in paragraph (a) on matters affecting aviation safety; and

(c) adequate licensed and trained personnel to –

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(i) plan, provide and supervise the services listed in its manual of procedure, in a safe efficient manner; and

(ii) collect, collate, check, coordinate, edit, and publish aeronautical information for the aeronautical information services listed in the applicant's manual.

(2) The applicant shall establish a procedure for initially assessing, and a procedure for maintaining, the competence of the personnel as prescribed in Document SA-CATS-AIRS.

(3) The applicant shall ensure that its personnel are of sufficient numbers and experience and have been given appropriate authority to be able to discharge their allocated responsibilities.

Facility requirements

175.02.5 The applicant shall ensure that all facilities used in the provision of services listed in its manual of procedures are adequate and comply with the minimum requirements as prescribed in SA-CATS-AIRS.

Application for approval or amendment of certificate

175.02.6 (1) An application for the issuing of AIS certificate or an amendment thereof, shall be –

(a) made to the Commissioner on the appropriate form as prescribed in Document SA-CATS-AIRS; and

(b) accompanied by –

(i) the manual of procedure referred to in regulation 175.02.1; and
(ii) the appropriate fees prescribed in Part 187.

Issuing of certification

175.02.7 (1) The Commissioner shall issue an AIS certificate if the Commissioner is satisfied that –

(a) the applicant meets the requirements prescribed in Subpart 2;

(b) the senior personnel of the applicant required by regulation 175.02.4 are fit and competent persons and have never held a senior position in an organisation whose AIS certificate was cancelled by the Commissioner or the Minister; and

(c) the granting of the certificate is not contrary to the interests of aviation safety.

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(2) The certificate issued in terms of sub-regulation (1) shall specify the AIS that the certificate holder is authorized to provide.

Period of validity

175.02.8 (1) A certificate shall be valid for a period of one year, calculated from the date of issuing or renewal thereof.

(2) A certificate shall remain in force until it expires or is suspended or cancelled in terms of these Regulations.

(3) The holder of a certificate which expires or cancelled, shall, within 30 days from the date on which the approval expires or is cancelled, surrender the certificate to the Commissioner.

Renewal of certificate

175.02.9 (1) The holder of an Als certificate shall at least 60 days immediately preceding the date on which such certificate expires, apply for the renewal of such certificate.

(2) The provisions of regulation 175.02.6 apply *mutatis mutandis* to an application for the renewal of an AIS certificate.

Duties of holder of certificate

175.02.10 (1) The holder of an AIS certificate shall –

(a) ensure that their manual of procedure is amended so as to remain current;

(b) ensure that any amendments made to the holder's manual of procedure meet the applicable requirements of this Part and comply with the amendment procedures contained in the holder's certificate.

(c) submit to the Commissioner for approval, any amendment to the holder's manual of procedure.

(2) Where any of the changes referred to in sub-regulation (1) requires an amendment to the certificate, the certificate holder shall forward the certificate to the Commissioner within 28 working days.

Station standing instructions manual

175.02.11 (1) The holder of an AIS certificate shall develop a station standing instructions manual which shall –

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(a) set out the procedures for the operation of the AIS concerned; and
(b) contain the information as prescribed in SA-CATS-AIRS.

(2) The holder of an AIS certificate shall provide each AIS unit listed in its manual of procedure with a station standing instructions manual.

Documentation

175.02.12 (1) The holder of an AIS certificate shall provide each AIS unit listed in its manual of procedure with copies of the documentation as prescribed in Document SA-CATS-AIRS.

(2) The holder shall ensure that –

(a) the documentation is reviewed and authorised by appropriate personnel before issue;

(b) current issues of relevant documentation are available to personnel at all locations where they need access to such documentation for the provision of the services listed in its manual of procedure referred to in regulation 175.02.1;

(c) obsolete documentation is removed from all points of issue or use;

(d) changes to documentation are reviewed and approved by appropriate personnel; and

(e) the current version of each item of documentation can be identified to preclude the use of obsolete editions.

Continued compliance

175.02.13 (1) The certificate holder shall –

(a) hold at least one complete and current copy of their manual at each office listed in their certificate;

(b) comply with all procedures and standards detailed in their manual;

(c) make each applicable part of their manual available to personnel who require those parts to carry out their duties;

(d) continue to meet the standards and comply with the requirements of Subpart 2 of this Part;

(e) notify the Commissioner of any change of address for service, telephone number, or facsimile number within 28 days of the change.

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SUBPART 3: OPERATING REQUIREMENTS

Provision of AIS

175.03.1 (1) The holder of an AIS certificate shall –

(a) be responsible for the provision of aeronautical information services to ensure that the information necessary for the safety, regularity or efficiency of air navigation is available in a form suitable for the operational requirements of –

(i) flight operations personnel including flight crew and the personnel responsible for the provision of pre-flight information; and

(ii) providers of air traffic services; and

(b) publish and distribute the aeronautical information as an integrated aeronautical information package.

Collection of information

175.03.2 The certificate holder shall establish procedures to collect, collate and edit the information required for the aeronautical information services listed in their manual of procedure as prescribed in Document SA-CATS-AIRS.

Publication of aeronautical information or IAIP

175.03.3 (1) The certificate holder shall establish procedures to check, co-ordinate, publish and disseminate aeronautical information for the services listed in the applicant's manual of procedure as prescribed in Document SACATS-AIRS.

(2) The conditions, requirements, rules, procedures and standards for the publication of aeronautical information in an IAIP shall be prescribed in Document SA-CATS-AIRS.

(3) The fees for the purchase of the AIP or AIP annual amendment service shall be as prescribed in Part 187.

Pre-flight and post flight information services

175.03.4 The holder of an aeronautical information service certificate shall make available to flight operations personnel and flight crew members as prescribed in Document SA-CATS-AIRS, aeronautical information that –

(a) is essential for the safety, regularity and efficiency of air navigation;

(b) relates to the geographic area, aerodromes and air routes listed in the certificate holder's manual.

Error correction in published information

175.03.5 The certificate holder shall establish procedures to record, investigate, correct, and report any errors that are detected in the aeronautical information published under the authority of their certificate as prescribed in Document SA-CATS-AIRS.

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