

**DEPARTMENT OF TRANSPORT**

**NO. R. 1349**

**28 OCTOBER 2016**

**CIVIL AVIATION ACT, 2009 (ACT NO. 13 OF 2009)**

**FOURTEENTH AMENDMENT OF THE CIVIL AVIATION REGULATIONS, 2016**

I, Dipuo Peters, Minister of Transport hereby in terms section 155(1) of the Civil Aviation Act, 2009, (Act No. 13 of 2009), make the Regulations set out in the Schedule hereunder.

**Ms Dipuo Peters, MP**  
**Minister of Transport**  
**Date:**

**SCHEDULE****CIVIL AVIATION ACT, 2009 (ACT NO.13 OF 2009)****FOURTEENTH AMENDMENT OF THE CIVIL AVIATION REGULATIONS, 2016****GENERAL EXPLANATORY NOTE:**

[            ] Words in bold type in square brackets indicate omissions from existing regulations.

\_\_\_\_\_ Words underlined with a solid line indicate insertions in existing regulations.

**Definition**

1. In this Schedule "the Regulations" means the Civil Aviation Regulations, 2011 published by Government Notice No. R. 425 of the 01<sup>st</sup> June 2012.

**Amendment of Regulation 1.01.1 of the Regulations**

2. Regulation 1.01.1 is hereby amended by –

- (a) the insertion after the definition of "accident" of the following definition:

"**accountable manager**" means a single, identifiable person within an entity who has full responsibility for the organisation's on-going compliance with the CAR and have full authority for human resources issues, authority for major financial issues, direct responsibility for the conduct of the organisation's affairs, final authority over operations under certificate and final responsibility for all safety and security issues;"

- (b) the insertion after the definition of "aerodrome traffic zone" of the following definitions:

"**aeronautical data**" means a representation of aeronautical facts, concepts or instructions in a formalised manner suitable for communication, interpretation and processing;"

“aeronautical information” means information resulting from assembly, analysis and formatting of aeronautical data;”;

- (c) the insertion after the definition of "aeronautical information regulation and controls" of the following definition:

““aeronautical information service (AIS)” 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;”;

- (d) the insertion after the definition of “aerodrome” of the following definition:

““AIP Amendment” means permanent changes to the information contained in the AIP which are published by means of special pages;”;

- (e) the insertion of the following definition after the definition of “aircraft operating manual”:

““aircraft required to be operated with a co-pilot” means a type of aircraft that is required to be operated with a co-pilot, as specified in the flight manual or in the air operator certificate;”;

- (f) the insertion after the definition of “aircraft variant” of the following definition:

““air defence identification zone (ADIZ)” means a special designated airspace of defined dimensions within which aircraft are required to comply with special identification and/or reporting procedures additional to those related to the provision of air traffic services;”;

- (g) the insertion after the definition of "air-taxiing" of the following definition:

““AIS product’ means aeronautical data and aeronautical information/data provided in the form of the elements of Integrated Aeronautical Information Package (except NOTAM and PIB), including aeronautical charts, or in the form of suitable electronic media;”;

- (h) the insertion after the definition of "appliance" of the following definition:

““application in relation to AIS refers to manipulation and processing of data in support of user requirements;”;

- (i) the insertion after the definition of "Article 83*bis* Agreement" of the following definition:

“**ASHTAM**” means a special series NOTAM notifying by means of a specific format change in activity of a volcano, a volcanic eruption or volcanic ash cloud that is of significance to aircraft operations;”;

- (j) the insertion after the definition of “ATS surveillance system” of the following definition:

“**Authority**” means the South African Civil Aviation Authority;”;

- (k) the insertion of the following definitions after the definition of “competency unit”:

“**competency check**” means a check carried out for the maintenance of competency of a pilot licence;

“**complex aeroplane**” means an aircraft that has a retractable landing gear, a constant speed propeller and adjustable flaps;”;

- (l) the insertion of the following definition after the definition of “co-responsibility dispatch”:

“**corporate aviation operating certificate**” means a certificate issued by the Director authorising an operator of a non-commercial operation to operate aircraft on behalf of a company in which the carriage of passengers or goods is an aid to the conduct of company business;”;

- (m) the insertion after the definition of "data link communications" of the following definition:

“**data link-automatic terminal information service (D-ATIS)**” means the provision of ATIS via data link;”;

- (n) the insertion after the definition of "date of application" of the following definitions:

“**data product**” means a data set or data set series that conforms to a data product specification;

“**data product specification**” means detailed description of a data set or data series together with additional information that will enable the data set or data series to be created, supplied to and used by another party;

“**data quality**” means a degree or level of confidence that the data provided meets the requirements of the data user terms of accuracy;

“**data set**” means identifiable collection of data;

“data set series” means a collection of data sets sharing the same product specification;

“datum” means any quantity or set of quantities that may serve as reference or basis for the calculation of other quantities;”;

(o) the deletion of the definition of “Director of Investigations”;

(p) the insertion after the definition of “elevated heliport” of the following definition:

““ellipsoid height (Geodetic height)” means height related to the reference ellipsoid, measured along the ellipsoidal outer normal through the point in question;”;

(q) the insertion after the definition of “expected approach time” of the following definition:

““experimental/ prototype test flight” means a flight for the purpose of experimental, development or investigative test flying for the issuing of an initial certificate of airworthiness for such aircraft;”;

(r) the substitution for the definition of “general aviation operation” of the following definition:

““general aviation operation” means an aircraft operation other than a commercial air transport, [corporate aviation,] air ambulance or aerial work operation;”;

(s) the insertion after the definition of “general aviation operation” of the following definition:

““geodetic distance” means shortest distance between any two points on a mathematically defined ellipsoidal surface;”;

(t) the substitution for the definition of “hazard” of the following definition:

““hazard” means a [any act, omission, event or condition or a combination thereof that could lead to or result in an accident or incident] situation or an object with the potential to cause death or injury to a person, damage to equipment or a structure, loss of material, or a reduction of ability to perform a prescribed function;”;

(u) the insertion of the following definitions after the definition of “heliport operating minima”:

“‘‘high performance aircraft’’ means an aircraft with a maximum operating limit speed (Vmo) in excess of an indicated air speed of 175 knots or any aircraft classified by the Director as a high-performance aircraft;

“‘‘high-risk cargo or mail’’ means –

- (a) cargo or mail presented by an unknown entity or showing signs of tampering and, in addition, which meets one of the following criteria:
  - (i) specific intelligence indicates that the cargo or mail poses a threat to civil aviation;
  - (ii) the cargo or mail shows anomalies that give rise to suspicion; or
  - (iii) the nature of the cargo or mail is such that baseline security measures alone are unlikely to detect prohibited items that could endanger the aircraft; and
- (b) consignment considered as high-risk by a State’s specific intelligence regardless whether the cargo or mail comes from a known or unknown entity.;

- (v) the insertion after the definition of “imported” of the following definition:

“‘‘import test flight’’ means a flight for the purpose of the initial validation or rendering effective of a certificate of airworthiness previously issued by another airworthiness authority, for an aircraft imported into the Republic as prescribed by the Director;”;

- (w) the substitution for the definition of "Integrated Aeronautical Information Package" of the following definition:

“‘‘integrated aeronautical information package’’ means a package in paper, electronic or digital form which consists of the following elements:

- (a) an AIP including amendment service;
- (b) supplements to the AIP;
- (c) NOTAM and PIB;
- (d) AIC; and
- (e) Checklists and **[summaries]** lists of valid NOTAMs;”;

- (x) the substitution of the definition of "integrity" of the following definition:

“‘‘integrity’’, in relation to GNSS, refers to the ability of a system to provide timely warnings to users when the system performance has exceeded predetermined safe limitations and should not be used for navigation, and when used in relation to aeronautical data, means a degree of assurance that aeronautical data and its values have not been lost or altered since the data origination or authorised amendment;”;

- (y) the insertion after the definition of "integrity" of the following definition:

“**integrity classification**” when used in relation to aeronautical data, means classification based upon the potential risk resulting from the use of corrupted data;”;

- (z) the insertion after the definition of "international flight" of the following definition:

“**International NOTAM Office (NOF)**” means an office designated by a State for the exchange of NOTAM internationally;”;

- (aa) the insertion after the definition of “isolated aerodrome” of the following definition:

“**just culture**” means a culture in which persons are not punished for actions, omissions or decisions taken by them that are commensurate with their duties, experience and training, but in which gross negligence, wilful violations and destructive acts are not tolerated;”;

- (bb) the substitution for the definition of “line flying” of the following definition:

“**line flying**” means flying done by flight crew under normal commercial or corporate aviation operations;”;

- (cc) the insertion after the definition of “maintenance release” of the following definition:

“**maintenance test flight**” means a flight for the purpose of the validation or rendering effective of a certificate of airworthiness for such aircraft previously issued by the Director;”;

- (dd) the substitution for the definition of “maximum approved passenger seating configuration” of the following definition:

“**maximum approved passenger seating configuration**” means the maximum passenger seating capacity of an aircraft, excluding pilot seats, **[cockpit seats or]** flight deck seats and all jumpseats, as applicable, used by the operator in a commercial air transport and corporate aviation operation, approved by the Director and specified in the operations manual referred to in **[regulation]** regulations 93.04.2, 121.04.2, 127.04.2 **[or]** and 135.04.2;

*Note.—Also known as “maximum certificated passenger capacity” or “maximum certificated passenger configuration”;”;*

- (ee) the insertion after the definition of "medical service provider" of the following definition:

“**metadata**” means a structured description of the content, quality, condition or other characteristics of data;”;

- (ff) the insertion after the definition of "observer" of the following definitions:

“**obstacle**” means all fixed (whether temporary or permanent) and mobile object, or part thereof, that —

- (a) is located on an area intended for the surface movement of aircraft;
- (b) extend above a defined surface intended to protect aircraft in flight; or
- (c) stand outside the defined surface, and that has been assessed as being a hazard to air navigation;

“**obstacle/terrain data collection surface**” means a defined surface intended for the purpose of collecting obstacle or terrain data;”;

- (gg) the insertion after the definition of “obstacle clearance altitude or height” of the following definition:

“**occurrence**” means any safety related event which endangers or which, if not corrected or addressed, could endanger an aircraft, its occupants or any other person and includes in particular an incident or accident;”;

- (hh) the substitution for the definition of “operational control” of the following definition:

“**operational control**” in respect of a commercial air transport or corporate aviation operation means the exercise of authority over the initiation, continuation, diversion or termination of a flight in the interest of the safety of the aircraft and the regularity and efficiency of the flight as laid down in the operations manual of the operator;”;

- (ii) the substitution for the definition of “operations manual” of the following definition:

“**operations manual**” means a manual containing procedures, instructions and guidance for use by operational personnel in the execution of their duties as prescribed in Parts 93, 121, 127 and 135 of the regulations;”;

- (jj) the insertion after the definition of “operational flight plan” of the following definition:

“**operational flying**” has the same meaning as “line flying”;”;

- (kk) the substitution for the definition of “operations specification” of the following definition:

“**operations specifications**” means the authorisations, conditions and limitations associated with the air operator certificate or QMS or maintenance organisation and subject to the conditions in the operations manual or manual of procedures;

(ll) the substitution for the definition of “operator” of the following definition:

**“operator”** means a natural or artificial entity, holding a valid licence and operating certificate or equivalent thereof, authorising such entity to conduct scheduled, non-scheduled or general air services, and may be referred to as “airline”, “air carrier”, “air service operator”, “CAO” or “commercial air transport operator”, as defined;”;

(mm) the insertion after the definition of “organisation” of the following definition:

**“orthometric height”** means height of a point related to the geoid, generally presented as an MSL elevation;

(nn) the substitution for the definition of “owner” of the following definition:

**“owner”**, in relation to an aircraft, means the person in whose name the aircraft is registered, and includes—

- (a) any person who is or has been acting as agent in the Republic for a foreign owner, or any person by whom the aircraft is hired at the time;
- (b) a person who has the right of possession of an aircraft for 14 days or longer; and
- (c) for the purpose of Part 91 and Part 93, an operator of an aircraft engaged in non-commercial operations;”;

(oo) the insertion after the definition of “populous area” of the following definition:

**“position”** when used in relation to geographical location, means set of coordinates (latitude and longitude) referenced to the mathematical reference ellipsoid which define the position of a point on the surface of the Earth;”;

(pp) the insertion after the definition of “precision approach and landing operation” of the following definition:

**“pre-flight information bulletin”** means a presentation of current NOTAM information of operational significance, prepared prior to flight;”;

(qq) the insertion after the definition of “release to service” of the following definition:

**“remuneration”** when used in relation to aircraft operations, means defraying all or part of the costs of the operation whether in cash or in kind and whether or not it is commensurate with the value of the service;”;

- (rr) the insertion after the definition of “resident of the Republic” of the following definitions:

“**resolution**” in relation to Part 175, means a number of units or digits to which a measured or calculated value is expressed and used;

“**responsible person**”, in relation to aircraft operations, means the person who accepts ultimate responsibility for the aircraft, the flight and all persons on-board, including the flight crew members;”.

- (ss) the insertion after the definition of “restricted category” of the following definition:

“**revalidation check**” means a check carried out for the purpose of revalidating a pilot rating;”;

- (tt) the insertion after the definition of “restricted visual line-of-sight” of the following definition:

“**reward**” has the same meaning as “remuneration;”;

- (uu) the substitution for the definition of “safety” of the following definition:

“**safety**” means [freedom from risk of bodily injury or death and the freedom from risk of loss or damage to property] a state in which risks associated with aviation activities, related to, or in direct support of the operation of aircraft, are reduced and controlled to an acceptable level;”;

- (vv) the insertion after the definition of “safety” of the following definition:

“**safety data**” means data which may include, but is not limited to, hazards, incidents, investigation outcomes, reviews, inspections, audits, surveys, flight data analysis, accidents, fatigue data, line operational safety audits, normal operating safety surveys or studies and continuing airworthiness reports;”;

- (ww) the insertion after the definition of “safety management system” of the following definitions:

“**safety manager**” means a person appointed by an entity in terms of regulation 140.01.2;

“**safety officer**” has the same meaning as “safety manager”;

“**safety performance**” means a State or a service provider’s safety achievement as defined by its safety performance targets and safety performance indicators;

“**safety performance indicator**” means a data-based parameter used for monitoring and assessing safety performance;

“**safety performance target**” means planned or intended objective for safety performance indicator(s) over a given period;”;

- (xx) the insertion after the definition of “safety recommendation” of the following definition:

“**safety risk**” means the predicted probability and severity of the consequences or outcomes of a hazard;”;

- (yy) the insertion after the definition of “sector” of the following definition:

“**secure cargo**” has the same meaning as known cargo;”;

- (zz) the insertion of the following definition after the definition of “signal category”:

“**significant**” when used in the context of the medical provisions contained in Part 67, means to a degree or of a nature that is likely to jeopardise a flight;”;

- (zA) the substitution for the definition “skills test” of the following definition:

“**skills test**” means [a] an initial test carried out for the purpose of issuing [or reissuing or renewing] a pilot licence or rating;”;

- (zB) the insertion after the definition of “small aeroplane” of the following definition:

“**SNOWTAM**” means a special series NOTAM notifying the presence or removal of hazardous conditions due to snow, ice, slush or standing water associated with snow, slush and ice on the movement area, by means of a specific format;”;

- (zC) the insertion after the definition of “terminal control area” of the following definition:

“**terrain**” means the surface of the Earth containing naturally occurring features such as mountains, hills, valleys, bodies of water, permanent ice and snow, and excluding obstacles;”;

- (zD) the substitution for the definition of “test flight” of the following definition:
- ““test flight” means a flight for the purpose of the issuing, validation or rendering effective an authority to fly [for] or a certificate of airworthiness of an aircraft;”;
- (zE) the insertion after the definition of “training” of the following definition:
- ““transfer cargo or mail” means cargo or mail departing on an aircraft other than that on which it arrived;”;
- (zF) the insertion after the definition of “transshipment cargo and mail” of the following definition:
- ““transit cargo and mail” means cargo or mail departing on the same aircraft on which it arrived;”;
- (zG) the insertion after the definition of “tug” of the following definition:
- ““turbine powered aircraft” means a turbo-propeller, turbojet or turbofan powered aircraft;
- “turbo-propeller” means a jet engine designed to produce thrust principally by means of a propeller driven by a turbine with additional thrust usually obtained by the rearward discharge of hot exhaust gases;
- “turbofan” means a type of by-pass engine in which a large fan driven by a turbine and housed in a short duct forces air rearwards around the exhaust gases in order to increase the propulsive thrust;
- “turbojet” means a jet engine in which a turbine drives a compressor that supplies air to a burner and hot gases from the burner drive the turbine before being discharged rearward;”.
- (zH) the substitution for the definition of “type certificate” of the following definition:
- ““type certificate” means [design approval for Class I product issued in terms of Regulation 21.02.8;] a document issued by a Contracting State to define the design of an aircraft and to certify that the design meets the appropriate airworthiness requirements of that State;”;
- (zI) the insertion after the definition of “unknown cargo” of the following definition:
- ““unsecure cargo” has the same meaning as unknown cargo;”;

- (zJ) the insertion after the definition of "variable-pitch propeller" of the following definition:

“**verification**” means confirmation, through the provision of objective evidence, that specified requirements have been fulfilled;”;

- (zK) the insertion after the definition of "visual meteorological conditions" of the following definitions:

“**voice-automatic terminal information service (Voice-ATIS)**” means the provision of ATIS by means of continuous and repetitive voice broadcasts;

“**VOLMET**” means meteorological information for aircraft in flight;”.

### **Amendment of Regulation 1.01.2 of the Regulations**

2. Regulation 1.01.2 is hereby amended by –

- (a) the insertion after the abbreviation of “ADF” of the following abbreviation:

“**ADIZ**” means Air Defence Identification Zone;”;

- (b) the insertion after the abbreviation of "AIC" of the following abbreviation:

“**AIM**” means Aeronautical Information Management;”;

- (c) the insertion after the abbreviation of “ALIM” of the following abbreviation:

“**ALOSP**” means acceptable levels of safety performance;”;

- (d) the insertion after the abbreviation of "APV" of the following abbreviation:

“**ASTO**” means Aviation Security Training Organisation;”;

- (e) the insertion after the abbreviation of "ATC" of the following abbreviation:

“**ATIS**” means Automatic Terminal Information Service;”;

- (f) the insertion after the abbreviation of “BIFT” of the following abbreviations:

“CAO” means Corporate Aviation Operator;

“CAOC” means corporate aviation operator certificate;”;

- (g) the insertion after the abbreviation of “CPA” of the following abbreviation:

“CPDLC” means Controlled-pilot data link communications;”;

- (h) the insertion after the abbreviation of “DAME” of the following abbreviation:

“D-ATIS” means Data link- automatic terminal information service;”;

- (i) the insertion after the abbreviation of “GS” of the following abbreviation:

“HPA” means High Performance Aircraft;”;

- (j) the insertion after the abbreviation of “LOFT” of the following abbreviation:

“LOSA” means line operating safety audit;”;

- (k) the insertion after the abbreviation of “NM” of the following abbreviations:

“NOF means International NOTAM office;

“NOSS” means normal operating safety survey;”;

- (l) the insertion after the abbreviation of “NPA” of the following abbreviation:

“NPL” means ‘National Pilot Licence;”;

- (m) the insertion after the abbreviation of “PPL” of the following abbreviation:

“QMS” means quality management system;”;

- (n) the insertion after the abbreviation of “RVSM” of the following abbreviation:

“SAG” means safety action group;”;

- (o) insertion after the abbreviation of “SMS” of the following abbreviation:

“SMSM” means Safety Management System Manual;”;

- (p) the insertion after the abbreviation of “SPLIC” of the following abbreviation:

““SRC” means safety review committee;”; and

- (q) the insertion after the abbreviation of "VMC" of the following abbreviation:

““Voice-ATIS” means Voice –automatic terminal information service;”.

### **Amendment of Part 11 of the Regulations**

3. Part 11 of the Regulations is hereby amended by –

- (a) the substitution for sub-regulation (3) in regulation 11.01.3 of the following sub-regulation:

“(3) The Director may issue airworthiness directives provided this is issued in accordance with the provisions of Part 21 or Part 24.”;

- (b) the substitution for regulation 11.04.1 of the following regulation:

#### **“General**

**11.04.1** The Director may **[exempt an applicant]** issue an exemption from any requirement prescribed in the regulations, [after having regard to] if the Director is satisfied, after consideration of the reasons for the required exemption, that –

- (a) the prescribed requirement has been substantially complied with and that further compliance is unnecessary; or
- (b) an acceptable level of safety has been taken which is as effective or more effective than the prescribed requirement; or
- (c) the prescribed requirement is inappropriate or events have occurred which make the requirement unnecessary in the particular case; and
- (d) the granting of the exemption will not cause a serious or risk to air safety and security.

- [(a) the reasons for the required exemption;**
- (b) any serious or imminent risk to air safety and security;**
- (c) the existence of an equivalent level of safety;**
- (d) any imminent danger to persons or property if the exemption is granted; and**
- (e) any information at his or her disposal.]**

- (c) the substitution for regulation 11.04.2 of the following regulation:

**“Application for exemption**

**11.04.2** (1) An application for an exemption shall be made **[in writing]** to the Director in the appropriate form and shall –

- (a) state the name and address of the applicant;
- (b) state the requirement from which exemption is requested;
- (c) explain the interests of the applicant in the exemption requested, including the nature and extent of the exemption requested and a description of each person or thing to be covered by the exemption;
- (d) contain any information, views or arguments supporting the application;
- (e) explain why the applicant believes that the exemption should be granted, including the reasons why it would not be possible or desirable to comply with the requirement which is the subject of the application, as well as the extent to which the exemption may affect aviation safety; and
- (f) include a summary of the application which summary shall contain a reference to the requirement from which exemption is requested and a brief description of the general nature of the exemption requested.

(2) An application for an exemption referred to in sub-regulation (1), shall be accompanied by the appropriate fee prescribed in Part 187 and shall be–

- (a) **[shall be]** submitted at least **[60] 30** days, or such shorter period as the Director may allow on good cause shown, before the proposed effective date of the exemption. **[: or**
- (b) in the case of an urgent exemption shall be submitted 3 working days before the proposed effective date of the exemption, or such shorter period as the Director may allow on good cause shown.]**
- (b) processed within 14 days from the date of submission thereof unless the circumstances of the exemption dictates otherwise.

(3) In case where an application for exemption cannot be processed within the periods referred to in sub-regulation (2) the Director shall notify the applicant and in the case of urgent exemptions adjust the applicable fee.”;

- (d) the substitution in regulation 11.04.4 for paragraph (b) of sub-regulation (2) of the following paragraph:

“(b) if the decision was to refuse to grant the exemption or to impose a condition **[not sought by the applicant]**, the reasons for the decision.”;

- (e) the substitution in regulation 11.04.5 for sub-regulation (1) of the following sub-regulation:

**“Application for extension of exemption**

**11.04.5** (1) The Director shall not grant an exemption under this Part to a person in the same or similar terms as an exemption previously granted under this Part to **[the]** that person unless the person –

- (a) applies, in accordance with regulation **[11.04.1]** 11.04.2, for the **[new]** extension of the exemption; and
- (b) includes with the application a statement of the additional reasons why the extension **[exemption]** is necessary**[, or the reasons why the continuation of the exemption is necessary]**.”.

**Amendment of Part 12 of the Regulations**

4. Part 12 of the Regulations is hereby amended by –
- (a) the repeal of regulation 12.01.1A;
- (b) the substitution for the words “Director of Investigation” of the words “Executive Manager: Aircraft Accident and Incident Investigation” wherever it occurs in the Part; and
- (c) the repeal of subpart 6.

**Amendment of Part 21 of the Regulations**

5. Part 21 is hereby amended by –
- (a) the addition in regulation 21.03.3 of the following sub-regulation after sub-regulation (2):
- “(3) An application for the approval of a major change in type design shall be accompanied by the fee prescribed in Part 187.”;
- (b) the repeal in regulation 21.08.1 of sub-regulation (5);
- (c) the repeal in regulation 21.08.3 of sub-regulation (4);
- (d) the substitution in regulation 21.08.5 for paragraph (d) of the following paragraph:

- (d) where the certificate of airworthiness has expired due to an imposed calendar limit and such certificate needs to be re-issued, the requirements pertaining to the **[currency]** re-issuance fee prescribed in the aforementioned regulations are to be met;”;
- (e) the insertion after regulation 21.08.12 of the following regulation:

**“Renewal of certificate of airworthiness**

**21.08.12A** (1) The holder of a certificate of airworthiness shall at least 60 days prior to the date of expiry of the certificate, apply for the renewal of such certificate.

(2) An application referred to in sub-regulation (1) shall be made to the Director in the appropriate form and accompanied by the fee prescribed in Part 187.

(3) The Director may, on application in terms of sub-regulation (1), renew the certificate of airworthiness if he or she is satisfied that the applicant complies with the requirements prescribed in Document SA-CATS 21.

(4) In a case whereby no application for renewal of certificate of airworthiness has been submitted within a period of 90 days following an expiry of the last certificate, the provisions of regulation 21.08.3 shall apply.”.

**Substitution of Part 43 of the Regulations**

6. The following Part is hereby substituted for Part 43 of the Regulations:

**“PART 43: GENERAL MAINTENANCE RULES**

**List of regulations**

**SUBPART 1: GENERAL**

- 43.01.1 Applicability
- 43.01.2 Falsification, reproduction or alteration of maintenance documents
- 43.01.3 Logbooks
- 43.01.4 Preservation and safe keeping of logbooks

- 43.01.5      Entries in logbooks
- 43.01.6      Entries of special significance
- 43.01.7      Maintaining of records and logbooks
- 43.01.8      Loss of logbooks

## **SUBPART 2:        MAINTENANCE**

- 43.02.1      Aircraft maintenance programme
- 43.02.2      Persons to carry out maintenance
- 43.02.3      Carrying out of maintenance
- 43.02.4      Rectification of unsatisfactory items
- 43.02.5      Overhaul, repair and substitution of major components
- 43.02.6      Maintenance for IFR operations
- 43.02.7      Mass and balance
- 43.02.8      Mandatory inspections
- 43.02.9      Airspeed indicator and altimeter system tests and inspections
- 43.02.10     ATC transponder tests and inspections
- 43.02.11     Emergency locator beacon tests and inspections
- 43.02.12     Inspection requirements
- 43.02.13     Non-destructive testing
- 43.02.14     Airworthiness limitations
- 43.02.15     Modifications
- 43.02.16     Test flights
- 43.02.17     Temporary and permanent repairs after accidents or incidents
- 43.02.18     Aircraft compass requirements
- 43.02.19     Extended Diversion Time Operations
- 43.02.20     RVSM operations
- 43.02.21     Aircraft withdrawn from service for storage
- 43.02.22     Suspected, unapproved parts

**SUBPART 3: RECORDING OF MAINTENANCE**

- 43.03.1 Maintenance records
- 43.03.2 Recording of overhaul
- 43.03.3 Recording and reporting of major repairs and modifications
- 43.03.4 Recording of inspection and certification
- 43.03.5 Annual review of maintenance

**SUBPART 4: RELEASE TO SERVICE**

- 43.04.1 Persons to certify release to service
- 43.04.2 Requirements for certifying release to service
- 43.04.3 Validity of certificate of release to service
- 43.04.4 Certifying after inspection
- 43.04.5 Certifying after maintenance
- 43.04.6 Discrepancies
- 43.04.7 Flight manual data
- 43.04.8 Duplicate inspection of flight and engine controls
- 43.04.9 Ground running checks - reciprocating engines
- 43.04.10 Ground running checks - turbine engines
- 43.04.11 Flight folio completion

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

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

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

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

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

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

### **Logbooks**

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

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

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

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

(3) All logbooks to be kept and maintained in terms of the preceding sub-regulations shall be made available to an authorised officer, an inspector or an authorised person at all times for inspection.

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

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

(b) The original equipment manufacturer log book may be utilized provided that the requirements as prescribed in Document SA-CATS 43 are complied with.

### **Preservation and safe keeping of logbooks**

**43.01.4** (1) Logbooks required to be kept in accordance with regulation 43.01.3(1) shall be preserved for a period of not less than six months from the date of destruction of the airframe, engine or propeller for which they were kept: Provided that the Director may prescribe a longer period in respect of the logbooks of an aircraft, its engine(s) or propeller(s) involved on an accident or incident.

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

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

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

(4) An owner or operator of an aircraft is responsible for the preservation and safe keeping of logbooks.

### **Entries in logbooks**

**43.01.5** (1) Entries in logbooks required to be kept in accordance with regulation 43.01.3(1) shall be made and signed by the holder of an appropriate licence, or a person holding a valid authorisation issued in terms of Part 145, or by a person approved for the purpose by the Director. Matters that could not have come to the notice of such licence holder shall be entered and signed by the pilot-in-command.

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

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

(4) Whenever corrections are made to entries in a logbook, work packs or any other related documents, the correction shall be made in such a way that the original entry still remains legible. The use of correction fluid or similar correction methods is prohibited.

### **Entries of special significance**

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

### **Maintaining of records and logbooks**

**43.01.7** The logbooks referred to in regulation 43.01.3(1) shall be kept up to date and maintained in a legible and permanent manner.

### **Loss of logbooks**

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

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

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

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

## **SUBPART 2: MAINTENANCE**

### **Aircraft maintenance programme**

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

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

(3) An owner of an aircraft or a responsible AMO shall submit the proposed maintenance programme to the Director for approval.

(4) The Director may approve a proposed aircraft maintenance programme either as submitted or as amended by him or her in the interest of aviation safety, provided that the proposed maintenance programme meets the requirements of Document SA-CATS 43.

(5) An owner of an aircraft may request the Director for a permanent or temporary amendment to the approved aircraft maintenance programme.

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

**43.02.2** (1) Subject to the provisions of sub-regulation (2), no person shall carry out maintenance on an aircraft or aircraft component unless such person –

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

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

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

(3) Routine maintenance, scheduled inspections, structural integrity inspections, overhaul, modification, major repairs and structural repairs on all aeroplanes and helicopters shall be undertaken and certified by an appropriately rated approved AMO only.

### **Carrying out of maintenance**

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

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

### **Rectification of unsatisfactory items**

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

(2)(a) Deferred defects shall be transferred from the flight folio onto a work sheet.

(b) Any maintenance carried out to restore the serviceability of any part, component, equipment or item shall be clearly recorded in the relevant logbook or other approved recording system, and be certified by an appropriately rated licence or approval holder prior to releasing the aircraft to service.

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

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

43.02.5 (1) An aircraft, its components and installed equipment shall be overhauled or substituted at such times as stipulated in its approved maintenance programme.

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

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

(4)(a) Where the Director has approved a time between overhaul (TBO) that differs from that recommended or specified by the manufacturer, such TBO shall be specified in the aircraft's approved maintenance programme.

(b) Where a manufacturer has not recommended or specified the overhaul of an item at certain times and the Director considers its overhaul at certain intervals necessary in the interest of safety, the Director may prescribe a TBO for such item in the aircraft's approved maintenance programme.

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

### **Maintenance for IFR operations**

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

## **Mass and balance**

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

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

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

(4) If an electronic mass meter is used, the mass meter shall, within the period of 12 months immediately preceding the date of determination of the aircraft's empty mass, have been tested by the South African Bureau of Standards or a similar body acceptable to the Director.

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

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

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

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

## **Mandatory inspections**

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

- (2) Mandatory inspections include –
- (a) for aeroplanes with a maximum certificated mass of 5 700 kg or less and with a maximum approved passenger seating configuration of not more than 9 seats, and for helicopters with a maximum certificated mass of 3 175 kg or less, and with a maximum approved passenger seating configuration of not more than 9 seats, either –
    - (i) a mandatory periodic inspection; or
    - (ii) inspections in accordance with an approved inspection programme;
  - (b) for any aircraft, other than those referred to in paragraph (a), the approved maintenance programme for the particular category and type of aircraft at the intervals prescribed by the programme .
- (3) The maintenance programme referred to in sub-regulation (1) are defined in Document SA-CATS 43.

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

**43.02.9** Any person who carries out air speed indicator and altimeter system tests and inspections shall perform the tests and inspections as prescribed in Document SA-CATS 43.

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

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

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

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

#### **Inspection requirements**

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

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

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

### **Non-destructive testing**

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

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

### **Airworthiness limitations**

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

### **Modifications**

**43.02.15** (1) No person shall modify an aircraft unless –

- (a) there is a Part 21 approval for the design of the modification;
- (b) the modification conforms with the relevant technical data; and
- (c) the modification is compatible with the configuration of the aircraft at the time the modification is made.

(2) No person shall repair an aircraft that involves a change to the approved design, unless –

- (a) there is a Part 21 approval for the design of the change involved in the repair;
- (b) the repair conforms with the relevant technical data; and
- (c) the repair is compatible with the configuration of the aircraft at the time the repair is made.

(3) Notwithstanding the provisions of sub-regulations (1)(a) and (2)(a), such modifications or repair for the type of aircraft or equipment concerned, may be conducted if the modification or repair is carried out in accordance with the relevant acceptable technical data as listed in Document SA-CATS 43.

(4) All major modifications and major repairs shall be recorded and reported to the Director as per the requirements of regulation 43.03.3.

### **Test flights**

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

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

(3) Except for hot air balloons, all aircraft undergoing a test flight shall depart and land at the same aerodrome.

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

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

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

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

### **Aircraft compass requirements**

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

### **Extended diversion time operations**

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

### **RVSM operations**

**43.02.20** Additional maintenance requirements for aircraft holding an RVSM approval certificate shall be as prescribed in Document SA-CATS 43.

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

**43.02.21** Aircraft withdrawn from service for storage shall meet the preservation instructions of the aircraft's manufacturer as prescribed in the relevant maintenance manuals, service bulletins, service letters or service instructions for the inoperative period. Before such an aircraft is returned to service, any prescribed maintenance shall be carried out prior to release to service.

### **Suspected unapproved parts**

**43.02.22** (1)(a) Any Class I, Class II or Class III part, component or product, whether new or previously used, for which no historical records are available or traceable, or for which the available records do not confirm that they have been approved by an appropriate authority, shall be considered to be unserviceable.

(b) Components referred to in paragraph (a) may not be fitted to any type certificated aircraft unless they have been inspected, tested and certified serviceable or overhauled as the case may be.

(2) All suspected unapproved parts shall be handled as prescribed in Document SA-CATS 43.

## **SUBPART 3: RECORDING OF MAINTENANCE**

### **Maintenance records**

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

(a) details of the maintenance including, where applicable, the type of inspection and any approved data used;

- (b) for a mandatory periodic, progressive or scheduled inspection, whether a detailed inspection or routine inspection of the particular components or areas of the aircraft was carried out;
  - (c) the serial numbers, if any, of components removed or fitted;
  - (d) details of measurements or test results obtained, including the results of any ground or air tests;
  - (e) for an air speed indicator or altimeter system pilot static test and inspection, the date on which, and maximum altitude to which the altimeter has been tested;
  - (f) the date of completion of such maintenance;
  - (g) the references to the documents used to carry out the maintenance and their revision status;
  - (h) the name of the person completing such maintenance, if other than the person certifying the release to service;
  - (i) the location and, if applicable, the name of the facility where such maintenance was carried out; and
  - (j) where such maintenance has been carried out as a consequence of the failure of any equipment, or damage caused by forced landing or accident, the reasons for carrying out the maintenance.
- (2) A person who carries out the maintenance shall –
- (a) record the details referred to in sub-regulation (1) in the appropriate logbook or in a maintenance record approved by the Director; and
  - (b) where worksheets or other associated maintenance records are used to document the details of the maintenance, make a reference to those records in the logbook, flight folio or in the maintenance record approved by the Director.
- (3) The manner for completion of logbooks, flight folios and maintenance records, referred to in sub-regulation (2), and the period for which such documents shall be retained are prescribed in Document SA-CATS 43.

### **Recording of overhaul**

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

- (a) disassembled, cleaned, inspected, repaired as necessary, and reassembled, using methods, techniques and practices acceptable to the Director; and

- (b) tested to the original tolerances and limits or to approved oversize or undersize dimensions in accordance with –
- (i) current approved standards and technical data that have been developed and documented by the holder of a type certificate or supplemental type certificate issued in terms of Part 21 in a manual, airworthiness directive, service letter, service bulletin or other similar document; or
  - (ii) other standards or technical data approved by the Director.

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

**43.03.3** (1) Any person who carries out a major repair or a major modification shall, in addition to the entry referred to in regulation 43.03.01, record the repair or modification and process the certificate relating to the maintenance of the aircraft in the manner as prescribed in Document SA-CATS 43.

(2) A person or organisation carrying out major repair or major modification to an aircraft or aircraft component shall complete and submit a prescribed form accompanied by copies of the recorded entries referred to in sub-regulation (1) and any other relevant data as prescribed in Document SA-CATS 43 to the Director within 48 hours after certifying the maintenance.

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

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

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

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

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

### **Annual review of maintenance**

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

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

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

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

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

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

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

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

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

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

**43.04.3** (1) A certificate of release to service for an aircraft shall be valid for;

- (a) a period not exceeding 12 months or 100 hours of flight time, whichever comes first; or
- (b) such other time as approved in the inspection programme referred to in sub-regulation 43.02.8(2)(a)(ii).

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

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

### **Certifying after inspection**

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

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

### **Certifying after maintenance**

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

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

(2) If components are not installed in or allocated to an aircraft, the person certifying release to service shall certify the release to service on the appropriate form as prescribed in Document SA-CATS 43.

## **Discrepancies**

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

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

## **Flight manual data**

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

## **Duplicate inspections of flight and engine controls**

**43.04.8** (1) No person shall certify a control system component after the initial assembly, subsequent disturbance or adjustment of any part of such control system, unless –

- (a) a duplicate safety inspection of the control system has been carried out; and
  - (b) the duplicate safety inspection is recorded and certified in the appropriate logbook or other maintenance record approved by the Director.
- (2) A duplicate safety inspection authorised in terms of sub-regulation (1), shall consist of –
- (a) an inspection by a person referred to in regulation 43.04.1 to certify the release to service of the control system after maintenance; and
  - (b) a second inspection carried out by another person who is a person referred to in sub-regulation (1) for an aircraft with a MCM in excess of 5700 kg, as prescribed in Document SA-CATS 43; or

- (c) a second inspection carried out by another person who is a person referred to in sub-regulation (1) for helicopters with a MCM in excess of 3 175 kg, as prescribed in Document SA-CATS 43; or
- (d) a second inspection carried out by another person who is a person referred to in sub-regulation (1) for an aircraft with a MCM below 5 700 kg and helicopters with a MCM below 3 175 kg, as prescribed in Document SA-CATS 43.

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

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

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

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

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

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

### **Flight folio completion**

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

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

### **Amendment of Part 61 of the Regulations**

7. Part 61 is hereby amended by –

(a) the substitution for the heading of regulation 61.01.4 of the following heading:

**“Flight instructor [and test flight rating]”;**

(b) the deletion in regulation 61.01.4 of sub-regulation (2);

(c) the substitution for regulation 61.01.5 of the following regulation:

#### **“Skills test, competency check and revalidation check**

**61.01.5** (1) Unless a person maintains his or her licence or rating(s) valid by complying with the appropriate requirements prescribed in this Part he or she shall not exercise the privileges granted by the licence or rating(s).

(2) A skills test for a night rating conducted after the first revalidation check of the holder of a PPL will revalidate the maintenance of competency in the same category of aircraft.

(3) A skills test for the issuance of a licence or rating shall be conducted under the auspices of the ATO which completed the training of the applicant.

(4) In the case of a skills test for the issuance of a licence or rating, the approved ATO which conducted the training shall issue a letter of recommendation to the examiner who is conducting the skills test.

(5) No skills test, competency check or revalidation check shall be conducted before successful completion of the applicable ground evaluation.

- (6) An examiner who conducted a skills test, competency check or revalidation check shall endorse the logbook of the candidate or pilot as prescribed in Document SA-CATS 61.
- (7) In the case of a partial or complete failure of a skills test, competency check or revalidation check, the following shall apply before the candidate or pilot undergoes another test or check:
- (a) the candidate or pilot concerned must undergo remedial training at an approved ATO to reach the standard required for the applicable test of check;
  - (b) no re-check or re-test may be conducted within 72 hours of a partial or complete failure of a test or check;
  - (c) a flight instructor who conducted the remedial training shall issue a letter of recommendation to the examiner prior to the re-test or re-check; and
  - (d) the candidate or pilot may not exercise the privileges of his or her licence or rating until he or she has successfully passed a re-test or re-check.
- (8) A navigation element of the skills test for the issuing of a PPL or a CPL may be conducted as a separate flight within a maximum period of 14 days.
- (9) A ground evaluation and practical part of the test or check may be conducted on different dates, within a maximum period of 14 days.
- (10) If, due to unforeseen reasons, a test or check cannot be completed in one flight, the test or check may be completed on a different date, within a maximum period of 14 days and provided an examiner specifies the unforeseen reason on the applicable form.
- (11) The following requirements shall be complied with for the initial issue of a licence or rating:
- (a) the application form and applicable skills test forms shall be submitted to the Director within 30 days of the skills test.
  - (b) the initial expiry date of the maintenance of competency of a licence or validity of a rating is calculated from the last day of the month in which the skills test was conducted.
- (12) (a) The holder of a licence who has undergone a competency check or a revalidation check shall submit to the Director the appropriate form within 30 days of the competency check or revalidation check.

(b) If a competency check or revalidation check is conducted within 90 days prior to the expiry date of the competency or the rating, then the new expiry date will be calculated from the last day of the month in which the expiry date occurs.

(c) If a competency check or revalidation check is conducted more than 90 days prior to the expiry date of the competency or the rating, then the new expiry date will be calculated from the last day of the month in which the test or check was conducted.

(d) An extension of up to 30 days from the date of expiry of the maintenance of competency of any licence or the validity of any rating may be granted upon submission of a written application to the Director providing for exceptional circumstances.

(13) A holder of a pilot licence must submit to the Director, at least annually, a certified copy of the summary of his or her logbook in the format prescribed in Document SA-CATS 61 together with the prescribed licence currency fees.

(14) In the event that a licence holder fails to demonstrate the appropriate skills and knowledge referred to in this regulation, the Director shall require the licence holder to refrain from exercising the privileges of his or her licence or rating and to comply with the following:

- (a) the holder shall be required to undergo remedial ground and flight training at an approved ATO;
- (b) the holder shall obtain a letter from the ATO referred to in paragraph (a) which confirms the content of the ground and flight training and that the holder has reached the standards required for the issuance of the applicable licence or rating; and
- (c) the holder shall undergo the applicable skills test with a DFE appointed for that purpose by the Director.

(15) In the event that a licence holder referred to in sub-regulation (14) fails without reasonable cause to achieve the expected standards as required by the Director, the Director shall cancel the licence or rating with immediate effect.

(16) A person whose licence or rating was cancelled by the Director shall comply with the requirements for the initial issue of the applicable licence or rating, provided that the application for the issue of the licence or rating shall not be within a period of 24 months calculated from the date of cancellation.

(17) No skills test, competency check or revalidation check may be conducted with fare paying passengers or cargo on board the aircraft.”;

- (d) by the substitution in regulation 61.01.13, for paragraph (a) of sub-regulation (6) of the following paragraph:

“(6)(a) Notwithstanding the provisions of regulation **[61.01.14(20)]** 61.01.13(20), a certificate of validation of a foreign licence for commercial purposes may only be issued for a particular purpose.”;

- (e) by the substitution in regulation 61.01.13 for sub-regulation (24) of the following sub-regulation:

**“Conversion of a foreign pilot licence and ratings**

(24) **[The] a** holder of a valid **[South African validation issued in terms of the Air Navigation Regulations, 1976, or the holder of a]** pilot licence and rating issued by an appropriate authority of a Contracting State may apply for the conversion of his or her licence and or rating**[, without having to pass the theoretical knowledge or practical skills tests required by Part 61 provided that—**

- (a) the validation had been held for an uninterrupted period of 3 years or more immediately preceding 1 January 2008; and**
- (b) the holder has acquired not less than 750 hours flight time in the three years referred to in paragraph (a) above.]”;**

- (f) the substitution for regulation 61.01.17 of the following regulation:

**“Approval of flight simulation training devices**

**61.01.17 [(1) The approvals for FSTD must be issued based on the criteria set out in Document SA-CATS 61.]** The qualification criteria and associated training, testing and checking approvals are contained in Part 60.

**[(2) The Director must issue a registration designator for each approved FSTD.]”;**

- (g) by the insertion after regulation 61.02.6 of the following regulation:

**“Discontinuance of flight training**

**61.02.7** The Director may permanently discontinue the flight training of any student pilot due to safety concerns. The procedure for making a recommendation to the Director for the discontinuance of flight training is prescribed in Document SA-CATS 61.”;

(h) the substitution for subpart 9 of the following subpart:

**“SUBPART 9: CLASS AND TYPE RATINGS**

**General**

**61.09.1** (1) This Subpart applies to the issuing of class ratings and type ratings and the endorsement of models or variants for the aircraft categories aeroplane and helicopter as prescribed in Document SA-CATS 61.

(2) No person may act as pilot of an aircraft, except when undergoing a skills test or receiving flight training, unless he or she –

- (a) has the applicable class or type rating and the model or variant endorsed in his or her logbook and licence or file copy (as applicable);  
or
- (b) is in possession of a temporary 30 day certificate of competency and has the logbook endorsement. The temporary certificate of competency is part of the application for class or type rating form and does not entitle a pilot to conduct international flights.

(3) For the purpose of this Subpart –

- (a) aircraft in a class are referred to by manufacturer, model and variant(s) of the model; and
- (b) aircraft which require a type rating are referred to by manufacturer, type and variant(s) of the type.

(4) (a) Class ratings are–

- (i) SEA (L): single-engine aeroplanes (land) certificated for single pilot operation;
- (ii) SEA (S): single-engine aeroplanes (sea) certificated for single pilot operation;
- (iii) MEA (L): multi-engine aeroplanes (land) certificated for single pilot operation;
- (iv) MEA (S): multi-engine aeroplanes (sea) certificated for single pilot operation;
- (v) SEH: single engine helicopters certificated for single pilot operation;
- (vi) MEH: multi-engine helicopters certificated for single pilot operation.

(b) Type ratings are –

- (i) aeroplanes certificated for operation with more than one pilot;
- (ii) turbojet and turbofan powered aeroplanes;
- (iii) helicopters certificated for multi-crew operation;
- (iv) any aircraft considered necessary by the Director.

(5) Type ratings shall be issued according to the list of aircraft types published on the Authority website by the Director.

(6) The class rating, model and variant of the aircraft used during a PPL, CPL or ATPL skills test may be added to the licence, provided all other requirements of this Subpart for the issue of such class rating, model or variant have been met.

(7) The type rating or the variant of the aircraft used during an ATPL skills test may be endorsed in the licence, provided all other requirements of this Subpart for the issue of such type rating or variant have been met.

(8) Training shall be in the form of initial or conversion training as specified in this Subpart.

(9) The Director may withdraw a type or class rating or a variant should any irregularity with respect to training, testing or the endorsement be found.

### **Requirements for the issue of class and type ratings**

**61.09.2** (1) An applicant for a class or type rating must –

- (a) have successfully completed the initial training referred to in this Subpart;
- (b) have passed the skills test referred to in this Subpart;
- (c) submit the applicable application form. The application form for a type rating shall be accompanied by a completed type rating skills test form or equivalent document acceptable to the Director; and
- (d) pay the appropriate fee as prescribed in Part 187.

(2) When all requirements are met, the Director shall issue the class or type rating and shall endorse such in the licence. The variant of the aircraft type on which the skills test was conducted will also be endorsed in the licence. Models and variants of aircraft within a class will be added to the file copy of the licence.

### **Initial training**

**61.09.3** (1) Initial training is required in order for the relevant class or type rating to be endorsed in the licence and consists of theoretical knowledge instruction, a theoretical knowledge examination, flight training and a skills test as prescribed in Document SA-CATS 61.

(2) The prerequisites for initial type and class rating training are as follows:

- (a) Type rating:
  - (i) at least a CPL or no less than 350 hours as pilot-in-command of aeroplanes for the aeroplane type rating;

- (ii) at least a CPL or no less than 200 hours as pilot-in-command of helicopters for the helicopter type rating;
  - (iii) a valid instrument rating in the case of aeroplanes;
  - (iv) a multi-engine class rating in the case of multi-engine aeroplanes;
  - (v) multi-pilot operation training and certificate in the case of multi-pilot aircraft. The multi pilot operations training is only required for the first multi-pilot aircraft rating.
- (b) Class rating:
- (i) 100 hours as pilot-in-command of aeroplanes for the multi-engine class rating.

### **Theoretical knowledge examination**

**61.09.4** After receiving theoretical knowledge instruction for initial or differences training the candidate shall pass a theoretical knowledge examination for the aircraft at the ATO or foreign training organisation where the theoretical knowledge instruction was received. The format of the examination is prescribed in Document SA-CATS 61.

### **Flight training**

**61.09.5 (1)** Flight training may only commence once the theoretical knowledge examination has been passed and shall be conducted as stipulated in Document SA-CATS 61.

(2) In order to obtain a class rating, initial flight training as prescribed in Document SA-CATS 61 shall be conducted on any aircraft in that class or in an FSTD approved for the purpose.

(3) In order to obtain a type rating, initial flight training shall be conducted on any of the variants of the type. Initial flight training in the case of an aeroplane type rating shall be conducted in an FSTD approved for the purpose, except when such an FSTD is not locally or internationally available.

### **Skills test**

**61.09.6 (1)** An applicant for a type rating or class rating must have passed a skills test in an aircraft or in an FSTD approved for the purpose, as prescribed in Document SA-CATS 61.

(2) Skills test for a type rating and a multi-engine class rating shall be conducted by a DFE or the examiner of a foreign training organisation as specified in this Subpart.

(3) Skills test referred to in sub regulation (2) shall be completed within 90 days of having passed the theoretical knowledge examinations referred to in this Subpart.

(4) The examiner shall, on satisfactory completion of all the requirements for the issue of a class or type rating, endorse the logbook of the applicant, as specified in Document SA-CATS 61.

(5)(a) When the skills test for a multi-engine class rating is conducted in a multi-engine aeroplane with centre line thrust, the multi-engine class rating endorsement will be restricted to centre line thrust aeroplanes.

(b) The restriction will be removed from the licence after completion of sufficient training and after having passed a skills test in a non-centre line thrust multi-engine aeroplane or FSTD approved for the purpose and upon submission of a notification of aircraft differences or familiarisation training form.

(c) Sufficient training shall be at least equal to the initial training for the multi-engine aeroplane class rating.

### **Conversion training**

**61.09.7** (1) Conversion training as prescribed in Document SA-CATS 61 consists of either differences or familiarisation training and is required in order to add –

- (a) a different manufacturer, model or variant of an aircraft within a particular class to a licence which is already endorsed with the relevant class; and
- (b) a variant of an aircraft within a particular type to a licence which is already endorsed with the relevant type.

(2) Conversion training is required when converting–

- (a) from one aircraft manufacturer to another aircraft manufacturer or one model to another model of the same manufacturer for aircraft which belong to the same class;
- (b) from one variant to another variant of the same model for aircraft which belong to the same class; and
- (c) from one variant to another for aircraft of the same type.

(3) The flight instructor who conducts or supervises the conversion training shall, on satisfactory completion of the training, endorse the logbook of the applicant and complete a notification of differences or familiarisation training form.

(4) The notification of differences or familiarisation training form shall be submitted to the Director within 30 days of completion of the training.

### **Differences training**

**61.09.8** (1) Differences training consists of theoretical knowledge instruction, a theoretical knowledge examination and flight training as prescribed in Document SA-CATS 61 and is required when converting to –

- (a) an aircraft within a class rating which has an additional system or additional systems, as prescribed in Document SA-CATS 61;
- (b) an aircraft of a different aircraft manufacturer within a class rating; and
- (c) a variant of a type as specified in the list of aircraft types published by the Director on the Authority website.

(2) Differences flight training for aircraft within a class and for all helicopters may be carried out in an aircraft or in an FSTD approved for the purpose.

(3) Differences flight training for aeroplanes of a type shall be carried out in an FSTD approved for the purpose, except when such FSTD is not available, in such case, the differences flight training shall be carried out in an aircraft.

(4) Differences training shall be conducted by an approved ATO or a foreign training organisation as specified in this Subpart.

### **Familiarisation training**

**61.09.9** (1) Familiarisation training is required when converting to –

- (a) an aircraft within a class rating which does not require differences training; or
- (b) a variant of a type as specified in the list of aircraft types published by the Director on the Authority website.

(2) Familiarisation training consists of –

- (a) theoretical knowledge instruction as prescribed in Document SA-CATS 61;
- (b) flight training, only if deemed necessary by the instructor, taking into consideration –
  - (i) the experience level of the applicant; and
  - (ii) handling characteristics, performance characteristics and weight of the particular aircraft.

(3) Familiarisation flight training, if deemed necessary, may be carried out in an aircraft or in an FSTD approved for the purpose. Such flight training shall be conducted by an ATO or a foreign training organisation.

(4) Familiarisation training does not have to be conducted by an ATO if no flight training is involved.

### **Instructor requirements for training**

**61.09.10** (1) Theoretical knowledge instruction for initial and conversion training as prescribed in Document SA-CATS 61 must be conducted by an appropriately qualified person.

(2) Flight training for initial or conversion training may only be conducted by a flight instructor who is qualified or rated on the specific aircraft or an appropriately qualified FSTD instructor when the training is conducted on an FSTD.

### **Transfer of foreign class and type ratings**

**61.09.11** (1) The Director may approve the transfer to a South African licence of a class or type rating, or a model or variant of an aircraft within a class or type rating, contained in a valid, non-temporary licence issued by a Contracting State.

(2) A holder of a South African licence who wishes to have these endorsements added to his or her licence shall make a written application to the Director.

### **Class ratings**

(3) Whereas a class rating may be added to the South African licence, only the model or variant of a model on which training was successfully completed at the foreign training organisation will be added to the file copy upon receipt of proof of training or of proof of experience which is acceptable to the Director.

### **Type ratings**

(4) Whereas a type rating may be added to the South African licence, only the variant of the type on which training was successfully completed at the foreign training organisation will be added to the file copy upon receipt of proof of training or of proof of experience which is acceptable to the Director.

### **Type rating training and testing conducted by approved foreign training organisation of a Contracting State**

**61.09.12** (1) A holder of a South African licence who wishes to undergo training for the addition of a class rating, type rating, model or variant to his or her South African licence at a foreign training organisation approved by the authority of a Contracting State, must request approval in writing from the Director and to allow for up to 14 days for such approval. Training conducted at a foreign training organisation without prior approval will not be considered.

(2) If an FSTD is to be used during the training it must be approved in terms of these regulations or the regulations of the authority of the Contracting State.

(3) Documents required to be submitted when applying for a training approval are prescribed in Document SA-CATS 61.

(4) The class rating, type rating, model or variant will be endorsed in the South African licence or file copy upon presentation of the prior approval and of proof of successful completion of the training.

### **Non-availability of local instructors**

**61.09.13** (1) In a case where there is no South African instructor with a specific aircraft on his or her flight instructor rating, a pilot qualified on the aircraft may apply to the Director to have the aircraft endorsed on the licence of a South African instructor. If this application is approved, the instructor must submit to the Director, the applicable notification or application form, signed by the pilot, together with the Director's letter of approval for the endorsement of their instructor rating.

(2) Should there be no qualified pilot available, an instructor may apply to the Director for approval to have the aircraft endorsed on his or her instructor rating, provided that he or she is qualified on a similar aircraft and has experience acceptable to the Director.

(3) The Director may authorise a suitably qualified instructor from a Contracting State to conduct training towards a class or type rating, or variants of a class or type, or to qualify a South African instructor on a specific aircraft.

(4) The Director may authorise a suitably qualified instructor from a Contracting State to conduct the skills test for a class or type rating if a local DFE is not available.

### **Application for issuing of a class or type rating**

**61.09.14** (1) An application for a class or type rating must be made on the appropriate prescribed form within 30 days of the skills test.

(2) The application must be accompanied by –  
(a) documentary evidence showing compliance with the requirements of the relevant provisions of this Subpart; and  
(b) the appropriate fee as prescribed in Part 187.

(3) If the applicant complies with all the relevant requirements, the Director must issue a class or type rating on the appropriate prescribed form.

(4) (a) A DFE or flight instructor must, on satisfactory completion of all the requirements for the issue of a class or type rating, endorse the logbook of the applicant entitling the applicant to exercise the privileges of the rating, as PIC or pilot instructor as the case may be.

(b) A DFE or flight instructor may place a restriction on the applicant to act as co-pilot or as third pilot as the case may be.

(c) The Director reserves the right to withdraw the privilege of the rating should any irregularity with respect to the endorsement be found.

(i) the insertion in subpart 19 after regulation 61.19.1 of the following regulations:

#### **“Requirement for test flight**

##### **61.19.2 A test flight shall be carried out –**

- (a) prior to the initial issuing of a certificate of airworthiness;
- (b) for the validation or rendering effective of a certificate of airworthiness;
- (c) after maintenance, adjustments or repair to an aircraft which is or likely to affect the flying characteristics of the aircraft and as stipulated in the maintenance manual; or
- (d) when prescribed by the Director.

#### **General privileges of test pilot rating**

**61.19.3** (1) The holder of a test pilot rating issued in terms of sub-regulations 61.19.1(1) and 61.19.1(2) must be rated as PIC within the category of aircraft, on the type or within the class of aircraft for any test flight, other than on an experimental prototype aircraft test flight as indicated below.

(2) No person shall act as test pilot of an aircraft requiring a test flight, as defined below, unless he or she is the holder of a valid pilot’s license with a test pilot rating.

#### **Privileges of Class II test pilot rating**

**61.19.4** A holder of a Class II test pilot rating issued in terms of regulation 61.19.1(1) may –

- (a) act as PIC of an experimental prototype aircraft with a MCM not exceeding 2 700 kg; or
- (b) act as PIC on any test flight, other than experimental prototype aircraft, provided he or she holds the appropriate class and type rating for the aircraft to be tested.

### **Privileges of Class I test pilot rating**

**61.19.5** A holder of a Class I test pilot rating issued in terms of regulation 61.19.1(2) may –

- (a) act as PIC of any experimental prototype aircraft with a MCM not exceeding 2 700 kg;
- (b) act as PIC of any experimental prototype aircraft with a MCM of more than 2 700 kg within a schedule of experimental prototype test flying approved by the Director; or
- (c) act as PIC on any test flight, other than experimental prototype aircraft, provided he holds the appropriate class and type rating for the aircraft to be tested.

### **Circumstances not requiring a test pilot rating**

**61.19.6** In the event that there are circumstances which cannot be categorised as test flight that would require the pilot to hold a test pilot rating, the pilot must be rated as PIC within the category of aircraft, on the type or within the class of aircraft for the test flights as defined.

### **Circumstances requiring a test pilot rating**

**61.19.7** The circumstances that would require the pilot to hold a test pilot rating for the PIC include a test flight, maintenance test flight, import test flight and an experimental or a prototype test flight.”.

### **Amendment of regulation 69.02.2**

8. Regulation 69.02.2 is hereby amended by the substitution for paragraph (b) of the following paragraph:

“(b) a minimum of eight **[flights]** launches and ascents of which one must be solo;”.

## Substitution of regulation 91.07.21

9. The following regulation is hereby substituted for regulation 91.07.21:

### **“Passenger health and safety**

**91.07.21** (1) The PIC of an aircraft shall notify air traffic control [**or the South African Health Authority, as applicable**] where it appears that any person displays the symptoms and signs of 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.**]The owner or operator of an aircraft shall establish procedures for –

- (a) evaluation by flight crew member or cabin crew member of a person who displays the symptoms referred to in sub-regulation (1); and
- (b) notification of the air traffic control by the PIC of a suspected case as prescribed in Document SA-CATS 91.”.

## Substitution of Part 93 of the Regulations

10. The following part is hereby substituted for Part 93 of the Regulations:

### **“PART 93: CORPORATE AVIATION OPERATIONS AND HIGH PERFORMANCE AIRCRAFT**

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**SUBPART 1: GENERAL**

**Applicability**

**93.01.1** (1) Subject to the provisions of sub-regulation (2), this Part applies to the operation of a South African registered aircraft used in all general aviation operations if—

- (a) the aeroplane has a maximum certified take-off mass exceeding 5 700kg, or the helicopter has a maximum certified take-off mass exceeding 3 180kg;

- (b) the aircraft is classified as high performance aircraft and is equipped with one or more turbine-powered engines; or
- (c) the operation involves three or more aircraft, of which at least one aircraft conforms to the requirements of paragraphs (a) and (b) above, and which are operated by pilots employed for the purpose of flying the aircraft: Provided that the carriage of the passengers is related to the conduct of the business of the individual, company or corporation having ownership of the aircraft and the carriage of such persons is done without remuneration or hire.

*Note: the term "aircraft" is used to indicate the use of aeroplanes and helicopters which shall be subject to this regulation.*

*Note: with reference to regulation 93.01.1(c), the operator shall be referred to as a CAO.*

(2) This Part does not apply in respect of an aircraft that is required to be operated under Part 121, Part 127, Part 135 or Part 141.

*Note: All persons operating under this Part, shall comply with all provisions of Part 61 and 91 in addition to the provisions of this Part.*

## **SUBPART 2: OPERATIONS PERSONNEL REQUIREMENTS**

### **Division One: Flight crew member qualifications and requirements**

#### **Composition of flight crew**

**93.02.1** (1) A CAO shall allocate additional flight crew members when it is required by the type of operation, and the number of such additional flight crew members shall not be less than the number specified in the operations manual.

(2) A flight crew shall include at least one member who is proficient in navigating over the route to be flown using the equipment required for such navigation.

(3) A CAO or responsible person shall designate a PIC for each flight.

(4) When a separate flight engineer's station is incorporated in the design of an aircraft, the flight crew shall include at least one flight engineer especially assigned to that station, unless the duties associated with that station can be satisfactorily performed by another flight crew member, holding a flight engineer license issued in terms of Part 63, without interference with regular duties.

### **Minimum requirements for assignment as PIC**

**93.02.2** (1) The CAO shall not assign a PIC, and no flight crew member may accept any assignment to act as a PIC of any aircraft unless such person meets the minimum flight time requirements for command and the operating experience requirements prescribed in Document SA-CATS 93.

(2) The Director may, in the interests of safety, require a PIC to have additional flight time experience prior to operating in that position.

(3) The CAO shall publish the minimum flight time for assignment and operating experience requirements for a PIC in its operations manual.

### **Flight crew member emergency duties**

**93.02.3** (1) A flight crew member shall not accept an assignment of emergency duties unless such flight crew member has been instructed in the performance of such emergency duties and has undergone the required initial and recurrent training in accordance with subpart 3.

(2) An operator's training programme shall include instruction in the use of all emergency and lifesaving equipment required to be carried.

(3) An operator's training programme shall include an emergency evacuation drill for aircraft certified to carry more than 19 passengers.

### **Area, route and aerodrome qualifications**

**93.02.4** (1) A CAO shall not assign, and a pilot shall not act as PIC of an aircraft engaged in passenger-carrying operations, unless the PIC has familiarised him or herself with the area, route and aerodromes to be operated over or into prior to operating there.

(2) A CAO shall establish in its operations manual the means by which the PIC is to become familiar with the area, route and aerodromes over or into which he or she is to operate.

### **Flight crew member qualifications**

**93.02.5** (1) Subject to sub-regulation (4), an operator shall not assign a person to act and no person shall act as the PIC or second-in-command of an aircraft unless the person—

- (a) is the holder of valid licence, rating and certificate appropriate to his or her assignment; and

- (b) has completed the training and checking requirements specified in subpart 3 as appropriate to the intended flight.

(2) A pilot who does not meet the recency requirements of regulation 91.02.4 or whose training and checking validity periods have lapsed shall regain competency only after satisfying the regaining competency requirements specified in subpart 3.

(3) A CAO shall not assign a person to act and no person shall act as the PIC or second-in-command on more than three aeroplane types for which a separate type rating is required, having a maximum certificated take-off mass (MCM) greater than 5 700 kg and operated in terms of this part.

(4) A CAO may permit a person to act and a person may act as the PIC or second-in-command of an aircraft where the person does not meet the requirements of sub-regulation (1) (a) and (b), if the aircraft is operated on a training, ferry or positioning flight.

## **Division Two: Other than flight crew requirements**

### **Requirement for flight followers**

**93.02.6** A CAO shall employ sufficient flight followers to ensure adequate operational monitoring is exercised over its flights.

### **Flight follower qualifications**

**93.02.7** A CAO shall not permit a person to act and no person shall act as a flight follower unless such person meets the training and checking requirements specified in subpart 3.

### **Ground personnel qualifications**

**93.02.8** Where a CAO employs ground personnel to provide essential ground support services appropriate to the aircraft and type of service being operated, the operator shall ensure that—

- (a) persons assigned to the handling of dangerous goods are qualified to do so in accordance with subpart 3; and
- (b) persons assigned to provide direct service to an operator's aircraft or any passenger, cargo or mail intended to be carried aboard such aircraft, are trained and qualified as appropriate to their assignments.

### **Cabin crew member complement**

**93.02.9** (1) A CAO or the PIC may not operate an aircraft certified for more than 19 passengers unless—

- (a) one or more cabin crew members have been assigned to duty, if one or more passengers are carried; and
- (b) the minimum number of cabin crew members assigned to a flight is not less than that prescribed in Document SA-CATS 121, notwithstanding the actual number of passengers on board the aircraft.

(2) Where, in consideration of the size, complexity and physical layout of the aircraft, the Director is of the opinion that it would be in the interest of safety, he or she may, notwithstanding the aircraft's certificated seating capacity—

- (a) require one or more cabin crew members licensed in terms of Part 64 to be assigned to duty; or
- (b) require the operator to demonstrate a capability to provide an equivalent level of safety as would be achieved by paragraph (a).

(3) A cabin crew member shall give priority to the performance of duties relating to the safety of passengers as may be assigned by the operator or the PIC.

(4) In unforeseen circumstances, the operator may reduce the required minimum number of cabin crew members: Provided that—

- (a) the number of passengers has been reduced in accordance with the procedures specified in the operations manual referred to in regulation 93.04.2; and
- (b) a report is submitted to the Director after completion of the flight.

(5) Where a cabin crew member is not legally required but the operator or PIC nominates a cabin attendant for the flight, the PIC shall remain responsible for all safety related duties. The PIC shall conduct the safety briefing and notify the passengers that he or she is ultimately responsible for the use of all safety or emergency equipment.

### **Operation on more than one type or variant by cabin crew member**

**93.02.10** (1) A cabin crew member shall not operate on more than three aircraft types except where the Director approves the operation on a fourth aircraft type: Provided the emergency and safety equipment and procedures for at least two of the aircraft types are similar.

(2) The types of aircraft which are deemed to be similar in respect of emergency and safety equipment and procedures shall be based on the factors prescribed in Document SA-CATS 121.

### Senior cabin crew member

**93.02.11** (1) A CAO or the PIC shall appoint a senior cabin crew member whenever more than one cabin crew member is carried on board an aircraft operated under this Part.

(2) A senior cabin crew member shall be responsible to the PIC for the conduct of cabin operations and the co-ordination and performance of safety duties.

(3) Procedures shall be established to select the next most suitably qualified cabin crew member to operate as senior cabin crew member in the event of the nominated senior cabin crew member being unable to perform his or her duties.

### Cabin crew member emergency duties

**93.02.12** (1) A CAO, and where appropriate, a PIC shall assign to each cabin crew member concerned the necessary functions to be performed in an emergency or a situation requiring emergency evacuation and the operator or responsible person shall establish emergency evacuation procedures based on such assignment.

(2) The functions referred to in sub-regulation (1) shall be such as to ensure that any reasonably anticipated emergency can be adequately dealt with and shall take into consideration the possible incapacitation of individual flight and cabin crew members.

(3) With respect to the emergency evacuation procedures required by regulation 91.02.2—

- (a) a CAO or responsible person shall prove to the satisfaction of the Director that the procedures to accomplish the evacuation have been adopted and are adequate; and
- (b) the procedures shall be demonstrated by the operator's flight and cabin crew members and carried out in accordance with the requirements prescribed in Document SA-CATS 121.

(4) A CAO shall carry out the emergency evacuation demonstration referred to in sub-regulation (3)(b) when a new type or variant of aircraft or new configuration of an existing aircraft is introduced for use and has not been certified under a certification process acceptable to the Director, as prescribed in Document SA-CATS 121.

(5) No person may use an aircraft type and model in passenger-carrying corporate aviation operations unless the operator has first conducted, to the satisfaction of the Director, an actual full-capacity emergency evacuation demonstration for the configuration in 90 seconds or less.

(6) The Director may approve a partial-capacity demonstration in lieu of a full-capacity demonstration where the operator can produce evidence that—

- (a) a satisfactory full-capacity emergency evacuation for the aircraft to be operated was demonstrated during the aircraft type certification or during the certification of another operator; or
- (b) there is an engineering analysis, which shows that an evacuation is still possible within the 90 second standard, if the operator's aircraft configuration differs with regard to the number of exits or exit type or number of cabin crew members.

(7) Where the Director has approved partial evacuation demonstration referred to in sub-regulation (6), such demonstration shall be performed in the manner prescribed in Document SA-CATS 121.

(8) The emergency evacuation procedures referred to in sub-regulation (1) shall be contained in the CAO's operations manual referred to in regulation 93.04.2 and shall form part of the operator's emergency training programme.

(9) No operator shall assign and no flight or cabin crew member shall perform any emergency function unless such crew member has been trained to perform emergency functions in accordance with the operator's approved emergency training programme.

### **Seating of cabin crew members during flight**

**93.02.13** During take-off and landing, and whenever deemed necessary by the PIC in the interests of aviation safety, cabin crew members shall be seated at their assigned stations or seats, on all decks that are occupied by passengers.

### **Division Three: Flight time and duty limitations**

#### **Flight time and duty period scheme**

**93.02.14** (1) A CAO shall establish a flight and duty scheme that should be published in the operations manual referred to in regulation 93.04.2 that—

- (a) complies with the flight time and duty period limitations, rest periods and days free of duty, prescribed in Document SA-CATS 93; or
- (b) is a system of flight time and duty period limitations, rest periods and days free of duty proposed by the operator where the Director is of the opinion that an equivalent level of safety may be achieved by the operator's proposed scheme.

(2) The PIC of an aircraft operated in accordance with regulation 93.01.1 (1) (a) or (b) shall be responsible for establishment and maintenance of flight and duty scheme that —

- (a) complies with the flight time and duty period limitations, rest periods and days free of duty, prescribed in Document SA-CATS 93;
- (b) comprises of a sign-on and sign-off system, by means of recording local time or UTC times;
- (c) includes the type and registration of all aircraft flown; and
- (d) is acceptable to the Director.

***NOTE:*** In accordance with sub-regulation (2), a flight crew member shall maintain an accurate record of flight time and duty periods and shall provide copies thereof to an authorised officer or inspector, if requested. The flight crew member is responsible to report all flight activity and duty periods and to ensure he/she does not exceed the limits prescribed in Document SA-CATS 93. The Flight crew member shall retain the flight time and duty period records for 90 days.

(3) A CAO shall not assign a flight crew member and no flight crew member shall accept an assignment if such assignment is not in compliance with the provisions of the scheme referred to in sub-regulation (1) or (2) as applicable, or if—

- (a) the operator or flight crew member knows or has been made aware that such flight assignment will cause the flight crew member to exceed the flight time and/or duty periods referred to in sub-regulation (1) or (2) while on duty; or
- (b) the flight crew member 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.

(4) A CAO shall not schedule a flight crew member for flight time for a period exceeding eight consecutive hours during any given duty period unless authorised in the scheme referred to in sub-regulation (1).

(5) A PIC shall not accept a flight for which the planned flight time exceeds eight consecutive hours during any given duty period unless authorised in the scheme referred to in sub-regulation (2).

(6) Where any flight crew member is aware of any reason they would be in violation of the scheme referred to in sub-regulation (1), that person shall, without delay, inform the operator. For the purposes of this regulation, the operator shall be taken to mean—

- (a) an appropriate management personnel if time permits;
- (b) a duty crew scheduler of the operator; or
- (c) a person responsible for operational control over the flight.

(7) Where any flight crew member is aware of any reason they would be in violation of the scheme referred to in sub-regulation (2), that crew member shall, without delay, inform the PIC.

(8) A PIC shall be responsible to ensure compliance with the scheme referred to in sub-regulation (2).

### **Fatigue risk management system (CAOC holders only)**

**93.02.15** (1) A CAO who establishes a scheme for the regulation of flight time and duty periods in accordance with sub-regulation (1) (a) and (b) of regulation 93.02.14 shall establish a fatigue risk management programme that ensures that all operator personnel involved in the operation and maintenance of aircraft do not carry out their duties when fatigued. The programme shall address flight and duty times and be included in the operations manual.

(2) An operator's fatigue risk management system shall, as a minimum, contain the following as fully prescribed in Document SA-CATS 93:

- (a) a fatigue risk management policy;
- (b) fatigue risk management processes;
- (c) safety assurance processes; and
- (d) fatigue risk management system promotion processes.

(3) The operator shall designate a person responsible for the fatigue risk management system who meets the qualifications and experience requirements, and who will be responsible for the functions prescribed in Document SA-CATS 93.

### **Approval of a fatigue risk management system (CAOC Holders only)**

**93.02.16** (1) A CAO shall submit to the Director its proposed fatigue risk management system which complies with the requirements of regulation 93.02.15(2).

(2) The Director shall approve the commencement of a trial phase for implementation of the proposed fatigue risk management system for a trial period of up to 24 months if the Director is satisfied that the operator has complied with the provisions of regulation 93.02.15(2).

(3) At any time during the approved trial phase, the Director may withdraw the approval if it becomes evident that the operator does not comply with the provisions of the system or the regulations.

(4) During the trial phase the operator may implement the proposed maximum and minimum flight time and duty values, as determined by the operator and approved by the Director.

(5) After a period of 12 months, an operator approved under sub-regulation (2), may apply to the Director for full approval by providing evidence that the fatigue risk management system is delivering the required safety outcomes.

(6) Where the Director is satisfied that the evidence provided under sub-regulation (5) is acceptable, the Director shall issue a full approval to implement the fatigue risk management system.

### **Fatigue risk management system manual (CAOC Holders only)**

**93.02.17** A CAO shall draw up a fatigue risk management system manual containing all the information required under this Part, and publish the contents in its operations manual, as prescribed in Document SA-CATS 93.

## **SUBPART 3: TRAINING AND CHECKING**

### **Division One: General provisions for a CAO**

#### **Training and checking program**

**93.03.1** (1) A CAO shall establish and maintain a ground and flight training program that includes a checking program, either through internal programs or through an ATO approved in accordance with Part 141, that—

- (a) is designed to ensure that each person who receives training acquires the competence to perform their assigned duties, including skills related to human performance;
- (b) shall include training to competency for all equipment installed; and
- (c) meets the requirements prescribed in Document SA-CATS 93 and is approved by the Director.

(2) A training programs referred to in sub-regulation (1) shall be described in the operations manual.

(3) An operator shall ensure that—

- (a) prior to assignment to duty, each person required to receive training in accordance with this subpart, shall, whether employed on a full-time or part-time basis, receive training as appropriate to his or her duties in accordance with the provisions in Document SA-CATS 93;
- (b) each person required to receive the training referred to in paragraph (a), shall complete a written skills test or other comprehension assessment acceptable to the Director and where applicable, complete a skills test as specified in this subpart; and

- (c) the training facilities, equipment and personnel shall meet the requirements prescribed in Document SA-CATS 93.
- (4) A training program referred to in sub-regulation (1) shall be as prescribed in Document SA-CATS 93.
- (5) A training program referred to in sub-regulation (1) shall include a system of record keeping as prescribed in regulation 93.04.6.
- (6) Training records referred to in sub-regulation (5) shall be retained as provided in regulation 93.04.6.
- (7) An operator shall publish the training program referred to in sub-regulation (1) in the operations manual referred to in regulation 93.04.2.

### **Approval of training program**

- 93.03.2** (1) A CAO shall submit its ground and flight training programs and any amendments thereto to the Director for approval.
- (2) An initial and final approval process of training program is prescribed in Document SA-CATS 93.

### **Division Two: Flight crew member training**

#### **Flight crew member training**

- 93.03.3** (1) A CAO and the PIC of an aircraft operated in accordance with this regulation, shall ensure that flight crew members are provided with ground and flight training which includes at least the following training components—
- (a) crew resource management training including human factors, risk analysis and error management training;
  - (b) cabin safety procedures, emergency equipment procedures and security training;
  - (c) initial and recurrent aircraft type ground and flight training;
  - (d) regaining recency; and
  - (e) regaining qualification training.
- (2) A CAO shall provide company induction training to its flight crew members.
- (3) The training components as appropriate to operation and the type of aircraft operated shall include—
- (a) line induction training on an aircraft with a maximum take-off mass of greater than 5 700kg following initial training or upgrade training;

- (b) differences and familiarisation training where the operator intends to assign a flight crew member to variant types, in accordance with regulation 93.02.5;
- (c) initial upgrade training for aircraft required to be crewed by two pilots;
- (d) for aircraft with dual controls, pilot training to operate in either pilot seat for pilots required to operate in either seat;
- (e) area, route and airport familiarisation training on initial conversion or upgrade training, as applicable;
- (f) ACAS training (as applicable);
- (g) RVSM training (as applicable);
- (h) training for LVO;
- (i) single-engine IFR and night VFR training, as applicable;
- (j) single pilot IFR and night VFR training, as applicable;
- (k) dangerous goods training if the operator is authorised to carry dangerous goods or, if not so authorised, dangerous goods awareness training; and
- (l) any other course of studies required by the Director to ensure full competency of personnel on new or special equipment installed in the aircraft or other operations requiring specialized training.

(4) Training required by sub-regulations (1) and (2) shall be as prescribed in Document SA-CATS 93.

(5) The validity period for any training required under this subpart shall be as prescribed in regulation 93.03.7.

### **Division Three: Cabin crew member training**

#### **Cabin crew member training**

**93.03.4** A CAO or PIC, who is required to engage cabin crew in its operations, shall ensure that each cabin crew member has successfully completed an initial training as prescribed in Part 64, Part 121 and this Subpart, before operating as a cabin crew member under this Part.

### **Division Four: Corporate employee and service agent training**

#### **Corporate employee and service agent training**

**93.03.5** A CAO shall provide initial, recurrent and refresher training and checking as prescribed in Document SA-CATS 93 for any person whose function is essential to safe operations in terms of this part. Such training shall be given to at least—

- (a) flight operations officers;

- (b) ground service personnel as identified in regulation 93.02.8, as applicable; and
- (c) any other person the Director determines is required to receive training.

### **Division Five: Checking, Training and Validity**

#### **Checking of flight crew members and operational personnel**

**93.03.6** (1) No CAO may assign a flight crew member and a flight crew member may not accept an assignment to operate an aircraft under this part unless he or she has completed the check requirements as prescribed in Document SA-CATS 93.

(2) The conduct of the checks for operational personnel required in terms of this subpart shall be as prescribed in Document SA-CATS 93.

#### **Certification training and validity periods**

**93.03.7** (1) The following training, checking or demonstration of competency validity periods shall apply—

- (a) for flight crew members—
  - (i) training shall be valid to the first day of the thirteenth month following the month in which the training took place;
  - (ii) an IFR pilot proficiency check is valid to the first day of the seventh month following the month the pilot proficiency check took place;
  - (iii) a VFR pilot proficiency check is valid to the first day of the thirteenth month following the month the pilot proficiency check took place;
- (b) for operational personnel—
  - (i) for flight operations officers, training and checks are valid to the first day of the thirteenth month following the month the training or demonstration of competency took place; and
  - (ii) for all others, training and checks are valid to the first day of the twenty-fifth month following the month the training, check or demonstration of competency took place.

(2) Where any required training, check or demonstration of competency is renewed within the last 90 days of its validity period, its validity period is extended by 6, 12 or 24 months, as appropriate

(3) The Director may extend the validity period of any required training, check or demonstration of competency by up to 30 days where the Director is satisfied that the application is justified and that aviation safety is not likely to be compromised: Provided the request for extension is submitted prior to the expiration of the training, check or demonstration of competency.

(4) Completion of any required training, check or demonstration of competency at any time during the periods specified in sub-regulations (2) or (3) above shall be considered as completed in the month due for calculation of the next due date.

### **Pilot proficiency check**

**93.03.8** (1) A CAO or PIC must ensure that each pilot acting as a flight crew member of an aircraft under VFR has, within the immediately preceding 12 months, successfully completed a flight crew proficiency check administered by a flight examiner that covers—

- (a) procedures, emergency procedures, and the pilot's flying skills; and
- (b) crew resource management including human factors.

*Note: The pilot proficiency check shall be conducted in each aircraft for which the pilot holds a valid rating and is required to operate*

(2) A CAO or PIC must ensure that each pilot acting as a flight crew member of an aircraft under IFR has within the immediately preceding 6 months, successfully completed a flight crew proficiency check administered by a flight examiner that covers—

- (a) procedures, including emergency procedures, appropriate to the equipment fitted to the aircraft and to the type of operations to which the pilot is assigned; and
- (b) crew resource management including human factors.

*NOTE: The pilot proficiency check shall be conducted in each aircraft for which the pilot holds a valid rating and is required to operate*

(3) The six-monthly flight crew proficiency check, referred to in sub-regulation (2), in respect of high performance aircraft, shall use flight simulators to the maximum extent practicable.

*NOTE: The pilot proficiency check shall cover all aspects specified in SA-CATS 93 and may be carried out in the aircraft or in a similar aircraft or in a combination of aircraft and flight simulator of a similar aircraft type.*

(4) In addition, if an initial type rating on a turbojet or turbo fan aircraft is done on the aircraft, an approved simulator course must be completed within six months of the type rating.

(5) Where a flight simulator, as contemplated in sub-regulation (4) above, is not reasonably or timeously available, the Director may under exceptional circumstances exempt a CAO or a pilot operating under this part from this particular requirement for a particular type of aircraft for a period not exceeding twelve months: Provided that the operator or pilot demonstrates a satisfactory equivalent of proficiency by other means.

#### **SUBPART 4: DOCUMENTATION AND RECORDS**

##### **Documentation requirements**

**93.04.1** (1) A CAO or PIC shall ensure that, in addition to the requirements specified in regulation 91.03.1, the following documents are carried on board the aircraft during flight—

- (a) a copy of the OFP;
- (b) the special loads notification (NOTOC), if applicable;
- (c) a certified copy of insurance certificate or proof of insurance;
- (d) a certified copy of the latest updated CAOC and operations specifications (CAOC holders only)
- (e) the load and trim sheet specified in regulation 93.04.7;
- (f) a copy of the standard operating procedures or aircraft operating manual, including aircraft performance data;
- (g) checklist as referred to in sub-regulation 91.03.3;
- (h) a copy of the operations manual referred to in regulation 93.04.2 or the portions of it required to be carried; and (CAOC holders only);
- (i) a copy of the dangerous goods report as specified in regulation 92.00.15, if applicable.

(2) A CAO shall ensure that—

- (a) a copy of the OFP;
- (b) copies of the relevant parts of the flight folio;
- (c) load and trim sheet;
- (d) crew and passenger list and cargo manifest, if applicable; and
- (e) NOTOC, if applicable,

are retained in a safe place at the first point of departure in respect of each flight undertaken by the aircraft.

(3) Except when otherwise instructed by the Director, the documents referred to in sub-regulation (2) shall be retained at the CAO's main base of operations, or other location approved by the Director, for a period of at least 90 days.

**Operations manual (applicable to CAOs only)**

**93.04.2** (1) A CAO shall prepare an operations manual containing all the information required under this part and setting out the manner in which such operator will operate the corporate aviation operation.

(2) A CAO shall ensure that—

- (a) all parts of the manual are consistent and compatible in form and content and shall not contravene the conditions contained in the operating certificate or operations specifications issued to the operator in terms of regulation 93.06.3;
- (b) an operations manual can be readily amended;
- (c) an operations manual contains an amendment control page and a list of effective pages (LEP) that are in effect showing the effective date for each page in the manual; and
- (d) an operations manual has the date of the last amendment to each page specified on that page that agrees with the LEP.

(3) A CAO shall submit the operations manual in duplicate to the Director for approval.

(4) If the Director is satisfied that the operator will comply with the provisions of regulation 93.06.6, 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.

(5) A CAO shall amend its operations manual—

- (a) where there is a change in any aspect of the operator's operation;
- (b) where the operations manual no longer meets the requirements of these regulations or associated technical standards; or
- (c) when so required by the Director.

(6) A CAO shall submit an amendment to its operations manual in duplicate to the Director for approval and if the Director is satisfied that the operator will comply with the provisions of sub-regulation (4), the Director shall certify in writing on both copies of the amendment to the operations manual that such amendment has been approved and shall return one copy of the approved amendment to the operator.

(7) A CAO shall at all times operate its aircraft in accordance with the approved operations manual or an approved amendment thereto.

(8) A CAO shall—

- (a) ensure that all operations personnel are able to understand the technical language used and that the information provided will ensure that such personnel are properly instructed in their particular duties and responsibilities and the relationship of such duties to the operation as a whole;

- (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 crew members on board during flight time;
- (c) make the operations manual available for the use and guidance of operations personnel;
- (d) make available on board the aircraft for the use of crew members, controlled copies of the sections of the operations manual which are relevant to the duties assigned to them;
- (e) provide each manual holder with copies of all amendments after approval by the Director and such manual holder shall insert amendments issued to him or her prior to their next flight assignment; and
- (f) keep the operations manual in a safe place.

(9) A structure and contents of the operations manual referred to in sub-regulation (1) shall be as prescribed in Document SA-CATS 93.

### **Aircraft flight manual**

**93.04.3** (1) A CAO and PIC shall operate its aircraft in accordance with the approved AFM required by regulation 91.03.2.

(2) A CAO or PIC shall maintain a system that ensures timely receipt and insertion of all AFM revisions as published by the aircraft manufacturer or as required by the Director.

### **Operational flight plan**

**93.04.4** A PIC shall ensure that an OFP is completed for each flight undertaken by the aircraft in terms of this part.

(2) All entries in the OFP shall be current and permanent in nature.

(3) Items to be contained in the OFP shall be as prescribed in Document SA-CATS 93.

(4) An OFP and its use shall be contained in the operations manual referred to in regulation 93.04.2. (CAOC Holders Only)

### **Flight time and duty period records (CAOC holders only)**

**93.04.5** (1) A CAO shall —

- (a) maintain current flight time and duty period records of all flight crew members in such operator's employ; and
- (b) retain the flight time and duty period records for a period of 15 calendar months calculated from the date of the last flight of each flight crew member, on the ground at the main base of operation.

(2) A flight crew member, who is employed by more than one operator or otherwise accumulates flight time outside of his or her employment, shall maintain an accurate record of flight time and duty periods and shall provide copies thereof to all operators by whom such flight crew member is employed.

(3) Whilst a flight crew member is responsible to report all flight activity, each employer maintains responsibility to ensure the flight crew member concerned does not exceed the limits prescribed in the flight time and duty scheme of the operator referred to in regulation 93.02.14.

### **Training records**

**93.04.6** (1) A CAO shall establish a training file for each person required to receive training and retain on such file a record of all training and checking required in terms of subpart 3. The records of training and checking shall contain at least the information prescribed and be retained for the period of time specified in Document SA-CATS 93.

(2) A CAO shall establish procedures to make an employee's training file available for supervised review by such employee but all training files shall remain in the custody of the operator.

(3) A PIC of an aircraft operated in accordance with regulation 93.01.1 (1) (a) or (b) shall be responsible to establish and maintain a training file and have such file available for inspection should it be required by the Director.

### **Load and trim sheet**

**93.04.7** (1) The PIC shall ensure that no flight is undertaken by the aircraft unless the person superintending the loading of such aircraft has completed and certified a load and trim sheet.

(2) No PIC may conduct a take-off unless he or she has accepted the load and trim sheet as prescribed in Document SA-CATS 93.

(3) A load and trim sheet shall be completed in duplicate and one copy shall be carried in the aircraft and one copy shall be retained in accordance with the provisions of regulation 93.04.1.

(4) The minimum contents of a load and trim sheet shall be as prescribed in Document SA-CATS 93.

## **SUBPART 5: AIRCRAFT INSTRUMENTS AND EQUIPMENT**

### **Flight, navigation and associated equipment for aircraft operated under IFR or at night**

**93.05.1** (1) A CAO shall not operate an aircraft under IFR or at night unless the aircraft is equipped with the following flight, navigation and associated equipment:

- (a) **Aeroplane only:** a pressure altitude reporting transponder with a capability of providing pressure-altitude information with a resolution of 25 ft or better—
  - (i) for all aeroplanes for which the individual certificate of airworthiness is first issued after 1 January 2009; and
  - (ii) for all large turbine-engine aeroplanes for which the individual certificate of airworthiness is first issued after 1 January 2014;
- (b) **Helicopter/large aeroplane:** a single standby attitude indicator, capable of being used from either pilot's station, which—
  - (i) is powered continuously during normal operation and, after a total failure of the normal electrical generating system, is powered from a source independent of the normal electrical generating system;
  - (ii) provides reliable operation for a minimum of 30 minutes after total failure of the normal electrical generating system, taking into account other loads on the emergency power supply and operational procedures;
  - (iii) operates independently of any other attitude indicating system;
  - (iv) is operative automatically after total failure of the normal electrical generating system;
  - (v) is appropriately illuminated during all phases of operation: Provided that if the standby attitude instrument system is capable of being used through flight attitudes of 360° of pitch and roll, the turn-and-slip indicators may be replaced by slip indicators.

(2) An operator shall not operate an aircraft in IMC, unless such aircraft is equipped with or comply with the following —

- (a) at least two independent electrical generating systems, each operated by separate engines and individually capable of powering all required instruments and equipment necessary for safe emergency operation of the aircraft;
- (b) at least two independent sources of energy, of which at least one is an engine-driven pump or generator, which are both able to drive all required gyroscopic instruments powered by or to be powered by that particular source, and installed in such a manner that failure of one instrument or source does not interfere with the energy supply to the remaining instruments or the other energy source, except where the rate-of-turn indicator of a single-engine aircraft involved in all-cargo operations only, has a source of energy separate from the bank and pitch and direction indicators. For the purpose of this paragraph, each engine-driven source of energy of a multi-engine aircraft must be on a different engine;
- (c) either airborne weather radar equipment or other equipment, approved by the Director, capable of detecting thunderstorms and other potentially hazardous weather conditions.

(3) In complying with the provisions of sub-regulation (1)(b) it shall be clearly evident to the flight crew members when such standby attitude indicator is being operated by emergency power.

(4) Where the standby attitude indicator referred to in sub-regulation (1)(b) has its own dedicated power supply, there shall be an associated indicator, either on the instrument or instrument panel, when such power supply is in use.

(5) Instruments that are used by any pilot shall be so arranged as to permit the pilot to see their indications readily from his or her station with the minimum practicable deviation from the position and line of vision normally assumed when looking forward along the flight path.

### **Terrain awareness and warning system (GPWS/TAWS)**

**93.05.2** (1) All turbine-engine and piston-engine aircraft of a maximum certificated take-off mass in excess of 5 700kg or authorised to carry more than nine passengers, shall be equipped with a TAWS which has a predictive terrain avoidance function.

(2) A TAWS shall automatically provide a timely and distinctive warning to the flight crew when the aircraft is in potentially hazardous proximity to the earth's surface.

(3) A TAWS shall provide, as a minimum, warning of at least the circumstances prescribed in Document SA-CATS 91.

(4) The TAWS equipment required by this regulation shall meet the requirements prescribed in technical standard 91.04.30 of Document SA-CATS 91.

(5) No person shall inhibit or otherwise render inoperative any required TAWS during flight time except in accordance with the approved aircraft flight manual.

### **Airborne weather radar equipment**

93.05.3 (1) Subject to the provisions of sub-regulation (2), a PIC shall not operate an aeroplane, or helicopter with a maximum approved passenger seating configuration of more than nine seats, at night or in IMC in an area where thunderstorms or other potentially hazardous weather conditions, regarded as detectable with airborne weather radars, may be expected to exist along the route unless such aircraft is equipped with airborne weather radar equipment.

(2) In the case of a non-pressurised aeroplane, the airborne weather radar equipment may, however, be substituted by other approved equipment, which is capable of detecting thunderstorms and other potentially hazardous weather conditions, and of providing the flight crew with bearing and distance of such detected conditions.

### **Airborne collision avoidance system**

93.05.4 The operator of a large turbine-engine aeroplane shall not operate the aeroplane unless—

- (a) such aeroplane is equipped with a serviceable ACAS II meeting ACAS II specifications, as prescribed in technical standard 91.04.28 of Document SA-CATS 91; and
- (b) the flight crew members have been trained in the use of ACAS as prescribed in Subpart 3 of Document SA-CATS 93.

### **Flight data recorders**

93.05.5 (1) A CAO and PIC shall ensure that the following aircraft are equipped and operated with the FDR as specified –

- (a) aeroplanes with an MCM exceeding 5 700 kg for which the original Certificate of Airworthiness was issued on or after 1 January 2005: at least a Type IA FDR capable of recording the parameters that accurately determine the aeroplane flight path, speed, altitude, engine power, configuration and operation;

- (b) aeroplanes with an MCM exceeding 2 7000 kg for which the original Certificate of Airworthiness was issued on or after 1 January 1989: at least a Type I FDR capable of recording the parameters that accurately determine the aeroplane flight path, speed, altitude, engine power and configuration of lift and drag devices;
- (c) helicopters with an MCM exceeding 7 000 kg, or having a passenger seating configuration of more than nineteen, for which the individual certificate of airworthiness was first issued on or after 1 January 1989: a Type IV FDR;
- (d) helicopters with an MCM exceeding 3 180 kg for which the individual certificate of airworthiness was first issued after 1 January 2016: a Type IV A FDR; and
- (e) turbine-engine helicopter with an MCM of 2 250 kg up to 3 180 kg, for which the application for type certification is submitted on or after 1 January 2018: a Type IV A FDR.

(2) A CAO and PIC shall ensure that the FDR required by sub-regulation (1) complies with the specifications prescribed in Document SA-CATS 91.

(3) The parameters of the FDR shall be determined within the ranges, accuracies and recording intervals as prescribed in Document SA-CATS 91.

### **Cockpit voice recorders**

**93.05.6** (1) A CAO and PIC shall ensure the aircraft operated under this part are equipped with a CVR specified in Document SA-CATS 91 if—

- (a) the aeroplane has a MTOW exceeding 5 700 kg but not exceeding 27 000 kg and to which an individual certificate of airworthiness was first issued on or after 1 January 1987 and is required to be operated by more than one pilot;
- (b) the aeroplane has a MTOW exceeding 27 000 kg and to which an individual certificate of airworthiness was first issued on or after 1 January 1987; or
- (c) the helicopter has a MTOW exceeding 7 000 kg.

(2) The CVR may be combined with a FDR referred to in regulation 93.05.5.

(3) No operator may operate an aircraft equipped with a CVR using magnetic tape or wire.

(4) An aircraft may commence a flight with the CVR inoperative: Provided that—

- (a) for aircraft with an approved MEL, such aircraft is operated in accordance with that MEL and such MEL incorporates the provisions of paragraph (b) below; or
- (b) for aircraft without an approved MEL—
  - (i) the aircraft shall not take-off from an aerodrome where repairs or replacements to such CVR can be made;

- (ii) the aircraft does not operate more than six consecutive flights with the CVR unserviceable;
- (iii) not more than 48 hours have elapsed since the CVR became unserviceable; and
- (iv) any FDR required to be carried is operative, unless the FDR is combined with a CVR.

### **Equipment requirements for aeroplanes on long range over water flights**

**93.05.7** (1) In addition to the equipment prescribed in regulations 91.04.24 and 91.04.25, the following equipment shall be installed in all aeroplanes when used over routes on which the aeroplane may be over water and at more than a distance corresponding to 120 minutes at cruising speed or 400 nm, whichever is the lesser, away from land suitable for making an emergency landing in the case of aeroplanes operated in accordance with regulation 91.04.25 and 30 minutes or 100 nm, whichever is the lesser, for all single-engine landplanes—

- (a) life-saving rafts in sufficient numbers to carry all persons on board, stowed so as to facilitate their ready use in an emergency, provided with such life-saving equipment, including means of sustaining life as is appropriate to the flight to be undertaken; and
- (b) equipment for making distress signals.

(2) Each life jacket and equivalent individual flotation device shall be equipped with a means of electric illumination for the purpose of facilitating the location of persons.

(3) The life raft, survival radio equipment and information requirements for such extended over-water flights shall be as prescribed in Document SA-CATS 91.

### **Microphones**

**93.05.8** All flight crew members, when operating on flight deck duty, shall communicate through boom or throat microphones below the transition level or altitude.

### **Cabin attendant seats**

**93.05.9** Where applicable, aircraft shall be equipped with seats for cabin crew members, which seats shall be forward or rearward facing within 15° of the longitudinal axis of the aircraft and located near floor-level emergency exits, where possible. Each cabin crew member required to satisfy the emergency evacuation criteria shall be provided a seat equipped with a safety harness: Provided that a safety belt with one diagonal shoulder strap is permitted if the fitting of a safety harness is not reasonably practical.

## **Supplemental oxygen and requirements**

**93.05.10** All persons operating under this Part, shall comply with the provisions of Part 91 and Subpart 4 of SA-CATS 91 regarding supplemental oxygen.

## **SUBPART 6: CORPORATE AVIATION OPERATOR CERTIFICATE**

### **Requirements to hold a Corporate Aviation Operator Certificate (CAOC)**

**93.06.1** (1) No CAO shall operate an aircraft unless the operator is the holder of and complies with the conditions of a valid CAOC including the operations specifications attached thereto, issued in terms of this part.

(2) The operations specifications of a CAOC shall contain a record of at least the type, model or series, and registration of each aircraft approved for use by an operator.

(3) In addition to any condition pertaining to the operation of an aircraft that is necessary for aviation safety, a CAOC may contain operations specifications with respect to—

- (a) the low visibility operations authorisation referred to in regulation 93.07.21;
- (b) the navigation system authorisation referred to in regulation 93.07.20; and
- (c) any other approval to conduct specialised operations deemed necessary by the Director.

(4) An application for the issuance or amendment of a CAOC or operations specifications shall be made to the Director in the form and manner prescribed in Document SA-CATS 93 and shall be accompanied by the appropriate fee as prescribed in Part 187.

### **Validity and status of a certificate (CAOC)**

**93.06.2** (1) Unless otherwise specified by the Director, a CAOC shall remain valid and in force until suspended or cancelled: Provided that the CAO—

- (a) submits on or before the anniversary date of initial issue, appropriate annual fee as prescribed in Part 187; and
- (b) successfully completes such audits and inspections as are required to be carried out by the Director, including the satisfactory resolution of any findings reported to the operator by the Director.

(2) A certificate shall cease to be in force if—

- (a) an operator voluntarily surrenders the certificate;
- (b) an operator no longer meets the requirements for issue of the certificate; or
- (c) an operator violates a provision of its certificate or operations specifications.

(3) Where an operator is notified by the Director that its CAOC has been suspended or cancelled, the operator shall return the CAOC to the Director within seven days of such notification.

### **Application for issuance or amendment of CAOC and operations specifications**

**93.06.3** (1) An application for the issuance or amendment of a CAOC or associated OpSpec shall be made to the Director in the form and manner prescribed in Document SA-CATS 93 and shall be accompanied by appropriate fee prescribed in part 187.

(2) An application made in terms of sub-regulation (1) shall demonstrate that the applicant—

- (a) has adequate equipment, facilities and personnel to operate the proposed operation; and
- (b) is able to conduct the operation in a safe and proper manner and in full compliance with all applicable rules and regulations.

(3) A submission of an application under this subpart does not place any obligation upon the Director to issue a CAOC or OpSpec until he or she has been given reasonable time, as agreed in the schedule of events, to review the application and the application has been adjudicated in terms of regulation 93.06.4.

(4) A holder of a CAOC may add to its certificate an aircraft registered on another AOC or CAOC: Provided—

- (a) the aircraft is not registered on more than three operating certificates;
- (b) the aircraft is maintained by only one AMO;
- (c) the manual of procedures or maintenance control manual, as applicable, for all operators and the operations specifications for each operator, specify the AMO responsible for the maintenance of each shared aircraft, by aircraft registration number;
- (d) the aircraft flight folio used is the same for all operators, such that there is but one continuous record of the aircraft's activities, and the flight crew members are trained in the procedures for completion of the flight folio;
- (e) there is one method with respect to the entry, reporting and rectification of defect procedures and the flight crew members are trained in those procedures;

- (f) the flight crew members use the MEL approved for the aircraft and are trained in the MEL procedures for that particular aircraft, if applicable, and the operations manual specifies the procedures the flight crew are to follow in the event contact with maintenance personnel is needed; and
- (g) the flight crew members receive ground and flight training covering any differences between the model(s) operated by the operator and that being added to the CAOC, including at least—
  - (i) safety equipment contained on board;
  - (ii) ancillary equipment such as navigational aids, auto flight system, flight director or FMS, ACAS, TAWS, weather radar, etc; and
  - (iii) systems differences, engine or airframe limitations, performance considerations and operating characteristics, and the results of such training are recorded on the flight crew member's training file.

(5) The personnel referred to in sub-regulation (2)(a) shall be comprised of the following positions, the incumbents of which shall be approved by the Director—

- (a) accountable manager;
- (b) person responsible for flight operations;
- (c) person responsible for aircraft;
- (d) safety manager; and
- (e) quality manager.

(6) When, after consideration of the scope and size of an applicant, the Director is of the opinion that it would be appropriate, he or she may approve the assignment of more than one position to one person or approve different positions.

(7) The nominated post-holders required by sub-regulation (5) shall meet the qualifications and be responsible for the functions prescribed in Document SA-CATS 93.

(8) Notwithstanding any provision of the regulations, where any manager no longer meets the qualifications required for that position or fails to discharge the responsibilities of that position, the Director may withdraw such approval.

(9) The Director may amend an CAOC if—

- (a) he or she determines that safety in air transport and the public interest require the amendment; or
- (b) a holder of the CAOC applies for an amendment, and the Director determines that aviation safety and the public interest require such amendment.

(10) If the Director stipulates in writing that an emergency exists requiring immediate amendment in the public interest with respect to safety in aviation, such an amendment becomes effective on the date the holder of a CAOC receives such notice.

(11) A holder of a CAOC may make representations to the Director against the amendment contemplated in sub-regulation (9)(a) or (10), but shall continue to operate in accordance with such amendment, unless it is subsequently varied or withdrawn.

(12) Amendments approved by the Director, other than emergency amendments referred to in sub-regulation (10), become effective 30 days after notice to the holder of a CAOC, unless the holder of the certificate makes representations against such proposal as contemplated in sub-regulation (11) prior to the effective date.

(13) Amendments proposed by the holder of a CAOC shall be made at least 30 days prior to the intended date of any operation under the proposed amendment.

(14) No person may perform a corporate aviation operation for which a CAOC amendment is required, unless that person has received notice of the approval from the Director.

### **Application, adjudication of and issuance of CAOC and operations specifications**

**93.06.4** (1) In considering an application referred to in regulation 93.06.3, the Director may conduct any investigation he or she deems necessary to determine the applicant's ability to meet the requirements specified in this part.

(2) An application shall be granted and the CAOC and associated operations specifications issued, containing such conditions as the Director determines, if the Director is satisfied that—

- (a) the applicant will comply with the conditions CAOC and operations specifications; and
- (b) the applicant will not operate contrary to any provision of the Act, the International Air Services Act or the Air Service Licensing Act.

(3) Where in the opinion of the Director an applicant has failed to provide satisfactory evidence of qualification for the document being sought, the applicant will be informed as to the deficiencies and will be given a reasonable opportunity to rectify such deficiencies after which time the Director shall grant or refuse the application concerned.

(4) A CAOC and associated operations specifications shall be issued in a prescribed form and shall contain at least the information prescribed in Document SA-CATS 93.

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

**93.06.5** An applicant for the issuance of a CAOC shall permit an authorised officer, inspector or authorised person to carry out such safety and/or security inspections and audits which may be necessary to verify the validity of an application made in terms of regulation 93.06.3.

## **Administrative duties of a CAOC holder**

**93.06.6** (1) A holder of a CAOC shall keep the certificate in a safe place and produce such certificate to an authorised officer or inspector, for inspection, if so requested by such officer or inspector.

(2) A CAO shall advise the Director of any changes in the personnel occupying the management position, specified in regulation 93.06.3(5) and shall submit the names and qualifications of the replacement person(s) to the Director for approval before effecting such changes: Provided that, in the case of the sudden departure of an incumbent, the operator shall immediately notify the Director of the event and the means by which safety of operations will be ensured while replacing such person.

(3) An operator shall notify the Director in the event of any change in the ownership of the operator, including the names and contact details of the new owners.

## **Register of CAOCs**

**93.06.7** (1) The Director shall maintain a register of CAOCs issued in terms of these regulations.

(2) The register shall contain the following particulars—

- (a) full name and, if any, the business name of the holder of the CAOC;
- (b) postal address of the holder of the CAOC;
- (c) the number of the CAOC issued to the holder;
- (d) particulars of the type of operation for which the CAOC was issued, including a list of operations specification issued;
- (e) particulars of the category of aircraft for which the CAOC was issued;  
and
- (f) date on which the CAOC was issued.

(2) Particulars referred to in sub-regulation (2) shall be recorded in the register within 30 days from the date on which the CAOC is issued.

(3) A register shall be kept in a safe place at the premises of the Authority.

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

### **Operator notification**

**93.06.8** If an operator has an operating base, under their CAOC in a State, other than the Republic, the operator shall notify the Director, as well as the State in which the operating base is located.

### **Operational demonstration**

**93.06.9** (1) No person may operate an aircraft under this Part, unless he or she first conducts satisfactory demonstration of operations as specified in Document SA-CATS 93.

(2) No person may operate an aircraft in a designated special area, or use a specialised navigation system, unless he or she conducts a satisfactory operational demonstration as required by the Director.

(3) The Director may authorise deviations from this regulation if he or she finds that special circumstances make full compliance with the provisions of this regulation unnecessary.

## **SUBPART 7: FLIGHT OPERATIONS**

### **Division One: General**

#### **Routes and areas of operation and aerodrome facilities for aeroplanes**

**93.07.1** (1) An aeroplane shall not be operated over any route or airway in IMC unless—

- (a) in the case of a single-engine aeroplane, the cloud base at any point along the route of flight is not lower than that which would permit descent in VMC below the minimum en-route altitude published or established by the operator for such route or airway;
- (b) in the case of a twin-engine aeroplane and in the event of the failure of the critical engine—
  - (i) the aeroplane is capable of maintaining the minimum en-route altitude published or established by the operator for such route or airway; or

- (ii) if the aeroplane is not capable of maintaining the minimum en-route altitude published or established by the operator for such route or airway, the aeroplane is able to maintain flight to a suitable landing area and the cloud base at any point along the route of flight is not lower than that which would permit descent in VMC below the minimum en-route altitude published or established by the operator for such route or airway and flight in VMC to a suitable landing area;
  - (c) in the case of an aeroplane having three or more engines and in the event of the failure of any two engines, the aeroplane is capable of maintaining the minimum en-route altitude published or established by the operator for such route or airway; and
  - (d) the aeroplane shall be capable of landing at the intended destination or alternate aerodrome in accordance with the related landing performance criteria for such aeroplane.
- (2) A PIC shall comply with the provisions prescribed in Document SA-CATS 93 when planning destination alternate aerodromes.
- (3) A CAO shall operate all flights in accordance with such route, aerodrome or other approvals and conditions pertaining to flight operations as are contained in the CAOC.
- (4) A CAO shall specify in its operations manual the procedures used to determine the minimum altitudes to be flown in order to meet the obstacle clearance requirements specified in regulation 91.07.2 and, for operations in uncontrolled airspace, the means for ensuring a navigational capability is maintained while operating on any route used therein.
- (5) No CAO or PIC shall commence a flight unless it has been ascertained by every reasonable means available that the aerodrome ground facilities and services, including meteorological and rescue fire-fighting services—
  - (a) are available as required for the safe operation of the aircraft and the protection of the passengers;
  - (b) are adequate for the type of operation being conducted; and
  - (c) are functioning normally for their intended purpose.
- (6) A CAO shall establish procedures in its operations manual that will ensure an operation can be safely conducted in the event that the rescue fire-fighting services at an aerodrome that may be used are or may be below that for which the aerodrome is certified, and such procedures shall include a risk assessment.
- (7) A CAO or PIC shall report without delay to the responsible authority any observed operational inadequacy of facilities referred to in sub-regulation (5).

## **Routes and areas of operation and aerodrome facilities for helicopters**

**93.07.2** (1) A CAO or person operating in terms of regulation 93.01.1, shall ensure that operations are only conducted along such routes for which—

- (a) it has been ascertained by every reasonable means available that the ground facilities and services, including meteorological services, are available as required for the safe operation of the helicopter and the protection of the passengers, are adequate for the type of operation being conducted and are functioning normally for their intended purpose; and
- (b) appropriate maps and charts are available.

(2) A CAO shall ensure that operations are only conducted within such areas and along such routes for which approval or authorisation has been obtained, where required, from the appropriate authority concerned.

(3) A CAO shall ensure that—

- (a) performance of the helicopter intended to be used, is adequate to comply with minimum flight altitude requirements; and
- (b) equipment of the helicopter intended to be used, complies with the minimum requirements for the planned operation.

(4) A CAO shall operate all flights in accordance with such route, aerodrome or other approvals and conditions pertaining to flight operations as are contained in the CAOC.

(5) A CAO shall report without delay to the responsible authority any observed operational inadequacy of facilities referred to in regulation 93.07.1(5).

(6) Prior to conducting a passenger-carrying IFR or night VFR flight in uncontrolled airspace, the operator shall ensure that a navigational capability is able to be maintained while operating on any route used in such airspace.

(7) For offshore operations as provided in regulation 93.07.24, the operator shall select suitable offshore alternates and specify each in the OFP for each IFR flight as provided in Document SA-CATS 93.

(8) A CAO shall not permit a flight to be commenced, and a PIC may not operate a flight that is to be conducted in accordance with IFR for which one or more destination alternate aerodromes are required, unless the aerodrome meteorological forecast indicates that conditions for a period of at least one hour before until one hour after the estimated time of arrival at the destination alternate aerodrome(s) will meet or exceed those prescribed in Document SA-CATS 93.

## **Establishment of procedures**

**93.07.3** (1) The CAO or PIC shall provide a checklist system to be used by flight crew members for all phases of operation under normal, abnormal and emergency conditions, to ensure that the operating procedures are followed; a CAO shall ensure this is done in accordance with the operating procedures in the operations manual referred to in regulation 93.04.2.

- (2) An approved checklist system referred to in sub-regulation (1), shall include—
- (a) an easy-to-use checklist for normal phases of flight operations;
  - (b) a quick reference-type checklist dealing with all malfunctions requiring the use of abnormal or emergency procedures;
  - (c) an amplified checklist that ensures all referenced check items are dealt with in accordance with the aircraft manufacturer's recommended procedures, if any;
  - (d) an easy to locate and employ system of supplementary checks and/or procedures, if applicable;
  - (e) any other check items relating to the use of equipment not installed at the time of aircraft manufacture or not included in the check system provided for in the approved aircraft flight manual and;
  - (f) human factors principles in the design and utilization.

(3) A PIC shall ensure all check procedures, including checklists, are complied with in detail.

## **Competence of operations personnel**

**93.07.4** A CAO shall ensure that all personnel assigned to, or directly involved in ground and flight operations, are properly instructed, have demonstrated their abilities in their particular duties and are aware of their responsibilities and the relationship of such duties to the operation as a whole.

## **Use of air traffic services**

**93.07.5** A PIC shall ensure that air traffic services are used for all flights whenever available.

## **Instrument approach and departure procedures**

**93.07.6** A CAO may implement instrument approach and departure procedures, other than instrument approach and departure procedures referred to in regulation 91.07.16: Provided that such instrument approach and departure procedures have been approved by the appropriate authority of the State in which such aerodrome is located or the Director.

### **IFR or night flight without second-in-command**

**93.07.7** No CAO or PIC may operate an aircraft without a second-in-command during IFR or night VFR flight unless—

- (a) with regards to aeroplanes,—
  - (i) the aeroplane is—
    - (aa) of a certificated maximum mass of less than or equal to 5 700 kg;
    - (bb) not certificated to carry more than nine passengers; and
    - (cc) not certificated or otherwise required by these regulations to be flown by two pilots;
  - (ii) the operator is authorised to do so in his or her operations specifications; and
  - (iii) the operator meets the requirements prescribed in Document SA-CATS 93; and
- (b) with regards to helicopters,—
  - (i) the helicopter is of a certificated maximum mass of less than or equal to 3 180 kg and not certificated to carry more than nine passengers;
  - (ii) the operator is authorised to do so in his or her operations specifications; and
  - (iii) the operator meets the requirements prescribed in Document SA-CATS 93.

### **Reporting of hazardous flight conditions**

**93.07.8** A PIC of any aircraft that encounters flight conditions considered to be hazardous to his or her, or another aircraft, shall report such conditions to any appropriate air traffic services unit as soon as possible, giving such details as may be pertinent to the safety of other aircraft.

### **Refuelling and de-fuelling with passengers on board**

**93.07.9** No person shall refuel or defuel any aircraft when passengers are embarking, disembarking or on board, unless the fuelling is carried out in accordance with the procedures, specified in Document SA-CATS 93, and such procedures are included in the operator's operations manual, and if the AFM makes provision for such procedures.

### **Reporting acts of unlawful interference**

**93.07.10** Following an act of unlawful interference, the PIC shall where, in his or her opinion, the safety of persons on board the aircraft would not be jeopardised, report the events to the nearest ATS authority by the most discrete method possible, by the means devised for such communications.

### **In-flight simulation of emergencies**

**93.07.11** No person shall simulate any emergency or abnormal condition during flight that would effectively alter the flight characteristics of the aircraft or otherwise induce a potentially unsafe condition when passengers are on board such aircraft.

### **Security of the flight crew compartment**

**93.07.12** (1) A PIC shall ensure that a flight crew compartment door, where fitted, shall be closed and locked at the discretion of the PIC in all phases of flight.

(2) If cabin crew are required or carried, means of procedures shall be established by which cabin crew can discreetly notify the flight crew in the event of suspicious activity or security breaches in the cabin.

### **Division Two: Dispatch and flight release rules**

#### **Operational control and supervision of flight operations**

**93.07.13** (1) A CAO shall establish and maintain an OCS that meets the requirements prescribed in Document SA-CATS 93 and which provides operational control services appropriate to the flights being operated.

(2) A PIC shall be responsible for operational control, should he or she not be operating under the provisions of a CAOC.

#### **Services for OCS**

**93.07.14** A CAO may use the OCS of an agent whether domestic or foreign: Provided the service agreement is approved by the Director and the methods, procedures and policies for effecting operational control are described in the CAO's operations manual.

#### **Retention of flight operations documents and reports**

**93.07.15** (1) Unless otherwise specified by the Director, a CAO shall retain all flight documents made in terms of this subpart, for a period of not less than 90 days.

(2) All flight documentation required by this subpart to be prepared with respect to a flight and which was carried on board that flight shall be returned to the main base specified in the CAOC. Such documentation shall include weather maps and printed information, NOTAMs, cargo and fuel loading sheets and manifests and all paperwork used to record the flight's progress or diversion and irregular or emergency situations.

### **Minimum equipment list**

**93.07.16** (1) No person may conduct a take-off in an aircraft with instruments or equipment that are not serviceable or that have been removed unless the aircraft is operated in accordance with a CDL, the provisions specified in the aircraft flight manual or the conditions or limitations specified in a MEL, which have been approved by the Director: Provided that, in the opinion of the PIC, aviation safety will not be compromised.

(2) A CAO shall establish a MEL for each type of aircraft for which a MMEL has been approved by the State of Manufacture of such aircraft: Provided the State of Manufacture is a Contracting State.

(3) No person may operate an aircraft in accordance with a MEL unless such MEL is carried on board the aircraft.

### **Aerodrome operating *minima***

**93.07.17** (1) A CAO shall establish aerodrome operating *minima* in accordance with the provisions of sub-regulations (2), (3) and (4) in a manner approved by the Director.

(2) A CAO shall establish aerodrome operating *minima* for each aerodrome planned to be used, which shall not be lower than the values prescribed in Document SA-CATS 91, except as provided in regulation 91.06.32.

(3) A CAO shall ensure that all instrument approaches and departures are conducted in accordance with the procedures approved for such operator in its operations specifications.

(4) Where a CAO is operating at an aerodrome other than a South African aerodrome, the aerodrome operating *minima* established by the operator may be lower than the *minima* established by the appropriate authority of the State in which such aerodrome is located: Provided that—

- (a) the State in which such aerodrome is located approves the lower operating *minima*; and
- (b) the CAO has been authorised in its operations specifications to operate to such lower *minima*.

### **Fuel and oil supply and record keeping**

**93.07.18** (1) A CAO shall establish policies and procedures, which shall be approved by the Director, to ensure that in-flight fuel checks and fuel management are performed.

(2) A PIC shall be responsible to ensure that in-flight fuel checks and fuel management are performed.

### **Operation of aircraft in icing conditions**

**93.07.19** (1) No person shall conduct a take-off or continue a flight in an aircraft when icing conditions are reported to exist or are forecast to be encountered along the route to be flown unless the aircraft is equipped to be operated in such conditions and the type certificate or the AFM authorises flight in such conditions.

(2) In no case shall a flight be initiated or continued in icing conditions where, in the opinion of the PIC, the conditions experienced may adversely affect the safety of the flight.

(3) No person shall operate an aircraft in icing conditions at night unless the aircraft is equipped with a means to illuminate a representative surface or otherwise detect the formation of ice.

### **Mass and balance control**

**93.07.20** (1) No person shall operate an aircraft unless, during every phase of the flight, the load restrictions, mass and centre of gravity of the aircraft conform to the limitations specified in the aircraft flight manual.

(2) A CAO shall have a mass and balance programme that complies with regulation 91.07.11.

(3) A CAO shall specify in its operations manual its mass and balance programme and instructions to employees regarding the preparation and accuracy of mass and balance forms and the load and trim sheet in accordance with regulation 93.04.7.

### **Inertial navigation and inertial reference systems**

**93.07.21** No CAO or PIC shall use inertial navigation or reference systems (INS/IRS) unless the operator or PIC —

- (a) is authorised to do so by the Director; and
- (b) complies with the INS/IRS requirements prescribed in Document SA-CATS 93.

### **Low visibility operations**

**93.07.22** No CAO shall assign and no person shall conduct a low visibility take-off or Category II or III approach unless—

- (a) the operator or PIC meets the conditions prescribed in Document SA-CATS 93;
- (b) the operator or PIC is authorised to do by the Director; and

- (c) the LVO are conducted in accordance with the procedures approved for the CAO in its operations manual and specified on the operations specifications.

### **Operations with head-up displays, enhanced vision systems and night vision goggles**

**93.07.23** (1) No CAO or PIC shall use a head-up display (HUD), enhanced vision system (EVS) or night vision goggles (NVG) unless the operator or PIC—

- (a) is authorised to do so by the Director; and  
(b) complies with the HUD, EVS or NVG, as applicable, requirements prescribed in Document SA CATS 93.

(2) A CAO shall include the procedures for use of such equipment in the operations manual referred to in regulation 93.04.2.

### **Operations with electronic flight bags**

**93.07.24** (1) No CAO or PIC shall use an electronic flight bag (EFB) unless the operator or PIC—

- (a) is authorised to do so by the Director; and  
(b) complies with the EFB requirements prescribed in Document SA-CATS 93.

(2) A CAO shall include the procedures for use of such equipment in the operations manual referred to in regulation 93.04.2.

### **Helicopter offshore operations**

**93.07.25** (1) A PIC shall ensure that, in the case of flights over water—

- (a) the shore base or other flight-monitoring station shall maintain a means of flight monitoring with the helicopter as approved by the Director;  
(b) a full complement of crew members to operate the helicopter and its safety equipment under normal, abnormal or emergency conditions is carried on board; and  
(c) the helicopter is equipped for flights over water in terms of these Regulations.

(2) A PIC shall ensure that, in the case of a single-reciprocating-engine helicopter—

- (a) other than an amphibian helicopter or a helicopter with approved flotation gear flights shall be limited to five nautical miles seaward from base; and  
(b) no flights shall be undertaken except by day and under visual meteorological conditions (VMC) and no flight shall be commenced which cannot be completed at least one hour before night.

- (3) A PIC shall ensure that, in the case of a single-turbine-engine helicopter—
- (a) other than an amphibian helicopter or a helicopter with approved flotation gear, flights shall be limited to 50 nautical miles seaward from base;
  - (b) no flights shall be undertaken except by day and under VMC; and
  - (c) for flights over water from 5 up to 15 nautical miles, sufficient survival dinghies are carried in such a manner that they will be instantly accessible at the time of ditching.
- (4) A PIC shall ensure that, in the case of multi-engine helicopter, the provisions of sub-regulation (1) are complied with and, in addition, if a flight is to be undertaken by night or under IMC, that—
- (a) the helicopter is equipped for IFR operations; and
  - (b) functioning area or on-board navigation aids are available.
- (5) A PIC shall not, when planning flight for over-water operations, consider off-shore alternates when it is possible to carry enough fuel to plan for an on-shore alternate landing site: Provided that off-shore alternate landing sites may be considered in exceptional circumstances, other than for landing for the purposes of payload enhancement in adverse weather conditions.
- (6) For the purposes of this regulation “shore base” means the site from which the flight over water is commenced or supported.

### **Division Three: Cabin safety**

#### **Carry-on baggage**

**93.07.26** (1) A CAO shall establish adequate procedures to ensure that only such baggage is carried onto the aircraft and taken into the passenger cabin as can be adequately and securely stowed.

(2) For aeroplanes operated under this Part having a MCM of greater than 5 700 kg, and helicopters the minimum requirements for the procedures referred to in sub-regulation (1) shall be as prescribed in Document SA-CATS 93.

(3) A PIC shall be responsible to ensure that only such baggage is carried onto the aircraft and taken into the passenger cabin as can be adequately and securely stowed.

#### **Securing of passenger cabin and galley**

**93.07.27** (1) Before take-off and landing and whenever deemed necessary in the interests of aviation safety, the PIC shall ensure that—

- (a) all equipment, baggage and loose articles in the cabin of the aircraft, including passenger service items and crew members' and passengers' personal effects, are properly secured and stowed so as to avoid the possibility of injury to persons or damage to such aircraft through the movement of such articles caused by in-flight turbulence or by unusual accelerations or manoeuvres; and
- (b) all aisles, passage ways, exits and escape paths are kept clear of obstructions.

(2) All solid articles shall be placed in approved stowage areas in the aircraft, at all times whenever the seat belt lights are illuminated or when so directed by the PIC of such aircraft.

(3) For the purposes of sub-regulation (2), approved stowage area means—

- (a) the area under a passenger seat; or
- (b) a locker, overhead or other, utilised in accordance with the placarded mass limitation of the locker.

(4) Where service galleys are made available to the passengers on a self-service basis, the cabin briefing shall include a demonstration and safety instructions in the use and stowage procedures of the galley area containing such services.

(5) No take-off or landing shall be commenced by the PIC of the aircraft, unless he or she has completed such cabin checks as necessary to ensure the safe condition of the cabin.

### **Briefing of passengers**

**93.07.28** (1) A PIC shall ensure that passengers are given a safety briefing in accordance with Document SA-CATS 93.

(2) Where the safety briefing referred to in sub-regulation (1) is insufficient for a passenger because of that passenger's physical, sensory or comprehension limitations or because that passenger is responsible for another person on board the aircraft, the PIC shall ensure that the passenger is given an individual safety briefing that is appropriate to the passenger's needs.

(3) A PIC shall ensure that, in the event of an emergency and where time and circumstances permit, all passengers are given an emergency briefing in accordance with the requirements prescribed in Document SA-CATS 93.

(4) A PIC shall ensure that each passenger who is seated next to an emergency exit is made aware of how to operate that exit.

### **Safety features card**

**93.07.29** A PIC shall ensure each passenger seat is equipped with a safety features card containing, in pictographic form, and any wording shall be in English or as required by the Director and shall contain such information as prescribed in Document SA-CATS 93.

### **Carriage of infants**

**93.07.30** (1) A PIC shall ensure that an infant is only carried when properly secured in the arms or on the lap of an adult passenger, or with a child restraint device or in a sky cot provided the sky cot is—

- (a) restrained so as to prevent it from moving under the maximum accelerations to be expected in flight; and
- (b) fitted with a restraining device so as to ensure that the infant will not be thrown from such sky cot under the maximum accelerations to be expected in flight.

(2) A PIC shall ensure that precautions are taken to ensure that, at the times seat belts are required to be worn in flight, the infant carried in the sky cot will not be thrown from such sky cot under the maximum accelerations to be expected in flight.

(3) No passenger may be responsible for the safety of more than one infant on board an aircraft.

(4) Infants shall not be carried behind a bulkhead unless a child restraint device is used during critical phases of flight and during turbulence.

(5) Sky cots may not be used during critical phases of flight.

(6) Sky cots shall be positioned in such a way that they do not prevent or hinder the movement of adjacent passengers or block exits.

(7) When an infant is carried in the arms or on the lap of a passenger, the seat belt, when required to be worn, shall be fastened around the passenger carrying or nursing the infant, but not around the infant.

(8) When an infant is carried in the arms or on the lap of a passenger, the name of the infant shall be bracketed on the passenger list with the name of the person carrying or nursing the infant.

(9) An infant may be seated in a car-type infant seat which is approved for use in an aircraft, provided—

- (a) the infant's seat is secured to the aircraft seat in accordance with the instructions provided with the child seat;

- (b) the infant's seat is designed to be secured to a passenger seat by means of a single lap strap and face the same direction as the passenger seat;
- (c) the lower part of the shell does not unreasonably extend beyond the forward position of the passenger seat cushion on which it rests;
- (d) the infant's seat is secured to the passenger seat at all times during flight, even when it is unoccupied by the child;
- (e) only the infant shall be removed from the aircraft in an emergency evacuation, not the infant's seat;
- (f) the infant's seat is positioned in such a way that it does not prevent or hinder the movement of adjacent passengers or block exits;
- (g) the infant's seat is not placed in an aisle seat, depending on cabin configuration;
- (h) the infant's seat is used in accordance with infant weight limitations specified for such device; and
- (i) the infant's seat is fitted with a single release harness, which secures the infant's lap torso and shoulders, but designed that the child can easily be secured in or removed from it.

(10) An infant or a car-type infant seat referred to in sub-regulation (9) shall not be located in—

- (a) the same row or row directly forward or aft of an emergency exit; or
- (b) in the same row as any other exit unless such exit and row are separated by a bulkhead.

### **Carriage of persons with a disability**

**93.07.31** All flight crew members shall be responsible for the identification, seating positions and handling in the event of an emergency, for the carriage of passengers with a disability.

(2) The PIC shall ensure that—

- (a) he or she is notified when a passenger with a disability is to be carried on board;
- (b) a passenger with a disability is not seated in the same row or a row directly forward or aft of an emergency exit;
- (c) individual briefings on emergency procedures are given to a passenger with a disability and his or her able-bodied assistant, appropriate to the needs of such passenger; and
- (d) the person giving the briefing shall enquire as to the most appropriate manner of assisting the passenger with a disability so as to prevent pain or injury to such passenger.

(3) In the case of the carriage of a person on a stretcher in the aircraft—

- (a) the stretcher shall be secured so as to prevent it from moving under the maximum accelerations likely to be experienced in flight and in an emergency alighting such as ditching;

- (b) the person shall be secured by an approved harness to the stretcher or aircraft structure; and
- (c) an able-bodied assistant shall accompany each person carried on a stretcher.

*NOTE: The carriage of patients is regulated in Part 138 of these Regulations. An operator not licensed in terms of Part 138 may carry stretcher patients only in case of an emergency, as provided for in regulation 91.07.19 (4).*

(4) A person with a certified mental disability shall not be carried in the aircraft unless—

- (a) accompanied by an able-bodied assistant; and
- (b) a medical certificate has been issued by a medical practitioner certifying that the person with the mental disability is suitable for carriage by air, and confirming that there is no risk of violence from such person.

(5) A PIC shall undertake the carriage of a person with a mental disability who, according to his or her medical history, may become violent, only after special permission has been obtained from the Director.

(6) A passenger with a splinted or artificial limb may travel unaccompanied provided he or she is able to assist himself or herself.

(7) An affected limb or supporting aids of a passenger referred to in sub-regulation (6), shall not obstruct an aisle or any emergency exit or equipment.

(8) If a passenger with a splinted or artificial limb cannot assist himself or herself, the passenger shall be accompanied by an able-bodied assistant.

## **SUBPART 8: AIRCRAFT PERFORMANCE OPERATING LIMITATIONS**

### **General requirements**

**93.08.1** (1) Any determination made for the purposes of this Subpart shall be based on approved performance data set out in the aircraft flight manual for the aircraft concerned.

(2) A person may operate an aircraft without complying with the requirements of this Division if the person—

- (a) is authorised to do so in the operator's operations specifications; and
- (b) complies with the requirements as prescribed in Document SA-CATS 93.

(3) Where an operator uses charts or graphs published in the approved aircraft flight manual, allowance shall be made to ensure any extract errors will be on the side of safety.

(4) An operator shall adopt obstacle data sufficient to make accurate and safe performance calculations.

(5) An operator shall ensure helicopter operations are conducted in a manner that gives appropriate consideration for achieving a safe forced landing in the event the safe continuation of flight is not assured following a critical power-unit failure.

(6) An aircraft shall be operated in compliance with the terms of its certificate of airworthiness and within the approved operating limitations contained in its flight manual.

(7) A flight shall not be commenced unless the performance information provided in the flight manual, supplemented as necessary with other data acceptable to the Director, indicates that the standards prescribed in this Subpart can be complied with for the flight to be undertaken.

(8) In complying with any of the provisions in this Subpart, all factors that significantly affect the performance of an aircraft, as applicable to the phase of flight, shall be taken into account and which shall include as a minimum —

- (a) the mass of the aircraft;
- (b) the operating procedures employed by the operator;
- (c) the pressure-altitude appropriate to the elevation of the aerodrome;
- (d) the ambient temperature;
- (e) the wind;
- (f) the runway slope (aeroplane only); and
- (g) the condition of the surface.

(9) The factors specified in sub-regulation (8) shall be taken into account either directly as operational parameters or indirectly by means of allowances or margins, which may be provided in the scheduling of performance data or in the comprehensive and detailed code of performance in accordance with which the aircraft is being operated.

## **Division One: Aeroplane limitations**

### **Take-off mass limitations**

**93.08.2** (1) No person shall conduct a take-off in an aircraft if the mass of the aircraft—

- (a) exceeds the MTOM specified in the aircraft flight manual for the pressure altitude and the ambient temperature at the aerodrome where the take-off is to be made; or

- (b) after allowing for planned fuel consumption during the flight to the destination aerodrome or alternate aerodrome, exceeds the landing mass specified in the aircraft flight manual for the pressure altitude and the ambient temperature at the destination aerodrome or alternate aerodrome.
- (2) In the determination of the MTOM referred to in sub-regulation (1)—
- (a) the required accelerate-stop distance shall not exceed the accelerate-stop distance available;
  - (b) the required take-off run shall not exceed the take-off run available;  
and
  - (c) the required take-off distance shall not exceed the take-off distance available.
- (3) For the purposes of sub-regulation (2), the factors to be taken into account are—
- (a) mass of the aircraft;
  - (b) specific operating procedures;
  - (c) the pressure altitude at the aerodrome;
  - (d) the ambient temperature;
  - (e) the runway slope in the direction of take-off;
  - (f) of the reported headwind component, which shall not more than 50 per-cent or the reported tailwind component, which shall not be less than 150 per-cent;
  - (g) loss of effective take-off run available during runway alignment except where rolling take-offs are approved;
  - (h) where the runway condition is other than bare and dry, the appropriate penalty based upon the runway condition or contaminates such as slope, ice, snow, slush, standing water or water surfaces for seaplanes shall be factored into the performance calculation; and
  - (i) any other factor that may significantly affect aircraft performance.

### **Net take-off flight path**

**93.08.3** (1) No person shall conduct a take-off in an aircraft if the mass of the aircraft is greater than the mass specified in the aircraft flight manual as allowing a net take-off flight path that clears all obstacles by at least 35 feet vertically or at least 62 meters horizontally within the aerodrome boundaries and by at least 95 meters horizontally outside those boundaries.

- (2) In the determination of the maximum mass, minimum distances and flight path referred to in sub-regulation (1)—
- (a) corrections shall be made for—
    - (i) the runway to be used;
    - (ii) the runway slope in the direction of take-off;
    - (iii) the pressure-altitude at the aerodrome;

- (iv) the ambient temperature; and
- (v) the wind component at the time of take-off, where not more than 50 per-cent of the reported headwind component or not less than 150 per-cent of the reported tailwind component may be considered; and
- (b) calculations shall be based on the pilot—
  - (i) not banking the aircraft before reaching an altitude of 50 feet;
  - (ii) subject to sub-regulation (3), using 15 degrees or less of bank at or below 400 feet; and
  - (iii) using not more than 25 degrees of bank thereafter, aircraft speed and configuration permitting.

(3) A bank angle greater than the 15 degrees referred to in sub-regulation (2) (b) (ii) may be used if it is authorised by the Director.

(4) A CAO shall issue operating instructions and provide information on aeroplane climb performance with all engines operating to enable the pilot-in-command to determine the climb gradient that can be achieved during the departure phase for the existing take-off conditions and intended take-off technique. This information should be included in the operations manual.

#### **Dispatch limitations: landing at destination and alternate aerodromes**

**93.08.4** (1) Subject to sub-regulation (3), no person shall dispatch or conduct a take-off in an aircraft unless—

- (a) the mass of the aircraft on landing at the destination aerodrome will allow a full-stop landing—
  - (i) in the case of any turbojet or turbofan-powered aircraft, within 60 per-cent of the landing distance available; or
  - (ii) in the case of a large propeller-driven aircraft, within 70% of the landing distance available; and
- (b) the mass of the aircraft on landing at any alternate aerodrome will allow a full-stop landing—
  - (i) in the case of a turbojet or turbofan-powered aircraft, within 60% of the landing distance available ; and
  - (ii) in the case of a propeller-driven aircraft, within 70% of the landing distance available .

(2) In determining whether an aircraft can be dispatched or a take-off can be conducted in accordance with sub-regulation (1)—

- (a) the pressure altitude at the destination aerodrome and at the alternate aerodrome, if such pressure altitude can be determined, shall be taken into account;
- (b) not more than 50 per-cent of the reported headwind component or not less than 150 per-cent of the reported tailwind component may be used in computing distances for take-off or landing; and

- (c) the aircraft shall be landed on a suitable runway, considering the wind speed and direction, the ground handling characteristics of the aircraft and other conditions such as landing aids and terrain.

(3) Where conditions at the destination aerodrome at the time of take-off do not permit compliance with sub-regulation (2)(c), an aircraft may be dispatched and a take-off conducted if the alternate aerodrome designated in the OFP permits, at the time of take-off, compliance with sub-regulations (1)(b) and (2).

(4) Where the aerodrome of intended landing has in place noise criteria that may require a landing mass reduction, the take-off mass shall be adjusted to comply with such limitations.

### **Dispatch limitations: wet runway – turbojet- or turboprop-powered aircraft**

**93.08.5** (1) Subject to sub-regulation (2), when weather reports or forecasts indicate that the runway may be wet at the estimated time of arrival, no CAO shall dispatch, and no PIC shall conduct a take-off in a turbojet-powered or turboprop-powered aircraft unless the landing distance available at the destination aerodrome is at least 115% of the landing distance required in terms of regulation 93.08.4 (1)(a).

(2) A landing distance available on a wet runway may be shorter than that required by sub-regulation (1) but not shorter than that required by regulation 93.08.4, if the aircraft flight manual includes specific information about landing distances on wet runways.

### **Division Two: Helicopter limitations**

#### **Helicopter limitations**

**93.08.6** All persons operating under this Part shall comply with the provisions of Subpart 8 of Part 127 regarding helicopter limitations.

### **SUBPART 9: MAINTENANCE CONTROL**

#### **General**

**93.09.1** (1) A CAO or PIC shall not operate any aircraft under this Part unless such aircraft is maintained in accordance with Parts 21 and 43.

(2) A CAO or PIC shall ensure that the aircraft is maintained in accordance with an approved aircraft maintenance programme.

(3) A CAO may contract its maintenance out as provided in regulation 93.09.3.

(4) A maintenance programme referred to in sub-regulation (2) shall contain the information required by regulation 93.09.2(1) and be provided to the maintenance personnel concerned and such other personnel as may be required.

#### **Aircraft maintenance program**

**93.09.2** (1) A maintenance programme referred to in regulation 93.09.1(2) shall be developed for each aircraft and shall contain the following information—

- (a) maintenance tasks and the intervals at which these are to be performed, taking into account the anticipated utilisation of the aircraft;
- (b) when applicable, a continuing structural integrity program;
- (c) procedures for changing or deviating from paragraphs (a) and (b) above; and
- (d) when applicable, condition monitoring and reliability program descriptions for aircraft systems, components and power-plants.

(2) Maintenance tasks and intervals that have been specified as mandatory in approval of the type design shall be identified as such.

(3) A design and application of the maintenance program shall observe human factors principles.

(4) Upon approval of the Director, copies of all amendments to the maintenance programme shall be furnished promptly to all organisations or persons to whom the maintenance programme has been issued.

#### **Maintenance contracted to approved AMO**

**93.09.3** An operator contracting its maintenance out as provided in regulation 93.09.1(3) shall ensure such contract is with the holder of an AMO approval with appropriate rating issued in terms of Part 145.

#### **Operator's maintenance responsibilities**

**93.09.4** (1) A CAO or responsible person shall establish procedures acceptable to the Director that ensure—

- (a) each aircraft they operate is maintained in an airworthy condition;
- (b) the operational and emergency equipment necessary for an intended flight are serviceable; and
- (c) a certificate of airworthiness of each aircraft they operate, including any appropriate special conditions, remains valid.

(2) A CAO or PIC shall not operate an aircraft unless it is maintained and released to service by an organisation designated in accordance with Part 145 in the manner referred to in regulation 93.09.3.

(3) A CAO shall be resourced sufficiently to ensure that all maintenance is carried out in accordance with the maintenance control manual referred to in regulation 93.09.5.

(4) A CAO or responsible person shall ensure that the maintenance of its aircraft is performed in accordance with the maintenance program.

(5) When the Director accepts an equivalent maintenance program, the person signing the maintenance release has to sign the release in accordance with Parts 43 and 145.

### **Operator's maintenance control manual**

**93.09.5** (1) A CAO shall provide a maintenance control manual that meets the requirements prescribed in Document SA-CATS 43 for the use and guidance of the maintenance and operational personnel concerned.

(2) A maintenance control manual referred to in sub-regulation (1) shall incorporate relevant principles of human factors.

(3) If a CAO develops a separate maintenance control manual as part of the operations manual system, two copies of the proposed maintenance control manual shall be provided to the Director.

(4) A CAO shall amend its maintenance control manual as necessary in accordance with the amendment procedures contained in the maintenance control manual, in order to keep the information contained therein up-to-date and accurately reflect company policy with respect to the maintenance of its aircraft. The operator shall forward two copies of all amendments to the maintenance control manual to the Director for approval.

(5) Upon receipt of any approved amendments, each holder of a maintenance control manual shall be furnished a copy of such amendment with clear instructions to insert the amended pages in a timely manner into the maintenance control manual.

(6) The Director may require a CAO to produce an amendment where he or she is of the opinion that the maintenance control manual requires updating.

### **Maintenance records**

**93.09.6** (1) The following records shall be kept for each aircraft for the periods prescribed in sub-regulation (3)—

- (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 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 program; and
- (f) the detailed maintenance records to show that all requirements for the signing of a maintenance release have been met.

(2) A CAO shall describe in its maintenance control manual who is responsible for the retention of the records required by sub-regulation (1) and where they will be kept.

(3) Records referred to in sub-regulation (1)(a) to (e) shall be kept for a minimum period of 6 months 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 5 years after the signing of the maintenance release.

(4) At the discretion of the Director, in the event of a temporary change of operator, the records shall be made available to the new operator. In the event of any permanent change of operator, the records shall be transferred to the new operator.

### **Continuing airworthiness information**

**93.09.7** (1) An owner or operator of an aeroplane, of a maximum certificated take-off mass in excess of 5 700 kg, and all helicopters shall monitor and assess maintenance and operational experience with respect to continuing airworthiness and provide such information as required by the Director using a reporting system the Director has developed for that purpose.

(2) The Director shall transmit all mandatory continuing airworthiness information reported to him or her in accordance with sub-regulation (1) to the State of Design of any helicopter that has been issued a South African certificate of airworthiness and operated in terms of this Part.

(3) An owner or operator shall obtain and assess continuing airworthiness information and recommendations issued by a helicopter manufacturer, the organisation responsible for the helicopter type design or by the State of Design, or any additional requirements issued by the Director for each type of helicopter operated under this Part and shall implement resulting actions considered necessary in accordance with a procedure acceptable to the Director.

### **Modifications and repairs**

93.09.8 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.

## **SUBPART 10: QUALITY SYSTEMS (CAOC HOLDERS ONLY)**

### **Requirements for QMS**

93.10.1 A CAO shall establish a QMS that meets the requirements prescribed in Document SA-CATS 93.

(2) A quality system shall—

- (a) include a quality assurance program that contains procedures designed to verify that all operations are being conducted in accordance with all applicable requirements, standards and procedures; and
- (b) be described in relevant documentation as prescribed in Document SA-CATS 93.

(3) A CAO shall designate a person responsible for the QMS who meets the qualifications and experience requirements and who will be responsible for the functions as prescribed in Document SA-CATS 93.

(4) A CAO shall prepare a quality management manual that meets the requirements prescribed in Document SA-CATS 93.

(5) Notwithstanding sub-regulation (3) above, an operator may appoint two quality managers, one for flight operations and one for maintenance: Provided an operator has designated one single quality management unit to ensure that the quality system is applied uniformly throughout the entire operation.”

**Amendment of Regulation 101.01.2 of the Regulations**

11. Regulation 101.01.2 of the Regulations is hereby amended by the substitution in sub-regulation (2) for the reference to regulation 101.05.9(1)(a) and (b) of the reference to regulation 101.05.10(1)(a) and (b).

**Substitution of Part 108 of the Regulations**

12. The following Part is hereby substituted for Part 108:

**“PART 108: AIR CARGO SECURITY****List of regulations****SUBPART 1: GENERAL**

- |                 |   |
|-----------------|---|
| <u>108.01.1</u> | <u>Applicability</u>                            |
| <u>108.01.2</u> | <u>Requirements for carriage cargo by air</u>   |
| <u>108.01.3</u> | <u>Issuing of air cargo security directives</u> |

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

- |                 |                                   |
|-----------------|-----------------------------------|
| <u>108.02.1</u> | <u>Duties of regulated agents</u> |
| <u>108.02.2</u> | <u>Duties of known consignors</u> |

**SUBPART 3: SECURITY CONTROLS**

- |                 |  |
|-----------------|--|
| <u>108.03.1</u> | <u>General</u>                                     |
| <u>108.03.2</u> | <u>Known cargo</u>                                 |
| <u>108.03.3</u> | <u>Unknown cargo</u>                               |
| <u>108.03.4</u> | <u>Mail</u>  |
| <u>108.03.5</u> | <u>Transfer and transit cargo mail</u>             |
| <u>108.03.6</u> | <u>Exemptions</u>                                  |
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**SUBPART 4: SECURITY SCREENING - EQUIPMENT AND EXPLOSIVE DETECTION DOG TEAMS**

108.04.1 Requirements for security screening equipment

**SUBPART 5: APPROVALS**

- 108.05.1 Application for approval as a regulated agent
- 108.05.2 Certificate of approval
- 108.05.3 Renewal of certificate of approval
- 108.05.4 Application for accreditation certificate as known consignor
- 108.05.5 Known consignor accreditation certificate
- 108.05.6 Safety inspections and audits
- 108.05.7 Designation of validators
- 108.05.8 Renewal of accreditation certificate
- 108.05.9 Inspection fee
- 108.05.10 Validation of foreign certificates
- 108.05.11 Register of certificates of approval and accreditation certificates

**SUBPART 6: TRAINING**

- 108.06.1 Aviation security awareness training
- 108.06.2 Aviation security training

**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 of cargo by air

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

(2) No air carrier shall carry unknown cargo.

(3) All cargo and mail shall be screened by a regulated agent within the territory of the Republic before being loaded on to an air carriers' aircraft, unless:

- (a) the required security controls have been applied to the consignment by a regulated agent and the consignment has been protected from unauthorised interference from the time that those security controls were applied until loading onto the aircraft;
- (b) the required security controls have been applied to the consignment by a known consignor and the consignment has been protected from unauthorised interference from the time that those security controls were applied and until loading onto an aircraft;
- (c) the cargo is exempt from screening and has been protected from unauthorised interference from the time that it became identifiable as air cargo until loading onto the aircraft; or
- (d) for consignments loaded onto an aircraft outside the territory of the Republic, the required security controls including screening, have been applied to the consignment by an air carrier in accordance with its approved air operator security programme, and the consignment has been protected from unauthorised interference from the time that those security controls were applied until loading onto the aircraft.

(4) Where there is any reason to believe that a consignment to which security controls have been applied has been tampered with or has not been protected from unauthorised interference from the time that those controls were applied, it shall be screened in accordance with the provisions of this Part, before being loaded onto an aircraft.

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

(6) Any regulated agent engaged in the acceptance or storage or forwarding 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 specified in Part 109 and hold a certificate of proficiency for such training.

(7) Any known consignor engaged in the preparation or packing or storage or forwarding or handling of cargo to be carried by air shall hold a certificate of accreditation issued by the Director: Provided that any person in the employ of a known consignor and involved with known cargo, shall be required to complete the training specified in Part 109 and hold a certificate of proficiency for such training.

(8) A regulated agent and known consignor 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 or known consignor will operate. Such a manual shall be submitted to the Director for approval.

(9) 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 109.

(10) A regulated agent with multiple sites shall in addition to the appointment of a designated official designate at least one person at each site as a deputy designated official who shall be responsible for the implementation, application and supervision of the security controls as prescribed by this Part and in Document SA-CATS 108.

### **Issuing of air cargo security directives**

**108.01.3** The Director may from time to time issue air cargo security directives in respect of cargo or mail to be carried by air where it is deemed necessary to improve standards of aviation security.

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

### **Duties of regulated agents**

**108.02.1** (1) Any person approved by the Director as a regulated agent shall –

- (a) maintain records of all shipping documents regarding 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 regulation 108.01.2;

- (c) ensure that the acceptance and handling of cargo and shipping documentation is done by trained personnel, who have received job-specific cargo security training, as specified in Part 109;
  - (d) apply security controls including 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 packed in 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) check, verify and record the identity of persons tendering cargo;
  - (i) 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;
  - (j) 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 or known cargo intended for carriage by air;
  - (k) ensure that each consignment of known cargo is accompanied by a consignment security declaration in the manner prescribed in Document SA-CATS 108;
  - (l) ensure that enhanced security measures, such as dual screening methods, are applied to high-risk cargo or mail;
  - (m) when accepting consignments to which not all required security controls have previously been applied, ensure that such consignments are screened in terms of this Part; and
  - (n) ensure that known cargo is kept segregated from unknown cargo.
- (2) All regulated agents who conduct business with and receive known cargo from known consignors shall verify that the known consignor is a holder of a known consignor accreditation certificate issued in terms of this Part.
- (3) A regulated agent shall –
- (a) conduct its operations in accordance with the approved security manual at all times;
  - (b) endorse its unique identifiable approval number on shipping documentation; and
  - (c) apply measures to mitigate threats of cyber-attacks.

## **Duties of known consignor**

**108.02.2** (1) Any person approved by the Director as a known consignor shall ensure that:

- (a) consignments of known cargo are prepared and or packed in a designated area 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 recurrent criminal record checks every 24 months and have received job-specific security awareness training as specified in Part 109;
- (c) consignments of known cargo are protected from unlawful interference during preparation, storage and transportation;
- (d) records of all shipping documents are maintained in accordance with the requirements of Document SA-CATS 108; and
- (e) 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.

(2) When, for whatever reason, these security controls have not been applied to a consignment or part thereof, or where the consignment has not been originated by the known consignor for its own account, the known consignor shall clearly identify this to the regulated agent or air carrier.

(3) A known consignor shall –

- (a) conduct its operations in accordance with the approved security manual at all times;
- (b) endorse its unique identifiable accreditation number on shipping documentation; and
- (c) apply measures to mitigate threats of cyber-attacks.

## **SUBPART 3: SECURITY CONTROLS**

### **General**

**108.03.1** (1) No air carrier may transport cargo by air unless it is accompanied by a valid air waybill and other valid transport documentation.

(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; and

- (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) status and number of packages shall be clearly indicated on the air waybill;
  - (b) cargo must be properly sealed and marked and bearing visible external marks of its character; and
  - (c) a 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 detection dogs or non-intrusive explosive detection equipment is 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 loaded onto an air carrier's aircraft –**

- (a) unless it has been subjected to security controls prescribed in this Part and Document SA-CATS 108, 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 secured by a known consignor 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 the 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) An air carrier shall ensure that cargo is at all times safeguarded whilst on the ramp prior to loading on to an aircraft.
- (5) Prior to loading onto an air carrier's 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-evident 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 onto an aircraft.

## **Mail**

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

(2) In addition to the security controls prescribed in this Part, mail received by a 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.

## **Transfer and transit cargo and mail**

**108.03.6** (1) Transfer and transit cargo and mail arriving by air, for onward carriage by air, need not be screened or searched provided that it was subjected to acceptable security controls at the point of departure and is protected against unlawful interference en route and at the transit points in terms of Document SA-CATS 108.

(2) Transfer and transit 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) Unless otherwise directed by the Director, the security controls required by this Part shall not be applicable in respect of –

- (a) transfer and transit cargo, as provided for in regulation 108.03.6(1);
- (b) live animals;
- (c) bona fide consignments of life-sustaining items such as blood, blood products, bone marrow and human organs or other essential medical supplies; or
- (d) any nuclear materials;

(2) A 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) Cargo mentioned in sub-regulation (1) is only exempted from security controls including screening 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, illegal 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 prescribed in Document SA-CATS 109.

(3) 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 110.

## **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 (7) for initial applications; 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) An authorised officer, inspector or authorised person may carry out an inspection on the operation of an applicant wishing to be approved as a regulated agent, to ascertain compliance 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 appropriate form.

(3) The Director may reject an application for a certificate of approval if the applicant has failed to provide sufficient information or has provided incorrect information regarding its operations or personnel, or if the applicant has been previously rejected for security or other concerns.

(4) A regulated agent who intends to amend an approved security manual shall submit all such proposed amendments to the Director for approval.

(5) If the Director is satisfied that an amendment 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.

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

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

(8) A site for which an approval is issued shall be specified in such approval.

### **Renewal of certificate of approval**

**108.05.3** (1) A 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 a new certificate of approval issued if the Director is satisfied that the applicant complies with the provisions of this Part.

(4) (a) The Director may reject an application for renewal of a certificate if an applicant has failed to provide sufficient information or has provided incorrect information regarding its operations or personnel, or for security or other concerns.

(b) If the Director rejects the application, 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) An 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.

### **Application for accreditation certificate as known consignor**

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

- (a) be made to the Director in the appropriate prescribed format;
- (b) be accompanied by appropriate fee or fees as prescribed in Part 187;  
and
- (c) for initial applications, include duplicate copies of the air cargo security manual of procedure referred to in regulation 108.01.2 (7).

### **Known consignor accreditation certificate**

**108.05.5** (1) An authorised officer, inspector or authorised person 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 applicant's 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 Director may reject an application for accreditation if the applicant has failed to provide sufficient information or has provided incorrect information regarding its operations or personnel, or if the applicant has been previously rejected for security or other concerns.

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

(5) A site for which an accreditation certificate is issued shall be specified in such in such certificate.

### **Safety inspections and audits**

**108.05.6** (1) Any person applying for approval as a regulated agent or accreditation as a known consignor, shall permit an authorised officer, inspector or authorised person 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.

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

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

(4) A holder of a certificate of approval or accreditation certificate shall inform the Director within 14 days of any significant changes to their status or information provided on their application form.

### **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, renewal and reissuing of certificates of accreditation.

(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 names 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) An 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 accreditation certificate**

**108.05.8** (1) A 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 certificate 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) (a) The Director may reject an application for renewal of accreditation if the applicant has failed to provide sufficient information or has provided incorrect information regarding its operations or personnel, or for security or other concerns.

(b) If the Director rejects an application he or she shall notify the applicant, stating the reasons in the notification, and grant the applicant an 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) An 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 regulation 108.05.05 shall apply, with the necessary changes, to an application for the renewal of certificate of approval.

### **Inspection fee**

**108.05.9** Whenever 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 prescribed in Part 187.

### **Validation of foreign certificates**

**108.05.10** (1) The Director may upon application, 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 acceptable to the Director; and
- (b) he or she has successfully completed the refresher security training referred to in Part 109.

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

(3) The provisions of regulation 108.06.2 shall apply, with the necessary changes, to a holder of a certificate referred to in sub-regulation (1).

### **Register of certificates of approval and accreditation certificates**

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

(2) A register of approval and accreditation certificates shall contain the following particulars –

- (a) full name and, if any, the trade name of the holder of the certificate of approval or accreditation;

- (b) postal and physical address of the holder of the approval or certificate of accreditation; and
- (c) the date on which the approval or certificate of accreditation was issued;
- (d) a unique identifiable number of the holder of the approval or accreditation certificate; and
- (e) a name and contact details of the responsible person.

(3) A list of approved regulated agents and accredited known consignors containing the above information shall be furnished by the Director to any person who shows good cause why he or she should be furnished with such information.

## **SUBPART 6: TRAINING**

### **Aviation security awareness 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; and
- (d) known consignor accredited by the Director in terms of this Part,

shall ensure that personnel involved in acceptance, handling, storage, loading and unloading of cargo and shipping documentation and drivers involved in transporting known cargo to be transported by air in his or her employ, or personnel provided by a service provider, successfully complete aviation security awareness training and refresher training every 24 months thereafter.

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

(3) Records of the training referred to in this regulation shall be maintained as prescribed in Document SA-CATS 108.

### **Aviation 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; or
- (d) known consignor accredited by the Director in terms or this Part,

shall ensure that deputy designated officials and designated officials in his, her or its employ, or personnel provided by a service provider, have successfully completed aviation security training and refresher training every 24 months thereafter.

(2) Deputy designated officials and designated officials shall complete refresher aviation security training every 24 months.

(3) Screeners shall complete refresher aviation security training every 12 months.".

### **Substitution of Part 109 of the Regulations**

13. The following Part is hereby substituted for Part 109 –

#### **"PART 109: AVIATION SECURITY TRAINING**

##### **List of Regulations**

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

- 109.01.1 Applicability
- 109.01.2 Designation of body or institution
- 109.01.3 Display of ASTO approval
- 109.01.4 Advertisements
- 109.01.5 Security inspections and audits
- 109.01.6 Register of approvals

##### **SUBPART 2: APPROVAL OF ORGANISATION (AVIATION SECURITY TRAINING)**

- 109.02.1 Requirement for approval
- 109.02.2 Manual of procedure
- 109.02.3 Quality assurance system
- 109.02.4 Personnel requirements
- 109.02.5 Facilities and equipment
- 109.02.6 Application for approval or amendment thereof
- 109.02.7 Issuing of approval
- 109.02.8 Scope of approval
- 109.02.9 Period of validity

- 109.02.10 Transferability
- 109.02.11 Changes in quality assurance system
- 109.02.12 Renewal of approval
- 109.02.13 Duties of holder of approval
- 109.02.14 Documents and records

### **SUBPART 3: INSTRUCTOR CERTIFICATION**

- 109.03.1 Requirement for certification
- 109.03.2 Authority to conduct aviation security training
- 109.03.3 Competency
- 109.03.4 Application for instructor certificate
- 109.03.5 Issuing of instructor certificate
- 109.03.6 Period of validity
- 109.03.7 Validation of certificate issued by a foreign appropriate authority
- 109.03.8 Register of certified instructors
- 109.03.9 Functions

### **SUBPART 1: GENERAL**

#### **Applicability**

**109.01.1** (1) This part applies to approval and operation of organisations conducting—

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

(2) All aviation security training shall be conducted in line with the requirements contained in this Part as well as Document SA-CATS 109.

(3) Standard aviation security training shall be subdivided into the following categories—

- (a) Level 1 Training shall be applicable to all persons—
  - (i) implementing screening of persons before being allowed into a restricted area;
  - (ii) implementing screening of cabin baggage, items carried and hold baggage;
  - (iii) implementing screening of cargo;
  - (iv) implementing screening of air carrier mail and materials, in-flight supplies and airport supplies;

- (v) performing vehicle examinations; and
    - (vi) implementing aircraft security searches;
  - (b) Level 2 Training shall be applicable to all persons directly supervising persons implementing security controls listed in paragraph (a); and
  - (c) Level 3 Training shall be applicable to all persons—
    - (i) with general responsibility at national or local level for ensuring that an airport security program and its implementation meet all legal provisions (security managers);
    - (ii) with general responsibility at national or local level for ensuring that an air carrier security program and its implementation meet all legal provisions (security managers); and
    - (iii) with general responsibility at national or local level for ensuring that a cargo security program and its implementation meet all legal provisions (security managers).
- (4) The following persons shall have aviation security awareness training:
  - (a) Persons implementing access control at an airport or cargo facility as well as surveillance and patrols;
  - (b) Persons implementing baggage reconciliation;
  - (c) Persons implementing security controls for cargo and mail other than screening, or having access to identifiable air cargo or identifiable air mail;
  - (d) Persons implementing security controls for air carrier mail and materials (COMAIL and COMAT), in-flight supplies and airport retail supplies, other than screening; and
  - (e) Persons other than passengers requiring unescorted access to security restricted areas.
- (5) Training for persons specified in sub-regulation (4) shall result in competencies specified in Document SA-CATS 109.
- (6) Level 1 and Level 2 training shall be valid for one year and persons in these categories shall undergo refresher training every 12 months. Persons failing to undergo refresher training within 13 months from date of completion of previous training shall undergo initial training.
- (7) Awareness training specified in sub-regulation (3) shall be valid for two years and persons in these categories shall undergo refresher training every 24 months. Persons failing to undergo refresher training within 25 months from date of completion of previous training shall undergo initial training.

### **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 aviation security training specified in the regulations, and over persons conducting such training;
- (b) determine standards for 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 aviation security training, and keep all books or documents regarding such training; and
- (d) advise the Director on any matter connected with aviation security training or persons.

(2) The designated 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 ASTO approval**

**109.01.3** A holder of an ASTO 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 to an authorised officer, inspector or authorised person if so requested.

### **Advertisements**

**109.01.4** Any advertisement by an organisation indicating that it is an ASTO, shall—

- (a) reflect the number of the ASTO 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 ASTO 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) A holder of an ASTO 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 ASTO approvals issued in terms of the regulations in this part.

(2) A register of ASTO approvals shall contain the following particulars—

- (a) full names of the holder of the approval;
- (b) 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) nationality of the holder of the approval; and
- (f) 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) A register of ASTO approvals shall be kept at the premises of the Authority.

(5) A copy of a register of ASTO approvals 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** (1) No organisation shall conduct aviation security training except under the authority of, and in accordance with the provisions of, an ASTO approval issued under this subpart, with the exception of awareness training for crew members which may be conducted in terms of Part 64 by a Part 141 approved ATO.

(2) No training shall be conducted at a facility that is not approved by the Director in accordance with the requirements contained in Document SA-CATS 109.

(3) Online aviation security awareness training shall only be conducted in line with the requirements contained in Document SA-CATS 109.

(4) The issuing of approval to conduct aviation security training and the continued validity of the approval shall depend on compliance with the requirements of this Subpart.

### **Manual of procedure**

**109.02.2** (1) An applicant for the issuing of an ASTO approval shall provide the Director with its manual of procedure which shall meet the requirements prescribed in this subpart and contain the information prescribed in Document SA-CATS 109.

(2) A holder of ASTO approval shall ensure that the manual of procedures is amended as necessary to keep the information contained therein up to date.

(3) Amendments to a manual of procedures shall be submitted to the Director for approval, with the payment of the appropriate fee as prescribed in Part 187.

(4) Copies of all approved amendments to the training manual of procedures shall be furnished promptly to all organisations or persons to whom the manual has been issued.

(5) An ASTO must comply with the guidelines for the content of the manual of procedures prescribed in Document SA-CATS 109.

### **Quality assurance system**

**109.02.3** (1) An applicant for the issuing of an ASTO approval shall establish a quality assurance system, incorporated in its manual of procedure, for the control and supervision of the aviation security training covered by the application.

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

### **Personnel requirements**

**109.02.4** (1) An applicant for the issuing of an ASTO approval 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) to order cessation of any activity where such compliance is not effected;
- (iv) 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) 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, assess, moderate and supervise aviation security training covered by the application. Such personnel shall meet the qualification requirements specified in Document SA-CATS 109.

(2) An applicant for the issuing of an ASTO approval 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) An applicant for the issuing of an ASTO approval 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.

### **Facilities and equipment**

**109.02.5** (1) An applicant for the issuing of an ASTO approval shall ensure that facilities and equipment are adequate to enable personnel to conduct aviation security training covered by the application and are satisfactory to the Director.

(2) Facilities and equipment used in training specified in this Part shall meet the requirements as prescribed in Document SA-CATS 109.

(3) Technical screening simulation equipment shall not be used for training until written approval is obtained from the Director.

### **Application for approval or amendment thereof**

**109.02.6** An application for the issuing of an ASTO approval, or an amendment thereof, shall be—

- (a) made to the Director in the appropriate prescribed form; and
- (b) accompanied by—
  - (i) appropriate fee as prescribed in Part 187;
  - (ii) manual of procedure referred to in regulation 109.02.2;
  - (iii) two hard copies as well as one soft copy of training material to be used in such training; and
  - (iv) sample copies of certificates to be issued to learners as per specifications contained in Document SA-CATS 109.

### **Issuing of approval**

**109.02.7** (1) The Director shall issue an ASTO approval to conduct aviation security training if—

- (a) an applicant complies with the requirements prescribed in these regulations as well as in Document SA-CATS 109; and
- (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 certify in writing on both copies of the manual of procedures that these documents have been approved.

### **Scope of approval**

**109.02.8** An ASTO 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 ASTO approval shall be valid for one year—calculated from the date of issuing or renewal thereof.

(2) An ASTO 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) A holder of an ASTO approval which has expired or has been cancelled, shall forthwith surrender the approval to the Director.

(4) A holder of an ASTO 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 ASTO approval is not transferable.

### **Changes in quality assurance system**

**109.02.11** (1) If a holder of an ASTO 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 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 ASTO approval shall be—

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

(2) A holder of an ASTO approval shall apply for the renewal of the approval at least 60 days before such approval expires.

### **Duties of holder of approval**

**109.02.13** A holder of an ASTO approval shall—

- (a) hold at least one complete and current hard or electronic 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 relevant requirements prescribed in Document SA-CATS 109.

### **Documents and records**

#### **109.02.14** (1) A holder of an ASTO 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 relevant 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 appropriate personnel.

#### (2) A holder of an ASTO 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 relevant requirements prescribed in this subpart, and to ensure that—

- (a) record is kept of each quality control review of the holder of the approval;
- (b) 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) 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) copies are kept on site of assessment scripts, students evaluation of each such student;
- (e) all records are legible; and
- (f) all records are kept for a period of at least five years calculated from the date of the last entry made in such records.

### **SUBPART 3: INSTRUCTOR CERTIFICATION**

#### **Requirement for certification**

**109.03.1** An instructor wishing to conduct aviation security training regulated under this Part shall be certified by the Director as prescribed in this Subpart as well as Document SA-CATS 109.

#### **Authority to conduct aviation security training**

**109.03.2** (1) No instructor shall conduct aviation security training prescribed under this part, unless such instructor is the holder of a valid instructor certificate issued in terms of this Part.

(2) An instructor certificate shall be renewable annually on payment of the annual currency fees prescribed in Part 187.

#### **Competency**

**109.03.3** (1) No Instructor shall perform the functions afforded to an instructor unless such instructor meets the requirements prescribed in this subpart.

(2) No Instructor shall perform the functions afforded to an instructor unless such instructor maintains competency by undergoing refresher training every 24 months.

(3) Refresher training shall include updates, local issues, facilitation of lessons using variety of methodologies and changes in procedure and equipment.

(4) An applicant for the issuing instructor certificate shall have successfully completed and passed the appropriate training as prescribed in Document SA-CATS 109.

(5) An applicant for the issuing of an instructor certificate shall be a subject matter expert as approved by the Director and shall have a minimum qualification and experience as prescribed in Document SA-CATS 109.

#### **Application for instructor certificate**

**109.03.4** (1) An application for the issuing of instructor certificate shall be –

- (a) made to the Director in the appropriate prescribed form;
- (b) accompanied by the documentation prescribed in the SA-CATS 109 and the appropriate fee prescribed in Part 187; and

- (c) accompanied by a letter from an aviation security training organization, on the company's letterhead, confirming that such an instructor is associated with them and his or her name is reflected on their manual of procedures.
- (2) An applicant for instructor certificate shall be associated with an approved ASTO.

### **Issuing of instructor certificate**

**109.03.5** (1) The Director shall issue instructor certificate if the applicant complies with the requirements prescribed in this part as well as in Document SA-CATS 109.

(2) An instructor certificate shall be issued on the appropriate form as prescribed in Document SA-CATS 109.

### **Period of validity**

**109.03.6** An instructor certificate shall be renewable every 24 month after payment of appropriate fee as prescribed in Part 187 provided that the instructor –

- (a) applies for the renewal every 24 months;
- (b) complies with all the requirements for aviation security instructor as prescribed in this Part; and
- (c) is affiliated to an approved ASTO.

### **Validation of certificate issued by a foreign appropriate authority**

**109.03.7** (1) A holder of a certificate issued by a foreign authority, who desires to conduct aviation security training at an approved ASTO in the Republic, shall apply to the Director in the appropriate prescribed form for validation of such certificate.

(2) An application for validation of a certificate issued by a foreign authority referred to in sub-regulation (1) shall be accompanied by –

- (a) a certified true copy of a certificate to which the validation refers;
- (b) certified copies of valid training records; and
- (c) appropriate fee as prescribed in Part 187.

(3) An instructor certificate issued by an appropriate authority may be validated by the Director subject to the same restrictions which apply to such certificate;

- (4) A validation certificate shall be –
- (a) in accordance with and subject to the requirements and conditions as prescribed in Document SA-CATS 109; and
  - (b) on the appropriate form as prescribed in Document SA-CATS 109.
- (5) A validation certificate shall be valid for the duration of validity of the certificate issued by the appropriate authority concerned or for a period of 24 months from the date of validation, whichever period comes first.
- (6) A holder of a validation certificate issued by the Director may apply to the Director for the renewal of such validation which shall be done at least 21 days before the date of expiry of such validation.
- (7) A holder of a validation certificate issued by the Director shall comply with the provisions prescribed in this part and the requirements and conditions as prescribed in Document SA-CATS 109.

#### **Register of certified instructors**

**109.03.8** (1) The Director shall maintain a register of all Instructor certificates issued in terms of this part.

- (2) A register of certificates shall contain the following particulars –
- (a) full name of the holder of the certificate;
  - (b) physical and postal addresses of the holder of the certificate;
  - (c) date on which the certificate was issued;
  - (d) nationality of the holder of the certificate;
  - (e) approved ASTO(s) the holder thereof is associated with;
  - (f) authority number allocated to the certified instructor; and
  - (g) identity or passport number of the holder of certificate.
- (3) The particulars referred to in sub-regulation (2) shall be recorded in the register within seven (7) days from the date on which the certificate is issued.
- (4) A register of certificates shall be kept in a safe place at the premises of the Authority.
- (5) A copy of a register of certificates shall be furnished by the Director, on payment of the appropriate fee as prescribed in Part 187, to any person who requests a copy.

## **Functions**

**109.03.9** (1) A holder of a valid instructor certificate shall be entitled to conduct aviation security training and aviation security awareness training in an ASTO approved by the Director.

(2) A holder of an instructor certificate shall upon request 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..”.

## **Substitution of Part 110 of the Regulations**

14. The following Part is hereby substituted for Part 110 –

### **“PART 110: AVIATION SECURITY SCREENER CERTIFICATION**

#### **List of Regulations**

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

<u>110.01.1</u>	<u>Applicability</u>
<u>110.01.2</u>	<u>Authority to act as a screener</u>
<u>110.01.3</u>	<u>Competency</u>
<u>110.01.4</u>	<u>Documentation</u>
<u>110.01.5</u>	<u>Logbooks</u>
<u>110.01.6</u>	<u>Register of certificates</u>
<u>110.01.7</u>	<u>Language</u>
<u>110.01.8</u>	<u>Designation of examiner</u>
<u>110.01.9</u>	<u>Screener deployment</u>

##### **SUBPART 2: SCREENER CERTIFICATION**

<u>110.02.1</u>	<u>Requirements for screener certification</u>
<u>110.02.2</u>	<u>Training</u>
<u>110.02.3</u>	<u>Certification assessment</u>
<u>110.02.4</u>	<u>Application for screener certificate</u>
<u>110.02.5</u>	<u>Issuing of screener certificate</u>
<u>110.02.6</u>	<u>Validation of certificate issued by appropriate authority</u>
<u>110.02.7</u>	<u>Period of validity</u>
<u>110.02.8</u>	<u>Functions</u>

**SUBPART 3: SCREENING ORGANISATIONS**

- 110.03.1 Requirements for screening organisation
- 110.03.2 Application for approval as a screening organisation
- 110.03.3 Certificate of approval
- 110.03.4 Renewal of certificate of approval
- 110.03.5 Register of certificates of approval
- 110.03.6 Duties of holder
- 110.03.7 Inspection fee
- 110.03.8 Issuing of aviation security screening directives
- 110.03.9 Duties of screening organisations
- 110.03.10 Quality assurance system
- 110.03.11 Personnel requirements
- 110.03.12 Career development

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

**110.01.1** (1) This part applies to all screening conducted at –

- (a) South African aerodromes with scheduled operations;
- (b) regulated agents facilities;
- (c) air traffic control facilities; and
- (d) catering facilities serving civil aviation.

(2) The part does not apply to –

- (a) screening conducted by the Authority, South African Police Service, South African National Defence Force and the South African Revenue Service; and
- (b) an aircraft search conducted by the crew of such an aircraft.

**Authorisation to act as a screener**

**110.01.2** (1) No person shall act as a screener at a South African aerodrome with scheduled operations, air carrier or regulated agent unless such person is the holder of a valid screener certificate issued in terms of this part and is in the employ of an approved screening organisation.

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

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

### **Competency**

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

(2) A screener who is absent from screening duties for the extended period as prescribed in Document SA-CATS 110 shall undergo refresher training as prescribed in Document SA-CATS 110.

### **Documentation**

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

(2) Screening organisations shall ensure that the records stipulated in Document SA-CATS 110 are maintained.

(3) Records stipulated in Document SA-CATS 110, or copies thereof, shall be made available at the location where the screening take place.

### **Logbooks**

110.01.5 (1) Screeners shall maintain a screening logbook.

(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 as prescribed in Document SA-CATS 110.

### **Register of certificates**

110.01.6 (1) The Director shall maintain a register of all screener certificates issued in terms of this part.

(2) A register of screener certificates shall contain the following particulars—  
(a) full names of the holder of the certificate;

- (b) physical and postal addresses of the holder of the certificate;
- (c) date on which the certificate was issued;
- (d) identity number of the screener;
- (d) organisation in which the holder thereof is employed; and
- (e) certificate number.

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

(4) A register of screener certificates shall be kept at the premises of the Authority.

### **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) Skills tests and skills test reports referred to in sub-regulation (1) shall be performed and issued 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 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) An application for designation as examiner shall be accompanied by—

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

### **Screener deployment**

**110.01.9** Screening organisations shall all times ensure that explosive detection dog teams are deployed in accordance with the specification contained in Document SA-CATS 110.

## **SUBPART 2:        SCREENER CERTIFICATION**

### **Requirements for screener certification**

**110.02.1** An applicant for the issuing of a screener certificate shall—

- (a) be not less than 18 years of age;
- (b) hold a valid 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 successfully completed a period of on the job training as prescribed in Document SA-CATS 110;
- (e) have received satisfactory background check results;
- (f) be a South African citizen; and
- (g) have passed Grade 12 or NQF level 4 or equivalent: Provided that a person who has been conducting screening duties before 1 January 2009 and who does not possess the qualifications prescribed in this paragraph, shall produce proof of training attended before the coming into operation of this Part.

### **Training**

**110.02.2** (1) An applicant for the issuing of a screener certificate 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 ASTO approval issued in terms of part 109.

### **Certification assessment**

**110.02.3** (1) An applicant for the issuing of a screener certificate shall be assessed by the Director.

(2) The initial certification assessment shall comprise both a theoretical knowledge examination and a practical assessment.

(3) A recertification assessment shall comprise theoretical knowledge examination, however practical assessment may be conducted.

(4) A minimum mark of 80% is required for successful completion of this requirement.

(5) An applicant who obtains a mark of between 70% and 79% will be allowed to retake the test only once, without having to attend training.

(6) During the practical assessment an applicant may be required to undergo a skills test by demonstrating competence to an aviation security inspector, authorised officer or designated examiner.

(7) As part of the skills test, there may be oral questions to test the knowledge and comprehension of what is being demonstrated.

(8) Upon successful completion of all assessments, the Director shall issue the certificate.

### **Application for screener certification**

**110.02.4** (1) An application for the issuing of a screener certificate shall be—

- (a) made to the Director in the prescribed form; and
- (b) accompanied by—
  - (i) a certified copy of the identity document of the applicant;
  - (ii) a valid medical certificate issued as prescribed in Part 109;
  - (iii) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 110.02.3;
  - (iv) copies of the practical training reports, such as the x-ray or CBT results in case of x-ray training;
  - (v) proof of completion of on the job training as prescribed in Document SA-CATS 110;
  - (vi) appropriate fee as prescribed in part 187;
  - (vii) two recent passport size photographs of the applicant; and
  - (viii) a certified copy of a grade 12, NQF level 4 certificate or equivalent.

(2) Application for a screener certificate shall be submitted to the Director no later than three months after passing the theoretical knowledge examination referred to in regulation 110.02.3.

### **Issuing of screener certificate**

**110.02.5** (1) The Director shall issue a screener certificate on the appropriate prescribed form if the applicant complies with the requirements referred to in regulation 110.02.1.

(2) A certificate shall be issued for one or more of the following categories for which a screener has successfully completed training and has been tested on during the certification process—

- (a) passengers and baggage; and
- (b) cargo, mail and company materials.

- (3) Screeners shall also be certified to screen using one or more of the following screening methods, depending on the results of training and certification testing—
- (a) X-ray;
  - (b) hand search;
  - (c) explosive dog detection;
  - (d) explosive trace detection; and
  - (e) any other method, as may be approved by the Director.

### **Validation of certificate issued by appropriate authority**

**110.02.6** (1) A holder of a certificate issued by a foreign authority, who desires to act as a screener at a South African aerodrome, air carrier or regulated agent, shall apply to the Director in the appropriate prescribed form, for a validation of such certificate.

(2) An application for a validation of a certificate issued by a foreign authority referred to in sub-regulation (1) shall be accompanied by—

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

(3) A certificate issued by an appropriate authority may be validated by the Director—

- (a) subject to the same restrictions which apply to such certificate;
- (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) A validation for a validation of a certificate issued by a foreign authority is valid for the period of validity of the certificate issued by the appropriate authority concerned or for 12 months after the date of validation, whichever period is the lesser.

(5) A 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 before the date of expiry of such validation.

(6) The Director may renew a validation of a certificate in the circumstances and on conditions as prescribed in Document SA-CATS 110: Provided that a validation of certificate, 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) A 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**

110.02.7 A screener certificate is valid for 12 months from the date of issuance, provided that the holder thereof complies with the requirements of a screener as prescribed in these regulations.

### **Functions**

110.02.8 (1) A holder of a valid screener certificate 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 certificate.

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

- (a) is the holder of a valid 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.

(3) Failure to continuously maintain certification requirements shall result in the certificate being revoked until such time as the screener has undergone refresher training specified in Part 109.

## **SUBPART 3: SCREENING ORGANISATIONS**

### **Requirements for screening organisation**

110.03.1 (1) Any entity wishing to engage in screening at a South African aerodrome with scheduled operations, regulated agent facility, catering facility or air traffic control facility shall apply, to the Director, for a certificate of approval.

(2) An entity wishing to apply for approval as a screening organisation shall draw up an operations manual containing all information prescribed in Document SA-CATS 110 and setting out the manner in which such a screening organisation will operate. Such a manual shall be submitted to the Director for approval.

(3) Each screening organisation shall have a designated official responsible for the implementation, application and supervision of screening functions as prescribed by this part and the Document SA-CATS 110 and such designated official shall undergo the training as prescribed for security managers in Part 109.

(4) Any organisation applying for approval as a screening organisation, 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 measures regarding screening comply with the requirements of this part.

### **Application for approval as a screening organisation**

**110.03.2** An application for a certificate of approval as screening organisation and renewal of such a certificate of approval shall—

- (a) be made to the Director in the prescribed form;
- (b) be accompanied by duplicate copies of operations manual referred to in regulation 101.03.1 (2); and
- (c) be accompanied by appropriate fee or fees as prescribed in Part 187.

### **Certificate of approval**

**110.03.3** (1) An applicant wishing to be approved as a screening organisation shall permit the Director to carry out an inspection to ascertain whether he or she is able to comply with the provisions of this Part.

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

(3) If the Director is satisfied with the applicant's operations manual and is satisfied 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 operations manual that these documents have been approved;
- (b) return one copy of the approved operations manual to the applicant; and
- (c) issue to the applicant a certificate of approval as regulated agent in the prescribed form.

(4) The Director may reject the application if the applicant has failed to provide sufficient information or has provided incorrect information regarding its operations or personnel.

(5) A screening organisation shall at all times operate in accordance with the approved operations manual or an approved amendment thereto.

(6) A certificate of approval as screening organisation shall be valid for a period of 12 months from the date of issue.

### **Renewal of certificate of approval**

110.03.4 (1) A holder of a certificate of approval as screening organisation 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 as screening organisation, the Director may conduct any 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 a new certificate of approval as screening organisation 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 screening organisation, stating the reasons of his or her dissatisfaction and grant the screening organisation an opportunity to rectify any defect within the period determined by the Director, after which period the Director may grant or refuse the application concerned.

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

### **Register of certificates of approval**

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

(2) A register of certificates of approval shall contain the following particulars—  
(a) full name and, if any, the trade name of the holder of the certificate of approval;  
(b) postal and physical addresses of the holder of the certificate of approval ; and  
(c) date on which the certificate of approval was issued.

(3) An excerpt of a register of certificates of approval shall be furnished, on payment of the appropriate fee prescribed in Part 187, to any person who shows good cause why he or she should be furnished with such extract.

### **Duties of holder**

**110.03.6** (1) An approved screening organisation shall at all times conduct its operations in accordance with the approved operations manual.

(2) A holder of a certificate of approval as screening organisation 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 appropriate requirements prescribed in this part.

(3) A holder of a certificate of approval as screening organisation shall permit an authorised officer, inspector or authorised person designated by the Director to conduct random checks of their operations to ensure compliance with this Part.

(4) A screening organisation shall submit all amendments to an approved security manual to the Director for approval.

### **Inspection fee**

**110.03.7** If a non-compliance with these regulations is identified during an inspection or audit necessitating further inspection, such an inspection shall be charged at the hourly rate, excluding travelling time, as set out in Part 187.

### **Issuing of aviation security screening directives**

**110.03.8** The Director may issue security directives in respect screening measures where it is deemed necessary to improve standards of aviation security. If the Director issues an aviation security screening directive, the screening organisation shall—

- (a) immediately implement such a directive;
- (b) make such changes applicable to all persons whose work is affected by the security directive; and
- (c) make amendments to the operations manual in line with the security directive and submit such amendments to the Director.

### **Duties of screening organisations**

**110.03.9** An organisation approved by the Director as a screening organisation shall—

- (a) ensure that they have an effective recruitment and selection process to ensure that they recruit the best suited candidates. Such a recruitment process shall comply with the requirements in Document SA-CATS 110;

- (b) maintain records as required in terms of regulation 110.01.4;
- (c) ensure that screening is carried out by trained and certified personnel, who have received training, as stipulated in the security manual, required in terms of this part;
- (d) in addition to the training referred to above, screening organisation shall ensure that screeners receive familiarisation on the specific screening equipment they are to operate before deployment;
- (e) ensure that all screening operations are carried out in the manner prescribed in this Part, Document SA-CATS 110, the security program or security manual as may be applicable;
- (f) conduct background checks on all personnel recruited for screening duties; and
- (g) conduct recurrent criminal record checks every 24 months on all personnel employed for screening duties.

### **Quality assurance system**

**110.03.10** (1) An applicant for approval as screening organisation shall establish a quality assurance system, to be included in its operations manual, for the control and supervision of aviation security screening operations.

(2) The minimum standards for a quality assurance system are as prescribed in Document SA-CATS 110.

### **Personnel requirements**

**110.03.11** (1) An applicant for approval as screening organisation shall engage, employ or contract –

- (a) a designated official 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, have:
  - (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 communication between the Director and the organisation concerned; and

- (v) powers to report directly to senior 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 assurance, and who has direct access to the senior person referred to in paragraph (a); and
- (c) adequate personnel to perform screening duties. Such personnel shall meet the qualification requirements specified in this part.

(2) An applicant for approval as screening organisation shall establish a procedure for initial training and maintaining the competence of those personnel involved in screening operations.

(3) An applicant for approval as screening organisation shall ensure that those personnel responsible for supervising screeners have a combination of competence and experience adequate for the level required for such functions.

(4) An applicant for approval as screening organisation shall ensure that those personnel responsible for conducting on the job training on screeners have a combination of competence and experience adequate for the level required for such functions including coaching, mentoring and understanding of assessment principles.

### **Career development**

110.03.12 In order to maintain a well-qualified and professional cadre of personnel assigned to screening duties, screening organisations shall develop a progressive career path for screeners in line with the guidance provided in Document SA-CATS 109.”.

## **Amendment of Part 121 of the Regulations**

15. Part 121 is hereby amended by –

- (a) the substitution in regulation 121.03.11 for sub-regulation (4) of the following sub-regulation:

“(4) Where any required training, check or demonstration of competency is renewed within the last **[60]** 90 days of its validity period, its validity period is extended by 6, 12 or 24 months, as appropriate.”; and

- (b) the repeal of regulations 121.10.1 up to and including 121.10.6.

### **Amendment of Part 127 of the Regulations**

16. Part 127 is hereby amended by the substitution in regulation 127.03.12 for sub-regulation (4) of the following sub-regulation:

“(4) Where any required training, check or demonstration of competency is renewed within the last **[60]** 90 days of its validity period, its validity period is extended by 6, 12 or 24 months, as appropriate.”.

### **Amendment of Part 135 of the Regulations**

17. Part 135 of the Regulations is hereby amended by –

- (a) the substitution in regulation 135.03.6 for sub-regulation (4) of the following sub-regulation:

“(4) Where any required training or check is renewed within the last **[60]** 90 days of its validity period, its validity period is extended by 12, 24 or 36 months, as appropriate.”;

- (b) the substitution in regulation 135.05.2(1) for paragraph (g) of the following paragraph:

“(g) an **[altitude]** attitude indicator;”;

- (c) the substitution in regulation 135.05.2(2) for paragraph (e) of the following paragraph:

“(e) an **[altitude]** attitude indicator; and”;

- (d) the substitution in regulation 135.05.2 for sub-regulation (3) the following sub-regulation:

“(3) For flights, the duration of which does not exceed 60 minutes, which commence and end at the same aerodrome, and which remain within 25 NM of such aerodrome, the instruments specified in sub-regulation (1)(f), (g) and (h), and sub-regulation (2)(d), (e) and (f), may be replaced by a turn-and-slip indicator, or a turn co-ordinator incorporating a slip indicator, or both an **[altitude]** attitude indicator and a slip indicator.”;

(f) the substitution in regulation 135.05.3(1) for paragraph (g) of the following paragraph:

“(g) an **[altitude]** attitude indicator.”;

(g) the substitution in regulation 135.05.3(4) for the words preceding paragraph (a) of the following words:

“(4) In addition to the flight and navigation equipment referred to in sub-regulations (1), (2) and (3), a large aeroplane shall be equipped with a single standby **[altitude]** attitude indicator, capable of being used from either pilot’s station which –”;

(h) the substitution in regulation 135.05.3(4) for paragraphs (c) and (d) of the following paragraphs:

“(c) operates independently of any other **[altitude]** attitude indicating system;

(d) is operative automatically after total failure of the normal electrical generating system and provides a clear indication on the instrument panel that the **[altitude]** attitude indicator(s) is or are being operated by emergency power; and”;

(i) the substitution in regulation 135.07.19(2) for the reference to “regulation 135.07.33” of the reference “regulation 135.07.28”;

(j) the substitution in regulation 135.07.29(1) for the expression “SA-CATS-OPS-121 of the expression “SA-CATS 135”;

(k) the substitution in regulation 135.07.29 for the reference to “regulation 121.04.2” of the reference “regulation 135.04.2”; and

(l) the repeal of regulations 135.10.1 up to and including 135.10.6.

## Substitution of Part 140 of the Regulations

18. The following Part is hereby substituted for Part 140 of the Regulations:

### “PART 140: SAFETY MANAGEMENT

#### List of regulations

#### SUBPART 1: SAFETY MANAGEMENT SYSTEM

<u>140.01.1</u>	<u>Applicability</u>
<u>140.01.2</u>	<u>Establishment of safety management system</u>
<u>140.01.3</u>	<u>Requirements of safety management system</u>
<u>140.01.4</u>	<u>Training requirement</u>

#### SUBPART 2: SAFETY DATA AND SAFETY DATA COLLECTION SYSTEMS

<u>140.02.1</u>	<u>Safety data collection systems</u>
<u>140.02.2</u>	<u>Mandatory occurrence reporting</u>
<u>140.02.3</u>	<u>Safety data analysis</u>
<u>140.02.4</u>	<u>Safety data protection</u>
<u>140.02.5</u>	<u>Safety information exchange</u>

#### SUBPART 1: SAFETY MANAGEMENT SYSTEM

#### Applicability

140.01.1 (1) This Part applies to –

- (a) a holder of a category 4 or higher aerodrome licence issued in terms of Part 139 where commercial activities take place;
- (b) a holder of an ATO approval issued in terms of Part 141 that is exposed to safety risks related to aircraft operations during the provisions of the services for flight activities;
- (c) a holder of an AMO approval issued in terms of Part 145 that provides services to holders of AOC issued in terms of Parts 121, 127 or 135;
- (d) an organisation responsible for manufacturing of aircraft approved in terms of Part 148;
- (e) a holder of an ATSU approval issued in terms of Part 172;

- (f) an organisation responsible for the type design of aircraft, engine, propeller, etc approved in terms of Part 147; and
  - (g) a holder of an operating certificate issued in terms of Part 121, 127 or 135.
- (2) Certain provisions of this Part apply to –
- (a) a holder of an aerodrome licence issued in terms of Part 139 other than those mentioned in sub-regulation (1);
  - (b) a holder of an AMO approval issued in terms of Part 145 that provides services to holders of AOC issued in terms of Part 93 and 128;
  - (c) a holder of an operating certificate issued in terms of Part 93 or 128;
  - (d) a holder of a procedure design organisation approval issued in terms of Part 173;
  - (e) a holder of an electronic services organisation approval issued in terms of Part 171; and
  - (f) an organisation handling or conveying dangerous goods by air in terms of Part 92.

### **Establishment of safety management system**

**140.01.2** (1) An entity referred to in regulation 140.01.1 shall –

- (a) establish a safety management system as prescribed in Document SA-CATS 140, that is commensurate with the size, scope and complexity of its operation;
- (b) document the safety management system in a SMSM, for approval by the Director, either as part of the operational manual system of the organisation or as a standalone document, as prescribed in Document SA-CATS 140;
- (c) ensure the designation of an accountable manager who, irrespective of other functions, shall have ultimate responsibility and accountability for the implementation and continued effectiveness of the SMS;
- (d) appoint a safety manager who shall be suitably qualified to perform functions as prescribed in Document SA-CATS 140;
- (e) ensure that the safety manager is directly accountable to the accountable manager for the implementation and administration of the SMS;
- (f) establish SRC to monitor the effectiveness of the SMS. The composition and functions of the SRC are prescribed in Document SA-CATS 140;
- (g) establish SAG to oversee the implementation of SMS whose composition and functions are prescribed in Document SA-CATS 140; and
- (h) have a process for conducting periodic scheduled reviews or audits of the safety management system.

(2) A person responsible for operations and or maintenance shall be responsible for the final development and implementation of all corrective action plans arising out of the corrective recommendation in a manner that will ensure the timely resolution of safety issues at acceptable levels.

(3) Where a person responsible for operations or maintenance has delegated any responsibility held under these regulations to another person, such other person shall keep the respective manager currently informed. The respective manager shall maintain responsibility for the corrective action plans arising out of the SMS.

### **Requirements of safety management system**

**140.01.3** (1) An entity referred to in regulation 140.01.1(1) shall include in its safety management system the following components and elements:

- (a) safety policy and objectives:
  - (i) management commitment and responsibility;
  - (ii) safety accountabilities;
  - (iii) appointment of key safety personnel;
  - (iv) coordination of emergency response planning;
  - (v) SMS documentation.
- (b) safety risk management:
  - (i) hazard identification;
  - (ii) safety risk assessment and mitigation.
- (c) safety assurance:
  - (i) safety performance monitoring and measurement;
  - (ii) management of change;
  - (iii) continuous improvement of the SMS.
- (d) safety promotion:
  - (i) training and education;
  - (ii) safety communication.

(2) An entity referred to in regulation 140.01.1(2) shall at least include the following components and elements:

- (a) a process to identify actual and potential safety hazards and assess the associated risks;
- (b) a process to develop and implement remedial action necessary to maintain an acceptable level of safety; and
- (c) provision for continuous and regular assessment of the appropriateness and effectiveness of safety management activities.

(3) An operator of an aircraft with a maximum certificated take-off mass in excess of 27 000 kg shall ensure that the SMS includes –

- (a) a confidential flight data analysis programme which is non-punitive;
- (b) a procedure for analysis of data obtained from the programme referred to in paragraph (a); and
- (c) a LOSA programme to identify hazards and unsafe events.

(4) A holder of an air traffic service unit approval shall make use of the NOSS to identify hazards and unsafe events.

### **Training requirements**

**140.01.4** (1) Any training on safety management system shall be conducted by –

- (a) an ATO approved by the Director in terms of Part 141, which has SMS included as part of their scope of approval;
- (b) an ATO approved by an appropriate authority of a contracting State and acceptable to the Director; or
- (c) an international organisation whose training syllabus has been accepted by the Director as prescribed in Document SA-CATS 140.

(2) The Director shall publish the SMS training syllabus.

## **SUBPART 2: SAFETY DATA AND SAFETY DATA COLLECTION SYSTEMS**

### **Safety data collection systems**

**140.02.1** (1) The Director and each of the entities referred to in regulation 140.01.1 shall establish –

- (a) a mandatory incident reporting system to facilitate the collection of information on actual or potential safety deficiencies;
- (b) a voluntary reporting system to facilitate the collection of information on actual or potential safety deficiencies that may not be captured by the mandatory incident reporting system; and
- (c) a confidential reporting system to facilitate the collection of information on actual or potential safety deficiencies that may not be captured by mandatory or voluntary reporting systems.

(2) With approval of the Director, a small and less complex entity may put in place a simplified mechanism for the collection, evaluation, processing, analysis and storage of details of occurrences. The entity may share those tasks with other entities of the same nature, while complying with the rules on confidentiality and protection pursuant to this regulation.

(3) No information obtained under the voluntary reporting system shall be used against a person reporting in any disciplinary, legal or proceedings relating to the capacity or competence of such person.

## **Mandatory occurrence reporting**

**140.02.2** (1) An entity referred to in regulation 140.01.1 shall report to the Director, according to the timelines prescribed in Document SA-CATS 140, aviation accidents, incidents, hazards and other safety related occurrences.

(2) Any person involved in an accident or incident, or observing any accident, incident, hazard or discrepancy that may affect aviation safety, shall notify the Authority

(3) The Director shall publish occurrences which may present a significant risk to aviation safety.

(4) A form and manner of reporting an accident, incident, hazard or discrepancy shall be as prescribed in Document SA-CATS 140.

## **Safety data protection**

**140.02.3** (1) The handling of safety data collected through safety data collection and processing systems shall be done with a view to preventing the use of information for purposes other than safety, and shall appropriately safeguard the confidentiality of the identity of the person making the report and of the persons mentioned in occurrence reports, with a view to promoting a "just culture".

(2) The Director and an entity referred to in regulation 140.01.1 shall take the necessary measures to ensure appropriate confidentiality of data collected through reporting systems referred to in regulation 140.02.1(1)(b) and (c).

(3) The Director and an entity referred to in regulation 140.01.1 shall process personal data only to the extent necessary for the purposes of this regulation and in compliance with national legislation dealing with the protection of personal information.

(4) Data collected through safety data collection and processing systems referred to in regulation 140.02.1 shall be used only for the purpose for which it has been collected.

(5) The Director, any entity or any other person shall not make available or use information on occurrences in order to attribute blame or liability or for any purpose other than the maintenance or improvement of aviation safety.

(6) The Director shall not be prevented from taking any action necessary for maintaining or improving aviation safety.

### **Safety data analysis**

**140.02.4** (1) The Director shall establish and maintain a safety data collection and processing system to facilitate analysis of information on actual or potential safety deficiencies obtained, including that from its occurrence reporting systems or databases, and to determine any actions required for the enhancement of safety.

(2) An entity referred to in regulation 140.01.1 shall establish and maintain a safety database to facilitate analysis of information on actual or potential safety deficiencies obtained, including that from its occurrence reporting systems/databases, and to determine any actions required for the enhancement of safety.

(3) An entity referred to in regulation 140.01.1 shall submit aviation safety performance indicators and targets to the Director, in which an acceptable level of safety shall be commensurate with the size, scope and complexity and shall be acceptable to the Director.

(4) The Director and any entity referred to in regulation 140.01.1 shall establish a process for –

- (a) identifying hazards and occurrences to aviation safety and for evaluating and managing the associated risks;
- (b) internal reporting and analysing of hazards and occurrences for developing remedial action plans for the timely resolution of all identified safety hazards and incidents;
- (c) early alerting of the persons responsible for operations or maintenance about known or suspected hazards and occurrences that would require immediate safety resolution action to be taken through the operational or maintenance control systems.

### **Safety information exchange**

**140.02.5** (1) The Director shall establish a safety information sharing network among all role players within aviation industry and shall facilitate the free exchange of information covering actual and potential safety deficiencies.

(2) An entity referred to in regulation 140.01.1 shall establish a safety information sharing network among employees and service providers within its operations and shall facilitate free exchange of information covering actual and potential safety deficiencies.”.

## Amendment of Regulation 172.02.3 of the Regulations

19. Regulation 172.02.3 is hereby amended by the insertion after sub-regulation (3) of the following sub-regulations:

“(4) Lateral limits of control zones shall encompass at least those portions of the airspace, which are not within other controlled airspace, containing paths of IFR flights arriving at and departing from aerodromes to be used under instrument meteorological conditions.

*Note: Aircraft holding in the vicinity of aerodromes are considered as arriving aircraft.*

(5) Lateral limits of a control zone shall extend to at least 9.3 km (5NM) from the centre of the aerodrome concerned in the directions from which approaches may be made.

*Note: A control zone may include two or more aerodromes situated close together.”*

## Amendment of Part 175 of the Regulations

20. Part 175 is hereby amended by –

- (a) the substitution for Regulation 175.01.1 of the following Regulation:

### “Applicability

**175.01.1** This Part applies to –

- (a) certification and operation of organisations providing an aeronautical information service;
- (b) provision of the IAIP; **[and]**
- (c) data originators; and
- (d) service providers who in the provision of aeronautical data and aeronautical information covers the territory of the Republic of South Africa including areas over the high seas for which South Africa is legally responsible.”;

- (b) the substitution for Regulation 175.01.2 of the following Regulation:

### “Requirements for AIS certificate

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

- (c) the substitution for Regulation 175.01.3 of the following Regulation:

**“Provision of AIS at own initiative**

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

- (d) the substitution in Regulation 175.02.3 for sub-paragraph (c)(ii) of sub-regulation (1) of the following sub-paragraph:

“(ii) collect, collate, check, co-ordinate, edit, and publish aeronautical information for the aeronautical data and aeronautical information services listed in the applicant’s manual.”;

- (e) the substitution for Regulation 175.03.1 of the following Regulation:

**“Provision of AIS**

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

- (a) be responsible for the provision of aeronautical data and 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 personnel involved in ATM operations:
- (i) those involved in flight operations [personnel] including flight crews, [and the personnel] flight planning and flight simulators; and
- (ii) providers of air traffic services; and the services responsible for pre-flight information;
- (b) publish and distribute the aeronautical data and aeronautical information as an IAIP; and
- (c) designate an appropriate office to which IAIP information will be addressed to.”;

- (f) the substitution for Regulation 175.03.2 of the following Regulation:

**“Collection of information**

**175.03.2** The holder of an AIS certificate shall establish procedures to collect, collate and edit the information required for the aeronautical data and aeronautical information services listed in their manual of procedure as prescribed in Document SA-CATS 175.”;

- (g) the substitution for Regulation 175.03.3 of the following Regulation:

**“Publication of aeronautical information or IAIP**

**175.03.3** (1) The holder of an AIS certificate shall establish procedures to check, co-ordinate, publish and disseminate aeronautical data and aeronautical information for the services listed in the applicant’s manual of procedure as prescribed in Document SA-CATS 175 [AIRS].”;

- (h) the substitution for Regulation 175.03.4 of the following Regulation:

**“Pre-flight and post-flight information services**

**175.03.4** (1) **[The]** A holder of an AIS certificate shall make available to flight operations personnel and flight crew members as prescribed in Document SA-CATS 175, aeronautical data and information that –

- (a) is essential for the safety, regularity and efficiency of air navigation;  
and
- (b) relates to the geographic area, aerodromes and air routes listed in the certificate holder’s manual.

(2) A holder of an AIS certificate shall obtain aeronautical information from other aeronautical information services of other states and from other sources provided they satisfy the requirements prescribed in sub-regulation (1)(a) and (b) to enable it to provide pre-flight information service and meet the need for in flight information.”;

- (i) the substitution for Regulation 175.03.5 of the following Regulation:

**“Error correction in published information**

**175.03.5** (1) A **[The]** holder of an AIS certificate shall establish procedures to record, investigate, correct, and report any errors that are detected in the aeronautical data and aeronautical information published under the authority of their certificate as prescribed in Document SA-CATS 175.

(2) The procedures established in terms of sub-regulation (1) shall take into account human factor principles.”;

- (ij) the insertion of the following Regulation after Regulation 175.03.5:

**“Aeronautical information management**

**175.03.6** A holder of an AIS certificate shall establish information management resources and processes adequate to ensure the timely collection, processing, storing, integration, exchange and delivery of quality assured aeronautical data and aeronautical information within the ATM system.”.

**Amendment of Part 187 of the Regulations**

21. Part 187 is hereby amended by the substitution in regulation 187.01.2 for the heading of Table 1 of the following heading:

**“TABLE 1**

<p><b>Weight category</b></p>	<p><b>Issue/reissue: Certificate of airworthiness/Export airworthiness approval R</b></p>	<p><b>[Currency fee] <u>Renewal</u> of certificate of <u>airworthiness</u> R</b></p>
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**Short title and commencement**

22. This Amendment is called the Fourteenth Amendment of the Civil Aviation Regulations, 2016 and shall come into force 30 days after the date of publication in the Government Gazette.