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GENERAL

LEGISLATIVE MATTERS

PUBLICATION IN TERMS OF THE RECOGNITION OF AN ALTERNATIVE MEANS OF COMPLIANCE AGREED TO BY THE DIRECTOR OF CIVIL AVIATION REGARDING THE REQUIREMENTS OF REGULATION 47.00.5(2)(b) (i) (dd) & (ee) OF THE CIVIL AVIATION REGULATIONS, 2011 IN RESPECT OF EX-MILITARY AIRCRAFT

☛ Indicates changes

☛1. This AIC replaces AIC Series A 004/2014 dated 06 March 2014.

1. DETAILS OF EXEMPTION

The Civil Aviation Regulations, 2011, ("the CAR") were promulgated in June 2012 and came into effect on 1 August 2012. The South African Civil Aviation Authority ("SACAA") has noted that the provisions of Regulation 47.00.5(2)(b) (i) (dd) cannot be complied with by the importers of ex-military aircraft directly from Military Institutions, as a valid authority to fly or a flight permit or an export authority to fly or a flight permit is not issued by the appropriate authority of the State or territory from which it is imported, as the aircraft in question are not placed in a civil aircraft register.

☛ The SACAA has also noted that the provisions of Regulations 47.00.5(2)(b) (i) (ee) cannot be complied with by the importers of ex-military aircraft that are not referenced under or part of any Type Certificate Data Sheet (TCDS).

☛ The Director of Civil Aviation has granted an exemption from Regulation 47.00.5(2)(b) (i) (dd) and (ee) for ex-military aircraft, subject to compliance with the alternative means of compliance referred to in this Aeronautical Information Circular (AIC).

2. RECOGNITION OF ALTERNATIVE MEANS OF COMPLIANCE

☛2.1 After considering all the relevant factors, the Director of Civil Aviation has decided to recognise an alternative means of compliance in terms of the provisions of Regulation 11.04.6(1) of the CAR.

☛2.2 Regulation 47.00.5(2)(e) of the CAR provides that "where a veteran or ex-military aircraft has to be registered in the Republic for the first time or returns to the Republic and has to be registered in terms of Part 24, the requirements shall be those prescribed in Regulation 47.00.5 (2)(b) (i) as applicable."

2.3 Regulation 47.00.5(2) (b) (i) of the CAR reads as follows:

"(2) an application referred to in sub-regulation (1), (i.e. an application for the registration of an aircraft and the issuing of a certificate of registration) shall be accompanied by –

(b) In the case of a non-type certificated aircraft which is imported into the Republic for the first time or returns to the Republic and has to be re-registered on the register in terms of Part 24, if a -

(i) **Production-built aircraft**

(aa) a certificate or notification of cancellation from the appropriate authority of the State or territory in which the aircraft was last registered; or

(bb) a certificate or notification of non-registration from the appropriate authority of the State or territory from which the aircraft is imported; and

(cc) a copy of the certificate of conformity issued by the manufacturer;

- (dd) the original of –
 - (a) the valid authority to fly or flight permit or other similar document, as the case may be, issued by the appropriate authority of the State or territory in which the aircraft was last registered; or
 - (b) an export authority to fly or flight permit or other similar document, as the case may be, issued by the appropriate authority of the State or territory from which the aircraft is imported;
- (ee) confirmation that a certificate of acceptance for the non-type certificated aircraft has been issued by the Director;
- (ff) the supporting documents from the South African Revenue Service issued in terms of section 38, 39 or 44 of the Customs and Excise Act, 1964, as prescribed in the Document SA-CATS- 47".

2.4 The alternative means of compliance relating to the provisions of Regulation 47.00.5(2)(b) (i) (dd) and (ee) required, amounts to having an airworthiness inspection conducted by a SACAA inspector to verify the airworthiness status of the aircraft in question.

2.5 It has to be noted that the provisions of Regulation 47.00.5(2)(b) (i) (bb), and (ff) still have to be complied with.

2.6 The provisions of Regulation 47.00.5(2)(b) (i) (cc) is not applicable to used aircraft, but to new aircraft.

3. AVIATION SAFETY

Safety will not in any way be compromised during the period of the existence of the alternative means of compliance.

4. PERIOD OF LEGALITY OF THE ABOVE-MENTIONED ALTERNATIVE MEANS OF COMPLIANCE

This alternative means of compliance will come into effect immediately on publication on the SACAA website, and will remain valid until rescinded or repealed by the Director of Civil Aviation.



DIRECTOR OF CIVIL AVIATION