

	REPUBLIC OF SOUTH AFRICA CIVIL AVIATION AUTHORITY	CAA Private Bag x08 Waterkloof 0145
Tel: (012) 346-5566 Fax: (012) 346-6059 E-Mail: mail@caa.co.za	AERONAUTICAL INFORMATION CIRCULAR	AIC 18:23 02-11-15

GENERAL

LEGISLATION MATTERS

PUBLICATION IN TERMS OF REGULATION 11.04.4(2) OF THE FULL PARTICULARS OF AN EXEMPTION GRANTED BY THE COMMISSIONER FOR CIVIL AVIATION FROM THE REQUIREMENTS OF REGULATION 11.04.6 OF THE CIVIL AVIATION REGULATIONS 1997.

1. Applicant

The South African Civil Aviation Authority
Private Bag X08
Waterkloof
0145

2. Details of exemption

The Commissioner for Civil Aviation has granted all operators of aircraft that do not qualify for the issue of a certificate of airworthiness, an exemption from the provisions of regulation 11.04.6, in so far as the aforementioned regulation authorizes the operation of aircraft that are unable to comply with Regulation 21.08.1A, on condition that the requirements of the Document LS/1, are complied with.

3. This exemption will nullify the content of the aforementioned regulation enabling the Commissioner to withdraw Document LS/1 and impose the requirements contained in proposed Parts 24, 94 and 96 (and associated technical standards) as conditions for the operation of aircraft that do not qualify for the issue of a certificate of airworthiness (Non-type Certificated Aircraft).

4. Background Information

The Document LS/1 was reinstated by the CAA on 15 December 2000 as an interim measure to address the lack of any regulatory requirements for non-type certificated aircraft. It was initially envisaged that the Document LS/1 would be re-instated for a period of six months. This envisaged six months re-instatement period has stretched to over 18 months and it will probably take another six months before Parts 24, 94 and 96 are promulgated.

5. Document LS/1, however, does not make adequate provision for the commercial operation of non-type certificated aircraft and is completely silent on the issue of operating certificates. The Flight Operations, Legal and Airworthiness sections of the CAA receive many queries about the LS/1 Document where particular issues are not addressed by the Document. The solutions to these queries often cannot be found in terms of the current Document LS/1.

6. Development of Parts 24, 94 and 96

The CAA has spent the past 18 months developing new proposed Parts 24, 94 and 96 to ultimately replace the LS/1 Document. These new Parts incorporate many of the provisions of the LS/1 Document, but also make provision for veteran aircraft and ex-military aircraft, and deal with the commercial operations of the so-called LS/1 aircraft.

7. The three new Parts are, Part 24 'Airworthiness Standards: Non-type Certificated Aircraft', Part 94 'Operation of Non-type Certificated Aircraft', and Part 96 'Commercial Operation of Non-type Certificated Aircraft'. (All recreational pilot licensing aspects will be dealt with in a new Part 62)

8. Non-type certificated aircraft (NTCA) is defined as 'any aircraft which does not qualify for having a certificate of airworthiness issued in terms of Part 21'.

9. As NTCA include a wide range of aircraft, from model aircraft to homebuilt to veteran airliners, it was necessary to take a generic approach and develop regulations and set standards that would be applicable to all NTCA or for a particular category of aircraft only. This led inter alia to the categories 'aeroplane' and 'weight-shift aircraft'. No weight or other considerations were taken into account.

10. *The minimal airworthiness standards to be met by all NTCA are those laid down for amateur-built aircraft. (These were basically copied from Document LS/1). Additional standards are laid down for production-built aircraft, the latter being an amateur-built aircraft approved as a prototype for line-production, for sale as a kit, or even as a set of plans.*
11. *As mentioned above, Part 96 contains the requirements for the commercial operation of these aircraft. In order not to unfairly advantage the operator of NTCA, proposed Regulation 96.01.1 (3) restricts ex-military aircraft conducting passenger flights to “flipping” – where the place of take-off and subsequent landing are one and the same. Part 96 also makes provision for the issuing of a Part 96 Operating Certificate, if the prescribed requirements are met.*
12. **Motivation**
Document LS/1 has clearly outlived its usefulness. It is expected that it will take approximately six months to translate Parts 24, 94 and 96 into Zulu and obtain the Ministers approval for these Parts. As an interim measure, the CAA motivated the granting of this exemption to operators of Non Type Certificated Aircraft, subject to the condition that the requirements contained in proposed Parts 24, 94 and 96 are to be complied with by the operators of NTCA. This will also allow the CAA to test and evaluate the new Parts in practice and iron out any difficulties before the above-mentioned Parts are finally promulgated.
13. *During the development of Parts 24, 94 and 96, extensive consultation was undertaken and the proposed Parts were well received by stakeholders. Furthermore, the Proposed Parts 24, 94 and 96 were published for comment on 11 January 2002 and were approved by CARCOM at a meeting on 27 February 2002. There should therefore be no objection from stakeholders to these Parts being introduced in this manner and at this juncture. Indeed the commercial operators of NTCA should welcome the speedy introduction of the proposed Parts, as this will eradicate most of the impediments they currently face (such as operating certificates).*
14. **Safety implications**
The CAA is of the opinion that an acceptable level of safety will be maintained by way of the requirements contained in the proposed Parts 24, 94 and 96. The minimal airworthiness standards to be met by all NTCA are those laid down for amateur-built aircraft. (These standards were basically copied from Document LS/1 which has been successfully utilized in South Africa for over thirty years). Additional standards are also laid down for production-built aircraft. It is further submitted that the commercial operating requirements in Part 96 will ensure adequate levels of aviation safety.
15. **Period of Exemption**
The Commissioner for Civil Aviation has granted the Exemption from the provisions of Regulation 11.04.6 in so far as the aforementioned regulation authorizes the operation of aircraft that are unable to comply with Regulation 21.08.1A, until such time that the proposed Parts 24,94 and 96 are promulgated in the government gazette.
16. *The implementation of the proposed Parts 24, 94 and 96, as the terms and conditions attached to the granting of this general exemption, will come into effect on 14 October 2002.*
17. *Please note that proposed Parts 24, 94 and 96, with the associated proposed technical standards, will be available for purchase at the CAA publications office, or on the CAA Website, www.caa.co.za.*

COMMISSIONER FOR CIVIL AVIATION