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GENERAL

LEGISLATION MATTERS

PUBLICATION IN TERMS OF REGULATIONS 11.04.4(2) OF THE FULL PARTICULARS OF AN EXEMPTION GRANTED BY THE DIRECTOR OF CIVIL AVIATION FROM THE REQUIREMENTS OF PARTS 121 AND 135 AS SET OUT HEREIN OF THE CIVIL AVIATION REGULATIONS, 2011.

1. APPLICANT

The South African Civil Aviation Authority
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2. DETAILS OF EXEMPTION

2.1 The Director of Civil Aviation has granted an exemption to the current operators of commercial air transport operations conducted with large and small aeroplanes in terms of Parts 121 and 135 respectively from compliance with the provisions of regulations 121.04.2 and 135.04.2 of the Civil Aviation Regulations, 2011 ("the CAR 2011") which Regulations relate to the submission of Operations Manuals for a period of 12 (twelve months) as from 1 August 2012.

2.2 The applicable Regulations are quoted below for references purposes.

2.2.1 Regulation 121.04.2 (Operations manual)

- (5) The operator shall amend its operations manual –
- (a) where there is a change in any aspect of an 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) The operator 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)(a) and (b), the Director shall certify in writing on both copies of the amendment to the approved operations manual that such amendment has been approved and shall return one copy of the approved amendment to the operator.
- (7) The operator shall at all times operate its aeroplanes in accordance with the approved operations manual or an approved amendment thereto.

2.2.2 Regulation 135.04.2 (Operations manual)

- (5) The operator 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) The operator 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) The operator shall at all times operate its aeroplanes in accordance with the approved operations manual or an approved amendment thereto.

3. **MOTIVATION**

The Civil Aviation Regulations, 2011, were promulgated in June 2012 and came into effect on 1 August 2012. This therefore means that from the 1st August 2012 the Civil Aviation Authority would be required to enforce such Regulations and that the aviation industry would be expected to comply in all respects with the CAR, 2011. As the CAR 2011 will replace the CAR 1997, it is necessary with reference to the provisions relating specifically to the provisions in respect of Operations Manuals to keep the existing approved Operations Manuals effective and in force until the corresponding requirements of the CAR, 2011 have been complied with.

Parts 121 and 135 as well as their associated Technical Standards, underwent extensive overhauls to make them more ICAO compliant. In this regard Regulation 188.00.2 of the CAR, 2011 provides that "any licence authorisation, registration, certificate, permission, approval, decision, exemption, direction, order, suspension, determination or condition issued, given, granted, made or imposed under any provision of the Regulations repealed by Regulation 188.00.1, and any other act or thing performed, done or omitted under such a provision is regarded as having been issued, given, granted, made, imposed, done or omitted under the corresponding provision of these Regulations." This simply means that all approvals, etc. repealed by the abovementioned Regulation, will be regarded as still being granted under the corresponding provisions of the CAR, 2011.

A phase-in period has been considered, to allow for the amendment and approvals of Part 121 and 135 Operations Manuals. The current Operations Manuals will therefore remain valid for a period of 12 (twelve) months as from 1 August 2012.

4. **AVIATION SAFETY**

Safety will not in any way be compromised during the manuals twelve months phase-in period of the Operations Manuals.

5. **PERIOD OF EXEMPTION**

This exemption period will be in force for a period of twelve (12) months.



DIRECTOR OF CIVIL AVIATION