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OPERATION OF AIRCRAFT

REGULATION

SUPERVISION OVER THE USE OF AIRCRAFT.

☞ Indicates changes.

☞1. This AIC replaces AIC 22-3 dated 91.09.15.

2. The attention of all concerned is drawn to the fact that a number of cases have recently occurred in which persons flew aircraft without being in possession of the appropriate pilot licence or rating.

☞3. Part 91.02.1 of the Civil Aviation Regulations, 1997, as amended stipulates: -

“(1) The number and composition of the flight crew shall not be less than the number and composition specified in the certificate of airworthiness, the aircraft flight manual referred to in Part 91.03.2 or any other document associated with the certificate of airworthiness.

(2) The flight crew members shall:-

(a) be competent and qualified to perform the duties assigned to them; and

(b) hold the appropriate valid flight crew member licences and ratings.

(3) The flight crew shall include at least one member who holds a valid radiotelephony operator licence or an equivalent document issued by an appropriate authority, authorising such member to operate the type of radio transmitting equipment to be used”

Editorial note: See also AIC 30-9

(4) In the case of multi-pilot crew, the owner or operator shall designate one pilot among the flight crew as pilot-in-command of the aircraft and the pilot-in-command may delegate the conduct of the flight to another suitably qualified pilot.

☞4. Part 185.00.1.(1)(e)(f)(g)(h)(i) and (j) of the Civil Aviation Regulations, 1997, as amended stipulates:-

“(1) Any person who: -

(e) falsifies, counterfeits, alters, defaces or mutilates, or adds anything to, any licence, rating, certificate, permit, approval, authorization, exemption or other document issued in terms of the regulations;

(f) does or causes, or permits to be done or caused, any act contrary to, or who fails to comply with, any provision of the regulations, or a direction given or a prohibition made or a condition imposed in terms thereof;

(g) exercises a privilege granted by, or uses, any licence, rating, certificate, permit, approval, authorisation, exemption or other document issued under the regulations, of which he, she or it is not the holder;

(h) unless otherwise authorised in the regulations, permits a licence, rating, certificate, permit, approval, authorisation, exemption or other document issued under the regulations, of which he, she or it is the holder, to be used, or a privilege granted thereby, to be exercised, by any other person;

- (i) *operates or attempts to operate any aircraft in respect of which no valid certificate of registration or valid certificate of airworthiness have been issued;*
- (j) *commits any act, whether by interference with any flight crew member, air traffic service personnel member or aircraft maintenance engineer, by tampering with any aircraft, or any part thereof, or by disorderly conduct or otherwise, which is likely to endanger the safety of any aircraft or its occupants;”*

5. *Part 185.00.1(2) of the Civil Aviation Authority Regulations, 1997, as amended stipulates:-*

(2) Any person who is convicted of an offence in terms of subregulation (1), shall be liable to the penalties prescribed in section 19 of the Act, read with section 332 of the Criminal Procedure Act, 1997 (Act No. 51. of 1977).

- 6. *From the above it is clear that aircraft owners are responsible for ensuring that the applicable Civil Aviation Regulations are complied with. Aircraft owners, flying clubs and other organisations which make aircraft available to other persons are therefore enjoined to ensure that pilots who want to use aircraft are in possession of valid pilot licences with appropriate ratings before they are permitted to fly such aircraft.*
- 7. *Strict action will in future be taken against anyone who does not exercise the necessary control over the operation of his aircraft.*

COMMISSIONER FOR CIVIL AVIATION