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**CLARITY ON WHETHER A PARACHUTE IS AN AIRCRAFT FOR THE PURPOSE OF THE
CIVIL AVIATION ACT, NO. 13 OF 2009.**

1. APPLICABILITY

This General Notice is applicable to persons and organisations using non-type certified aircraft (“NTCA”)

2. PURPOSE OF THIS GENERAL NOTICE

This General Notice serves to address the uncertainty regarding whether a “parachute” falls within the ambit of the definition of the word “aircraft”, as defined in the Civil Aviation Act, 2009 (Act 13 of 2009) (“the Act”) and the associated Civil Aviation Regulations, 2011 (CARS, 2011) and to provide clarity to the civil aviation industry and the general public at large.

3. BACKGROUND

In the assessment by the South African Civil Aviation (“SACAA”) of the above enquiry, we have considered the definitions below as well as that of international legal instruments applicable to air law such as the Convention of International Civil Aviation of 1944 (Chicago Convention) to which South Africa is a signatory, in order to gain a broader global perspective on this issue.

Accordingly, the following definitions are of importance:

- a) The Act defines the term “aircraft” as follows:
 - **“aircraft”** means any machine that can derive support in the atmosphere from the reactions of the air, other than the reactions of the air against the surface of the earth.
- b) The term with reference to definition in the Act stipulates that it means, “an aircraft as defined in the Act”.
- c) Annex 1 to the Chicago Convention correspondingly defines:

“aircraft” as “any machine that can derive support in the atmosphere from the reactions of air other than the reactions of the air against the earth’s surface.”

The CARS, 2011 further define a “**parachute**” as “a device comprising a flexible drag or drag and lift surface from which load is suspended by shroud lines capable of controlled deployment from a packed condition”.


4. SACAA POSITION

In the assessment of the enquiry the SACAA took into consideration the position on the matter with other jurisdictions to gain a global view on the issue and to ensure that the SACAA is on par with the international civil aviation community.

Therefore, according to the above and our obligation to interpret South African legislation in a manner that is consistent with international law, the SACAA has resolved that:

1. The definitions of the term “aircraft” in local and international statutes share a common factor, namely that an aircraft derives its support from the air;
2. Furthermore, the term “aircraft” is not defined according to the structure or presentation of the device, but rather how it operates;
3. Parachutes are designed to maximise lift and support from the air in order to allow for precision in terms of their manoeuvrability and
4. Owing to the fact that a “parachute” utilises air to function, it is common cause that its functionality depends on support from the air and would therefore be regarded as an “aircraft”.

In light of the above, we submit that “parachutes” does in fact fall within the definition of “aircraft” for the purposes of the Civil Aviation Act, 2009 and its regulations.

Issued by the South African Civil Aviation Authority (SACAA)		
	Neil de Lange	14 February 2024
SENIOR MANAGER GENERAL AVIATION	NAME IN BLOCK LETTERS	DATE