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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF TRANSPORT

NO. R. 1503

15 November 2021

CIVIL AVIATION ACT, 2009 (ACT NO. 13 of 2009)

TWENTY-FIRST AMENDMENT OF THE CIVIL AVIATION REGULATIONS, 2021

(The English Text is the official text of the Regulations)

I, Fikile April Mbalula, Minister of Transport hereby, in terms of section 155(1) of the Civil Aviation Act, 2009 (Act No. 13 of 2009), make the Regulations set out in the Schedule hereunder.



Mr FA Mbalula, MP
Minister of Transport

Date: 15. 11. 2021.

**DEPARTMENT OF TRANSPORT
TWENTY FIRST AMENDMENT REGULATIONS, 2021**

The Minister of Transport has, in terms of section 155(1) of the Civil Aviation Act, 2009 (Act No. 13 of 2009) promulgated the Twenty First Amendment Regulations, 2021 as set out in the below Schedule.

SCHEDULE

1. Amendment of Part 1 (Definitions and abbreviations)
2. Amendment of Part 11 (Procedures for making regulations and technical standards, granting exemptions, and notifying differences)
3. Amendment of Part 21 (Certification procedures for products and parts)
4. Amendment of Part 24 (Airworthiness: Non-type Certificated Aircraft)
5. Amendment of Part 43 (General maintenance rules)
6. Amendment of Part 47 (Registration and marking)
7. Amendment of Part 48 (Leasing of aircraft)
8. Substitution of Part 60 (Flight simulator training devices)
9. Amendment of Part 61 (Pilot licensing)
10. Amendment of Part 62 (National pilot licensing)
11. Amendment of Part 63 (Flight engineer licensing)
12. Amendment of Part 64 (cabin crew licensing)
13. Amendment of Part 65 (Air traffic personnel licensing)
14. Amendment of Part 66 (Aircraft maintenance engineer licensing)
15. Amendment of Part 67 (Medical certification)
16. Amendment of Part 68 (Glider pilot licence)
17. Amendment of Part 69 (Free balloon licence)
18. Insertion of Part 71 (Remotely piloted aircraft systems (RPAS) personnel licensing)
19. Amendment of Part 91 (General aviation and operating flight rules)
20. Amendment of Part 93 (Corporate operations)
21. Amendment of Part 94 (Operation of non-type certificated aircraft)
22. Amendment of Part 96 (Commercial operation of non-type certificated aircraft)
23. Amendment of Part 101 (Remotely piloted aircraft systems -RPAS)
24. Amendment of Part 108 (Air cargo security)
25. Amendment of Part 109 (Aviation security training organisations)
26. Amendment of Part 110 (Aviation security screener certification)

27. Amendment of Part 111 (Aviation security)
28. Amendment of Part 113 (Aviation pandemic preparedness plan)
29. Insertion of Part 114 (Aviation security non-scheduled commercial aircraft operations)
30. Amendment of Part 121 (Air transport operations – carriage on aeroplanes of more than 19 passengers or cargo)
31. Amendment of Part 127 (Commercial helicopter operations: passengers, cargo and mail)
32. Amendment of Part 128 (helicopter aerial work and certain other air service operations)
33. Amendment of Part 129 (Foreign air operations)
34. Amendment of Part 135 (Air transport operations – carriage on aeroplanes of less than 20 passengers or cargo)
35. Amendment of Part 136 (Air transport operations- commercial operations of free air balloons)
36. Amendment of Part 138 (Air ambulance operations)
37. Amendment of Part 139 (Aerodromes and heliports)
38. Substitution of Part 141 (Aviation training organisations)
39. Amendment of Part 145 (Aircraft maintenance organisations)
40. Amendment of Part 147 (Design organisations for products, parts and appliances)
41. Amendment of Part 148 (Manufacturing organisations)
42. Amendment of Part 149 (Aviation recreational organisations)
43. Amendment of Part 171 (Aeronautical telecommunication service providers: electronic services organisations)
44. Amendment of Part 172 (Airspace and traffic services)
45. Amendment of Part 173 (Flight procedure design)
46. Amendment of Part 174 (Meteorological information services)
47. Amendment of Part 175 (Aeronautical information services)
48. Amendment of Part 185 (Enforcement)
49. Amendment of Part 187 (Fees and charges)
50. Amendment of Part 188 (Administration)

The electronic copies of the said regulations are accessible on the South African Civil Aviation website: www.caa.co.za and on the following link: <http://www.caa.co.za/Pages/Acts%20and%20Regulations/Notices.aspx>

SCHEDULE

CIVIL AVIATION ACT, 2009 (ACT NO. 13 OF 2009)

TWENTY-FIRST AMENDMENT OF THE CIVIL AVIATION REGULATIONS, 2021

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing regulations.

_____ Words underlined with a solid line indicate insertions in existing regulations.

Definition

1. In this Schedule “the Regulations” means the Civil Aviation Regulations, 2011 published by Government Notice No. R. 425 dated 1 June 2012, as amended.

Amendment of regulation 1.01.1 of the Regulations

2. Regulation 1.01.1 is hereby amended by—

(a) the substitution for the definition of “accident” of the following definition:

“**“accident”** **[includes]** means an occurrence associated with the operation of an aircraft which, in the case of a manned aircraft takes place between the time any person boards **[the]** an aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time **[the]** an aircraft is ready to move with the purpose of flight until such time it comes to rest at the end of **[the]** a flight and the primary propulsion system is shut down, **[during]** in which—

(a) a person is fatally or seriously injured as result of—

(i) being in **[the]** such aircraft;

(ii) direct contact with any part of **[the]** such aircraft, including parts which have become detached or are released therefrom**[from the aircraft]**;

or

(iii) direct exposure to jet blast, rotor or propeller wake,

except when **[the injuries are]** such injury is from natural causes, self-inflicted or inflicted by any other **[persons]** person, or when **[the injuries are]** such injury is to **[stowaways]** a stowaway hiding outside **[the areas]** an area normally available to passengers and flight crew; **[or]**

- (b) **[the] an** aircraft sustains damage or structural failure which—
- (i) adversely affects the structural strength, performance or flight characteristics of **[the] such** aircraft; and
 - (ii) would normally require major repair or replacement of **[the] an** affected component,
- except for engine failure or damage when the damage is limited to a single engine~~[(including its cowlings or accessories)] including its cowlings or accessories, [to]~~propellers, wing tips, ~~[antennae]~~ antennas, probes, vanes, tyres, brakes, wheels, fairings, panels, landing gear doors, windscreens, the aircraft skin (such as small dents or puncture **[hose]** holes), or for minor damages to main rotor blades, tail rotor blades, landing gear, and holes resulting from hail or bird strike (including **[hose]** holes in **[the] a** radome); or
- (c) **[the] an** aircraft is still missing after an official search has been terminated and **[the] its** wreckage has not been located; or
- (d) **[the] an** aircraft is in a place where it is completely inaccessible;”;

- (b) the substitution for the definition of “aerial work” of the following definition:

““aerial work” means an operation in which an aircraft is used for specialised services **[as determined by the Director]** which shall include —

- (a) agricultural spraying, seeding and dusting;
- (b) cloud spraying, seeding and dusting;
- (c) culling;
- (d) construction;
- (e) aerial harvesting;
- (f) aerial patrol, observation and survey;
- (g) aerial advertisement, including banner towing and other towing of objects;
- (h) search and rescue;
- (i) parachuting;
- (j) aerial recording by photographic or electronic means;
- (k) fire spotting, control and fighting; and
- (l) spraying, seeding or dusting other than for agricultural purposes **[and clouds];”;**

- (c) the insertion after the definition of “aerodrome manager” of the following definitions:

““aerodrome mapping data” means data collected for the purpose of compiling aerodrome mapping information;” and

““aerodrome mapping database” means a collection of aerodrome mapping data organised and arranged as a structured data set.”.

- (d) the insertion after the definition of “aerodrome traffic zone” of the following definition:

““aeronautical chart” means a representation of a portion of the earth, its culture and relief, specifically designated to meet the requirements of air navigation.”.

- (e) the insertion after the definition of “aeronautical data” of the following definitions:

““aeronautical data catalogue” means a general description of an AIM data scope in which all data that can be collected and maintained by AIS is consolidated.”; and

““aeronautical fixed service” means a telecommunication service between specified fixed points provided primarily for the safety of air navigation and for the regular, efficient and economical operation of air services.”.

- (f) the insertion after the definition of “Aeronautical Information Circular” of the following definitions:

““Aeronautical Information Management” means a dynamic, integrated management of aeronautical information through the provision and exchange of quality-assured digital aeronautical data in collaboration with the relevant parties.”; and

““aeronautical information product” means aeronautical data and aeronautical information provided either as digital data sets or as a standardised presentation in paper or electronic media and includes:

- (a) AIP;
- (b) AIC;
- (c) aeronautical chart;
- (d) NOTAM; and
- (e) digital data set.”;

- (g) the insertion after the definition of “air carrier” of the following definition:

“air carrier security programme” means an aviation security programme developed by an air carrier;”;

- (h) the substitution for the definition of “air navigation infrastructure” of the following definition:

“air navigation infrastructure” means infrastructure including air navigation, communication and surveillance aids and air traffic control systems, provided for the movement of air traffic and where applicable, any building or structure on or to which such infrastructure or part thereof is housed or attached, and includes the premises on which such infrastructure or part thereof is situated, whether these **[be] are** situated inside an aerodrome or elsewhere;”;

- (i) the substitution for the definition of “aircraft operating manual” of the following definition:

“aircraft operating manual” means a manual acceptable to the State of an Operator, containing normal, abnormal and emergency procedures, checklists, limitations, performance information, details of **[the]** aircraft systems and other material relevant to the operation of **[the]** an aircraft as prescribed in **[parts]** Parts 121, 127 and 135 and may incorporate **[the AFM, referred to in regulation 91.03.2]** an aircraft flight manual;”;

- (j) the insertion after the definition of “air traffic controller” of the following definitions:

“air traffic controller schedule” means a schedule for allocating air traffic service personnel and their duty periods;”; and

“air traffic management” means a dynamic, integrated management of air traffic and airspace including air traffic services, airspace management and air traffic flow management for safe, economical and efficient provision of facilities and seamless services, involving airborne and ground-based functions;”;

- (k) the insertion after the definition of “AIS product” of the following definition:

“AIS provider” means an AIS certificate holder, authorised to provide aeronautical information service;”;

- (l) the insertion after the definition of “alleged offender” of the following definitions:

““alternate aerodrome” means an aerodrome to which an aircraft may proceed when it becomes impossible or inadvisable to proceed to or to land at an aerodrome of intended landing, and includes the following:

- (a) a take-off alternate, which is an alternate aerodrome at which an aircraft can land should this become necessary shortly after take-off and it is not possible to use an aerodrome of departure;
- (b) en-route alternate, which is an aerodrome at which an aircraft would be able to land after experiencing an abnormal or emergency condition while en-route;
- (c) ETOPS en-route alternate, which is a suitable and appropriate alternate aerodrome at which an aeroplane would be able to land after experiencing an engine shutdown or other abnormal or emergency condition while en-route in an ETOPS operation; and
- (d) destination alternate, which is an alternate aerodrome to which an aircraft may proceed should it become either impossible or inadvisable to land at an aerodrome of intended landing.

Note.—An aerodrome from which a flight departs may also be an en-route or a destination alternate aerodrome for that flight.”; and

““alternative means of compliance” means an approved alternative to the prescribed approach, which has been demonstrated to consistently achieve or exceed the required outcomes as intended through regulation.”;

- (m) the deletion of the definition of “alternate aerodrome/heliport”
- (n) the substitution for the definition of “aircraft maintenance organisation” of the following definition:

““aircraft maintenance organisation” means an organisation approved to perform maintenance of an aircraft, engine, propeller or parts thereof and operating under the supervision as approved by an appropriate Authority of a State.”

- (o) the substitution for the definition of “aviation training organisation” of the following definition:

““aviation training organisation” means an organisation approved by an appropriate Authority to conduct aviation training.”;

- (p) the insertion after the definition of “assistant service” of the following definition:

“ATO off-base training” means a pre-approved training conducted under the supervision of an ATO for a specified period at a facility other than a base of ATO as approved in terms of these regulations;”

- (q) the insertion after the definition of “ATS surveillance system” of the following definition:

“attribution” means the act of assigning an aeroplane operator to a State or assigning an international flight to an aeroplane operator in terms of Part 91;”

- (r) the insertion after the definition of “automatic dependent surveillance – contract” of the following definition:

“automatic terminal information service” means an automatic provision of current routine information to an arriving and departing aircraft;”

- (s) the insertion after the definition of “balloon” of the following definition:

“bare earth” means a surface of the earth including bodies of water, permanent ice and snow, excluding vegetation and manmade objects;”

- (t) the insertion after the definition of “base jumps” of the following definition:

“Baseline CAA” means a civil aviation authority whose approval establishes a baseline for the alternative approval process of a foreign ATO;”

- (u) the insertion after the definition of “cabin crew member” of the following definition:

“canopy” means bare earth supplemented by vegetation height;”

- (v) the substitution for the definition of “Category B approval” of the following definition:

“Category B approval”, when used in Part 173, means a flight procedure design approval in terms of which [the] a holder may—

- (a) **adapt [to the conservative] a flight procedure of the same type as such holder’s rating, for use by a South African registered aircraft operating at, or in the vicinity of an aerodrome in a foreign country; or**

(b) design, maintain, revise or amend a flight procedure of the same type as [the] a holder's rating for use by South African registered aircraft operating at, or in the vicinity of an off-shore installation located no closer than 30 nautical miles from the nearest land;"

(w) the substitution for the definition of "commercial air transport operation" of the following definition:

"commercial air transport operation" means an aircraft operation involving transportation of passengers, cargo or mail for remuneration [an air service as defined in section 1 of the Air Services Licensing Act, 1990 (Act No. 115 of 1990), including—

(a) the classes of air service referred to in regulation 2 of the Domestic Air Services regulations, 1991; and

(b) the classes of international air services referred to in regulation 2 of the International Air Services regulations, 1994];

(x) the insertion after the definition of "complex aeroplane" of the following definition:

"compliance" means a state of complying with those requirements mandated through regulation;

(y) the insertion after the definition of "condition" of the following definition:

"confidence level" means a probability that the true value of a parameter is within a certain interval around the estimate of its value;

(z) the insertion after the definition of "continuing airworthiness" of the following definition:

"continuing airworthiness record" means a record which is related to the continuous airworthiness status of an aircraft, engine, propeller, rotor or associated part;

(aa) the insertion after the definition of "controlled airspace" of the following definition:

“‘‘controlled environment’’ means a classroom learning and, or e-Learning environment which conditions relate to the conduct of an evaluation or knowledge test in terms of a risk matrix.”;

- (bb) the insertion after the definition of “crew member” of the following definition:

“‘‘crew resource management training’’ means training, including the principles of human factors designed to ensure that individual and collective efforts of all crew members on board of an aircraft are co-ordinated for maximum effectiveness.”;

- (cc) the insertion after the definition of “cyber security” of the following definition:

“‘‘cyclic redundancy check’’ means a mathematical algorithm applied to a digital expression of data that provides a level of assurance against loss or alteration of data.”;

- (dd) the substitution for the definition of “dangerous goods” of the following definition:

“‘‘dangerous goods’’ means articles or substances as classified in Document SA-CATS 92 which are capable of posing significant hazard to health, safety, property or environment when conveyed by aircraft.”;

- (ee) the insertion after the definition of “dangerous goods incident” of the following definitions:

“‘‘data accuracy’’ means a degree of confidence between an estimated or measured value and a true value.”;

“‘‘data completeness’’ means a degree of confidence that all of the data required to support an intended use is provided for.”;

“‘‘data format’’ means a structure of data elements, records and files arranged to meet standards, specifications or data quality requirements.”; and

“‘‘data integrity’’ means a degree of assurance that aeronautical data and its value, has not been lost or altered since the origination or authorised amendment thereof.”;

- (ff) the insertion after the definition of “data set series” of the following definitions:

“**data timeliness**” means a degree of confidence that data is applicable to a period of its intended use.”; and

“**data traceability**” means a degree that a system or a data product can provide a record of the changes made to that product and thereby enable an audit trail to be followed from an end-user to an originator.”;

- (gg) the insertion after the definition of “detect and avoid” of the following definition:

“**differences training**” means training required to ensure a flight or cabin crew member is proficient on a similar aeroplane type or variant which has significant differences in terms of equipment, configuration or operation.”;

- (hh) the insertion after the definition of “disinsection” of the following definition:

“**dormancy**” means not active or growing but able to become active later.”;

- (ii) the insertion after the definition of “dry runway” of the following definition:

“**DTO approved training programme**” means a document established by a DTO, describing in detail training course provided by that DTO as approved by a competent Authority.”;

- (jj) the substitution for the definition of “e-Learning” of the following definition:

“**e-Learning**” means the use of technology to deliver a broad array of training methods, which includes internet training or virtual training, for admission into on-line examinations for the purposes of improving performance.”;

- (kk) the insertion after the definition of “embarkation” of the following definition:

“**emergency equipment procedures training**” means training given to an aircraft crew member for familiarisation with location, inspection, testing and use of emergency equipment required to be carried on board an aircraft and includes specific training required to ensure passenger safety.”;

- (ll) the insertion after the definition of “ETOPS *en route* alternate” of the following definition:

“evaluator” means a generic term used in the context of an approved training organisation to describe a person who is qualified, authorised and assigned to carry out specific assessment, checking, testing and auditing duties to determine that all the required standards of performance have been achieved.”;

(mm) the insertion after the definition of “factor of safety” of the following definition:

“familiarisation training” means training required to ensure a flight or cabin crew member is proficient on similar aeroplane types or variants which have only minor differences in terms of equipment, configuration or operation.”;

(nn) the deletion of the definitions of “flight training device qualification” and “flight training device qualification certificate”;

(oo) the insertion after the definition of “foreign air operator” of the following definition:

“foreign ATO” means an aviation training organisation approved by an appropriate authority of a State other than the Republic.”;

(pp) the insertion after the definition of “geodetic distance” of the following definition:

“glass cockpit” means any of the primary instruments in an aircraft cockpit that features digital flight instrument displays, such as LCD screens and digital gauges.”;

(qq) the insertion after the definition of “heading” of the following definition:

“Head of Training” means an individual responsible for an organisation's activities, policies, practices and procedures while ensuring the continued maintenance of a training organisation's approval status.”;

(rr) the substitution for the definition of “high risk cargo or mail” of the following definition:

“high-risk cargo or mail” means a consignment which is indicated through specific intelligence that it poses a threat to civil aviation or shows signs of tampering that give rise to suspicion.”;

(ss) the insertion after the definition of “human performance” of the following definition:

““ICAO Designator” means a code assigned by ICAO, as used in a flight plan and associated with international aeronautical telecommunications services.”;

- (tt) the insertion after the definition of “individual” of the following definition:

““Induction training” means a company- or operator-specific generic training covering a number of subjects as prescribed by regulation where certain subjects may be presented only as a generic, introductory overview and where a company or an operator determines it would be more appropriate to provide amplified training in connection with a specific aeroplane type or operational environment.”;

- (uu) the insertion after the definition of “line flying” of the following definition:

““line induction training” means training provided for a flight crew member in the form of approved supervised flying during line operations.”;

- (vv) the substitution for the definition of “maintenance” of the following definition:

““maintenance” means [the] a performance of tasks on an aircraft, engine, propeller, or any associated part required to ensure the continuous airworthiness of such aircraft, engine, propeller, or any associated part including any one or combination of the overhaul, inspection, replacement, defect rectification, and the embodiment of a modification or repair.”;

- (ww) the insertion after the definition of “maintenance control manual” of the following definition:

““Maintenance Manager” means a manager responsible for the day-to-day provision of aircraft maintenance activities and the continuous airworthiness of all aircraft released for flight operations.”;

- (xx) the substitution for the definition of “model aircraft” of the following definition:

““model aircraft” means a heavier-than-air aircraft of limited dimensions, with or without a propulsion device, unable to carry a human being, [and] to be used for competition, sport, or recreational purposes [rather than unmanned aeronautical vehicles (UAV) developed for commercial or governmental, scientific, research or military purposes, and not exceeding the

specifications as set by the Federation Aeronautique Internationale as listed in Document SA-CATS 24];

Note. -This definition does not include RPAS.”;

- (yy) the insertion after the definition of “model aircraft” of the following definition:

“**modification**” means a change to a type design of an aircraft, engine or propeller when used in relation to a type certificated aircraft, engine or propeller.”;

- (zz) the insertion after the definition of “navigation specification” of the following definition:

“**next intended user**” means an entity that receives aeronautical data or information from an aeronautical information service.”;

- (aaa) the deletion of the definitions of “organisation” and “organisation responsible for type design.”;

- (bbb) the insertion after the definition of “operator’s control manual” of the following definitions:

“**organisation responsible for type design**” means an organisation that holds a type certificate, or equivalent document for an aircraft, engine or propeller type, issued by a Contracting State.”;

“**origination**” means in relation to aeronautical data or aeronautical information, a creation of the value associated with new data or information or a modification of the value of existing data or information.”; and

“**originator**” means in relation to aeronautical data or aeronautical information, an entity that is accountable for data or information origination from which an AIS receives aeronautical data and aeronautical information.”;

- (ccc) the substitution for the definition of “parachute” of the following definition:

“**parachute**” means [any] 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.”;

(ddd) the insertion after the definition of “paratrike” of the following definition:

“**Part**” means a Part of these regulations;”;

(eee) the insertion after the definition of “quality inspection” of the following definition:

“**quality management**” means a management approach to coordinated activities focused on the means to achieve product or service quality objectives through the use of its four key components: quality planning; quality control; quality assurance; and quality improvement;”;

(fff) the insertion after the definition of “Reduced Vertical Separation Minima” of the following definition:

“**regular station**” means a station selected from an en-route air-ground radiotelephony network to communicate with or to intercept communication from an aircraft under normal conditions;”;

(ggg) the substitution for the definition of “repair” of the following definition:

“**repair**” means [the] a restoration of an [aeronautical product] aircraft engine, propeller or any associated part to an airworthy condition to ensure that [the] an aircraft continues to comply with the design aspects of the appropriate airworthiness requirements used for the issuance of [the] a type certificate for the respective type, after it has been damaged or subjected to wear;”;

(hhh) the substitution for the definition of “rescue service” of the following definition:

“**rescue service**” means a service [a] as defined in section 1 of the Fire Brigade Services Act, 1987 (Act No. 99 of 1987), a medical service or any other related service;”;

(iii) the insertion after the definition of “safety data” of the following definitions:

“**safety information**” means safety data processed, organised or analysed in a given context to make it useful for safety management purposes;”; and

“safety sensitive activity employee” means a person that is performing duties that have an impact on the safety of passengers, flight crew, airside personnel, other people on an aircraft and people on the ground;

Note.- This includes: flight crew; flight attendant (cabin crew); flight instructor; flight dispatcher; maintenance personnel; aviation screener; ground security coordinator; operations controller; ramp personnel; load controller; driver and front-line or operational staff in freight terminal, catering centre and airport.”;

- (jjj) the insertion after the definition of “safety risk” of the following definition:

“Satellite ATO” means an ATO with a different management team reporting to the accountable executive of an already existing ATO approved in terms of Part 141”;

- (kkk) the insertion after the definition of “second-in-command” of the following definition:

“secondary frequency” means the radiotelephony frequency assigned to an aircraft as a second choice for air to ground communication in a radiotelephony network”;

- (lll) the insertion after the definition of “South African registered aircraft” the following definition.

“SPECI” means aerodrome special meteorological report in meteorological code.”;

- (mmm) the insertion after the definition of “supplemental type certificate” of the following definition:

“surface contamination training” means training in accordance with an operator’s procedures for removal of frozen contaminants from the critical surfaces of an aeroplane as established by the manufacturer from the time of initial de-icing application to the point of last chance prior to a take-off”;

- (nnn) the insertion after the definition of “the regulations” of the following definition:

“third-party training” means a use of another organisation’s courseware, personnel, facilities or equipment”;

(ooo) the insertion after the definition of “tiltrotor” of the following definition:

“**time-in-position**” means a period of time when an air traffic controller is exercising the privileges of an air traffic service personnel’s licence at an operational position;”;

(ppp) the insertion after the definition of “touch-down area available” for the following definition:

“**touring glider**” means an aeroplane with a maximum all-up mass of not more than 850 kilograms fitted with an engine and having the characteristics of a glider when the engine is inoperative that is primarily controlled by manipulating its primary flight control surfaces by conventional methods and other classification parameters as are defined in Document SA-CATS 24;”;

(qqq) the deletion of the definition of “touring motor glider

(rrr) the insertion after the definition of “unknown cargo” of the following definition:

“**UN number**” means a number assigned by the United Nations Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labelling of Chemicals to identify an article or a substance or a particular group of articles or substances;”;

(sss) the insertion after the definition of “unsecure cargo” of the following definition:

“**upgrade training**” means training provided to advance a flight crew member from one flight crew position to a higher flight crew position;”;

(uuu) the insertion after the definition of “validation examiner” of the following definition:

“**validation for aeronautical information**” means confirmation of aeronautical information and data, which meets the specified intended use or application;”;
and

(vvv) the substitution for the definition of “verification” of the following definition:

“**verification**” means confirmation, through [the] a provision of objective evidence, that [specified] the requirements for a specific intended use or application have been fulfilled.”.

(www) the insertion after the definition of “veteran aircraft” of the following definition:

““virtual training” means training conducted when a learner and instructor are in separate locations computing, using internet or online learning environment to simulate the traditional classroom or learning experience to ensure e-Learning training.”.

Amendment of regulation 1.01.2 of the Regulations

3. Regulation 1.01.2 is hereby amended by–

(a) the deletion of abbreviation for “A”;

(b) the insertion after the abbreviation of “ALOSP” of the following abbreviations:

““AMD” means Aerodrome Mapping Data;” and

““AMDB” means Aerodrome Mapping Database;”;

(c) the insertion after the abbreviation of “ATPL” of the following abbreviations:

““ATPL(A)” means Airline Transport Pilot Licence for Aeroplane; and

““ATPL(H)” means Airline Transport Pilot Licence for Helicopter;”;

(d) the insertion after the abbreviation of “BIFT” of the following abbreviation:

““BITD” means basic instrument training device;”;

(e) the insertion after the definition of “BVLOS” of the following definition:

““CAA” means Civil Aviation Authority;”;

(f) the insertion after the abbreviation of “CGI” of the following abbreviation:

““CNS” means Communication, Navigation and Surveillance;”;

(g) the insertion after the abbreviation of “CPL” of the following abbreviations:

““CPL(A)” means Commercial Pilot Licence for Aeroplane; and

“CPL(H)” means Commercial Pilot Licence for Helicopter;”;

- (h) the insertion after the abbreviation of “DAME” of the following abbreviation:

“DASAMP” means Drug and Substance Abuse Management Plan;”;

- (i) the insertion after the abbreviation of “DTK” of the following abbreviation:

“DTO” means Declared Training Organisation;”;

- (j) the insertion after the abbreviation of “EFIS” of the following abbreviation:

“EGPWS” means enhanced ground proximity warning system;”;

- (k) the insertion after the abbreviation of “FDR” of the following abbreviation:

“FFS” means full flight simulator;”;

- (l) the insertion after the abbreviation of “FMS” of the following abbreviation:

“FNPT” means flight and navigation procedures training device;”;

- (m) the substitution for the abbreviation of “FSTD” of the following abbreviation:

“FSTD” means flight [simulator] simulation training device;”;

- (n) the insertion after the abbreviation of “FSTD” of the following abbreviation:

“FTD” means flight training device;”;

- (o) the deletion of the abbreviation of “IAIP”;

- (p) the insertion after the abbreviation of “IOS” of the following abbreviation:

“LAGS” means Liquids, Aerosols and Gels;”;

- (q) the insertion after the abbreviation of “LED” of the following abbreviation:

“LMS” means learning management system;”;

- (r) the insertion after the definition of “MTOM” of the following abbreviations”

“NAMP” means National Airspace Master Plan;”; and

“NASCOM” means National Airspace Committee;

- (s) the insertion after the abbreviation of “PA” of the following abbreviation:

“PANS-TRG” means procedures for Air Navigation Services — Training;

- (t) the insertion after the abbreviation of “PPL” of the following abbreviations:

“PPL(A)” means Private Pilot Licence for Aeroplane;

“PPL(H)” means Private Pilot Licence for Helicopter; and

“QA” means quality assurance;

- (u) the insertion after the abbreviation of “QMS” of the following abbreviation:

“QS” means quality system;

- (v) the insertion after the abbreviation of “RAIM” of the following abbreviation:

“RCAM” means runway condition assessment matrix;

- (w) the insertion after the abbreviation of “OPMET” of the following abbreviation:

“OTD means other training device;

- (x) the insertion after the abbreviation of “QMS” of the following abbreviation:

“QTG” means qualification test guide;

- (y) the insertion after the abbreviation of “RCP” of the following abbreviation:

“RCR” means runway condition report;

- (z) the insertion after the abbreviation of “RVSM” of the following abbreviation:

“RWYCC” means runway condition code;

- (aa) the deletion of the abbreviation of “SPECI”;

- (bb) the insertion after the abbreviation of “SRC” of the following abbreviation:

“SSAE means Safety Sensitive Activity Employee.”; and

- (cc) the insertion after the abbreviation of “SPOT” of the following abbreviation:

“STC” means supplemental type certificate.”.

- (dd) the insertion after the abbreviation “WAFC” of the following abbreviations:

“WHMP means wildlife hazard management programme.”; and

“WIP means work in progress.”.

Amendment of Part 11 of the Regulations

4. Part 11 of the regulations is hereby amended by—

- (a) the substitution in regulation 11.03.4 for subregulation (1) of the following subregulation:

“11.03.4 (1) [To facilitate the consultation process, the] The Director shall make available on the website of the Authority a rule-making notification subscriber service to which any person may subscribe and unsubscribe, at no cost, and shall be notified by [e-mail] electronic means of any proposals to make, amend or withdraw any regulation or technical standard, and of any matter related”.

- (b) the substitution for regulation 11.05.1 of the following regulation:

“Institution of [the committee] NASCOM

11.05.1 (1) The Director shall institute [a] the National Airspace Committee to provide guidelines and recommendations to the Director on the—

- (a) [the] designation of airspace referred to in [regulation 172.02.1] Part 172;**
- (b) [the] classification of [such] designated airspace in terms of Part 172 [regulation 172.02.2];**
- (c) [the] introduction, amendment or withdrawal of [such] airspace;**
- (d) [the] allocation of [Air Traffic Services] ATS provided or intended to be provided within an airspace [airspaces] or at an aerodrome [aerodromes];**

- (e) **[the]** validity of **[current]** airspace structures and associated **[Air Traffic Services]** ATS provided within such structures as defined in the **[National Airspace Master Plan (NAMP)]** NAMP;
 - (f) **[the]** introduction, amendment or withdrawal of **[Communication Navigation and Surveillance (CNS)]** CNS or **[Air Traffic Management Facilities]** ATM facilities where these affect the designation or classification of airspace or the NAMP;
 - (g) **[the]** application for an aerodrome licence as well as any **[significant]** amendment thereof in terms of Part 139 **[regulation 139.02.13]**, where such aerodrome is situated—
 - (i) within any portion of airspace designated as a **[Control Zone (CTR)]** CTR or **[Aerodrome Traffic Zone (ATZ)]** ATZ or within 10 NM of such airspace's boundary;
 - (ii) under any portion of airspace designated as a TMA as defined in **[part]** Part 1; and
- [(Note: Significant amendments of aerodrome licences shall be when any airspace or manoeuvring are changes are proposed.);]***
- (h) any matter relating to the national airspace, including such matter referred to it by the Director.

(2) The members of NASCOM **[the committee]** shall be appointed as prescribed in Document SA-CATS 11 and shall consist of—

- (a) a person designated by the Director, as chairperson; and
- (b) such other persons appointed by those stakeholders and recognised by the Director, which shall include representation from—
 - (i) general aviation, recreational aviation and commercial aviation;
 - (ii) the Air Traffic and Navigation Services Company Limited contemplated in section 2 of the Air Traffic and Navigation Services Company Act, 1993 (Act No. 45 of 1993);
 - (iii) the South African National Defence Force;
 - (iv) the Airports Company contemplated in section 2 of the Airports Company Act, 1993 (Act No. 44 of 1993);
 - (v) the Department; and
 - (vi) any other stakeholder as determined by the Director.

(3) **[The committee]** NASCOM shall, in consultation with the Director, determine the procedures to be followed **[and the criteria to be taken into account when the committee exercises]** in exercising its functions.”.

Amendment of Part 21 of the Regulations

5. Part 21 of the regulations is hereby amended by—

- (a) the substitution in regulation 21.01.2 for subregulation (1) of the following subregulation:

“21.01.2 (1) For the purposes of this [part] Part, the types of aircraft are—

- (a) [gliders, power-assisted gliders, and touring gliders] a glider, a power-assisted glider, and a touring glider;**
- (b) a very light [aeroplanes] aeroplane;**
- (c) [aeroplanes] an aeroplane of normal, utility, acrobatic and commuter [categories] category;**
- (d) [aeroplanes] an aeroplane of the transport category;**
- (e) a rotorcraft of the normal category;**
- (f) a rotorcraft of the transport category;**
- (g) a manned free [balloons] balloon;**
- (h) a non-rigid [airships] airship; and**
- (i) an ornithopter.”;**

- (b) the substitution in regulation 21.01.3 for subregulation (1) of the following subregulation:

“21.01.3 (1) [The] A holder of any type certificate, supplemental type certificate, production certificate, ZA-PMA authorisation or ZA-TSO authorisation issued in terms of this [part] Part, shall report in writing to the Director any failure, malfunction or defect in any product, part or appliance manufactured by such holder which—

- (a) has resulted in any of the occurrences specified in Document SA-CATS 21; or**
- (b) has passed through [such, holder's] such holder's quality assurance system and may result in any of the occurrences specified in Document SA-CATS 21.”;**

- (c) the substitution in regulation 21.04.3 for subregulation (1) of the following subregulation:

“21.04.3(1) An application for the issuing of a type acceptance certificate for a Class I product shall be accompanied with proof that—

- (a) [the] a product concerned complies with the appropriate airworthiness design standards referred to in regulation 21.02.3[, **effective at the****

date assigned in the foreign type certificate or an equivalent document, unless another date is specified by the Director];

- (b) **[The] a product concerned** complies with any special conditions prescribed in terms of regulation 21.02.13;
- (c) **[the] a feature or characteristic of such** product makes it safe for the intended use; **[and]**
- (d) any airworthiness design standards not complied with are compensated for by factors providing an equivalent level of safety; and
- (e) an aircraft is equipped with an extinguishing agent that is not listed in the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer, the Eight Edition of the Handbook Annex A, Group II, if that aircraft is—
 - (i) an aeroplane over 5 700 kg for which application for approval for type acceptance certificate was submitted on or after 2 March 2004;
 - (ii) a helicopter for which application for certification was submitted on or after 13 December 2007; or
 - (iii) an aeroplane over 750 kg but not exceeding 5 700 kg, for which application for approval of type acceptance certificate was submitted on or after 13 December 2007.”.

- (d) the substitution for regulation 21.05.1 of the following regulation:

“Requirements for supplemental type certificate

21.05.1(1) A person, other than a holder of a type certificate, who alters an aeronautical product shall submit an application for an STC together with acceptable supporting data to the Director.

(2) An applicant for the issuing of **[a supplemental type certificate]** an STC shall prove to the Director that—

- (a) **[the] an altered** product complies with the appropriate airworthiness design standards referred to in regulation 21.02.3;
- (b) in the case of an acoustical change, **[the] an altered** product complies with the appropriate noise standards as prescribed in **[part 36] Part 36**; and
- (c) in the case of **[am] an** emission change, **[the] an altered** product complies with the appropriate emission standards as prescribed in **[part 34] Part 34**.

(3) An applicant for the issuing of **[a supplemental type certificate]** an STC shall comply with the provisions of regulations 21.02.5 and 21.02.6 in respect of each change in type design.

(4)) **[For the purposes of this [regulation the] regulation, a holder of a type certificate may apply for [the] an amendment of [the] such type certificate in terms of Subpart 2].** A holder of type certificate may apply to the Director for amendment of an STC in terms of this Part."

(e) the substitution for regulation 21.05.6 of the following regulation:

"Duty of holder of STC

21.05.6 (1) A holder of an STC shall -

- (a) keep the original STC safe in a place of operation and, if requested, produce such certificate to an authorised officer, inspector or authorised person for inspection;
- (b) retain all relevant design information, drawings, test reports and inspection records of the product for a period of 2 years from the date on which the last installed STC on a product has been permanently withdrawn from service;
- (c) if requested, produce the design information, drawings, test reports and inspection records to an authorised officer, inspector or authorised person for inspection;
- (d) provide instructions and any such instruction changes for safe operations and continuing airworthiness to a registered operator of an aircraft on which the concerned STC modification has been incorporated;
- (e) remain responsible for the continued integrity of the change to the type design and shall continue to be the Director's contact point for resolving issues if corrective action is required;
- (f) develop and maintain a system for receiving and analysing information relating to STC continuing airworthiness service difficulties and defects reported by an operator or a maintenance organisation;
- (g) inform an owner of a product, same type of the details and system developed in accordance with paragraph (f); and
- (h) report to the Director any failure, malfunction or defect in accordance with regulation 21.01.3.

(2) An STC holder who permits a person to use the privileges of that STC to alter a design of an aircraft, aircraft engine, or propeller shall provide such a person with written permission acceptable to the Director.”.

- (f) the substitution in regulation 21.08.2 for subregulation (1) of the following subregulation:

“21.08.2 (1) ~~[No]~~ An aircraft shall not be operated in the Republic unless such aircraft has been issued with a certificate of airworthiness and unless the conditions on which such certificate was issued or rendered effective are complied with.”;

- (g) the substitution in regulation 21.13.2 for subregulation (1) of the following subregulation:

“21.13.2 (1) ~~[Any]~~ An organisation which manufactures an aircraft or aircraft engine under a type or production certificate shall identify ~~[the]~~ such aircraft or aircraft engine by means of a fireproof data plate that is~~—(a)]~~ marked with the identification information prescribed in regulation 21.13.3 by etching, engraving or other approved method of fireproof marking.”; and

- (h) the substitution for regulation 21.13.3 of the following regulation:

“Identification Information

21.13.3 (1) The identification information that is required to be marked on ~~[the]~~ a data plate and for identification of a propeller, propeller blade, or propeller hub under regulation 21.13.2 must include—

- (a) ~~[the]~~ a manufacturer’s name;
- (b) ~~[the]~~ a model designation;
- (c) ~~[the]~~ a manufacturer’s serial number;
- (d) if applicable, ~~[the]~~ a type certificate number; and
- (e) any other information that the Director may require.”;

Amendment of Part 24 of the Regulations

6. Part 24 is hereby amended by—

- (a) the substitution in regulation 24.01.2 for subregulation (1) of the following subregulation:

“24.01.2 (1) A non-type certificated aircraft, other than an aircraft classified in

regulation 24.01.1 (2)(h) to (l), may only be considered to be airworthy if that aircraft has—

- (a) been issued with an authority to fly or a proving flight authority or special flight permit, as the case may be in terms of this Part;
- (b) been maintained in accordance with the provisions of Part 44;
- (c) no known condition which could make it unsafe for flight; and
- (d) on board, and in working order, the relevant communication and navigation equipment prescribed in Parts 94 and 96 as applicable for an operation of a particular type of aircraft.”.

- (b) the insertion in regulation 24.01.2 after subregulation (6) of the following subregulation:

“(7) An operator of a model aircraft referred to in regulation 21.01.1 shall ensure that such aircraft meets the general characteristics for model aircraft as prescribed in Document SA-CATS 24 unless otherwise approved by the Director.”;

- (c) the substitution for regulation 24.02.1 of the following regulation:

“Application

24.02.1 (1) A non-type certificated aircraft, other than aircraft classified in regulation 24.01.1 (2)(h) to (l) may not be operated without a valid authority to fly issued in terms of these regulations.

(2) An application for the issuing of an authority to fly, or an amendment thereof, shall be—

- (a) made to the Director or, if applicable, **[the] an organisation** designated for that purpose in terms of **[part 149] Part 149 [of these regulations]**, as the case may be, on the prescribed form;
- (b) accompanied by—
 - (i) the appropriate fee as prescribed in **[part 187] Part 187**;
 - (ii) proof of compliance with the provisions of regulation 24.01.2 (5);
 - (iii) **[the] aircraft [logbook/s] logbook** or similar document, or certified true copies reflecting all entries;
 - (iv) certified true copies of all documents and records in the construction or testing file;
 - (v) a certified true copy of **[the] a flight manual**, if applicable; and
 - (vi) a certified true copy of **[the] an approved maintenance schedule**, referred to in **[part 44] Part 44.”**; and

- (d) the substitution in regulation 24.02.10 for subregulation (1) of the following subregulation:

"24.02.10 (1) An application for an aircraft type approval for an amateur-built aircraft to qualify as a production-built aircraft, shall be made in the prescribed form, and accompanied by—

- (a) the appropriate fee as prescribed in **[part 187] Part 187**;
- (b) proof of compliance with the provisions of regulation 24.01.2, and **[in particular the] associated technical standard contained in Document SA-CATS 24[24.01.2. (2.2)]**;
- (c) a copy of the authority to fly issued for the prototype aircraft; and
- (d) proof that the applicant meets the requirements of regulation 24.03.1."

Amendment of Part 43 of the Regulations

7. Part 43 is hereby amended by—

- (a) the substitution in regulation 43.01.1 for subregulation (1) of the following subregulation:

"43.01.1 (1) This **[part] Part** applies to maintenance and release to service after maintenance, of—";

- (b) the substitution for regulation 43.01.2 of the following regulation:

"Falsification, reproduction or alteration of maintenance documents

43.01.2 (1) A person shall not make or cause to be made any false or fraudulent entry in any record, which is required to be made, kept, or used to show compliance with any requirement prescribed in this Part.

(2) Records or reports made in terms of this Part shall be prohibited from reproduction or alterations unless it is justifiable to do so."

Amendment of Part 47 of the Regulations

8. Part 47 is hereby amended by—

- (a) the substitution for regulation 47.01.1 of the following regulation:

"Applicability

47.01.1 (1) This Part applies to registration and marking of aircraft in the Republic.

(2) Notwithstanding the provisions of subregulation (1), this Part does not apply to—

- (a) a hang-glider or a powered version thereof;
- (b) a paraglider or a powered version thereof;
- (c) an unmanned free balloon without a payload;
- (d) a captive balloon;
- (e) a kite;
- (f) a model aircraft;
- (g) a parachute;
- (h) a meteorological pilot balloon used exclusively for meteorological purposes;
- (i) a subsonic jet aeroplane for which an application for a type certificate was submitted before 6 October 1977, except for an aeroplane—
 - (i) requiring a runway length of 610 m or less at MCM for airworthiness;
 - (ii) powered by engines with a bypass ratio of two or more and for which a certificate of airworthiness was first issued before 1 March 1972;
 - (iii) powered by engines with bypass ratio of less than two and for which an application for a type certificate was submitted before 1 January 1969, and for which a certificate of airworthiness was first issued before 1 January 1976; or
 - (iv) that has been fitted with hush-kit that complies with the noise standards prescribed in Chapter 3 Annex 16 to the Convention."

Amendment of Part 48 of the Regulations

9. Part 48 is hereby amended by—

- (a) the substitution in regulation 48.06.2 for subregulation (5) of the following subregulation:

"(5) [The] A validation, contemplated in subregulation (4), may be issued in the format prescribed in [Document SA-CAT 48] Document SA-CATS 48."

Amendment of Part 60 of the Regulations

10. Part 60 is hereby amended by the substitution for Subpart 1 of the following Subpart:

"PART 60: **FLIGHT SIMULATION TRAINING DEVICES**

List of regulations

SUBPART 1: GENERAL

60.01.1 Applicability

60.01.2 Qualification levels and FSTD Certificates

60.01.3 Application for FSTD qualification

60.01.4 Initial evaluation and qualification of FSTD

60.01.5 Issue of FSTD qualification certificate

60.01.6 Period of validity of FSTD qualification

60.01.7 Recurrent evaluation of FSTD

60.01.8 FSTD user certificate approvals

60.01.9 Quality system

60.01.10 On-going fidelity requirements

60.01.11 Modification of qualified FSTD

60.01.12 Change in qualification level of FSTD

60.01.13 Deactivation, relocation or reactivation of FSTD

60.01.14 Change of operator of qualified FSTD

60.01.15 Evaluation teams

60.01.16 Records

Applicability

60.01.1 (1) This Part applies to an FSTD that may be used by a person to gain aeronautical experience.

(2) This Part does not apply to a modification of an FSTD for the purpose of a change in the qualification level of a device, unless such change is in terms of subregulation (5)(b).

(3) The SACAA FSTD A and SACAA FSTD H Documents which are prescribed in Document SA-CATS 60 apply to a person, organisation or, in the case of BITD, a manufacturer seeking initial qualification of FSTD.

(4) The SACAA FSTD A and SACAA FSTD H Documents shall apply to all FSTD located and operated within the borders of the Republic by any local or foreign operator.

Qualification levels and FSTD Certificates

60.01.2 (1) An FSTD qualified in terms of SACAA FSTD A or SACAA FSTD H Documents shall be allocated the following qualification, as applicable—

(a) Full Flight Simulator:

(i) Level D;

(ii) Level C;

(iii) Level B; and

(iv) Level A;

(b) A flight training device:

(i) FTD II; and

(ii) FTD I;

(c) A flight and navigation procedures training device:

(i) FNPT II MCC;

(ii) FNPT II;

(iii) FNPT I; and

(d) A basic instrument training device:

(i) BITD.

(2) Training credits applicable to each level of qualification are contained in Document SA-CATS 60.

(3) An OTD shall be granted on approval in terms of SACAA FSTD A and FSTD H Documents and training credits as prescribed in Document SA-CATS 60.

(4) A certificate of qualification for an FSTD issued by an appropriate authority of a Contracting State to an FSTD located within the borders of the Republic may only be accepted if such FSTD has been granted a qualification level in terms of these regulations and associated SACAA FSTD A or SACAA FSTD H Document.

(5) A certificate of qualification for an FSTD issued by another State to an FSTD located within the borders of the Republic, shall not be acceptable for the training of aircrew licensed in terms of these regulations.

(6) The version of the SACAA FSTD A or SACAA FSTD H Document, utilised for the issue of the initial qualification, shall be applicable for future recurrent qualifications of an FSTD, unless such FSTD is qualified to a different qualification standard.

(7) For an imported FSTD, the level of the initial qualification approved by the Director shall be applicable to future recurrent qualifications of an FSTD unless such FSTD is qualified to a different qualification standard.

(8) An FSTD user shall request approval to use an FSTD as part of an approved training programme notwithstanding that an FSTD holds a qualification.

(9) An FSTD qualified in terms of this Part shall only be operated by a holder of a valid ATO certificate and operations specification.

Application for FSTD qualification

60.01.3 (1) An application for a qualification of an FSTD shall be made to the Director, not less than 60 days prior to inspection contemplated in regulation 60.01.6, in a form and manner as prescribed in the SACAA FSTD A or SACAA FSTD H Documents and shall be accompanied by the appropriate fee as prescribed in Part 187.

(2) An application shall include—

- (a) a QTG for an FSTD;
- (b) a statement of compliance that an FSTD is built to a specified level from a manufacturer;
- (c) a document describing a quality system that an operator proposes to use in order to satisfy regulation 60.01.9; and
- (d) a lease agreement, where an applicant is not an owner of an FSTD.

(3) An application for FSTD qualification shall not be considered where an applicant has no operational control over a concerned FSTD.

Initial evaluation and qualification of FSTD

60.01.4 (1) Upon receipt of an application for qualification of an FSTD, the Director shall conduct an initial evaluation of an FSTD, including consideration of—

- (a) any inspection or trial of an FSTD;

- (b) data provided in a QTG;
- (c) any available information obtained from previous test conducted on an applicant concerned; and
- (d) a statement of compliance for an FSTD, built to specified level.

(2) The Director shall qualify an FSTD at the qualification level demonstrated if, after the initial evaluation, the Director is satisfied that—

- (a) an operator's quality system is suitable for an FSTD; and
- (b) an FSTD meets a qualification level.

(3) The Director may qualify an FSTD that simulate a new type of aircraft for which fully validated aircraft data is not available, at an interim qualification level, based on partially validated aircraft data.

(4) An interim qualification level applies for the period agreed between the Director and an operator of an FSTD, failure which, such operator may not continue to operate.

(5) When qualifying an FSTD, the Director shall simultaneously approve a QTG for such an FSTD.

Issue of FSTD qualification certificate

60.01.5 (1) If an FSTD meets all the qualification requirements, the Director shall issue a qualification certificate to the operator of an FSTD.

(2) An FSTD issued certificate shall—

- (a) include the name of an operator;
- (b) include information identifying an FSTD;
- (c) specify an aircraft that is simulated by an FSTD; and
- (d) specify a qualification level for an FSTD.

Period of validity of FSTD qualification

60.01.6 (1) An FSTD qualification shall be valid from the effective date specified in a certificate and shall be for a period of —

- (a) 12 months for an FFS Level A, B, C, D, FTD I and II FSTD;
- (b) not more than 24 months since previous evaluation for an FTD I and II FSTD;
- (c) 36 months since the previous evaluation for an FNPT II and FNPT II MCC FSTD; and

(d) 60 months since the previous evaluation for a BITD and an FNPT I FSTD.

(2) A qualification in terms of subregulation (1) ceases to be valid if—

- (a) it is cancelled under regulation 60.01.9 and Part 185;
- (b) there is a change of operator of an FSTD;
- (c) an FSTD is deactivated or relocated;
- (d) the annual currency fee payment has not been made as prescribed in Part 187; or
- (e) an operator's ATO certificate has expired or lapsed.

Recurrent evaluation of FSTD

60.01.7 (1) An operator of an FSTD shall apply to the Director for an FSTD recurrent evaluation on an annual basis.

(2) An application for recurrent evaluation referred to in subregulation (1) shall be accompanied by—

- (a) the results for a QTGs ran progressively over a period of the previous 12 months;
- (b) a list of subjective fly-outs conducted;
- (c) a quality review;
- (d) a schedule for the following 12 months QTG and fly-out planning; and the annual currency fee as prescribed in Part 187.

(3) A recurrent evaluation shall be conducted—

- (a) annually on an FFS Level A, B, C, D, FTD I and II FSTD;
- (b) on an FTD I and II FSTD, within a period not exceeding 24 months since the previous evaluation;
- (c) on an FNPT II and FNPT II MCC FSTD, within a period not exceeding 36 months since the previous evaluation; and
- (d) on a BITD and an FNPT I FSTD, within a period not exceeding 60 months since the previous evaluation.

(4) During a recurrent evaluation, a qualified FSTD shall be evaluated against—

- (a) a qualification level at which an FSTD was qualified at an initial qualification or accreditation of an FSTD in the Republic; or
- (b) if the Director has changed a qualification level since an initial evaluation, a qualification level as changed.

FSTD user certificate approvals

60.01.8 (1) A person intending to be a user of a qualified FSTD shall apply to the Director, in writing, for an FSTD user certificate.

(2) The Director shall take the following into consideration before issuing an FSTD user certificate—

- (a) a difference between the characteristics of an FSTD and the characteristics of a specific type or a specific make, model and series of an aircraft;
- (b) whether or not a user operates such an aircraft;
- (c) a proposed user's operating and training competencies; and
- (d) the validity and scope of a proposed user's ATO certificate.

(3) The Director may, in addition, consider any other matter that affects the manner in which an FSTD operates or is used.

(4) An FSTD user certificate issued in terms of subregulation (2) —

- (a) shall be issued in an appropriate form published on the website of the Authority;
- (b) may be issued subject to any condition specified therein; and
- (c) may be granted in terms of the Director FSTD Training or Testing credits as contained in Document SA-CATS 60.

(5) An FSD user certificate shall be effective from the date of issue and be valid until an applicable FSTD qualification ceases to be in force in terms of regulation 60.01.6.

(6) The Director may, by a written notice, vary, suspend, or cancel an FSD user certificate if the Director is of the opinion that compliance the provisions of subregulations (2) and (3) have changed.

Quality system

60.01.9 (1) An operator of an FSTD shall establish and maintain a quality system that ensures a correct operation and maintenance of FSTD.

(2) A quality system referred to in subregulation (1) shall comprise of the following—

- (a) quality policy;
- (b) management responsibility;
- (c) document control;
- (d) resource allocation;

- (e) quality procedures; and
- (f) internal audit.

Note A quality system shall be structured according to a size and complexity of an operator's organisation, in accordance with the requirements set out in SACAA FSTD A or SACAA FSTD H as applicable.

On-going fidelity requirements

60.01.10 (1) An operator of a qualified FSTD shall, annually and progressively—

- (a) perform all validation tests mentioned in the master QTG for an FSTD;
- (b) perform all functions and subjective tests within the current and any planned training program, or an equivalent sample approved by the Director; and
- (c) ensure that all results for the tests in paragraphs (a) and (b) are dated, marked as "analysed and evaluated" and retained to demonstrate that FSTD standards are being maintained.

(2) An FSTD operator shall establish a configuration management system to ensure the continued integrity of equipment and software of an FSTD.

(3) An FSTD operator shall maintain an on-going modification program to ensure that equipment, software and performance of an FSTD accurately simulate an aircraft specified in an FSTD certificate especially if—

- (a) there is an aircraft modification that is essential for training, testing and checking; and
- (b) there is a modification of an FSTD, including motion and visual systems, which are essential for training, testing and checking, as in the case of data revisions.

(4) An FSTD operator shall establish and maintain complete defect logs indicating each snag and maintenance conducted to rectify such snag, each signed off by an appropriate FSTD maintenance engineer.

(5) An FSTD operator shall conduct daily functionality checking to assure that an FSTD is performing to the level it is qualified for.

(6) An FSTD operator shall notify an FSTD user, before the use of FSTD, of any unserviceability that may affect any training, testing or checking sequence specified in an FSTD certificate.

Modification of qualified FSTD

60.01.11 (1) An operator of an FSTD shall notify the Director, in writing, if it proposes to modify an equipment or software of an FSTD—

- (a) in a way that may change the handling characteristics, flight modelling, performance and systems operation or any QTG;
- (b) in a way that may change the motion or visual systems;
- (c) by re-hosting of FSTD software;
- (d) by addition of systems and procedures including but not restricted to—
 - (i) EGPWS;
 - (ii) applicable TCAS; and
 - (iii) RNAV/GNSS; and
- (e) by aircraft modification that could affect an FSTD qualification.

(2) Upon receipt of a notice referred to in subregulation (1), the Director may conduct a special evaluation of an FSTD on how it is proposed to be modified.

(3) Subject to subregulations (4) and (5), regulations 60.01.4 and 60.01.5 shall apply in respect of a special evaluation as applicable to the initial evaluation.

(4) If the Director elects not to conduct a special evaluation referred to in subregulation (2), the Director shall advise an operator in writing —

- (a) that such operator may make a proposed modification of an FSTD; which includes a modification documentation; and
- (b) an FSTD qualification shall continue to be in force after a modification has been effected.

(5) During a special evaluation, an FSTD may be assessed against—

- (a) a qualification level at which an FSTD was qualified at an initial qualification of an FSTD in the Republic; or
- (b) a qualification level as changed, if the Director has changed a qualification level since an initial evaluation.

Change in qualification level of FSTD

60.01.12 (1) An operator of a qualified FSTD may apply to the Director for a re-qualification of an existing device and shall submit the following:

- (a) reasons for a change requested; and
- (b) a statement of compliance to a proposed qualification level.

(2) Upon receipt of an application in terms of subregulation (1), the Director shall conduct a special evaluation of an FSTD, applying the standards in the SACAA FSTD A or SACAA FSTD H documents.

- (3) If the Director amends a qualification level, the Director shall —
- (a) approve any resulting amendment to a master QTG of an FSTD; and
 - (b) issue a revised FSTD qualification certificate.

Deactivation, relocation, or reactivation of FSTD

60.01.13 (1) An operator of an FSTD shall notify the Director, in writing, in accordance with SACAA FSTD A or SACAA FSTD H documents when a device is deactivated or relocated.

(2) An FSTD may be re-activated in accordance with initial qualification requirements and certification.

Change of operator of qualified FSTD

60.01.14 (1) An operator of an FSTD shall notify the Director, in writing, of any proposed change of operator of a device.

(2) If there is a change of an operator of an FSTD—

- (a) a former operator shall provide a new operator with the records referred to in regulation 60.01.16; and
- (b) a new operator shall apply to the Director for re-qualification of an FSTD.

(3) An application referred in subregulation (2) shall be accompanied by a plan of transfer, setting out in detail how a new operator shall comply with the requirements of regulation 60.01.15.

(4) If the Director is satisfied that a new operator is able to comply with the requirements of this Subpart, the Director may—

- (a) approve a plan referred to in subregulation (3); and
- (b) issue a new FSTD qualification certificate.

Evaluation teams

60.01.15 (1) The Director may—

- (a) arrange for an evaluation to be conducted by an evaluation team; and
- (b) appoint a person to be an evaluation team leader, having regard to the skills, qualifications, and experience necessary to undertake an evaluation.

Records

60.01.16 (1) An operator of an FSTD shall keep the following records relating to a device for at least 5 years after a device is decommissioned:

- (a)** a master QTG;
- (b)** modification records; and
- (c)** quality system records.

(2) An FSTD operator shall retain the results of each test carried out under regulation 60.01.11(1) for an FSTD for a period of 5 years after a test was conducted.

(3) If there is a change of an operator of an FSTD, a new operator shall keep the records and test results relating to a device that were kept by a former operator for the period prescribed in subregulation (2).".

Amendment of Part 61 of the Regulations

11. Part 61 is hereby amended by—

(a) the substitution for Subpart 1 in the list of regulations of the following Subpart :

"SUBPART 1: GENERAL

61.01.1 Applicability

61.01.2 Pilot licences

61.01.3 Rating for pilots

61.01.4 Flight instructor

61.01.5 Skills tests, competency check and revalidation check

61.01.6 Medical requirements and fitness

61.01.7 Language

61.01.8 Logging of flight time

61.01.9 Crediting of flight time and theoretical knowledge

61.01.10 Theoretical knowledge examination

61.01.11 Curtailment of privileges of licence holders aged 60 years or more

61.01.12 Flight simulation training device

61.01.13 Recognition, validation and conversion of foreign pilot licence and rating

61.01.14 Register of licences

61.01.15 Training for acquiring licence, rating or validation

61.01.16 Payment of currency fee

61.01.17 Approval process

61.01.18 Endorsement and record keeping".

- (b) the substitution in regulation 61.01.3 for paragraphs (a) to (c) of subregulation (1) of the following paragraphs:

" (a) category rating [ratings]—

- (i) aeroplane; and
- (ii) helicopter.

(b) class [ratings] rating—

- (i) [all] single-engine [piston aeroplanes] aeroplane (land);
- (ii) [all] single-engine [piston aeroplanes] aeroplane (sea);
- (iii) [all touring gliders;]
- (iv) [each manufacturer of single-engine turbo-prop aeroplanes (land);]
- (v) [each manufacturer of single-engine turbo-prop aeroplanes (sea);]
- (vi) [all] multi-engine [piston aeroplanes] aeroplane (land); and
- (vii) [all] multi-engine [piston aeroplanes] aeroplane (sea);

(c) type rating [ratings]—

- (i) [aeroplane with a MCM exceeding 5 700 kg] aeroplane certified as airworthy for operation with minimum crew of at least more than one pilot;
- (ii) [multi-engine turbo-prop aeroplane] turbojet and turbofan powered aeroplane;
- (iii) [aeroplane certificated for operation with a flight crew of at least two pilots] a helicopter certified for multi-crew operation; and

(iv) **[aeroplane with unconventional handling characteristics that requires additional flying or FSTD training] any aircraft considered necessary by the Director;**

[(v) warbird;]";

(c) the substitution in regulation 61.01.5 for subregulation (11) of the following subregulation:

"(11) the following requirements shall be complied with for an initial issue of a licence or rating:

"(a) an application for an initial issue of a licence or rating must be submitted to the Director within 30 days of the skills test, except in the case of an applicant undergoing an ATPL(A) integrated training course in terms of this Part, where an application for a CPL(A) and IR must be submitted within 90 days of the skills test; and

(b) an application referred to in paragraph (a) submitted after the prescribed period of 30 days, shall be accompanied by a condonation application for consideration by the Director."

(d) the substitution for regulation 61.01.6 of the following regulation:

"Medical requirements and fitness

61.01.6 (1) An applicant for a pilot licence in terms of this Part must hold an appropriate valid medical certificate issued in terms of Part 67 of these regulations.

(2) [The] A holder of a pilot licence issued in terms of this Part may not exercise the privileges of that licence—

- (a) unless that person holds an appropriate valid medical certificate issued in terms of Part 67 and complies with all medical endorsements on that medical certificate;
- (b) while he or she is aware of having a medical deficiency that would make him or her unable to meet the medical standards for his or her medical certificate, until he or she has been assessed and declared medically fit again by an aviation medical examiner designated in terms of Part 67; or
- (c) when he or she is unable to act as a flight crew member of an aircraft because of the circumstances prescribed in regulations 91.02.3 (1) and (2).

(3) If a reasonable suspicion exists that a licence holder has contravened the provisions of paragraph 91.02.3 (1)(a) [of regulation 91.02.3] and paragraphs 91.02.3 (2)(a), (b) and (c)[of regulation 91.02.3 (2)], the authorised officer, inspector or authorised person may order [the] such licence holder to undergo appropriate medical tests.

(4) Should [the] a licence holder refuse to submit to the test referred to in sub-regulation (3), the authorised officer, inspector or authorised person must suspend [the] a licence concerned with immediate effect.

(5) [The] A holder of a pilot licence issued in terms of this Part must carry [the] a medical certificate, referred to in paragraph (a) of sub-regulation (2), at all times when exercising the privileges of such licence, and must produce such certificate on demand by the Director, an authorised officer, inspector or authorised person.

(6) A holder of a pilot licence issued in terms of this Part must submit to the Director, within 60 days of issue, a medical certificate referred to in subregulation (2)(a) and, where applicable, a declaration of medical fitness referred to in subregulation (2)(b), unless relevant electronic data has been submitted by an aviation medical examiner who issued such certificate or declaration of medical fitness.”;

(e) the substitution in regulation 61.01.8 (7) for paragraph (b) of the following paragraph:

“(b) PICUS, provided there is no intervention by [the] a supervising PIC and the word “PICUS” is indicated in the remarks column with [the] an entry certified by [the] a supervising PIC. PICUS may, irrespective of [the] a licence held, [be flown] fly an aircraft from either [the] a left hand or [the] a right-hand seat, provided that [the] a pilot is appropriately rated and [the] an aircraft is either [certificated] certified as airworthy for multi-pilot operations or required to be operated by two pilots in terms of [Parts 91, 94, 96,] Part 121, 127, or 135 [of these regulations or 138;].”;

(f) the substitution for regulation 61.01.17 of the following regulation:

“[Approval of flight simulation training devices] Approval process and qualification of FSTD

61.01.17 The [qualification criteria and associated training, testing and checking approvals are contained in] approval process of qualification of an FSTD shall be in accordance with Part 60.”;

- (g) the substitution in regulation 61.03.1 for subregulation (3) of the following subregulation:

"(3) A South African Air Force [pilots] qualified pilot may apply [for exemption from some or all of these requirements as indicated in subregulation 61.01.9 (23).] to be credited with theoretical knowledge examination and flight time in terms of this Part.";

- (h) the substitution in regulation 61.04.1 for subregulation (5) of the following subregulation:

"(5) A South African Air Force [pilots] pilot may apply [for exemption for some or all of these requirements as indicated in subregulation 61.01.9 (23).] to be credited for theoretical knowledge examinations and flight time in terms of this Part.";

- (i) the substitution in regulation 61.05.1 for paragraphs (d) and (e) of subregulation (3) of the following paragraphs:

- "(d) [20] 10 hours of instrument instruction time, of which not more than [10] 5 hours may have been acquired in an FSTD; and**
(e) at least 5 hours instruction in an aeroplane with adjustable flaps, retractable undercarriage and variable pitch propeller or turbojet engine."

- (j) the substitution in regulation 61.05.1 for subregulation (4) of the following subregulation:

"(4) A South African Air Force [pilot or navigator] qualified pilot may apply [for exemption for some or all of these requirements as indicated in subregulation 61.01.9 (23).] to be credited with theoretical knowledge examination and flight time in terms of this Part.";

- (k) the substitution in regulation 61.05.2 for subregulation (1) of the following subregulation:

"Application for and issue of CPL(A)

61.05.2(1) An application for a CPL(A) must be made to the Director on the prescribed form and must be accompanied by –

- (a) a valid medical certificate, issued in terms of Part 67;**

- (b) documentary evidence of compliance as stipulated in regulation 61.05.1(1)(d);
- (c) certified true copies of documents proving that an applicant has passed the theoretical knowledge examination referred to in regulation 61.05.1(1)(f) and 61.01.10;
- (d) an applicant's flying logbook summarised in the format as prescribed in Document SA-CATS 61;
- (e) a skills test report as prescribed in Document SA-CATS 61;
- (f) two recent passport-size photographs of an applicant, unless such applicant is a holder of another pilot licence issued in terms of Part 61;
- (g) the appropriate fee as prescribed in Part 187; and
- (h) in the case of a student undergoing an ATPL(A) integrated training course, a course completion certificate in accordance with regulation 61.01.5 (11) (c).

(3) The Director must issue a CPL(A), if he or she is satisfied that an applicant complies with the requirements referred to in regulation 61.05.1.

(4) A CPL(A) must be issued in the appropriate format, as prescribed in Document SA-CATS 61.

(5) A holder of a CPL(A) must, upon receipt of such licence, immediately affix his or her signature thereon in ink in the space provided for such purpose.”:

(l) the substitution for regulation 61.05.7 of the following regulation:

“Maintenance of competency for CPL(A)

61.05.7 (1) In order to maintain a competency, a holder of a CPL(A) shall undergo a revalidation check within 12 months from the date of initial issue of a CPL(A) and thereafter not later than 24 months calculated from the beginning of a month following a date of each revalidation of such competency.

(2) A holder of a CPL(A) whose competency has lapsed by not more than 36 months, shall, for the purposes of regaining such competency, be required to—

- (a) undergo a ground and flight training at an approved ATO to reach the standard required for the competency check of CPL(A);
- (b) meet the recency requirements to act as PIC; and
- (c) pass a competency check in the same category of aircraft.

(3) A holder of a CPL(A) whose competency has lapsed by a period exceeding 36 months, shall, for the purposes of regaining such competency, be required to—

- (a) rewrite Air Law examination;
- (b) undergo ground and flight training at an approved ATO to reach the standard required for initial skills test for a CPL(A) and meet the recency requirements to act as PIC; and
- (c) pass an initial CPL (A) skills test in the same category of aircraft.

(4) A holder of a CPL(A) who has not flown a minimum of 3 hours as PIC, PICUS or 6 hours as co-pilot in a period of 6 months preceding competency check, shall undergo ground and flight training at an approved ATO to reach the standard required for the competency check of a CPL(A) and meet the recency requirements to act as PIC.

(5) A competency check required in terms of this Part must be undertaken in an aeroplane or an FSD approved for such purpose.”;

- (m) the substitution in regulation 61.06.1 for subregulation (4) of the following subregulation:

“(4) A South African Air Force qualified pilot or navigator may apply [for exemption for some or all of these requirements as indicated in subregulation 61.01.9 (23)] to be credited with theoretical knowledge examination and flight time in terms of regulation 61.01.9 (23).”;

- (n) the substitution in regulation 61.06.4 for subregulation (1) of the following subregulation:

“61.06.4 (1) An applicant for a CPL(H) must undergo the skills test for a CPL(H) referred to in paragraph (g) of subregulation 61.06.1(1) within 30 days of the last [period] date of dual instruction.”;

- (o) the substitution in regulation 61.07.1 for paragraph (g) of subregulation (4) of the following paragraph:

“(g) up to 50 per cent of the 1 500 hours and each of the requirements specified in subregulation (2) (a), (b), (c), (d) and (e) [above] may be completed in helicopters; and”;

- (p) the substitution in regulation 61.07.1 for subregulation (5) of the following subregulation:

“(5) A South African Air Force qualified pilot [flight instructor or navigator instructor may apply for exemption for some or all of these requirements as indicated in regulation 61.01.9 (23)] may apply to be credited with theoretical knowledge examination and flight time in terms of regulation 61.01.9 (23).”;

(q) the substitution for regulation 61.07.3 of the following regulation:

“Theoretical knowledge examination for ATPL(A)

61.07.3 (1) A person who obtains a credit or a pass for ATPL(A) subjects must obtain an IR within 36 months.

(2) The subjects passed for ATPL(A) shall remain valid for a period of 60 months from the date of expiry of the latest Instrument Rating Revalidation Check.

(3) A person who has previously passed all ATPL(A) theoretical knowledge examinations but was not issued with an IR within a period of 36 months, may be granted credit for ATPL theoretical knowledge instruction at the discretion of a Head of Training of an approved ATO.”;

(r) the substitution for regulation 61.07.9 of the following regulation:

“Recency requirements for an ATPL(A)

61.07.9 [(1) The] A holder of an ATPL(A) shall comply with the recency requirements [of] as stipulated in regulation 91.02.4.”;

(s) the substitution for regulation 61.08.1 of the following regulation:

“Requirements for ATPL(H)

61.08.1 (1) An applicant for an ATPL(H) must—

(a) not be below 21 years of age;

(b) hold a valid Class 1 medical certificate, issued in terms of Part 67;

(c) produce evidence of holding or having held, within the previous 60 months, a night rating and a—

(i) PPL(H) or CPL(H) issued in terms of these regulations;

(ii) helicopter pilot licence issued by a Contracting State; or

(iii) SPL and a completion of an integrated training course approved by the Director;

(d) have successfully completed the training as prescribed in Document SA- CATS 61 at an approved ATO;

- (e) have passed the theoretical knowledge examination as prescribed in Document SA-CATS 61; and
- (f) have passed the skills test referred to in regulation 61.08.4.

(2) An applicant for an ATPL(H) must have completed no less than 1 500 hours of flight time in a helicopter, which must include—

- (a) 250 hours as PIC, of which a maximum of 70 hours may be PICUS;
- (b) 200 hours cross-country flight time, of which 100 hours may be as co-pilot or PICUS;
- (c) 30 hours instrument flight instruction time, of which no more than 10 hours were acquired in a helicopter FSTD approved for the purpose by the Director, during the six months immediately preceding the date of application if he or she is not a holder of an instrument rating; and
- (d) 50 hours night flight time as PIC or as co-pilot.

(3) The 1 500 hours flying experience referred to in subregulation(2) may comprise flight time in any of the following capacities—

- (a) as PIC, counted in full;
- (b) as pilot under instruction (dual), counted in full;
- (c) as co-pilot performing under the supervision of a PIC the functions and duties of a PIC, counted in full;
- (d) as co-pilot, counted in full;
- (e) as student PIC, counted in full up to a maximum of 30 hours towards a PIC time required for the issue of an ATPL(H); and
- (f) a maximum of 100 hours may have been completed in an approved FSTD of which a maximum of 25 hours may have been completed in an FNPT.

(4) A maximum of 750 hours of the 1 500 hours required in terms of subregulation (2) may be completed in an aeroplane.

(5) A South African Air Force pilot may apply to be credited with theoretical knowledge examination and flight time in terms of regulation 61.01.9 (23).”;

- (t) the substitution for regulation 61.08.3 of the following regulation:

“Theoretical knowledge examination for an ATPL(H)

61.08.3 (1) A person who obtains a credit or a pass, for ATPL subjects and requires to be issued with an IR on helicopters must obtain such IR within 36 months.

(2) The subjects passed for ATPL shall remain valid for a period of 60 months from the date of expiry of latest Instrument Flying Revalidation Check.

(3) A person who has previously passed all ATPL theoretical knowledge examinations and was not issued with a CPL within a period of 36 months, may be granted credit for ATPL theoretical knowledge instruction at the discretion of a Head of Training of an approved ATO.”:

(u) the substitution in regulation 61.09.3 for subparagraph (b)(i) of subregulation (2) of following subparagraph:

“(b) Class rating—

(i) **[100] 70 hours as [pilot-in-command] PIC of an [aeroplanes] aeroplane for the multi-engine class rating.”;**

(v) the substitution for regulation 61.09.14 of the following regulation:

“Application for issuing of class or type rating

61.09.14 (1) An application for a class or type rating must be accompanied by—

- (a) documentary evidence showing compliance with the requirements of the relevant provisions of this Part;**
- (b) appropriate fee as prescribed in Part 187; and**
- (c) in the case of a student who has undergone an ATPL(A) integrated training course, a course completion certificate.**

(2) If an applicant complies with all the relevant requirements, the Director shall issue a class or type rating in the appropriate prescribed form.

(3) A DFE or flight instructor who conducted an assessment for a Class or Type rating shall endorse a concerned pilot logbook and may complete and sign a temporary certificate of competency entitling such applicant to exercise the privileges of a rating for flights within the borders of the Republic for a period not exceeding 30 days.

(4) A DFE or flight instructor may place a restriction on an applicant to act as co-pilot or as third pilot as the case may be.

(5) The Director has the right to withdraw a privilege of a rating should any irregularity with respect to an endorsement be found."

(w) the insertion in regulation 61.11.2 after paragraph (g) of subregulation (1) of the following paragraph:

"(h) where training is part of an approved ATPL(A) integrated training course, submit a course completion certificate in accordance with regulation 61.01.5 (11).";

(x) the deletion for regulation 61.11.8.

(y) the substitution for regulation 61.12.5 of the following regulation:

"Privileges and limitations of holder of Grade III Flight Instructor Rating (Aeroplane)

61.12.5 (1) A Grade III Flight Instructor (Aeroplane) may, subject to subregulation

(2), give instruction as limited by an endorsement in his or her logbook or licence, for the purposes of—

- (a) issuance of a SPL;**
- (b) issuance or revalidation of a PPL;**
- (c) familiarisation and differences training;**
- (d) issuance of a night rating;**
- (e) issuance of an instrument rating;**
- (f) issuance of a multi-engine class rating; and**
- (g) issuance of a type rating.**

(2) A Grade III Flight Instructor (Aeroplane) may give ground or flight instruction only under the supervision of a holder of a valid Grade I or Grade II Flight Instructor Rating (Aeroplane).

(3) The requirements for the endorsements referred to in subregulation (1) are as follows—

- (a) an instructor must have—
 - (i) flight instructor endorsement for a specific aeroplane class, including make and model within a class, and aeroplane type, where a type rating is required, in his or her logbook and licence; or
 - (ii) written authorisation in the case of instruction on an FSTD;
- (b) in the case of instruction in an aeroplane, an instructor must have demonstrated proficiency in flying an aeroplane from each pilot seat;
- (c) an instructor must meet all relevant recency requirements for each endorsement before the privileges of that endorsement may be exercised;
- (d) in the case of night rating instructor endorsement, an instructor must have—
 - (i) a night rating and show evidence of having completed appropriate training as prescribed in Document SA-CATS 61;
 - (ii) demonstrated to a DFE I or II (A), in the case of an initial Grade III skills test, or the CFI of an approved ATO in the case of an existing Grade III instructor, the ability to give—
 - (aa) a suitable night flying briefing;
 - (bb) instruction in an aeroplane or approved FSTD on instrument flying to the level required for a night rating; and
 - (cc) flight instruction at night in an aeroplane which must consist of at least three take-offs and three landings; and
 - (iii) his or her logbook endorsed by a DFE or CFI with the words “Authorised to give instruction for night ratings”;
- (e) in the case of instrument flight instructor endorsement, an instructor must have—
 - (i) given not less than 100 hours of instruction in an aeroplane or FSTD;
 - (ii) a valid instrument rating appropriate to an aeroplane in which instrument training is provided;
 - (iii) completed a course at an approved ATO as prescribed in Document SA-CATS 61, or an equivalent course acceptable to the Director;
 - (iv) demonstrated to a DFE I or II(A) ability to give suitable briefings and instruction in instrument flying to the level required for an instrument rating; and
 - (v) his or her logbook endorsed by a DFE with the words “Authorised to give instruction for instrument ratings; and
- (f) in the case of a multi-engine class rating instructor endorsement, an instructor must have—
 - (i) given at least 100 hours of instruction in an aeroplane or FSTD;
 - (ii) accumulated at least 20 hours of flight time as PIC of a multi-engine aeroplane;

- (iii) completed a course at an approved ATO as prescribed in Document SA-CATS 61, or an equivalent course acceptable to the Director;
- (iv) accumulated at least 5 hours as PIC in a specific make and model of a multi-engine aeroplane used for training;
- (v) undergone a skills test for endorsement with a DFE I or II (A); and
- (vi) his or her logbook endorsed by a DFE with the words "Authorised to give instruction for multi-engine class ratings."

(4) An approved ATO operator who requires a Grade III instructor to offer type rating training, must apply to the Director for a type rating instructor endorsement.

(5) An application referred to in subregulation (4) must be accompanied by—

- (a) reasons for requiring a Grade III instructor to offer training;
- (b) detailed plan on how a Grade III instructor will be supervised;
- (c) evidence that a Grade III instructor has—
 - (i) accumulated at least 100 hours of instruction in an aeroplane or FSTD;
 - (ii) been rated as PIC on an aeroplane type required to instruct on;
 - (iii) completed a course of instruction, acceptable to the Director, at an approved ATO on a specific type;
 - (iv) passed the Turbo-propeller and Turbojet endorsement examination;
 - (v) an ATPL(A) or has completed the high performance aircraft theory requirements;
 - (vi) undergone a skills test for endorsement with a DFE I (A) or DFE II (A) in the case of instructing on an aeroplane, or have a written authorisation in the case of instructing on an FSTD; and
 - (vii) his or her logbook endorsed by a DFE with the words indicating a type he or she is authorised to give."

(z) the substitution in regulation 61.15.4 for subregulation (3) of the following subregulation:

"(3) [The] A skills test referred to in subregulation (2) must be conducted in [an] a helicopter [,] fitted with fully functional dual controls [,] or in an approved level D FSTD."

(aa) the substitution in regulation 61.16.1 for paragraph (g) of the following paragraph:

“(g) have successfully undergone the instructor ground evaluation test referred to in Document SA-CATS 61; and”;

(bb) the substitution for regulation 61.17.1 of the following regulation:

“Requirements for Grade I Helicopter Flight Instructor Rating

61.17.1 (1) A person may only be issued with a Grade I Helicopter Flight Instructor Rating if that person has —

- (a) a valid CPL(H) or an ATPL(H);**
- (b) a valid multi-engine instrument rating;**
- (c) appropriate instrument flight training endorsement;**
- (d) been in possession of a valid Grade II Helicopter Flight Instructor Rating within immediately preceding 90 days;**
- (e) had a Grade II Helicopter Flight Instructor Rating for at least 8 months;**
- (f) given at least 1 500 hours of flight instruction as a helicopter flight instructor;**
- (g) within the last six months, acquired at least 10 hours of instrument flight time in an aircraft or an approved FSTD;**
- (h) successfully completed appropriate training course as prescribed in Document SA-CATS 61 offered by an approved ATO;**
- (i) successfully undergone the instructor ground evaluation test referred to in Document SA-CATS 61; and**
- (j) undergone skills test referred to in regulation 61.17.4.**

(2) A skills test referred to in subregulation (1)(j) must be conducted by a DFE within 30 days of successfully completing an instructor ground evaluation referred to in subregulation (1)(j).”;

(cc) the substitution in regulation 61.19.1 for paragraph (b) of subregulation (1) of the following paragraph:

“(b) have completed not less than 500 **[hours]** hours flight time of which not less **[that] than** 300 hours were as PIC;”;

(dd) the substitution in regulation 61.20.1 for subregulation (2) of the following subregulation:

“(2) A person who conducted a proficiency check shall endorse a pilot logbook of an applicant accordingly.

(3) An applicant must submit an appropriate application form accompanied by a copy of an endorsed logbook page referred to in subregulation (2).”;

- (ee) the substitution in regulation 61.22.2 for subregulation (1) of the following subregulation:

“61.22.2 (1) An application for a helicopter sling load rating must be made to the Director in the appropriate prescribed form [as].”;

- (ff) the substitution in regulation 61.24.1 for paragraph (b) of the following paragraph:

“(b) hold [the] an appropriate type rating [by name; and]”; and

- (gg) the substitution in regulation 61.24.2 for subregulation (1) of the following subregulation:

“61.24.2 (1) An application for a Helicopter Game or Livestock Cull Rating must be made to the Director in the appropriate prescribed form [as].”.

Amendment of Part 62 of the Regulations

12. Part 62 is hereby amended-

- (a) by the substitution for regulation 62.14.6 of the following regulation:

“Skills test

62.14.6 (1) An applicant for the issuing of a [part] Part 96 authorisation shall have demonstrated to an appropriately qualified [designated examiner] Grade A flight instructor, the ability to perform, as PIC of an aircraft in the category for which the authorisation is sought, the procedures and manoeuvres prescribed in Document SA-CATS 62 with a degree of competency appropriate to the privileges granted to [the] a holder of a [part] Part 96 authorisation.

(2) [The] An applicant referred to in subregulation (1) shall undergo a skills test referred to in subregulation (1) within six months of passing the theoretical knowledge examination referred to in regulation 62.14.5 and within the 90 days immediately preceding the date of application”.

Amendment of Part 63 of the Regulations

13. Part 63 is hereby amended by—

(a) the substitution for regulation 63.01.1 of the following regulation:

“Applicability

63.01.1 This Part applies to matters relating to—

- (a) the issuing of flight engineer licences and ratings;
- (b) privileges and limitations of licences and ratings;
- (c) validation of foreign flight engineer licences and ratings; and
- (d) privileges and limitations of validated licences and ratings.”;

(b) the substitution for regulation 63.01.2 of the following regulation:

“Authority to act as flight engineer

63.01.2 (1) [No] A person shall not act as a flight engineer of a South African registered aircraft unless such person holds a valid—

- (a) flight engineer licence and rating issued[, renewed or reissued] in terms of this **[part] Part**; or
- (b) flight engineer licence and rating issued by an appropriate authority of another State and validated in terms of this **[part] Part**.

(2) **[The] A** holder of a flight engineer licence shall not exercise any privilege [privileges] other than **[the] a privilege [privileges]** granted by **[the] a** licence and appropriate rating **[held by] issued** to such a holder.

(3) **[The] A** holder of a flight engineer licence shall pay the annual currency fee as prescribed in **[part 187] Part 187** applicable to the type of licence on the anniversary date of such licence.”;

(c) the substitution in regulation 63.01.14 for subregulation (1) of the following subregulation:

“63.01.14 (1) The Director may designate an examiner to—

- (a) conduct **[skill] skills** tests and to complete skill test reports required for the reissuing of type ratings; and
- (b) conduct **[skill] skills** tests and to complete skill test reports required for the issuing and reissuing of flight engineer instructor ratings.”;

- (d) the substitution in regulation 63.01.14 for subregulation (4) of the following subregulation:

“(4) ~~[The]~~ An application to be considered for designation as referred to in subregulation (1) shall be accompanied by—

- (a) ~~[detail]~~ details of ~~[the]~~ any licence and ~~[ratings]~~ rating to which ~~[the]~~ such application ~~[applies]~~ relates; and
- (b) the appropriate fee as prescribed in Part 187.”;

- (e) the substitution for regulation 63.02.6 of the following regulation:

“Application for flight engineer licence

63.02.6 (1) An application for the issuing of a flight engineer licence shall be made to the Director in an appropriate form published on the website of the Authority .

(2) An application referred to in subregulation (1) shall be accompanied by—

- (a) original or certified copy of proof of identity and age of an applicant;
- (b) a valid Class II medical certificate issued in terms of Part 67;
- (c) original or certified proof that an applicant has passed the theoretical knowledge examination referred to in regulation 63.02.4;
- (d) a skill test report as prescribed in Document SA-CATS 63;
- (e) a copy of a valid CPL or ATPL, or a proof of practical aeronautical engineering experience or a Bachelor of Science degree in Aeronautical Engineering held or obtained by an applicant;
- (f) the appropriate fee as stipulated in Part 187; and
- (g) two recent passport size photographs of an applicant”.

- (f) the substitution for regulation 63.02.08 of the following regulation:

“63.02.8 A flight engineer licence shall be valid for an indefinite period: Provided that the privileges of the licence shall not be exercised by ~~[the]~~ a holder thereof unless—

- (a) he or she is ~~[the]~~ a holder of a valid ~~[Class 1]~~ Class 2 medical certificate issued in terms of Part 67; and
- (b) he or she holds a valid type rating”.

- (g) the substitution in regulation 63.04.1 for paragraph (e) of the following paragraph:

"(e) have undergone **[the skill] skills** test referred to in regulation 63.04.5.";

- (h) the substitution in regulation 63.04.5 for subregulation (2) of the following subregulation:

"(2) **[The] An** applicant for the issuing of a Grade I flight engineer instructor rating shall undergo **[the skill] skills** test referred to in subregulation (1) within six months of passing the theoretical knowledge examination referred to in regulation 63.04.4 and within the 90 days immediately preceding the date of application.";

- (i) the substitution for regulation 63.04.6 of the following regulation:

Application for Grade I flight engineer instructor rating

63.04.6 (1) An application for a Grade I flight engineer instructor rating shall be made to the Director in an appropriate form published on the website of the Authority.

(2) An application referred to in subregulation (1) shall be accompanied by—

- (a) a certified true copy of proof that an applicant has passed the theoretical knowledge examination referred to in regulation 63.04.4;
- (b) a skills test report as prescribed in Document SA-CATS 63;
- (c) a flight engineer licence, type rating and Grade II flight engineer instructor rating held by an applicant; and
- (d) the appropriate fee as prescribed in Part 187.";

- (j) the substitution in regulation 63.04.9 for paragraph (b) of subregulation (2) of the following paragraph:

"Privileges

63.04.9 (1) **[The] A** holder of a valid Grade I flight engineer instructor rating shall be entitled to exercise the privileges of such rating in the type of aircraft for which such rating relates **[the holder is rated]**.

(2) **[The] A** holder of a valid Grade I flight engineer instructor rating—

- (a) may give flight engineer instruction for the issuing of a flight engineer licence or type rating; and

- (b) may assess any applicant for the issuing of a flight engineer licence or type rating and **[competent the appropriate skill]** complete any required skills test report and certificate of competency.”;
- (k) the substitution for regulation 63.04.10 of the following regulation:

“Renewal

63.04.10 (1) An instructor who intends to renew a Grade I flight engineer instructor rating, must, within the 90 days immediately preceding the date of expiry of such rating, have—

- (a) conducted not less than 50 hours of flight engineer instruction within the three years preceding the date of expiry, of which not less than 30 hours must have been given within the 12 months immediately preceding the date of expiry of such rating; or
- (b) attended a flight engineer instructor refresher seminar as prescribed in Document SA-CATS 63; and
- (c) undergone a skills test referred to in regulation 63.04.5.

(2) A holder of flight engineer instructor rating referred to in subregulation (1) shall—

- (a) provide the Director with a skills test report as prescribed in Document SA-CATS 63;
- (b) ensure that an appropriate page of his or her licence is signed by a designated examiner; and
- (c) ensure that his or her logbook is endorsed by a designated examiner.

(3) If the result of skills test contemplated in subregulation (1) reveals that a holder of a rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 63.04.9, a designated examiner shall—

- (a) report such result to the Director; and
- (b) not sign any page of a licence of such a holder of a rating.

- (l) the substitution for regulation 63.04.11 of the following regulation:

"Reissue

63.04.11 (1) A holder of a Grade I flight engineer instructor rating which has expired due to the lapse of the period referred to in regulation 63.04.8, may, apply for a reissuing of such rating.

(2) The Director shall reissue a rating if—

- (a) a period of 60 months, calculated from the date of expiry of such rating, has not lapsed;
- (b) an applicant has complied with the requirements for the reissue of a Grade I flight engineer instructor rating stipulated in subregulation (1);
- (c) an applicant has given no less than 50 hours flight engineer instruction as a holder of a Grade I flight engineer instructor rating reissued in terms of this regulation; and
- (d) an applicant has undergone a skills test referred to in regulation 63.04.5.

(3) An application for the reissuing of a Grade I flight engineer instructor rating shall be accompanied by—

- (a) a Grade I flight engineer instructor rating reissued in terms of this Part;
- (b) a copy of a relevant page of an applicant's logbook;
- (c) a skills test report as prescribed in Document SA-CATS 63; and
- (d) the appropriate fee as stipulated in Part 187.

(4) Notwithstanding the provisions of subregulation (2)(a), a holder of a Grade I flight engineer instructor rating that has expired for a period of 60 months or more may apply for the reissuing of such rating provided that such holder meets the requirements for a Grade I flight engineer instructor rating referred to in regulation 63.04.1.

(5) The provisions of regulation 63.04.6 shall apply with the necessary changes to an application referred to in this regulation";

(m) the substitution for regulation 63.05.2 of the following regulation:

"Experience

63.05.2 An applicant for the issuing of a Grade II ~~[fight]~~ flight engineer instructor rating shall have completed a training course during which not less than 25 hours of flight engineer instruction shall have been given under the supervision of ~~[the]~~ a holder of a Grade I flight engineer instructor rating.";

- (n) the substitution for regulation 63.05.5 of the following regulation:

“Skills test

63.05.5 (1) An applicant for the issuing of a Grade II flight engineer instructor rating shall demonstrate to a designated examiner the ability to perform appropriate procedures as prescribed in Document SA-CATS 63, with a degree of competency appropriate to the privileges granted to a holder of a Grade II flight engineer instructor rating.

(2) An applicant referred to in subregulation (1) shall undergo a skills test—

- (a) within six months of passing a theoretical knowledge examination referred to in regulation 63.05.3; and
- (b) within the 90 days immediately preceding the date of application.”;

- (o) the substitution for regulation 63.05.6 of the following regulation:

“Application for Grade II flight engineer instructor rating

63.05.6 (1) An application for a Grade II flight engineer instructor rating shall be made to the Director in the appropriate prescribed form.

(2) An application referred to in subregulation (1) shall be accompanied by—

- (a) original or certified proof that an applicant has passed the theoretical knowledge examination referred to in regulation 63.05.4;
- (b) a skills test report as prescribed in Document SA-CATS 63;
- (c) a flight engineer licence and type rating of an applicant; and
- (d) the appropriate fee as prescribed in Part 187.”;

- (p) the substitution for regulation 63.05.10 of the following regulation:

“Renewal

63.05.10 (1) A holder of a flight engineer instructor rating who intends to renew a Grade II flight engineer instructor rating, must, within the 90 days preceding the expiry date of such rating, have—

- (a) conducted no less than 50 hours of flight engineer instruction within the three years preceding the date of expiry, of which, no

- less than 30 hours must have been given within the 12 months preceding the expiry date of such rating; or
- (b) attended a flight engineer instructor refresher seminar as prescribed in Document SA-CATS 63; and
- (c) undergone a skills test referred to in regulation 63.05.5.

(2) A holder of a flight engineer instructor rating referred to in subregulation (1) shall —

- (a) provide the Director with a skills test report as prescribed in Document SA-CATS 63;
- (b) ensure that an appropriate page of his or her licence is signed by a designated examiner; and
- (c) ensure his or her logbook is endorsed by a designated examiner.

(3) If the result of a skills test contemplated in subregulation (1) reveals that a holder of a rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 63.05.9, a designated examiner shall—

- (a) report such result to the Director; and
- (b) not sign any page of a licence of a holder of a rating.”.

(q) the substitution for regulation 63.05.11 of the following regulation:

“Reissue

63.05.11 (1) A holder of a Grade II flight engineer instructor rating, which has expired due to the lapse of the period referred to in regulation 63.05.8, may apply for the reissuing of the rating.

(2) The Director shall reissue a Grade II flight engineer rating if—

- (a) a period of 60 months, calculated from the expiry date of such rating, has not lapsed; and
- (b) a holder thereof has, within 90 days preceding the date of application—
 - (i) attended a flight engineer instructor refresher seminar as prescribed in Document SA-CATS 63; and
 - (ii) undergone a skills test referred to in regulation 63.05.5.

(3) An application for the reissuing of a rating shall be accompanied by—

- (a) an original or certified copy of proof that an applicant has attended a flight engineer instructor refresher seminar;
- (b) a skills test report as prescribed in Document SA-CATS 63; and

(c) the appropriate fee as stipulated in Part 187.

(4) Notwithstanding the provisions of subregulation (2)(a), a holder of a Grade II flight engineer rating that has expired for a period of 60 months or more may apply for the reissuing of a rating, which may only be issued if such holder complies with the requirements for initial issue of a Grade II flight engineer instructor rating.

(5) The provisions of regulation 63.05.6 shall apply with the necessary changes to an application referred to in this regulation."

Amendment of Part 64 of the Regulations

14. Part 64 is hereby amended by—

(a) the substitution in regulation 64.01.9 for subregulation (4) of the following subregulation:

"(4) An applicant for designation as examiner referred to in subregulation (1) must be accompanied by—

- (a) proof of compliance with appropriate requirements as prescribed in Document SA-CATS 64;
- (b) details of a licence and any rating to which such application relates; and
- (c) the appropriate fee as prescribed in part 187;" and

(b) the substitution for regulation 64.02.5 of the following regulation:

"Application for cabin crew member licence

64.02.5 (1) An application for the issuing of a cabin crew member licence shall be made to the Director in an appropriate form published on the website of the Authority.

(2) An application referred to in subregulation (1) must be accompanied by—

- (a) a certified true copy of proof of identity and age of an applicant;
- (b) a valid Class 2 medical certificate issued in terms of Part 67;
- (c) original or certified proof that an applicant has passed the theoretical knowledge examination referred to in regulation 64.02.3;
- (d) a skills test report as prescribed in Document SA-CATS 64, signed by a designated examiner;
- (e) the appropriate fee as prescribed in part 187; and
- (f) two recent passport size photographs of an applicant."

Amendment of Part 65 of the Regulations

15. Part 65 of the regulations is hereby amended by—

(a) the substitution for regulation 65.01.3 of the following regulations:

“Conversion of licence or rating issued by appropriate Authority of another State

65.01.3 (1) [The] A holder of a licence or rating issued by an appropriate authority of another State, who desires to obtain a licence or rating issued under this **[part] Part**, shall apply to the Director in an appropriate form published on the website of the Authority, for a conversion of such licence or rating.

(2) **[The] An** application for a conversion referred to in subregulation (1) shall be accompanied by—

- (a) **[the]** appropriate fee as **[prescribed]** stipulated in **[part] Part 187**;
- (b) a certified true copy of **[the] a** licence to which **[the] a** conversion pertains;
- (c) a valid medical certificate; **[and]**
- (d) in the case of an application for **[the]** conversion of a licence or rating for the purpose of being employed as an air traffic service personnel member in the Republic, a temporary work permit or permanent residency permit and a letter of appointment from **[a South African] an** employer who requires the services of **[the] such** applicant;
- (e) a certificate of competence and assessment: and
- (f) a certificate of proof of English language proficiency.

(3) A licence or rating issued by an appropriate authority of another State may be recognised by the Director subject to the same restrictions which apply to such licence or rating and in accordance with and subject to the requirements and conditions as prescribed in Document SA-CATS 65.

(4) A licence or rating issued by an appropriate authority of another State may be converted by the Director in the appropriate prescribed form.

(5) **[The] A** holder of a licence or rating issued by an appropriate authority of another State and converted by the Director, shall at all times comply with the regulations in this

[part] Part and the requirements and conditions as prescribed in Document SA-CATS 65.”;

- (b) the deletion of regulation 65.01.9.
- (c) the substitution in regulation 65.03.11 for subregulation (2) of the following subregulation:

“(2) The Director may reissue an air traffic service assistant rating on application by **[the] a** holder thereof after a period of 24 months has elapsed from the date of expiry **[provided that the holder thereof provided]** provided [the] an applicant complies with the requirements as stipulated in regulation 65.03.6—

- (a) attends refresher training;
- (b) attends augmentation training on advances or developments in the ATM systems; and
- (c) has achieved a minimum of 70% pass mark in simulated applicable assessments determined by a validation examiner as indicated in technical standard 65.03.2 (7) in Document SA-CATS 65.”;

- (d) the substitution for regulation 65.08.5 of the following regulation:

“Requirements for validation of aerodrome control rating

65.08.5 (1) An applicant for the validation of aerodrome control rating shall, under the supervision of an operational air traffic service instructor have—

(a) provided aerodrome control services at an ATSU for which a rating validation is sought; and

(b) held dual training, for at least 100 hours to a maximum of 200 hours where there is one tower sector and for at least a minimum of 200 hours to a maximum of 400 hours where there is more than one tower sector.

(2) 50 % of the hours required in terms of subregulation (1)(b) may be provided on a simulator approved by the Director and which accurately simulates a geographical and airspace environment pertaining to the position for which a validation is sought.

(3) A person with an unsuccessful validation of an aerodrome control rating shall not be allowed to carry over any hourly credits from previous dual instruction when re-applying for validation.

(4) A person who has failed to obtain a validation as stipulated in subregulation 1 after having been assessed for practical performance at an ATSU, shall not be permitted to acquire a validation at the same ATSU until a period of 12 months after initial attempt has elapsed.

(5) A person referred to in subregulation (4) may re-apply for validation at an ATSU as prescribed in Document SA-CATS 65."

(e) the substitution for regulation 65.09.5 of the following regulation:

"Requirements for the validation of an approach control rating

65.09.5 (1) An applicant for the validation of approach control rating shall, under the supervision of an operational air traffic service instructor have provided approach control services at an ATSU for which a rating validation is sought, for at least 200 hours, to a maximum of 400 hours, 50 % of which may be provided on a simulator approved by the Director and which accurately simulates the geographical and airspace environment pertaining to the position for which a validation is sought.

(2) A person with unsuccessful validation of approach control rating shall not be allowed to carry over any hourly credits from previous dual instruction when re-applying for validation.

(3) A person who has failed to obtain a validation within the prescribed hours shall not be permitted to attempt acquiring a validation at the same ATSU until a period of 12 months after initial attempt has elapsed.

(4) A person referred to in subregulation (3) may re-apply for validation at another ATSU as prescribed in Document SA-CATS 65."

(f) the substitution for regulation 65.10.5 with the following regulation:

"Requirements for validation of area control rating

65.10.5 (1) An applicant for the validation of area control rating shall, under the supervision of an operational air traffic service instructor, have provided area control services at an ATSU for which a rating is sought for at least 200 hours, to a maximum of 300 hours, 50 % of which may be provided on a simulator approved by the Director and which accurately simulates the airspace environment pertaining to the position for which the validation is sought.

(2) A person with an unsuccessful validation of area control rating shall not be allowed to carry over any hourly credits from previous dual instruction when re-applying for validation.

(3) A person who has not obtained a validation of area control rating within the prescribed hours shall not be permitted attempt to acquire a validation at the same ATSU until a period of 12 months after initial attempt has elapsed.

(4) A person referred to in subregulation (3) may re-apply for validation at another ATSU as prescribed in Document SA-CATS 65.”.

(g) the substitution for regulation 65.11.5 of the following regulation:

“Requirements for validation of Approach Control Surveillance Rating

65.11.5 (1) An applicant for the validation of approach surveillance control rating shall, under the supervision of an operational air traffic service instructor, have provided approach control surveillance services, at an ATSU for which a rating validation is sought for at least 100 hours, to a maximum of 200 hours, 50 % of which may be provided on a simulator approved by the Director and which accurately simulates an airspace environment pertaining to the position for which a validation is sought.

(2) An applicant who applies for validation of approach procedural and surveillance control ratings simultaneously, shall, under the supervision of a qualified operational air traffic service instructor have—

- (a) provided for both approach procedural and surveillance control services concurrently, at an ATSU for which a rating validation is sought; and
- (b) held dual training for at least 200 hours, to a maximum of 400 hours, 50% of which may be provided on a simulator approved by the Director and which accurately simulates an airspace environment pertaining to a position for which a validation is sought.

(3) A person who has not obtained a validation of surveillance control rating within the prescribed hours shall wait for a period of 12 months before attempting to acquire a validation at the same ATSU.

(4) A person referred to in subregulation (3) may apply to another ATSU for an attempt for validation in terms of the process as prescribed in Document SA-CATS 65.”;

(h) the substitution for regulation 65.12.5 of the following regulation:

“Requirements for validation of area control surveillance rating

65.12.5 (1) An applicant for validation of area control surveillance rating shall, under the supervision of an operational air traffic service instructor, have provided area control surveillance services, in conjunction with area control services referred to in Subpart 10, at an ATSU for which a rating validation is sought for at least 100 hours, to a maximum of 200 hours, 50 % of which may be provided on a simulator which accurately simulates an airspace environment pertaining to the position for which a validation is sought.

(2) A person who applies for validation of area procedural and surveillance control ratings simultaneously, shall, under the supervision of a qualified operational air traffic service instructor, have—

- (a) provided both area procedural and surveillance control service concurrently, at an ATSU for which a rating validation is sought; and
- (b) held a dual training for at least 200 hours, to a maximum of 400 hours, 50% of which may be provided on a simulator approved by the Director and which accurately simulates an airspace environment pertaining to a position for which a validation is sought.

(3) A person who has not obtained a area control surveillance validation within the prescribed hours shall not be permitted to attempt acquiring a validation at the same ATSU until a period of 12 months after initial attempt has elapsed.

(4) A person referred to in subregulation (3) may apply to another ATSU for validation at an ATSU as prescribed in Document SA-CATS 65.”.

(i) the substitution for regulation 65.13.8 of the following regulation:

“Privileges of Grade One air traffic service instructor [(operational)] operational rating

65.13.8 (1) [The] A holder of an operational valid Grade I air traffic service instructor [(operational)] rating shall be entitled to—

- (a) give operational instruction or on the job training on any of the valid ratings held by him or her; and**
- (b) act as a validation examiner in any of the valid ratings held by him or her, if designated by the Director in terms of regulation [65.01.9] 65.17.1.[]; and**
- (c) issue to an air traffic controller or an air traffic service assistant who meets the appropriate requirements prescribed in this part for the validation of a similar rating, a temporary validation certificate.**

(2) A temporary validation certificate referred to in subregulation (1) (c), shall—

- (a) be issued in the appropriate prescribed form; and
- (b) remain valid for a period of not more than 60 days calculated from the date on which the temporary validation certificate was issued or until the date on which the appropriate rating is validated by the Director, whichever period is the lesser period].”;

- (j) the substitution in regulation 65.13.9 for subregulation (1) of the following subregulation:

“65.13.9 (1) A Grade I valid operational air traffic service instructor ~~[(operational)]~~ rating shall be validated or renewed for a period of ~~[24]~~ 12 months calculated from the date of validation of ~~[the]~~ such rating or from the date of expiry of the rating if such rating is renewed in accordance with the provisions of regulation 65.13.10.”;

- (k) the substitution for regulation 65.15.5 of the following regulation:

“65.15.5 A holder of a valid operational Grade I air traffic service instructor rating shall be entitled to act as a validation examiner in any of the valid ratings held by him or her, if designated by the Director in terms of this Part.”; and

- (l) the insertion in Part 65 after Subpart 16 of the following Subpart:

“SUBPART 17

DESIGNATION OF A VALIDATION EXAMINER AND RATING ASSESSMENT EXAMINER

65.17.1 Requirements for designation of designated examiner

65.17.2 Application for designation as examiner

65.17.3 Issuing of designation as designated examiner

65.17.4 Re-designation as designated examiner

65.17.5 Oversight, suspension or withdrawal of designation as designated examiner

65.17.6 Privileges and limitations of designated examiner

65.17.7 Conducting of proficiency checks and assessments by designated examiner

65.17.8 Register of designated examiner

Requirements for designation of designated examiner

65.17.1 (1) The Director may designate—

- (a) a validation examiner to:-**
 - (i) conduct proficiency checks; and**
 - (ii) issue certificate of competency or temporary validation certificate;**
- and**
- (b) a rating assessment examiner to:-**
 - (i) train organisations to conduct assessments;**
 - (ii) conduct proficiency checks; and**
 - (iii) issue rating certificate of competency or temporary rating certificate.**

(2) The privileges of a designation referred to in subregulation (1) shall be exercised and performed in accordance with the requirements prescribed in Document SA-CATS 65.

(3) The Director shall issue a designated validation examiner or designated rating assessment examiner with a certificate which shall state the full names of such examiner and shall contain a statement that indicates—

- (a) that such a person has been designated in terms of subregulation (1);**
- (b) that such a person is empowered to exercise the privileges of a designation referred to in subregulation (2); and**
- (c) the period of validity and category of designation, and any endorsement, restriction or limitation that may apply.**

(4) A temporary validation or rating certificate referred to in subregulation (1), shall—

- (a) be issued in the appropriate prescribed form published on the website of the Authority; and**
- (b) be valid for a period of 60 days calculated from the date on which it was issued or until the date on which the appropriate rating is validated by the Director, whichever period is the shorter period.**

An application for designation as examiner

65.17.2 (1) An application for designation as an examiner shall be submitted to the Director on an appropriate form published on the website of the Authority and shall be accompanied by—

- (a) an air traffic service licence held by an applicant;**
- (b) a safety manager's report which shall contain information regarding an applicant's—**
 - (i) suitability to be designated as an examiner;**
 - (ii) record of any incident; and**

- (iii) understanding of his or her responsibility with regard to separation of reporting lines;
 - (c) proof that an applicant has completed a competency assessment; and
 - (d) a motivational letter from a safety manager supporting an application to be designated as an examiner.

(2) An applicant for designation as an examiner who provides false or misleading information shall be disqualified.

(3) Where a designation is refused, the Director shall provide an applicant with written reasons for such refusal.

Issuing of designation as designated examiner

65.17.3 (1) The Director may issue a designation of an examiner on an appropriate form published on the website of the Authority, if an applicant has—

- (a) attained all required competencies prescribed in Document SA-CATS 65; and
 - (b) signed an undertaking to abide by the code of conduct for designation as an examiner as issued by the Director.

(2) A designation as an examiner shall be valid for a period of one year from date of designation.

Re-designation as designated examiner

65.17.4 (1) An application for re-designation as an examiner shall be made on an appropriate form published on the website of the Authority, not less than 90 days prior to the beginning of the month in which a designation expires.

(2) Submission of an application referred to in subregulation (1) does not automatically entitle an applicant to continue to exercise the privileges of a designation as examiner after the expiry date of his or her initial designation.

(3) The Director may issue a re-designation if an applicant has—

- (a) attended at least one designated examiner conference or workshop under the auspices of the Director during the preceding 12 months; and
 - (b) been subjected to an oversight prescribed in this Part.

(4) Where an applicant fails to comply with subregulations (1) and (3), the Director may refuse to grant an application for re-designation.

Oversight, suspension or withdrawal of designation as examiner

65.17.5 (1) The Director may withdraw or suspend a designation granted to an examiner if it becomes evident that such examiner does not comply with the provisions of this Part.

(2) A designated examiner shall conduct proficiency checks and assessments on behalf of the Director.

(3) An ATS inspector may monitor an assessment conducted by a designated examiner in accordance with the monitoring program of the Director.

(4) A designated examiner shall be assessed by the Director within a 2-year period for the purpose of maintenance of safety standards as prescribed in Document SA-CATS 65.

(5) When the Director has reasonable grounds to suspect misconduct, which may compromise air traffic safety, he or she may suspend or withdraw a designation of an examiner.

(6) If a designation of an examiner was granted on a basis of false or misleading information which was submitted to the Director, the Director shall withdraw the designation.

(7) In addition to the withdrawal of designation referred to in subregulation (1)—

(a) a law enforcement action may be taken against an examiner in terms of Part 185; and

(b) any action performed by such examiner in the exercise of a privilege of such designation may be declared null and void.

(8) The Director shall provide written reasons for the suspension or withdrawal of a designation of an examiner.

Privileges and limitations of designation

65.17.6 (1) The Director shall determine the privileges and limitations of a designated examiner based on an applicant's qualifications and experience as prescribed in the Document SA-CATS 65.

(2) Whenever a proficiency check involves a rating for special purposes, a designated examiner shall be a holder of such special purpose rating.

(3) The privileges of a designated examiner may also be exercised in respect of proficiency checks for a validation or conversion of a foreign ATC licence or rating.

Conducting of proficiency checks and assessments by Designated Examiner

65.17.7 A designated examiner shall conduct proficiency checks and assessments as prescribed in Document SA-CATS 65.

Register of Designated Examiners

65.17.8 (1) The Director shall keep a register of designated examiners.

(2) A register referred to in subregulation (1) shall contain the following information—

- (a)** full names of designated examiner;
- (b)** category, privileges and limitations of designation;
- (c)** each licence and rating held; and
- (d)** expiry date of designation.

(3) The Director shall publish quarterly on the Authority's website the names and details of designated examiners.”.

Amendment of Part 66 of the Regulations

16. Part 66 of the regulations is hereby amended by-

- (a)** the substitution in paragraph 66.01.5 (2)(c) for subparagraph (iv) of the following subparagraph:

“(iv) the installation of instruments [, including or excluding electrically operated instruments];”.

- (b)** the substitution for regulation 66.01.8 of the following regulation:

“Language

66.01.8 An AME must have sufficient proficiency in reading, writing, speaking and understanding the English language to enable them to adequately carry out the responsibilities of [AMEs] AME.”.

(c) the substitution in regulation 66.02.3 for subregulation (1) of the following subregulation:

“66.02.3 (1) An applicant for the issuing of a Class II aircraft maintenance engineer [~~license~~] licence with a Category A rating, shall have passed—

- (a) for [~~aeroplanes and helicopters~~] aeroplane and a helicopter with a MCM in excess of 5 700 kg and 3 175 kg respectively:**
 - (i) an approved type training course by an organisation approved by [~~the~~] appropriate authority in [~~the~~] a country where [~~the~~] such training organisation is located; or**
 - (ii) a training provided by an approved original equipment manufacturer or designated training facility; and**
- (b) for [~~aeroplanes and helicopters~~] an aeroplane and a helicopter with a MCTOW of 5 700 kg and 3 175 kg respectively:**
 - (i) an approved type training course prescribed in [~~part~~] Part 141; or**
 - (ii) an approved [~~manufacturers~~] manufacturer's course or [~~the~~] appropriate written examination as prescribed in Document SA-CATS 66; and**
 - (iii) if an approved course for an aircraft type training is not available in the Republic, the Director may accept a type training course from another State for an AME licence issuance.”**

(d) insertion in regulation 66.02.3 after subregulation (8) of the following subregulations:

(9) AME general examinations shall be prescribed in Document SA CATS 66.

(10) General examinations including Category A, B, C, D, X and W shall be written at the Director's approved examination center with the following subjects:

- (a) Airframe General (CAT A);
- (b) Airframe General (CAT B);
- (c) Rotorcraft General;
- (d) Piston Engine General (CAT C);
- (e) Piston Engine General (CAT D);
- (f) Gas Turbine General (CAT C);
- (g) Gas Turbine General (CAT D)
- (h) Instrument General (Cat X & W);
- (i) Electrical Equipment (Cat X & W);
- (j) CATs & CARs;

- (k) Avionics Equipment/ Radio/Radar/ Electronics;
- (l) Propeller Engines;
- (m) Helicopter/Rotorcraft; and
- (n) Ignition Equipment (CAT X).

(11) An average pass mark for the general examinations contemplated in subregulation (10) shall be 75% for each of the subjects.”.

(e) the substitution in regulation 66.02.5 for subregulation (3) of the following subregulation:

(3) An application for a type rating of a newly registered aircraft, that is first of its type in the Republic shall comply with the following requirements:

- (a) an aircraft must be registered in the Republic;
- (b) an applicant must be a holder of a valid AMEL;
- (c) an applicant must have successfully completed a course approved by an OEM and a State of design;
- (d) an applicant shall be nominated in writing by an AMO responsible for maintenance of newly registered aircraft; and
- (e) an application must be accompanied by risk mitigation measures that supports the management of change conducted by an AMO as prescribed in Document SA-CATS 140.”.

(f) the insertion after subregulation (3) of the following subregulation:

(4) An approval for a rating in subregulation (3) shall be subject to the following limitations:

- (a) a type rating for a newly registered aircraft shall be valid for a period not exceeding 12 months;
- (b) a rating is only valid whilst a holder thereof is under the employ of an AMO that nominated him or her for such a rating; and
- (c) a rating shall not be transferable”.”

Amendment of Part 67 of the Regulations

17. Part 67 of the regulations is hereby amended by —

- (a) the substitution for Part 67 of the list of Regulation of the following list of regulation:

"LIST OF REGULATIONS: MEDICAL CERTIFICATION

67.00.1 Applicability

67.00.2 Classes of medical certificates

67.00.3 Functions of Director regarding medical examinations

67.00.4 Designation of aviation medical examiners

67.00.5 Class 4 medical certificates

67.00.6 Period of validity of medical certificates

67.00.7 Application for medical certificate

67.00.8 Issuing of medical certificate

67.00.9 Duties of holder of medical certificate

67.00.10 Validations

67.00.11 Foreign medical examinations

67.00.12 Period of validity of medical records

67.00.13 Substance abuse

67.00.14 Suspension or cancellation of medical certificate

67.00.15 Medical confidentiality

67.00.16 Language".

- (b) the substitution for regulation 67.00.2 of the following regulation:

“Classes of medical certificates

67.00.2 (1) The classes of medical certificates are as follows—

(a) Class 1—

- (i) ATPL;
- (ii) CPL for aeroplane, airship and helicopter;
- (iii) Class I test pilot rating;
- (iv) instrument rating;

(b) Class 2—

- (i) SPL;
- (ii) PPL for aeroplane, airship and helicopter;
- (iii) flight engineer licence;
- ~~[(iii)]~~ (iv) free balloon CPL;
- ~~[(iv)]~~ (v) Class II test pilot rating;
- ~~[(v)]~~ (vi) commercial glider pilot;
- ~~[(vi)]~~ (vii) Part 96 authorisation issued under a Part 62 licence;

(c) Class 3—

- (i) ATC;
- (ii) air traffic service assistant;
- (iii) RPL;

(d) Class 4—

- (i) cabin crew member licence;
- (ii) microlight (conventional microlight weight shift) aeroplane pilot licence;
- (iii) gyroplane pilot licence;
- (iv) free balloon pilot licence (non-commercial);
- (v) light sport aeroplane pilot licence;
- (vi) touring motor glider pilot licence;
- (vii) glider pilot licence (non-commercial) ;
- (viii) tandem paraglider pilot licence;
- (ix) powered tandem paraglider and para trike pilot licence;

- (x) tandem hang-glider pilot licence;
- (xi) powered tandem hang glider pilot licence;
- (xii) powered parachute pilot licence;
- (xiii) tandem parachutist or skydiver licence;
- (xiv) flight instructor licence for microlight, light sport aeroplane, glider, touring motor glider, gyroplane, gyro-glider, tandem paraglider, powered paraglider, tandem hang-glider, powered hang-glider, and tandem powered parachute;
- (xv) national test pilot rating;
- (xvi) SPL for the licence categories referred to in subparagraphs (i) to (xvi);
- (e) Class 5—
 - (i) paraglider licence;
 - (ii) powered paraglider licence;
 - (iii) powered paratrike licence;
 - (iv) weight shift or surface control hang-glider licence;
 - (v) powered hang-glider licence;
 - (vi) parachute licence;
 - (vii) powered parachute;
 - (viii) solo instructor for para-gliding or hang-glider and all powered versions thereof;
 - (ix) paragliding, hang gliding and parachuting student licence.

“(2) A flight crew member who holds a valid Class 1 medical certificate shall be deemed to also hold [a] valid [Class 2], Class 3 and Class 4 medical certificates.

(3) An ATS personnel member who holds a valid Class 3 medical certificate shall be deemed to hold a valid Class 4 medical certificate.

(4) Upon expiry of a Class 1 medical certificate referred to in sub-regulation (2), a flight crew member may, if he or she does not renew a Class 1 medical certificate, may request that such expired Class 1 medical certificate be substituted by a Class 2, Class 3 or Class 4 medical certificate, which shall be valid for the remainder of the period for

which it would have been valid as a Class 2, Class 3 or a Class 4 medical certificate as the case may be in accordance with regulation 67.00.6.

(5) Upon expiry of a Class 3 medical certificate referred to in sub-regulation (3), an ATS may, if he or she does not renew a Class 1 medical certificate, request that such expired Class 1 medical certificate be substituted by a Class 3 medical certificate, which shall be valid for the remainder of the period for which it would have been valid as a Class 3 medical certificate in accordance with regulation 67.00.6".

(6) The medical requirements, standards or guidelines to be complied with by an applicant for, or a holder of, a medical certificate are as prescribed in Document SA-CATS 67.

(7) A holder of a Class 4 medical certificate who flies above 12 000 ft. shall meet the respiratory and lung function test requirements of a Class 2 medical certificate as prescribed in Document SA-CATS 67.

(8) A person under 60 years of age who submits to the Director a duly completed Class 5 medical self-declaration **[in] on** the appropriate prescribed form **[, signed by a medical practitioner registered under the Health Professions Act, 1974 (Act No. 56 of 1974,]** shall be deemed to be a holder of a Class 5 medical certificate subject to compliance with the requirements prescribed in the associated technical standard in Document SA-CATS 67."

(9) A person aged 60 years or older who submits to the Director a duly completed Class 5 medical declaration in the appropriate prescribed form. signed by a medical practitioner registered under the Health Professions Act, 1974 (Act No. 56 of 1974, shall be deemed to be a holder of a Class 5 medical certificate.

(10) Upon the expiry of a Class 2 medical certificate a flight crew member may, if he or she does not to renew it, request that such expired Class 2 medical certificate be substituted by a Class 4 medical certificate, which shall be valid for the remainder of the period for which it would have been valid as a Class 4 medical certificate as the case may be in accordance with regulation 67.00.6.

(11) A flight crew member who holds a valid Class 2 medical certificate shall be deemed to be also holding **[a]** valid Class 3 and Class 4 medical certificates.

(12) In the case of a Class 3 medical certificate, the requirements in terms of regulation 67.00.2 (1) concerning Class 3 shall apply”.

(c) the insertion after regulation 67.00.15 of the following regulation:

“Language

67.00.16 (1) An applicant to be designated as a DAME shall provide proof of his or her proficiency to read, speak and understand the English language as prescribed in Document SA-CATS 67.”.

Amendment of Part 68 of the Regulations

18. Part 68 of the regulations is hereby amended by —

(a) the substitution for regulation 68.04.1 of the following regulation:

“General

68.04.1 (1) [The] An applicant for the issue of a glider pilots instructor rating shall—

- (a) be **[the] a** holder of a valid glider pilot licence issued in terms of this **[part] Part**;
- (b) hold at least a valid Class 4 medical certificate issued in terms of **[part 67] Part 67**;
- (c) have acquired the experience referred to in regulation 68.04.2;
- (d) have successfully completed **[the] a** training referred to in regulation 68.04.3;
- (e) have passed the theoretical knowledge examination referred to in regulation 68.04.4; **and**
- (f) have undergone **[the] a** skills test referred to in regulation 68.04.5[; **and**].”;

(b) the substitution for regulation 68.04.5 of the following regulation:

“Skills test

68.04.5 (1) [The] An applicant for the issuing of a glider **[pilots] pilot** instructor rating shall undergo a skills test to demonstrate [have demonstrated] to an

appropriately rated flight instructor the ability to perform as a flight instructor the procedures and **[Application]** manoeuvres as prescribed in Document SA-CATS 68 with a degree of competency appropriate to the privileges granted to **[the] a** holder of a glider **[pilots] pilot** instructor rating.

(2) **[The] A** skills test, referred to in subregulation (1), shall be demonstrated in a glider for which **[the] a glider [pilots] pilot** instructor rating is sought.

(4) **[The applicant shall undergo the skill test,] A skills test** referred to in subregulation (1) **[,] shall be undertaken by an applicant** within 12 months of passing the theoretical knowledge examination **[,] referred to in regulation 68.03.4, and within the 90 days immediately preceding the date of application."**

(c) the substitution for regulation 68.04.6 of the following regulation:

"Application

68.04.6 (1) An application for the issuing of glider pilot instructor rating shall be made to the Director or, if applicable, an organisation designated for the purpose in terms of Part 149, as the case may be.

(2) An application referred to in subregulation (1) shall be made in an appropriate form, as prescribed in document SA-CATS 68, and be accompanied by—

- (a) a valid licence reference number held by an applicant;
- (b) a certified true copy as proof that an applicant has passed the theoretical knowledge examination referred to in regulation 68.03.4;
- (c) a skills test report as prescribed in Document SA-CATS 68; and
- (d) the appropriate fee as prescribed in Part 187."; and

(d) the substitution for regulation 68.04.7 of the following regulation:

"Issuing of the glider pilots instructor rating

68.04.7 The Director, or, if applicable, **[the] an** organisation designated for the purpose in terms of **[part 149] Part 149[of the regulations]**, as the case may be, shall issue in an appropriate form published on the website of the Authority. [the] an appropriate glider pilots instructor rating if **[the] an** applicant complies with the requirements referred to in regulation 68.03.1, **[on the appropriate prescribed form]."**

Amendment of Part 69 of the Regulations

19. Part 69 of the regulations is hereby amended by —

- (a) the substitution in regulation 69.01.9 for subregulations (1) to (2) of the following subregulations:

“69.01.9 (1) [The] A holder of a licence or rating, similar to, or higher than, a free balloon pilot licence issued in terms of this **[part] Part** or issued by or on behalf of **[the] an** appropriate authority of a Contracting State, who **[desires] requires** to exercise the privileges of such licence or rating as PIC of a South African registered aircraft, may apply to the Director or **[the] an** organisation designated for the purpose in terms of **[part 149] Part 149**, as the case may be, in the appropriate prescribed form, for a validation of such pilot licence or rating.

(2) [No] An application for validation shall not be considered **[by the Director]** if **[the] an** applicant has, for reasons other than failing a **[skill] skills** test, a proficiency test, or a theoretical knowledge test—

- (a)** been refused a South African pilot licence or validation before; or
- (b)** had a South African pilot licence or validation revoked in the past **[, for reasons other than failing a [skill] skills test, a proficiency test, or a theoretical knowledge test].”;**

- (b) the substitution for regulation 69.02.2 of the following regulation:

“Experience

69.02.2 An applicant for a free balloon pilot licence shall have completed —

- (a) [not less than] a minimum of** 16 hours free flying under instruction in a balloon of maximum volume of 120 000 ft³ (3 400 m³);
- (b)** a minimum of eight launches and ascents, one of which shall be solo;
- (c)** a minimum of two tethers;
- (d)** a minimum of one afternoon flight;
- (e)** a minimum of one fast flight **[(10 knots)] at a minimum of 10 knots** per hour; and
- [(d)] (f) a minimum of** 10 balloon flights as part of **[the] retrieve crew.”;**

- (c) the substitution in regulation 69.02.11 for paragraph (c) in subregulation (1) of the following paragraph:

“(c) Class 3 – For balloons of 240,001 ft³ and up to 360,000 ft³; and”;

- (d) the substitution in regulation 69.02.11 for subregulation (2) of the following subregulation:

"(2) An applicant for the **[issue]** issuing of a class rating **[by name]** for free balloons shall—

- (a) undergo a proficiency test with a licensed balloon pilot, approved for such supervision by an organisation designated by the Director or body designated for the purpose as the case may be, with the appropriate class rating wherein a high standard of vital action drill shall be required;
- (b) under direct supervision of a licensed balloon pilot, approved for such supervision by an organisation designated by the Director or body designated for the purpose as the case may be, in the case of a single person balloon, perform at least 3 take-offs and 3 landings which may be done in one flight;
- (c) perform any other exercise considered necessary; and

[(c)perform [the] take-offs and landings referred to in (b);]

- (d) pass the technical examinations as prescribed in Document SA-CATS 69; and...;";

- (e) the substitution for regulation 69.03.2 of the following regulation:

"Requirements for free balloon commercial pilot licence

69.03.2 An applicant for the issuing of a free balloon commercial pilot licence shall—

- (a) be not less than 21 years of age;
- (b) hold at least a valid Class 1 medical certificate issued in terms of **[part 67] Part 67**;
- (c) hold at least a valid restricted radiotelephony operator's certificate;
- (d) hold a valid free balloon pilot licence issued in terms of this **[part] Part**;
- (e) have acquired the experience referred to in regulation 69.03.3;
- (f) have successfully completed the training referred to in regulation 69.03.4; and
- (g) have passed **[the]** theoretical knowledge examination referred to in regulation 69.03.5[; and].".

Insertion of Part 71 of the Regulations

20. Part 71 of the Regulations is hereby inserted after Part 69 of the Regulations:

"PART 71

RPAS PERSONNEL LICENSING **LIST OF REGULATIONS:**

SUBPART 1

71.01.1: Applicability

71.01.2: Authority to act as pilot

71.01.3: Categories and ratings for remote pilot

71.01.4: Competency and revalidation check

71.01.5: Medical fitness

71.01.6: Language

71.01.7: Logging of flight time

SUBPART 2

71.02.1: Requirements for issuance of RPL

71.02.2: Flight training

71.02.3: Theoretical knowledge examination

71.02.4: Skills test

71.02.5: Payment of currency fee

71.02.6: Privileges and Limitations

71.02.7: Period of validity

SUBPART 1

GENERAL

Applicability

71.01.1 This Part applies to the issuing, revalidating and reissuing of RPL and rating.

Authority to act as pilot

71.01.2 (1) A person may not act as a remote pilot within the Republic, unless such person—

- (a) holds a valid RPL and a rating in the relevant category issued in terms of this Part;

- (b) has undertaken a skills test; or
- (c) has received flight instruction.

Categories and ratings for remote pilot

71.01.3(1) An RPL may be issued for the following categories—

- (a) RPL (A)
- (b) RPL (H) or
- (c) RPL (MR).

(2) The following ratings may be endorsed on an RPL—

- (a) VLOS;
- (b) E-VLOS; or
- (c) B-VLOS.

Competency and revalidation check

71.01.4 (1) A holder of an RPL or rating shall not exercise the privileges granted by an RPL or rating unless such a holder maintains competency by complying with the requirements stipulated in this Part.

(2) A revalidation check for a holder of RPL shall be conducted by an authorised examiner within 90 days before the expiry date of an RPL.

(3) A holder of an RPL shall, upon successful completion of revalidation check, submit the prescribed revalidation check form published on the website of the Authority from time to time, to the Director within 30 days of a revalidation check.

(4) A revalidation check for RPL holder shall be conducted in an aircraft of the same category for which a licence is held.

(5) A revalidation check for RPL holder shall be valid until the last day of the 24th month from the date of issue.

(6) If a revalidation check of RPL holder is completed more than 90 days before expiry, an RPL shall be re-issued on the date of the last day of the month in which a revalidation check was conducted, for a 24 month period.

Medical Fitness

71.01.5 (1) An applicant for an RPL in terms of this Part shall hold an appropriate valid medical certificate issued in terms of Part 67.

Language

71.01.6 (1) An applicant may not be issued with an RPL unless he or she has demonstrated or provided proof of his or her proficiency to read, speak and understand the English language as prescribed in Document SA-CATS 61.

(2) An RPL holder may not exercise the privileges of a licence issued without a valid language proficiency rating.

Logging of flight time

71.01.7 (1) A holder of RPL shall maintain a pilot logbook with records of the following:

- (a) flight time;
- (b) instrument time;
- (c) simulation time; and
- (d) instruction time.

(2) If a holder of RPL utilises an electronic logbook, he or she shall print and file the electronic data every 90 days.

(3) A holder of RPL shall retain a pilot logbook for at least 60 months from the date that he or she ceases to hold a valid RPL.

(4) A holder of RPL shall produce a logbook for inspection upon request by an authorised officer, inspector or authorised person.

SUBPART 2

Requirements for issuance of RPL

71.02.1(1) An application for an RPL shall be made on an appropriate form published on the website of the Authority, within 30 days of complying with the requirements of subregulation (2).

(2) An applicant for an RPL shall—

- (a) not be under 18 years of age;
- (b) hold at least:

- (i) a valid Class 3 medical certificate for a B-VLOS operation or Class 3 or higher RPAS operation; or
- (ii) a self-declared medical assessment report as prescribed in Document SA-CATS 67 for all other class or type of operation;
- (c) hold at least a restricted aeronautical radiotelephony certificate;
- (d) have completed a flight training referred to in this Part;
- (e) have passed a theoretical knowledge examination referred to in this Part;
- (f) have passed a skills test referred to in this Part; and
- (g) have paid the applicable fee prescribed in Part 187.

(3) When issuing an RPL, the Director may impose any condition as deemed necessary.

Flight training

71.02.2 (1) A flight training syllabi for various categories of RPLs shall be as prescribed in Document SA-CATS 71.

(2) An ATO conducting training shall issue a certificate to an applicant upon successful completion of flight training.

(3) A flight training shall be conducted with RPA of the same category for which a licence is sought.

(4) The Director may, before accrediting any foreign flight training, consider each application on case-by-case basis to ascertain if such training complies with the requirements of flight training as recognised by the Director.

Theoretical knowledge examination

71.02.3 (1) An applicant for RPL shall undergo a theoretical knowledge examination applicable to the category of licence applied for and must obtain it within 90 days preceding a skills test.

(2) A theoretical knowledge examination referred to in subregulation (1) shall be conducted at a test centre accredited by the Director.

(3) The Director may accredit any foreign theoretical knowledge examination undertaken if such an examination complies with the requirements of flight training recognised by the Director.

(4) The syllabi and other requirements for a theoretical knowledge examination shall be as prescribed in Document SA-CATS 71.

Skills test

71.02.4 (1) A skills test for RPL shall be conducted within 60 days of completing a flight training by an authorised examiner.

(2) A skills test referred to in subregulation (1) shall be conducted with a remotely piloted aircraft of the same category for which a licence is sought.

(3) A holder of RPL shall submit a skills test results to the Director within 30 days of taking such test.

(4) A skills test for RPL shall include the applicable sections for E-VLOS or B-VLOS rating if one or more of these ratings are sought.

Payment of currency fee

71.02.5 A holder of RPL shall pay an annual currency fee as stipulated in Part 187 on or before the anniversary date of a licence.

Privileges and limitations

71.02.6 A holder of RPL may not exercise a privilege of that licence unless—

- (a) he or she holds a valid medical certificate as prescribed in Part 67; and
- (b) maintains competency and complies with revalidation requirements as stipulated in this Part.”.

Period of validity

71.02.7 An RPL shall be valid until the last day of the 24th month from the date of issue.”.

Amendment of Part 91 of the Regulations

21. Part 91 of the regulations is hereby amended by—

- (a) the substitution for Subpart 4 in the list of regulations of the following Subpart:

"SUBPART 4:

INSTRUMENTS AND EQUIPMENT

- 91.04.1 Use and installation of instruments and equipment
- 91.04.2 Circuit protection devices
- 91.04.3 Aircraft operating lights
- 91.04.4 Flight, navigation and associated equipment for aircraft operated under VFR
- 91.04.5 Flight, navigation and associated equipment for aircraft operated under IFR
- 91.04.6 Additional equipment for single-pilot operation under IMC or at night
- 91.04.7 Mach number indicator
- 91.04.8 Radio altimeter
- 91.04.9 Equipment for operations in icing conditions
- 91.04.10 Flight recorders
- 91.04.11 Seat, seat safety belt, harness, child restraint device and carriage of infant
- 91.04.12 Stowage of articles, baggage and cargo
- 91.04.13 First aid and universal precaution kits
- 91.04.14 First aid oxygen
- 91.04.15 Supplemental oxygen in case of pressurised aircraft
- 91.04.16 Supplemental oxygen in case of non-pressurised aircraft
- 91.04.17 Flight crew protective breathing equipment
- 91.04.18 Fire extinguishers
- 91.04.19 Crash axes and crowbars
- 91.04.20 Marking of break-in points
- 91.04.21 Megaphones
- 91.04.22 Emergency lighting
- 91.04.23 Emergency locator transmitters
- 91.04.24 Life jackets and other flotation devices
- 91.04.25 Life rafts and survival radio equipment for extended over-water flights
- 91.04.26 Survival equipment
- 91.04.27 Seaplanes, amphibious aeroplanes and amphibious helicopters
- 91.04.28 Airborne collision avoidance system
- 91.04.29 Cabin pressurisation
- 91.04.30 Terrain awareness and warning systems
- 91.04.31 RVSM operations:"

- (b) the substitution for Subpart 7 of the list of regulations of the following Subpart:

"SUBPART 7:
FLIGHT OPERATIONS

| | |
|-----------------|---|
| <u>91.07.1</u> | <u>Routes and areas of operation</u> |
| <u>91.07.2</u> | <u>Minimum flight altitudes</u> |
| <u>91.07.3</u> | <u>Use of aerodromes</u> |
| <u>91.07.4</u> | <u>Helicopter landings and take-offs</u> |
| <u>91.07.5</u> | <u>Aerodrome operating minima</u> |
| <u>91.07.6</u> | <u>Threshold crossing height</u> |
| <u>91.07.7</u> | <u>Pre-flight selection of aerodromes</u> |
| <u>91.07.8</u> | <u>Planning minima for IFR flights</u> |
| <u>91.07.9</u> | <u>Meteorological conditions</u> |
| <u>91.07.10</u> | <u>VFR operating minima</u> |
| <u>91.07.11</u> | <u>Mass and balance</u> |
| <u>91.07.12</u> | <u>Fuel and oil requirements</u> |
| <u>91.07.13</u> | <u>Refuelling or defueling with passengers on board</u> |
| <u>91.07.14</u> | <u>Smoking in aircraft</u> |
| <u>91.07.15</u> | <u>Instrument approach and departure procedures</u> |
| <u>91.07.16</u> | <u>Noise abatement</u> |
| <u>91.07.17</u> | <u>Submission of ATS flight plan</u> |
| <u>91.07.18</u> | <u>Seats, safety belts and harnesses</u> |
| <u>91.07.19</u> | <u>Passenger seating</u> |
| <u>91.07.20</u> | <u>Passenger movements and briefing</u> |
| <u>91.07.21</u> | <u>Passenger health and safety</u> |
| <u>91.07.22</u> | <u>Emergency equipment</u> |
| <u>91.07.23</u> | <u>Illumination of emergency exits</u> |
| <u>91.07.24</u> | <u>Use of supplemental oxygen</u> |
| <u>91.07.25</u> | <u>Approach and landing conditions</u> |
| <u>91.07.26</u> | <u>Approach ban</u> |
| <u>91.07.27</u> | <u>In-flight testing on passenger- and cargo-carrying flights</u> |

| | |
|-----------------|--|
| <u>91.07.28</u> | <u>Turning helicopter rotors</u> |
| <u>91.07.29</u> | <u>Starting and running of engines</u> |
| <u>91.07.30</u> | <u>Acrobatic flights</u> |
| <u>91.07.31</u> | <u>Simulated instrument flight in aircraft</u> |
| <u>91.07.32</u> | <u>Aeroplane operating procedures</u> |
| <u>91.07.33</u> | <u>Head-up displays and vision systems</u> |
| <u>91.07.34</u> | <u>Electronic flight bags</u> |
| <u>91.07.35</u> | <u>Additional EDTO requirements</u> |
| <u>91.07.36</u> | <u>Disinfection of aircraft</u> |
| <u>91.07.37</u> | <u>Disinfection of aircraft</u> |
| <u>91.07.38</u> | <u>Operations in RNP designated airspace".</u> |

- (c) the substitution in regulation 91.01.9 for subregulation (1) of the following subregulation:

"91.01.9 (1) Subject to subregulation (2), an operator of an aircraft shall ensure that neither a passenger nor a crew member operates any portable electronic device on an aircraft without permission of a PIC of that aircraft.";

- (d) the substitution in regulation 91.02.4 for subregulation (2) of the following subregulation:

"(2) A person shall not operate an aircraft in commercial air transport or carrying passengers as PIC at night unless he or she holds an IR or has, in the preceding 90 days, carried out at least one take-off and landing at night as PF in an aircraft of the same type or class or an FFS representing that type or class.";

- (e) the substitution in regulation 91.02.8 for paragraph (m) of subregulation (4) of the following paragraph:

"(m) report any occurrence of height keeping errors encountered in [a] an RVSM environment, as prescribed [in paragraph (7) of section 8 of technical standard 91.07.31 of] in Document SA-CATS 91.";

- (f) the substitution in regulation 91.03.1 for subparagraph (x) in paragraph (a) of the following subparagraph:

“(x) the AFM, referred to in regulation 91.03.2, or an equivalent document, which document shall include the statements referred to in **[technical standard 91.07.31 5 (5) (a) 91.04.31 of]** Document SA-CATS 91, if flight in RVSM airspace is contemplated;”;

(g) the substitution in regulation 91.04.5 for subregulation (2) of the following subregulation:

“(2) **[No owner or operator]** A person shall not operate an aircraft in an RVSM airspace unless **[the]** such aircraft is equipped as specified in **[technical standard 91.04.34]** Document SA-CATS 91.”;

(h) the substitution for regulation 91.04.10 of the following regulation:

“Flight recorders

91.04.10 (1) For the purposes of this regulation, any reference to—

- (a) a specified date upon which an application for the type certification is submitted to a Contracting State means the date such application is made for a new aircraft type, not the date of certification of particular aircraft variants or derivative models; and
- (b) a specified date upon which an individual certificate of airworthiness is first issued means the first time a certificate of airworthiness is issued for a new individual aircraft serial number that has just come off the assembly line.

(2) **[No owner or operator]** A person shall not operate an aircraft engaged in international general aviation operations which—

- (a) is an aeroplane with a MTOW exceeding 5 700 kg for which the individual certificate of airworthiness was first issued on or after 1 January 2005 unless such aeroplane is equipped with a Type 1A FDR that complies with the requirements prescribed in Document SA-CATS 91;
- (b) is an aeroplane with a MTOW exceeding 27 000 kg for which the individual certificate of airworthiness was first issued on or after 1 January 1989 unless such aeroplane is equipped with a Type 1 FDR that complies with the requirements prescribed in Document SA-CATS 91;
- (c) is a helicopter with a MTOW exceeding 3 180 kg for which the individual certificate of airworthiness was first issued on or after 1 January 2016 unless such helicopter is equipped with a Type IVA FDR that complies with the requirements prescribed in Document SA-CATS 91; or

- (d) is a helicopter with a MTOW exceeding 7 000 kg or having a passenger seating configuration of more than 19, for which the individual certificate of airworthiness was first issued on or after 1 January 1989 unless such helicopter is equipped with a Type IV FDR that complies with the requirements prescribed in Document SA-CATS 91.

(3) A turbine-engine aeroplane with an MCM exceeding 27 000 kg of which the prototype was type certificated by an appropriate authority after 30 September 1969, may not be operated in general aviation operations within the Republic [of South Africa] unless such aeroplane is equipped with a Type II FDR that complies with the requirements prescribed in Document SA-CATS 91.

(4) A person shall not, ~~[Unless if an]~~ unless if such aircraft is equipped with a CVR which complies with the requirements prescribed in Document SA-CATS 91, [no owner or operator shall] operate—

- (a) a turbine-engine aeroplane with a MTOW exceeding 5 700 kg for which the application for type certification was submitted to a Contracting State on or after 1 January 2016 and required to be operated by more than one pilot;
- (b) an aeroplane with a MTOW exceeding 27 000 kg for which the individual certificate of airworthiness was first issued on or after 1 January 1987; ~~[or]~~
- (c) a helicopter with a MTOW exceeding 7 000 kg ~~[:]; or~~
- (d) an aircraft with a MTOW exceeding 5 700 kg up to 27 000 kg, for which the individual certificate of airworthiness was first issued on or after 1 January 1987, shall be equipped with a CVR: Provided that for [helicopters] a helicopter not equipped with an FDR, at least a main rotor speed shall be recorded on the CVR.

(5) ~~[No owner or operator]~~ A person shall not operate a turbine engine aeroplane for which a type certificate was first issued on or after 1 January 2016 and required to be operated by more than one pilot unless such aeroplane is equipped with either a CVR or a CARS.

(6) ~~[No owner or operator]~~ A person shall not operate an aircraft for which the individual certificate of airworthiness is first issued on or after 1 January 2016 and which is required to be fitted with a CVR or for aeroplanes, a CARS, unless the CVR or CARS, as applicable, is provided with an independent power source that complies with the requirements prescribed in Document SA-CATS 91.

(7) ~~[No owner or operator]~~ A person shall not operate an aircraft for which the individual certificate of airworthiness was first issued on or after 1 January 2016, which

utilises any data link communications and is required to carry a CVR, unless all data link communications messages to and from the aircraft are recorded on a data link recorder (DLR) or other flight recorder. The minimum recording duration shall be equal to the duration of the CVR and shall be correlated to the recorded cockpit audio.

(8) **[No owner or operator]** A person shall not operate an aircraft which is modified on or after 1 January 2016 to install and utilise any data link communications and is required to carry a CVR, unless the data link communications messages are recorded on a DLR or other flight recorder.

(9) **[The]** An FDR required [by this regulation] in terms of this Part shall be prescribed in Document SA CATS 91 and shall be capable of retaining the information recorded during at least—

- (a) in the case of an aeroplane, the last 25 hours of its operation; or
- (b) in the case of a helicopter, the last 10 hours of its operation.

(10) **[The]** A CVR or CARS required by this regulation shall be capable of retaining information recorded during at least the last 30 minutes of the aircraft's operation until 1 January 2016, and thereafter during at least the last 2 hours of its operation.

(11) **[No owner or operator]** A person shall not use the following mediums to record any information or data required to be recorded **[by this regulation] in terms of this Part:**

- (a) engraving metal foil, photographic film and analogue using frequency modulation (FM) in FDRs;
- (b) from 1 January 2016, magnetic tape in FDRs and magnetic tape and wire in CVRs.

(12) **[The]** A flight recorder shall not be switched off during flight.

(13) A flight recorder installed in an aircraft shall meet the installation, crashworthiness and fire protection specifications prescribed in Document SA-CATS 91 and shall be located and installed in such a manner that maximum practicable protection is provided, in order that, in the event of an accident or incident, recorded data may be recovered in a preserved and intelligible state.

(14) **[The]** An owner or operator of [the] an aircraft shall ensure that retrieving the recorded data from the storage medium will be readily possible.

(15) ~~[The]~~ A PIC, owner or operator of an aircraft shall ensure, to the extent possible, in the event ~~[the]~~ an aircraft becomes involved in an accident or incident, that—

- (a) all related flight recorder records, and if possible, the associated flight recorders, are preserved and retained in safe custody pending their disposition to the accident or incident investigation team;
- (b) ~~[the flight recorder]~~ are a flight recorder is deactivated upon completion of flight time following an accident or incident; and
- (c) ~~[the flight recorders are]~~ a flight recorder is not reactivated before their disposition to the accident or incident investigation team.

(16) An owner or operator of an aircraft shall ensure that the quality assurance programme of ~~[the]~~ an organisation responsible for the maintenance of his or her aircraft includes verification of the measurement range, recording interval and accuracy of parameters on installed flight recorder equipment.

(17) An owner or operator of an aircraft shall ensure that documentation concerning parameter allocation, conversion equations, periodic calibration and other ~~[serviceability/maintenance]~~ serviceable or maintenance information is maintained by the organisation responsible for ~~[the]~~ maintenance of his or her aircraft. The documentation shall be sufficient to ensure that accident investigation authorities have ~~[the]~~ necessary information to read out the data in engineering units.

(18) ~~[The]~~ An owner or operator of ~~[the]~~ an aircraft shall—

- (a) conduct daily and annual inspections of each flight recorder as specified in Document SA-CATS 91; and
- (b) record and retain the results of such check for a period of 5 years calculated from the date of such check.

(19) ~~[The]~~ CVR and FDR referred to in this ~~[regulation]~~ Part may be combined.

(20) An aircraft may commence a flight with FDR inoperative: Provided that—

- (a) such aircraft shall not depart from an aerodrome where repairs or replacements to such FDR can be made;
- (b) such aircraft does not exceed six further consecutive flights with an FDR unserviceable;
- (c) not more than 48 hours have elapsed since such FDR became unserviceable;

- (d) such FDR is not combined with CVR and an aircraft is equipped with CVR that is serviceable and functioning in accordance with the requirements prescribed in Document SA-CATS 127; and
- (e) for aircraft with an approved MEL, such aircraft is operated in accordance with that MEL.

(21) An aircraft may commence a flight with CVR or CARS inoperative: Provided that—

- (a) such aircraft shall not take-off from an aerodrome where repairs or replacements to such CVR can be made;
- (b) such aircraft does not exceed six further consecutive flights with CVR unserviceable;
- (c) not more than 48 hours have elapsed since such CVR became unserviceable;
- (d) any FDR required to be carried is operative, unless such FDR is combined with a CVR;
- (e) for aircraft with an approved MEL, such aircraft is operated in accordance with such MEL.”.

(i) the substitution for regulation 91.04.11 of the following regulation:

“[Seats, seat safety belts harnesses and child restraint devices] Seat, seat safety belt, harness, child restraint device and carriage of an infant

91.04.11(1) [No owner or operator of aircraft] A person shall not operate [the] an aircraft unless such aircraft is equipped, as applicable, with—

- (a) a seat or berth for each person who is aged two years or more;
- (b) a safety belt with or without a diagonal shoulder strap, or a safety harness, for use in each passenger seat for each passenger who is aged two or more;
- (c) a safety belt for use in each passenger berth;
- (d) **[a child restraint device for each passenger who is less than two years of age]** a child restraint device for the carriage of a child as prescribed in Document SA-CATS 91;
- (e) a safety harness for each flight crew member seat, incorporating a device which **[will]** shall automatically restrain the occupant's torso in the event of rapid deceleration; and

- (f) a safety harness for each cabin crew member seat: Provided that a safety belt with one diagonal shoulder strap is permitted if the fitting of a safety harness is not reasonably practical.

(2) ~~[Seats]~~ A ~~seat~~ for ~~any~~ cabin crew ~~[members]~~ ~~member~~ shall, where possible, be located near ~~a~~ floor-level emergency ~~[exits]~~ ~~exit~~ and ~~any~~ additional cabin crew member ~~[seats]~~ ~~seat~~ required shall be located such that a cabin crew member may best be able to assist ~~[passengers]~~ ~~any passenger~~ in the event of an emergency evacuation ~~[. Seats]~~: Provided such a seat shall be forward or rearward facing within 15° of the longitudinal axis of ~~[the]~~ ~~an~~ aircraft.

(3) If ~~[the]~~ ~~a~~ PIC cannot see all the passenger seats in ~~[the]~~ ~~an~~ aircraft from his or her own seat, a means of indicating to all passengers and cabin crew members that seat belts should be fastened, shall be installed.

(4) ~~[All]~~ ~~A~~ safety ~~[harnesses]~~ ~~harness~~ and safety ~~[belts]~~ ~~belt~~ shall have a single point release.

(5) A passenger shall not be allowed to be responsible for the safety of more than one infant on board aircraft.”;

- (j) the insertion in regulation 91.05.1 after subregulation (2) of the following subregulations:

“(3) An aircraft and aircraft navigation system operating in accordance with PBN requirements may be approved by the Director for operation on the applicable RNP routing and in RNP designated airspace.

(4) Prior to operating an aircraft in a specific area, an operator or PIC shall ensure that such aircraft is equipped with a functional Mode C, Mode S, ADS-B or ADS-C transponder as appropriate for an operating area concerned.”;

- (k) the substitution for regulation 91.05.2 of the following regulation:

“Navigation equipment

91.05.2 (1) A person shall not operate an aircraft unless such aircraft is equipped with navigation equipment enabling it to proceed in accordance with its flight plan, including approaches at a planned destination or any alternate aerodrome, and the appropriate ATS requirements: Provided that the provisions of this regulation shall not apply to a flight operated in accordance with VFR, if such flight can be accomplished by visual reference to landmarks.

(2) For the purposes of a helicopter, the landmarks referred to in subregulation (1) shall be no further apart than 60 nautical miles.

(3) An aircraft operated within a South African airspace shall be equipped as prescribed in Document SA-CATS 91 and with sufficient navigation equipment to ensure that in the event of a failure of one item of equipment at any stage of a flight, a remaining equipment enables such aircraft to proceed with such flight.

(4) A navigation equipment referred to in subregulation (3) shall be installed in such a way that a failure of any single unit required for either navigation or communication purpose or both will not result in a failure of another unit required for navigation or communication purpose.

(5) An aircraft and aircraft navigation system operating in accordance with RNP requirements shall be approved by the Director for operation on the applicable RNP routing and in RNP designated airspace

(6) A person shall not operate an aircraft in an airspace where minimum navigation performance or PBN specifications apply, unless such aircraft is equipped with navigation equipment that meets the performance specifications as prescribed in Document SA-CATS 91.

(7) If an aircraft is required to be operated by two pilots, a navigation equipment referred to in subregulation (3) shall be visible and usable by each pilot seated at his or her duty station.

(8) A person may not use inertial navigation or reference systems for navigation unless approved under Part 93, 121, 127 or 135, as may be applicable.

(9) A person may not operate an aircraft under IFR using any system required for navigation unless such system is maintained, checked and inspected under a procedure approved in terms of this Part.

(10) A person shall not use a navigation system based on electronic data unless—

- (a) procedures are implemented that ensure the timely distribution and insertion of current and unaltered electronic navigation data to all aircraft that require it;
- (b) the source of the data is—
 - (i) a manufacturer of an aircraft concerned;
 - (ii) a manufacturer of a concerned navigation system; or
 - (iii) a supplier approved by the Director or a manufacturer of a concerned aircraft or navigation system; and
- (c) procedures are implemented to verify the accuracy and validity of the data received.”;

(I) the substitution for regulation 91.07.34 of the following regulation:

“Electronic flight bags

91.07.34 (1) A PIC shall not use an EFB, portable or installed, on board aircraft except with the approval of the Director.

(2) The Director may only approve the use of EFB on board aircraft if the requirements prescribed in Document SA-CATS 91 are met.

(3) If an EFB is used on board aircraft, a PIC and an operator or owner of an aircraft shall—

- (a) assess the safety risk associated with each EFB function;
- (b) establish procedures for the use of, and training requirements for, each EFB function;
- (c) ensure that, in the event of EFB failure, sufficient information is readily available to a flight crew for the flight to be conducted safely;
- (d) ensure that requirements are established for redundancy of information, if appropriate, contained and displayed by EFB functions;
- (e) ensure that EFB equipment and its associated installation hardware, including interaction with aircraft systems if applicable, meet the appropriate airworthiness certification requirements; and
- (f) establish and document procedures for the management of EFB function including any database it may use.

(4) If a portable EFB is used on board aircraft, a PIC and an operator or owner of such aircraft shall ensure that such EFB does not affect the performance of aircraft systems, equipment or the ability to operate an aircraft.”;

- (m) the substitution in regulation 91.07.36 for subregulation (2) of the following subregulation:

“(2) Subject to the provisions of subregulation (1) the following procedures shall be applied when disinfecting an aircraft—

- (a) disinfection shall be limited solely to a container or to a compartment of an aircraft in which passengers or cargo were carried;
- (b) disinfection shall be carried out where there is contamination or suspected contamination of a surface or equipment of an aircraft by any bodily fluids including excreta;
- (c) disinfection shall be undertaken in accordance with procedures provided by an aircraft manufacturer and subject to any requirements or conditions issued by the WHO;
- (d) the contaminated areas shall be disinfected with compounds possessing suitable germicidal properties appropriate to a suspected infectious agent;
- (e) disinfection shall be carried out expeditiously by cleaners wearing suitable personal protective equipment;
- (f) flammable chemical compounds, solutions or their residues likely to damage an aircraft structure, or its systems, or chemicals likely to affect the health of passengers or crew, shall not be used for disinfection of an aircraft;
- (g) when aircraft disinfection is required for animal health reasons, only those methods and disinfectants prescribed by the International Office of Epizootics shall be used.”; and

- (n) the insertion after regulation 91.07.37 of the following regulation:

“Operations in RNP designated airspace

91.07.38 (1) A person shall not operate an aircraft in RNP designated airspace, unless—

- (a) an RNP operations procedures manual is available and is incorporating all amendments, approved in accordance with this Part for that aircraft and aircraft navigation system;
- (b) such operation is performed in accordance with procedures, instructions, and limitations contained in an approved manual;
- (c) the instruments and equipment required by Document SA-CATS 91 for

a particular RNP operation have been inspected and maintained in accordance with an approved maintenance program;

(d) each flight crew member has adequate knowledge of, and familiarity with an aircraft concerned and—

(i) its navigation system; and

(ii) procedures to be used, including normal, abnormal and contingency procedures; and

(e) a PIC has ensured that such aircraft and its navigation system are both approved by the Director for RNP operation and that an RNP operation procedures manual is complied with for a planned route and any alternate routes.

(2) A procedures manual referred to subregulation 1(a) may be incorporated in an approved operations manual and maintenance control manual of a holder of AOC;

(3) An operator of an aircraft performing an RNP operation shall keep a current copy of an RNP operation procedures manual at its principal base of operation and shall make it available for inspection upon request by the Director, inspector or any authorised person.

(4) A person requiring approval or amendment of an RNP operation procedures manual, shall submit such proposed manual or amendment to the Director for approval.

(5) An RNP operation procedures manual shall contain minimum requirements as prescribed in Document SA-CATS 91.

(6) Unless authorised by ATC, a PIC shall ensure that at least two independent long-range navigation systems are serviceable and accurate.

(7) The serviceability contemplated in subregulation (5) shall be done 30 minutes before entry into an RNP designated airspace and upon entry into an RNP designated airspace.

(8) If an aircraft does not meet the provisions of subregulation (7), a PIC shall—

(i) notify an ATC when an aircraft cannot meet the RNP criteria; and

(ii) when an aircraft is operating with a single long-range navigation system.

(9) If an aircraft is operating inside an RNP airspace, a PIC shall notify ATC whenever an aircraft cannot meet the RNP criteria and whenever an aircraft is operating

with a single long-range navigation system.”.

Amendment of Part 93 of the Regulations

22. Part 93 of the regulations is hereby amended by—

(a) the substitution for Division three in Subpart 7 of the list of regulations of the following Division:

“Division Three

| | |
|-----------------|--|
| <u>93.07.26</u> | <u>Carry-on baggage</u> |
| <u>93.07.27</u> | <u>Securing of passenger</u> |
| <u>93.07.28</u> | <u>Briefing of passengers</u> |
| <u>93.07.29</u> | <u>Safety features card</u> |
| <u>93.07.30</u> | <u>Seat, seat safety belt, harness and child restraint device and carriage of infant</u> |
| <u>93.07.31</u> | <u>Carriage of persons with disability</u> |
| <u>93.07.32</u> | <u>Portable electronic devices”:</u> |

(b) the substitution in regulation 93.03.7 for subregulation (5) of the following subregulation:

“(5) [Where a flight simulator, as contemplated in subregulation (4) is not reasonably or timeously available, the] The Director may [under exceptional circumstances], on application, and under exceptional circumstances referred to in subregulation (6), grant an exemption to [exempt a CAO operating under this Part from this requirement] an operator from the requirements stipulated in subregulation (3) for a particular type of [aircraft] aeroplane for a period not exceeding [twelve] 12 months: Provided that [a CAO] such an operator demonstrates a satisfactory equivalent of proficiency[by other means].”;

(c) the insertion in regulation 93.03.7 after subregulation (5) of the following subregulations:

“(6) The Director may grant an exemption referred in subregulation (5), if an operator can prove that —

- (a) a flight simulator is not timeously available;**
- (b) a flight simulator does not exist for a particular aeroplane in which a contemplated abnormal and emergency procedure can be simulated; or**
- (c) a relevant abnormal or emergency procedure can be safely carried out in**

such an aircraft, or in a similar aircraft.

(7) The Director may, review an exemption granted in terms of subregulation (6) at any time.

(8) The Director may withdraw an exemption granted in terms of subregulation (6) when a suitable flight simulator device becomes available within the Republic.”.

(d) the substitution for regulation 93.05.7 of the following regulation:

“Equipment requirements for aeroplanes on long range over water flights

93.05.7 (1) An aeroplane shall be installed with life-saving equipment when used on a route where an aeroplane may be flown over water at more than a distance corresponding to 120 minutes at cruising speed or 400 nm, whichever is lesser, away from land suitable for making an emergency landing.

(2) Notwithstanding the provisions of subregulation (1), a single engine landplane operated in accordance with regulation 91.04.25 used on a route over water at more than a distance corresponding to 30 minutes or 100 nm, whichever is lesser, shall have—

- (a) life-saving rafts in sufficient numbers to carry all persons on board, stowed to facilitate their ready use in an emergency;**
- (b) lifesaving equipment, including means of sustaining life as is appropriate to a flight undertaken;**
- (c) equipment for making pyrotechnical distress signals; and**
- (d) for a landplane of a MCTOW of over 27 000 kg, a securely attached underwater locating device operating at a frequency of 8.8 kHz which has the capability to operate for a minimum of 30 days and which device shall not be installed in wings or empennage.**

(3) Every person on board an aeroplane engaged on long range over water flight shall have access to a life jacket and equivalent individual flotation device equipped with a means of electric illumination for the purpose of facilitating the location of persons.

(4) A life raft, survival radio equipment and information requirements for extended over-water flight shall be as prescribed in Document SA-CATS 91.

Note. — Underwater locator beacon performance requirements are as contained in the SAE AS6254, Minimum Performance Standard for Low Frequency Underwater Locating Devices (Acoustic) (Self-Powered), or equivalent documents.”;

- (e) the substitution for regulation 93.06.5 of the following regulation:

“Safety and security inspections and audits

93.06.5 (1) An applicant for an issuance of a CAOC shall permit an authorised officer, inspector or authorised person to carry out such safety and security **[inspections and audits]** inspection and audit which may be necessary to support an application concerned.

(2) Any finding or non-compliance determined during an inspection or audit referred to in subregulation (1) shall be categorised as prescribed in Document SA-CATS 93.”;

- (f) the addition in regulation 93.07.1 after subregulation (10) of the following subregulations:

“(11) The information related to the level of rescue and firefighting service protection that is deemed acceptable by a CAO shall be contained in the operations manual.

(12) A CAO shall, as part of its SMS, assess the level of rescue and firefighting service protection available at an aerodrome intended to be specified in the operational flight plan to ensure that an acceptable level of protection is available for an aeroplane intended to be used”.

- (g) the substitution for regulation 93.07.12 of the following regulation:

“Security of the flight crew compartment

93.07.12 (1) A flight crew compartment door, where fitted, shall be closed and locked in all phases of a flight if, in the opinion of a PIC, it is in the interest of aviation security.

(2) If cabin crew is required or carried, [a CAO shall establish] a procedure shall be established by which cabin crew can discreetly notify [the] a flight crew in the event of suspicious activity or security [breaches] breach in a cabin.

(3) The requirements stipulated in subregulations (1) and (2) shall apply to a passenger-carrying aeroplane with —

- (a) MCTOW in excess of 54 500 kg; or
- (b) MCTOW in excess of 45 500 kg with a passenger seating capacity greater than 19.

(4) An aeroplane with a passenger seating capacity of more than 60 shall be equipped with an approved flight crew compartment door capable of being locked and unlocked from either pilot's station, designed to resist penetration by a small firearm, grenade shrapnel, and forcible intrusions from an unauthorised person.”.

“h) the substitution for regulation 93.07.24 of the following regulation:

“Operations with electronic flight bags

93.07.24 (1) A person shall not use an EFB unless an operator or owner of an aircraft—

- (a) is authorised to do so in its operations specifications; and
- (b) complies with the EFB requirements prescribed in Document SA-CATS 93.

(2) Where an EFB is used on board aircraft a CAO shall —

- (a) assess the safety risk associated with each EFB function;
- (b) establish and document procedures for the use of, and training requirements for an EFB device and each EFB function in an operations manual referred to in regulation 93.04.2;
- (c) ensure that, in the event of an EFB failure, sufficient information is readily available to a flight crew for a flight to be conducted safely;
- (d) ensure requirements are established for redundancy of information, if appropriate, contained and displayed by an EFB function;
- (e) ensure that an EFB equipment and its associated installation hardware, including interaction with aircraft systems where applicable, meet appropriate airworthiness certification requirements; and
- (f) establish and document procedures for the management of EFB functions including any database it may use.

(3) Where a portable EFB is used on board aircraft, an operator or owner of an aircraft shall ensure that it does not affect the performance of aeroplane systems, equipment or ability to operate an aircraft.”;

- (i) the substitution for regulation 93.07.30 of the following regulation:

"Seat, seat safety belt, harness and child restraint device and carriage of an infant

93.07.30 (1) An aircraft shall only be operated if it is equipped, where applicable, with—

- (a) a seat or berth for carriage of each person who is aged two years or more;**
- (b) a safety belt with or without a diagonal shoulder strap, or a safety harness, for use in each passenger seat for each passenger who is aged two or more;**
- (c) a safety belt for use in each passenger berth;**
- (d) a child restraint device for carriage of each child and infant as prescribed in Document SA-CATS 93;**
- (e) a safety harness for each flight crew member seat, incorporating a device which shall automatically restrain an occupant's torso in the event of rapid deceleration; and**
- (f) a safety harness for each cabin crew member seat provided that a safety belt with one diagonal shoulder strap is permitted if fitting a safety harness is not reasonably practical.**

(2) A seat for any cabin crew member shall, where possible, be located near a floor-level emergency exit and any additional cabin crew member-seat required shall be located such that a cabin crew member may best be able to assist any passenger in the event of an emergency evacuation: Provided such a seat shall be forward or rearward facing within 15° of the longitudinal axis of an aircraft.

(3) If a PIC cannot see all the passenger seats in an aircraft from his or her own seat, a means of indicating to all passengers and cabin crew members that seat belts should be fastened, shall be installed.

(4) A safety harness and safety belt shall have a single point release.

(5) A passenger shall not be responsible for the safety of more than one infant on board aircraft."

- (j) the insertion after regulation 93.07.31 of the following regulation:

"Portable electronic devices

93.07.32 An operator of a flight referred to in this Part shall ensure that no person operates any portable electronic device on board such flight, except with a permission of a PIC.”;

- (k) the substitution in regulation 93.08.1 for paragraph (g) in subregulation (8) of the following paragraph:

“(g) condition of a runway surface at the expected time of use; and”; and

- (l) the substitution for regulation 93.09.6 of the following regulation:

“Maintenance records

93.09.6 (1) The following records shall be kept, transferred and maintained in a form and format that ensures readability, security and integrity of records at all times for each aircraft:

- (a) total time in service, including hours, calendar time and cycles, of an aircraft and all its life limited components;
- (b) current status of compliance with all mandatory continuing airworthiness information;
- (c) appropriate details of modification and repair;
- (d) time in service including hours, calendar time and cycles, as appropriate since last overhaul of an aircraft or its component subject to a mandatory overhaul life;
- (e) status of an aircraft’s compliance with its maintenance program; and
- (f) detailed maintenance record to show that the requirements for signing of a maintenance release have been met.

(2) A CAO shall describe in its maintenance control manual a person who is responsible for retention of records required by subregulation (1) and where they will be kept.

(3) The records referred to in sub-regulation (1) shall be kept as follows—

- (a) for records referred to in paragraphs (a) to (e), for a minimum period of 90 days after a unit to which they refer has been permanently withdrawn from service; and
- (b) for records referred to in paragraph (f), for a minimum period of 5 years after the signing of a maintenance release.

(4) The records referred to in sub-regulation (1) shall be made available to a new operator in the event of a temporary or permanent change of operator of an aircraft."

Amendment of Part 94 of the Regulations

23. Part 94 is hereby amended by—

(a) the substitution for regulation 94.01.1 of the following regulation:

"Applicability

94.01.1 (1) This [part] Part applies to—

- (a) non-type certificated aircraft operated within the Republic;**
- (b) non-type certificated aircraft registered in the Republic;**
- (c) persons acting as flight crew members of non-type certificated aircraft registered in the Republic; and**
- (d) persons who are on board a non-type certificated aircraft operated in terms of this [part] Part.**

(2) The provisions of the various other [parts] Parts of these regulations shall apply with the necessary changes to any non-type certificated aircraft unless specifically exempted by the provisions of this [part] Part.

(3) Non-type certificated aircraft operated in terms of this [part] Part [are] is prohibited from providing a commercial air transport operation [, as defined in part 1 Part 1 of the regulations].

(4) Although [flying] flight training is not considered to be a commercial air transport operation, any non-type certificate aircraft used in Part 61 flight training shall be operated in terms of [part 96] Part 96.

(5) Notwithstanding the [provision] provisions of subregulations (3) and (4), non-type certificated aircraft operated in terms of this [part] Part may be used for the training of its registered owner [: Provided the] if such training is provided by an ATO approved in terms of [part 141 and the airworthiness requirements in respect of a non-type certificated aircraft used in training are met] Part 141.

(6) [The proviso in subregulation (5) [,] Subregulation (5) does not apply in respect of [the] a conversion training contemplated in sub regulations (14) and (15) of regulation 24.02.3.

(7) For purposes of the provisions of subregulation (5), a registered owner of an aircraft shall include any person with a beneficial ownership interest of 25% or more in an aircraft, and an immediate family member of such person.”.

(b) the substitution for regulation 94.02.1 of the following regulation:

“Ex-military aircraft

94.02.1 (1) A person may act as a pilot of a South African registered ex-military aircraft if such person is a holder of a PPL or higher category pilot licence with appropriate category and type rating, issued or validated in terms of Part 61.

(2) A type rating referred to in subregulation (1) may be issued by the Director once a licence holder has completed the required training as detailed in Document SA-CATS 61 or Document SA-CATS 94, as applicable, and has met the stipulated requirements.

(3) The currency of a type rating issued in terms of subregulation (2) shall be in accordance with the provisions of Part 61.

(4) A person shall only perform acrobatic flight in an aircraft that he or she has been certificated for, or is capable of performing acrobatic flight, if is a pilot with an acrobatic rating issued in terms of these regulations.

(5) The Director may exempt a pilot requiring a rating from undergoing all or part of the prescribed training referred to in subregulations (2) if he or she is satisfied that such pilot—

- (i) has sufficient flying experience on similar types of aircraft; or
- (ii) is a holder of a foreign type rating for an aircraft type and the Director is satisfied that a training acquired was of an acceptable standard.

(6) A pilot who requires to be rated to fly ex-military jet aircraft shall have appropriate flying experience.

(7) The conversion, refresher and technical training requirements for a rating to fly ex-military jet aircraft will be assessed on an individual basis by the Director, after receiving relevant documentation.

(8) A flight training for a rating to fly ex-military jet aircraft shall not be performed before approval of applicable syllabus.

(9) If a pilot who requires to obtain a rating to fly ex-military jet aircraft has little or no military jet or high-performance piston-engine or turbo-prop aircraft experience, he or she shall be required to undergo rigorous and detailed conversion training according to the syllabus prescribed in Document SA-CATS 94.

(10) The guidelines for establishment of training and acrobatic training criteria for rating to fly ex-military aircraft are prescribed in Document SA-CATS 94.

(11) An applicant for a training criteria referred to in subregulation (10) shall supply the information as prescribed in Document SA-CATS 94.

(12) The Director may allow a Grade I or Grade II flight instructor with appropriate category and type rating to determine how many hours of acrobatic training may be counted towards a conversion training referred to in subregulation (9).

(13) In the case of an ex-military aircraft that is available in a single-seat version only, the Director may accept the training requirements for single-seat aircraft of an air force of a country of origin, or where not available, training may be simulated in a similar aircraft.

(14) The Director will consider each application for a type rating on a single-seat type on its own merits.

(15) The Director may permit a person to enter into an arrangement with an owner of a similar aircraft type, for the purposes of training, that has a valid authority to fly if—

- (a) such person has obtained permission from the Director to place an aircraft type for which training is required on the South African Civil Aircraft Register;
- (b) such person and an owner of a similar aircraft type submits the commercial agreement for the use of such aircraft to the Director for approval;
- (c) proof of insurance indicating that such person may undergo training on such an aircraft is submitted; and

(d) the Director issues a revised authority to fly, stipulating that such aircraft may be used for training of such person."

(c) the substitution in regulation 94.05.1 for subregulation (3) of the following subregulation:

"(3) Notwithstanding the provisions of subregulation (1)(e), **[paragliders and hanggliders]** a paraglider, hang-glider, and powered versions thereof, may fly over **[built up]** built-up areas provided they are foot-launched."

Amendment of Part 96 of the Regulations

24. Part 96 is hereby amended by—

(a) the insertion in regulation 96.04.5 after subregulation (2) of the following subregulation

"(3) Non compliances or findings identified through safety inspections and audits shall be categorised as prescribed in Document SA CATS 96."

(b) the substitution in regulation 96.05.1 of the following regulation:

"General

96.05.1 (1) A non-type certificated aircraft operated in terms of Part 96 used for [the] provision of flight training at an ATO or in commercial air transport operations shall be maintained by [a licensed AME or AMO with the appropriate rating or by a person approved for the purpose by the Director or the organisation designated for the purpose in terms of Part 149, as the case may be, in accordance with the provisions of Part 24 and Part 43 of these regulations, as they with the necessary changes apply, and as has been] an appropriately rated AME or AP working under the auspices of an appropriately rated AMO specified in an approved Maintenance Control Manual."; and

(2) [The] A Maintenance Control Manual referred to in subregulation (1) shall—

(a) be drawn up in the format as prescribed in [Technical Standard 44.03.2 In] Document SA-CATS 44;

(b) prescribe who may carry out maintenance on [the] aircraft, and incorporate the terms of [the] a contract between [the] operator and any outside maintenance personnel or organisation responsible for all or part of maintenance, if any; and

- (c) prescribe the environmental conditions under which maintenance may be carried out and, if applicable, the special tools and equipment that are to be used in maintenance.

(3) Notwithstanding the provisions of subregulation (1) and regulation 96.01.1 (4), the privilege extended by regulation 44.01.13 shall apply only in respect of an owner who is [the] a holder of [the] valid applicable AME licence and ratings issued in terms of Part 66.

“(4) In the case of a DTO, an aircraft shall be maintained by a person approved by the Director or an organisation designated in terms of Part 149, as the case may be, in accordance with regulation 24.01.1(2) and Part 44.”.

Amendment of Part 101 of the Regulations

25. Subpart 3 of Part 101 is hereby deleted in its entirety.

Amendment of Part 108 of the Regulations

26. Part 108 is hereby amended by—

- (a) the substitution for regulation 108.02.2 of the following regulation:

“Duties of known consignor

108.02.2 (1) A person approved by the Director as a known consignor shall ensure that—

- (a) a consignment of known cargo is prepared and packed in a designated area and secured in secure premises;
- (b) personnel employed to handle cargo to be shipped by air and shipping documentation are subjected to background checks and recurrent criminal record checks every 24 months and have received job-specific security awareness training as specified in Part 109;
- (c) consignment of known cargo is protected from unlawful interference during preparation, storage and transportation;
- (d) records of all shipping documents are maintained in accordance with the requirements of Document SA-CATS 108; and
- (e) consignment of known cargo is sealed with tamper-evident seal or tamper-evident packaging and that such seal or packaging remain intact whilst in his or her possession.

(2) If the security controls referred to in subregulation (1) have not been applied to a consignment or part thereof, or where a consignment has not been originated by a known consignor for its own account, a known consignor shall bring that information to the attention of a regulated agent or an air carrier responsible for transporting such consignment.

(3) A known consignor shall—

- (a) conduct its operations in accordance with an approved security manual at all times;
- (b) endorse its unique identifiable accreditation number on shipping documentation;
- (c) identify critical information, communication technology systems and data used for aviation purposes in accordance with risk assessment;
- (d) develop and implement the following measures to protect known cargo from unlawful interference:
 - (i) security by design;
 - (ii) supply chain security;
 - (iii) network separation; and
 - (iv) protection and limitation of any remote access capabilities; and
- (e) ensure that measures referred to in paragraph (d) shall protect the confidentiality, integrity and availability of identified critical systems and data.”;

(b) the substitution for regulation 108.03.1 of the following regulation:

“General

108.03.1 (1) [No] An air carrier may **not** transport cargo by air unless it is accompanied by a valid air waybill and other valid transport documentation.

(2) [Any] A person tendering a diplomatic bag for carriage by air shall ensure that it is properly sealed and marked and may only be carried by air, without an airway bill, when accompanied by an employee of **[the respective embassy] of a diplomatic mission** holding—

- (a) a valid [passport] proof of identification issued to [the respective embassy] such** employee; and

- (b) a letter from ~~[the]~~ an official in charge of ~~[the embassy]~~ a diplomatic mission from which ~~[the]~~ such diplomatic bag originates, authorising ~~[the]~~ that specific employee to accompany ~~[the]~~ a concerned diplomatic bag.

(3) Diplomatic cargo accompanied by an air waybill must comply with the following requirements—

- (a) status and number of packages shall be clearly indicated on ~~[the]~~ an air waybill;
- (b) cargo must be properly sealed and marked and bearing visible external marks of its character; and
- (c) a person tendering ~~[the]~~ such cargo must be duly authorised in writing by ~~[the]~~ a sending State or originating ~~[embassy]~~ diplomatic mission and shall carry official identification.

(4) Diplomatic cargo shall be exempt from screening ~~[. The]~~ except by use of detection dogs or non-intrusive explosive detection equipment ~~[is allowed]~~.

(5) The provisions of regulation ~~[108.03.7 (2) applies]~~ 108.03.6 (2) apply with the necessary changes to diplomatic cargo.”; and

- (c) the substitution for regulation 108.03.2 for of the following regulation:

“Known cargo

108.03.2 (1) Cargo may not be loaded onto an aircraft unless if it has been—

- ~~(a) declared as known cargo after being subjected to security controls stipulated in this Part and as prescribed in Document SA-CATS 108; or~~
- ~~(b) packed and secured by a known consignor in compliance with the provisions of this Part.~~

~~(2) A known cargo, after acceptance by a regulated agent, shall be kept in a secure area, as stipulated in a security manual, to protect it from unlawful interference whilst in the custody of a regulated agent.~~

~~(3) Where known cargo is forwarded from a known consignor to a regulated agent or from one regulated agent to another regulated agent and is kept secure, such cargo shall continue to be treated as known cargo.~~

~~(4) An air carrier shall ensure that cargo is, at all times safeguarded whilst on a ramp prior to loading on an aircraft.~~

(5) An air carrier shall ensure that each cargo consignments is visually inspected to ensure that it has not been tempered with, prior to loading on an aircraft. “.

Amendment of Part 109 of the Regulations

27. Part 109 is hereby amended by—

- (a) the substitution for Subpart 2 and Subpart 3 in the list of regulations of the following Subparts:

“SUBPART 2:

APPROVAL OF ORGANISATION (AVIATION SECURITY TRAINING)

- 109.02.1 Requirement for approval
- 109.02.2 Manual of procedure
- 109.02.3 Quality assurance system
- 109.02.4 Personnel requirements
- 109.02.5 Facilities and equipment
- 109.02.6 Application for approval or amendment thereof
- 109.02.7 Issuing of approval
- 109.02.7A Issuing of instructor certificate
- 109.02.8 Scope of approval
- 109.02.9 Period of validity
- 109.02.10 Transferability
- 109.02.11 Changes in quality assurance system
- 109.02.12 Renewal of approval
- 109.02.13 Duties of holder of approval
- 109.02.14 Documents and records

SUBPART 3:

INSTRUCTOR CERTIFICATION

- 109.03.1 Requirement for certification
- 109.03.2 Authority to conduct aviation security training
- 109.03.3 Competency
- 109.03.4 Application for instructor certificate
- 109.03.5 Issuing of instructor certificate

- 109.03.6 Period of validity
- 109.03.7 Validation of certificate issued by a foreign appropriate authority
- 109.03.8 Register of certified instructors
- 109.03.9 Functions
- 109.3.10 Measures to mitigate threats of cyber-attacks”;

- (b) the substitution in regulation 109.01.1 for subregulation (1) of the following subregulation:

“109.01.1 (1) This [part] Part applies to approval and operation of organisations conducting—

- (a) standard aviation security training; [and]**
- (b) aviation security awareness training[.];**
- (c) K9 explosive detection handler training; and**
- (d) K9 explosive detection assessment.”;**

- (c) the substitution for regulation 109.02.1 of the following regulation:

“109.02.1 (1) [No] An organisation shall not conduct aviation security training except under the authority of, and in accordance with the provisions of [.] an ASTO approval issued under this [subpart] Part, with the exception of awareness training for crew members which may be conducted in terms of Part 64 by a Part 141 approved ATO.

(2) [No training] Aviation security training shall not be conducted at a facility that is not approved by the Director in accordance with the requirements contained in Document SA-CATS 109.

(3) Online aviation security awareness and level 3 training shall only be conducted in line with the requirements contained in Document SA-CATS 109.

(4) The issuing of approval to conduct aviation security training and the continued validity of [the] an approval shall depend on compliance with the requirements of this Subpart.

(5) An ASTO shall conduct aviation security training as prescribed in Document SA-CATS 109.”;

- (d) the insertion after regulation 109.02.7 of the following regulation:

“Issuing of instructor certificate

109.02.7A (1) An applicant for an instructor certificate, in terms of regulation 109.03.1, shall—

- (a) not be less than 18 years of age;
- (b) be a South African citizen;
- (c) have passed both theoretical and competency-based assessments;
- (d) have undergone a background check;
- (e) have passed grade 12 or NQF level 4 equivalent; and
- (f) have a minimum training qualification and experience as prescribed in Document SA-CATS 109.

(2) The Director shall issue an instructor certificate if an applicant complies with the requirements in terms of this Part.

(3) An applicant for an instructor certificate shall demonstrate to the Director the ability to perform functions of aviation security instructor as prescribed in Document SA-CATS 109.”;

(e) the substitution for regulation 109.03.2 of the following regulation:

“Authority to conduct aviation security training

109.03.2 (1) [No instructor] A person shall not conduct aviation security training prescribed under this [part] Part, unless such [instructor is the] person is a holder of a valid instructor certificate issued in terms of this Part.

(2) An instructor certificate shall be renewable [annually] every 24 months on payment of the annual currency fees prescribed in Part 187.

(3) Notwithstanding the provisions of subregulation (1), a holder of an instructor certificate shall not conduct aviation security training if that person has not—

- (a) conducted at least one certified training in a period of 12 months; and**
- (b) undergone a background check in a period of 24 months.”; and**

(f) the insertion after regulation 109.03.9 of the following regulation:

“Measures to mitigate threats of cyber-attacks

109.03.10 (1) An ASTO shall identify critical information and communication technology systems and data used for aviation purposes in accordance with risk assessment, develop and implement the following measures, to prevent unlawful

interference and protect the confidentiality, integrity and availability of identified critical systems:

- (a) security by design;
- (b) supply chain security;
- (c) network separation; and
- (d) protection and limitation of any remote access capabilities.

(2) An ASTO shall develop procedures for—

- (a) testing of cyber-security;
- (b) cyber-security response;
- (c) cyber-security incident analysis; and
- (d) cyber-security incident reporting.

(3) An ASTO shall report any cyber-security incident to the Director within 48 hours of occurrence.”.

Amendment of Part 110 of the Regulations

28. Part 110 is hereby amended by—

(a) the substitution in regulation 110.01.6 for subregulation (2) of the following subregulation:

“(2) A register of screener certificates shall contain the following particulars:

- (a) full names of a screener **[holder of the certificate]**;
- (b) physical and postal addresses of a screener **[holder of the certificate]**;
- (c) date on which **[the] a** certificate was issued;
- (d) identity number of **[the] a** screener;
- (e) organisation in which a **[holder thereof] screener** is employed; **[and]**
- (f) certificate number~~[,]~~; **and**
- (g) micro-chip number of an explosive detective dog.”;

(b) the substitution in regulation 110.02.1 for paragraph (g) of the following paragraph:

“(g) have passed Grade 12 or NQF level 4 or equivalent qualification:
Provided that a person who has been conducting screening duties **[1 January 2009]** on or before 28 November 2016 and who does not possess the **[qualifications] qualification** prescribed in this paragraph, shall produce proof of training attended before **[the coming into operation of]** this Part came into operation.”;

(c) the substitution for regulation 110.02.3 of the following regulation:

"Certification assessment

110.02.3 (1) An applicant for the issuing of a screener certificate shall be subjected to an initial certification assessment in an appropriate forms published on the website of the Authority.

(2) An initial certification assessment referred to in subregulation (1) shall comprise of a theoretical knowledge examination and a practical assessment.

(3) A recertification assessment shall comprise of theoretical knowledge examination with an option of conducting a practical assessment.

(4) A minimum mark of 80% is required for successful completion of assessment referred to in subregulations (1) and (2).

(5) Notwithstanding the provisions of subregulation (4), an applicant who obtains a mark of between 70% and 79% will be allowed to retake a test only once, without having to attend training.

(6) During practical assessment, an applicant shall be required to undergo a skills test by demonstrating competence to an aviation security inspector, authorised officer or designated examiner.

(7) An applicant may be subjected to an oral assessment, to test the knowledge and comprehension of what is being demonstrated as part of a skills test referred to in subregulation (6).

(8) The Director shall issue a screener certificate to an applicant, upon successful completion of all assessments.";

(d) the substitution in regulation 110.02.4 for subregulation (1) of the following subregulation:

"Application for screener certification

110.02.4 (1) An application for the issuing of a screener certificate shall be—

(a) made to the Director in the prescribed form; and

(b) accompanied by—

(i) a certified true copy of [the] identity document of an applicant;

- (ii) a valid medical certificate issued **[as prescribed]** in terms of Part 109;
- (iii) original or certified proof that an applicant has passed **[the]** a theoretical knowledge examination referred to in [regulation 110.02.3] this Part;
- (iv) copies of **[the]** practical training reports, [such as the] including x-ray or CBT results in case of x-ray training or K9 maintenance training in case of K9 assessment;
- (v) proof of completion of **[on the job training]** OJT as prescribed in Document SA-CATS 110;
- (vi) proof of payment of the appropriate fee as prescribed in Part 187;
- (vii) two recent passport size photographs of an applicant; **[and]**
- (viii) a certified copy of a grade 12, NQF level 4 certificate or equivalent~~[.]~~ qualification; and
- (ix) explosive dog micro-chip number.";

(e) the substitution in regulation 110.02.5 for subregulation (3) of the following subregulation:

"(3) [Screeners shall also] A screener may be certified to screen using one or more of the following screening methods, depending on the results of training and certification testing—

- (a) X-ray;
- (b) hand search;
- (c) explosive dog detection;
- (d) explosive trace detection; **[and]**
- (e) any other method, as may be approved by the Director~~[.]~~; or
- (f) computer tomography X-ray."; and

(f) the substitution for regulation 110.03.9 of the following regulation:

"Duties of screening organisations

110.03.9 (1) An organisation approved by the Director as a screening organisation shall ensure that it has an effective recruitment and selection process to ensure recruitment of best suited candidates.

(2) A recruitment process referred to in subregulation (1) shall comply with the requirements prescribed in Document SA-CATS 110.

(3) A screening organisation shall—

- (a) maintain records as required in terms of regulation 110.01.4;
- (b) ensure that screening is carried out by trained and certified personnel, who have received training, as stipulated in its security manual, required in terms of this Part;
- (c) In addition to any training required in terms of this Part, ensure that screeners receive familiarisation on specific screening equipment they are to operate before deployment;
- (d) ensure that all screening operations are carried out in a manner prescribed in this Part, Document SA-CATS 110, security program or security manual as may be applicable;
- (e) conduct background checks on all personnel recruited for screening duties;
- (f) conduct recurrent criminal record checks every 24 months on all personnel employed for screening duties.
- (g) appoint OJT personnel for training;
- (h) prepare OJT reports as prescribed in Document CATS 110;
- (i) develop and maintain screener profile;
- (j) conduct pre-certification assessment for OJT; and
- (k) ensure that OJT personnel—
 - (i) undergo remedial training;
 - (ii) conduct continuous improvements through threat image projection;
 - (iii) supervise OJT; and
 - (iv) undergo training as prescribed in Document SA-CATS 110.”.

Amendment of Part 111 of the Regulations

29. Part 111 is hereby amended by—

- (a) the substitution in Part 111 for the list of regulations of the following list of regulations:

“LIST OF REGULATIONS: AVIATION SECURITY

- 111.01.1 **Applicability**
- 111.01.2 **National Aviation Security Program**
- 111.01.3 **Airport Security Program**
- 111.01.4 **Air Carrier Security Programme.**
- 111.01.5 **ANSP Security Programme.**
- 111.01.6 **Security Programme pertaining to other aviation participants.**

| | |
|-----------|---|
| 111.01.7 | <u>Review of the National Aviation Security Programme and other aviation security programmes.</u> |
| 111.01.8 | <u>Security programme and security manual.</u> |
| 111.01.9 | <u>Security procedures for ground handling service provider.</u> |
| 111.01.10 | <u>Catering stores and catering supplies service provider security manual.</u> |
| 111.01.11 | <u>Reporting of Security Incidents.</u> |
| 111.01.12 | <u>Bomb Threat</u> |
| 111.01.13 | <u>Security exercise</u> |
| 111.01.14 | <u>Internal quality control protocol.</u> |
| 111.01.15 | <u>Security controls in restricted areas and on-board aircraft</u> |
| 111.01.16 | <u>Aviation security awareness training</u> |
| 111.01.17 | <u>Application for designation of airport</u> |
| 111.01.18 | <u>Designation of official for aviation security</u> |
| 111.01.19 | <u>Measures relating to cyber threats</u> |
| 111.01.20 | <u>Measures relating to security risk assessments</u> |
| 111.01.21 | <u>Security measures for landside areas of an airport.”:</u> |

- (b) the insertion in regulation 111.01.03 after subregulation (4) of the following subregulation:

“(5) A designated airport shall establish and implement screening methods that are capable of detecting the presence of explosives and explosive devices carried by any person on their persons or in cabin baggage.”;

- (c) the insertion in regulation 111.01.15 after subregulation (4) of the following subregulations:

“(5) A designated airport and an air carrier shall introduce measures to ensure that merchandise and supplies introduced into security restricted areas are subjected to security controls, which may include screening.

(6) A catering store and a catering supplies service provider shall implement security controls on items intended for carriage on a commercial flight to ensure that

such items are protected until loaded onto an aircraft, which may include a supply chain security process and screening.”; and

- (d) the insertion after regulation 111.01.18 of the following regulations:

"Measures relating to cyber threats

111.01.19 (1) A designated airport, air carrier, air traffic and navigation service provider and catering stores and supplies service provider shall identify critical information, communication technology systems and data used for aviation purposes in accordance with risk assessment, develop and implement the following measures to prevent unlawful interference and protect the confidentiality, integrity and availability of identified critical systems:

- (a) security by design;
- (b) supply chain security;
- (c) network separation; and
- (d) protection and limitation of any remote access capabilities.

(2) A designated airport, air carrier of a scheduled service, air traffic and navigation service provider and catering stores and catering supplies service provider shall develop procedures for—

- (a) testing of cyber-security;
- (b) cyber-security response;
- (c) cyber-security incident analysis; and
- (d) cyber-security incident reporting.

(3) A cyber-security incident shall be reported to the Director within 48 hours of occurrence.

Measures relating to security risk assessments

111.01.20 A designated airport, air carrier, air traffic and navigation service provider and catering stores and supplies service provider shall establish and implement procedures in their security programmes and manual, to share, information relating to effective security risk assessment in their operations.

Security measures for landside areas of an airport

111.01.21 (1) A designated airport operator shall identify landside areas of the airport and ensure that they are clearly marked as such in the airport plans submitted to the Director.

(2) A designated airport operator in consultation with the local airport security committee of a designated airport, shall establish security measures to mitigate the risk and prevent possible acts of unlawful interference in accordance with risk assessments carried out.

(3) The security measures referred to in subregulation (2) shall include measures to detect, deter and mitigate the risk in airport landside areas.

(4) The requirements for the implementation of landside security measures shall be provided for in the airport security program.

(5) The local airport security committee of a designated airport shall be responsible for coordinating the implementation of landside security measures.”.

Amendment of Part 113 of the Regulations

30. Part 113 is hereby amended by—

(a) the substitution for regulation 113.00.2 of the following regulation:

“Establishment of aviation pandemic preparedness plan

113.00.2 (1) The Director shall establish a national aviation pandemic preparedness plan [in preparation for an] to deal with outbreak of [a] communicable [disease,] disease posing a public health risk or public health emergency of international concern, as referred to in [Act 57 of 2002 (Disaster Management Act)] the Disaster Management Act (Act No 57 of 2002) or any Act as may be passed by Parliament **[The procedure for the implementation of the national aviation pandemic preparedness plan shall be contained in Document SA-CATS 113].**

(2) The procedure for implementation of the national aviation pandemic preparedness plan is prescribed in Document SA-CATS 113.”.

Insertion of Part 114 of the Regulations

31. Part 114 is hereby inserted after Part 113 of the Regulations:

"PART 114

AVIATION SECURITY FOR NON-SCHEDULED COMMERCIAL AIRCRAFT OPERATIONS

LIST OF REGULATIONS: AVIATION SECURITY FOR NON-SCHEDULED COMMERCIAL AIRCRAFT OPERATIONS

SUBPART 1: GENERAL

114.01.1 Applicability

114.01.2 Compliance with domestic law by foreign air carrier

SUBPART 2: ORGANISATION AND POLICY

114.02.1 Appointment of official responsible for aviation security

114.02.2 Obligations of official responsible for aviation security

114.02.3 Air carrier security programme

114.02.4 Approval of air carrier security programme

114.02.5 Distribution

114.02.6 Communication

SUBPART 3: AIRCRAFT SECURITY

114.03.1 Protection of aircraft

114.03.2 Aircraft security checks and searches

114.03.3 Risk assessment

114.03.4 Threat notification

114.03.5 Flight crew compartment protection

SUBPART 4: DOCUMENTATION AND INFORMATION

114.04.1 Air carrier documents, records and information

SUBPART 5: PASSENGERS AND CABIN BAGGAGE

114.05.1 Check-in and boarding protocols

114.05.2 Security controls and facilitation

114.05.3 LAGS

114.05.4 Carriage and control of weapons and firearms

SUBPART 6: HOLD BAGGAGE SECURITY

114.06.1 Air carrier responsibility to hold baggage security

SUBPART 7: AIRCRAFT CATERING STORES AND CATERING SUPPLIES

114.07.1 Air carrier responsibility aircraft catering stores and supplies

114.07.2 Catering stores and catering supplies service provider

SUBPART 8: AIRCRAFT CLEANING OPERATIONS

114.08.1 Air carrier responsibility for aircraft cleaning operations

SUBPART 9: SECURITY OF CARGO AND MAIL

114.09.1 Air carrier responsibility for cargo and mail

SUBPART 10: AIRCRAFT MAINTENANCE AREAS

114.10.1 Air carrier responsibility for aircraft maintenance areas

SUBPART 11: RECRUITMENT AND TRAINING

114.11.1 Recruitment

114.11.2 Training

SUBPART 12: QMS

- 114.12.1 Requirements for QMS
- 114.12.2 Implementation of QMS
- 114.12.3 Security Inspection or Audit

SUBPART 13: CONTINGENCY PLANNING

- 114.13.1 General protocols
- 114.13.2 Contingency plan exercise

SUBPART 14: INCIDENT REPORTING

- 114.14.1 Incident reporting obligation

SUBPART 15: PROTECTION OF PERSONNEL AND SPECIAL CATEGORY PASSENGERS

- 114.15.1 Security obligations

SUBPART 16: PROTECTION OF FACILITIES

- 114.16.1 Security obligations

SUBPART 17: CYBER SECURITY

- 114.17.1 Cyber protection

SUBPART 1: GENERAL

Applicability

114.01.1(1) This Part is applicable to-

- (a) a non-scheduled domestic and foreign air carrier;
- (b) catering stores and catering supplies service provider; and
- (c) a person employed or otherwise engaged by an air carrier.

Compliance with domestic law by foreign air carrier

114.01.2 A foreign air carrier operating in the Republic shall comply with the applicable laws in the Republic.

SUBPART 2: ORGANISATION AND POLICY

Appointment of official responsible for aviation security

114.02.1 (1) An air carrier shall appoint an official responsible for aviation security.

(2) If an air carrier has multiple branches around the Republic, such air carrier shall appoint at least one official responsible for aviation security at each one of the branches to-

- (a) implement the security controls;
- (b) supervise the security controls;
- (c) ensure that the security controls are applied as stipulated in a security programme customised to the operation of each branch.

(3) An official referred in subregulation (1) shall—

- (a) meet the requirements prescribed in Document SA-CATS 114; and
- (b) have unhindered access to the highest level of management within an air carrier.

(4) The appointment of an official referred to in subregulation (1) shall be subject to the approval of the Director as prescribed in Document SA-CATS 114.

Obligations of official responsible for aviation security

114.02.2 (1) An official responsible for aviation security shall—

- (a) ensure compliance with legislation applicable to the security of its operations;
- (b) be responsible for the development, implementation and reviewing of a security programme of an air carrier;
- (c) undergo training as prescribed in Part 109;
- (d) undertake security surveys, inspections and audits to validate the effectiveness of an air carrier security programme as part of a quality and risk management programme of an air carrier as prescribed in Document SA-CATS 114; and
- (e) be responsible for informing the Director of any threat of unlawful interference with an aircraft.

Air carrier security programme

114.02.3(1) An air carrier shall develop, implement and review a security programme.

(2) An air carrier shall adopt a security programme referred to in subregulation (1) as part of its corporate policy.

(3) An air carrier security programme shall describe an air carrier's policies, objectives, procedures and control measures with respect to security, in accordance with Document SA-CATS 114.

(4) If an air carrier has multiple branches and the operations at each branch differ, such air carrier shall ensure that each branch has a security programme customised to the operations of that particular branch.

(5) An official responsible for aviation security shall ensure that an approved air carrier security programme is reviewed and updated at least every 12 months unless instructed otherwise by the Director.

Application for approval of air carrier security programme

114.02.4 (1) An air carrier shall apply to the Director for approval of a security programme prior to its implementation, as prescribed in Document SA-CATS 114.

(2) An application for approval in terms of subregulation (1) or amendment of a security programme shall be accompanied by proof of payment of an appropriate fee stipulated in Part 187.

Distribution

114.02.5 (1) An air carrier may grant access to an air carrier security programme either in part or in whole, in accordance with Document SA-CATS 114.

Communication

114.02.6 (1) An air carrier security programme shall provide for a communication policy for communicating internally, with the Director, other Authorities, relevant stakeholders and with the media, regarding aviation security.

(2) Any communication regarding aviation security incidents, emergencies and sensitive information shall be restricted to an air carrier's Chief Executive Officer.

SUBPART 3: AIRCRAFT SECURITY

Protection of aircraft

114.03.1 An air carrier shall ensure protection of its aircraft against unauthorised interference as prescribed Document SA-CATS 114.

Aircraft security checks and searches

114.03.2 An air carrier shall ensure that aircraft security checks and searches are conducted as prescribed in Document SA-CATS 114.

Risk assessment

114.03.3(1) An air carrier shall conduct a risk assessment of its operations as prescribed in Document SA-CATS 114, develop and implement mitigation measures for the risks identified.

(2) An air carrier shall implement security measures in accordance with security risk assessment.

Threat notification

114.03.4 (1) An Air carrier security programme shall include—

- (a) procedures for responding to information indicating that a specific aircraft may be a target of an act of unlawful interference;
- (b) procedures for handling threat information as prescribed in Document SA-CATS 114;
- (c) provision for identifying a person charged with the responsibility of implementing additional security measures considered necessary to counter a specific threat; and
- (d) threat assessment and reporting forms as prescribed in Document SA-CATS 114.

(2) An air carrier shall conduct a review and analyse any occurrence or threat and submit a written report to the Director within 48 hours of completion of a review as prescribed in Document SA-CATS 114.

Flight crew compartment protection

114.03.5 An aircraft of a MCTOW of 54 500 kg or with a passenger seating capacity greater than 60 shall be equipped with an approved flight crew compartment door as prescribed in Document SA-CATS 114.

SUBPART 4: **DOCUMENTATION AND INFORMATION**

Air carrier documents, records and information

114.04.1 An air carrier shall protect and retain security documentation and information as prescribed in Document SA-CATS 114.

SUBPART 5: **PASSENGERS AND CABIN BAGGAGE**

Check-in and Boarding Protocols

114.05.1 An air carrier shall develop a check-in and boarding protocol as prescribed in Document SA-CATS 114.

Security controls and facilitation

114.05.2 (1) An air carrier shall ensure that departing passengers, including transfer and transit passengers and cabin baggage are subjected to screening before accessing a security-restricted area or permitted to board an aircraft, as prescribed in Document SA-CATS 114.

(2) A person, other than a passenger, requiring access to an aircraft shall be subjected to the same level of security controls as a passenger.

(3) An air carrier shall develop a list of passengers who may be denied boarding as prescribed in Document SA-CATS 114.

(4) An air carrier shall ensure that a passenger and baggage reconciliation is conducted as prescribed in Document SA-CATS 114.

LAGS

114.05.3 An air carrier shall develop and implement a procedure for handling LAGS and creams for international flights as prescribed in Document SA-CATS 114.

Carriage and control of weapons and firearms

114.05.4(1) An air carrier that carries weapons and firearms shall comply with the legislation of the Republic relating to the handling and transportation of weapons and firearms.

(2) An air carrier shall develop and implement a procedure for carriage and storage of weapons and firearms as prescribed in Document SA-CATS 114.

(3) An air carrier shall ensure that law enforcement officers or relevant State agents have required authorisation for carriage of weapons and firearms prior to boarding aircraft.

(4) The carrying of firearm shall, subject to subregulation (3), not be allowed in the cabin of an aircraft.

SUBPART 6:

HOLD BAGGAGE SECURITY

Air carrier responsibility to hold baggage security

114.06.1(1) An air carrier shall ensure that hold baggage is screened before being loaded on an aircraft as prescribed in Document SA-CATS 114.

(2) An air carrier shall develop and implement procedure for acceptance, screening, protection and secure transportation of checked passenger and crew baggage, from the time it is accepted for carriage, until it is presented to a passenger or transferred to another air carrier as prescribed in Document SA-CATS 114.

SUBPART 7:

AIRCRAFT CATERING STORES AND CATERING SUPPLIES

Air carrier responsibility for catering stores and catering supplies

114.07.1(1) An air carrier shall apply security controls to catering stores and catering supplies intended for carriage on a passenger flight as prescribed in Document SA-CATS 114.

Catering stores and catering supplies service provider

114.07.2 (1) A catering stores and catering supplies service provider shall, in accordance with an air carrier security programme, develop security procedures as prescribed in Document SA-CATS 114.

(2) An air carrier operating at a designated airport shall comply with security controls of such an airport, ensuring that a person, vehicle or commodity transported into a restricted area is subjected to prescribed airport security controls.

SUBPART 8: **AIRCRAFT CLEANING OPERATIONS**

Air carrier responsibility for aircraft cleaning operations

114.08.1(1) An air carrier shall ensure that cleaning supplies and equipment taken on-board aircraft are not used to introduce prohibited articles that may endanger the safety of an aircraft, passengers, crew or ground staff as prescribed in Document SA-CATS 114.

SUBPART 9: **SECURITY OF CARGO AND MAIL**

Air carrier responsibility for cargo and mail

114.09.1 An air carrier shall subject any cargo, courier, express parcel and mail intended for carriage on a passenger or cargo flight, to security controls as stipulated in Part 108.

SUBPART 10: **AIRCRAFT MAINTENANCE AREAS**

Air carrier responsibility for aircraft maintenance areas

114.10.1 An air carrier shall provide for security measures to be applied in an aircraft maintenance area as prescribed in Document SA-CATS 114.

SUBPART 11: **RECRUITMENT AND TRAINING**

Recruitment

114.11.1 An air carrier shall develop and implement a recruitment procedure for employees engaged in security duties as prescribed in Document SA-CATS 114.

Training

114.11.2 (1) An air carrier shall ensure that its employees, including employees of service providers, are subjected to aviation security awareness and training as stipulated in Part 109.

(2) An air carrier shall ensure that an official responsible for aviation security is subjected to a minimum of Level 3 security training as stipulated in Part 109.

SUBPART 12: **QMS**

Requirements for QMS

114.12.1 An air carrier shall develop, implement and maintain a quality control programme for aviation security as part of its QMS as prescribed in Document SA-CATS 114.

Implementation of QMS

114.12.2 (1) An air carrier shall implement its QMS independently from an entity or person responsible for implementation of an operator's security programme.

(2) An air carrier shall undertake a security survey, inspection and audit to validate the effectiveness of a security programme as part of its quality and risk management programme as prescribed in Document SA-CATS 114.

(3) An air carrier shall appoint a person responsible for QMS who meets the qualifications and experience requirements as prescribed in Document SA-CATS 114.

(4) The functions of a person responsible for QMS shall be as prescribed in Document SA-CATS 114.

(5) An air carrier shall submit an annual schedule of quality audits and quality activities to the Director.

(6) An air carrier or any other entity implementing internal quality control on behalf of an air carrier, shall provide results of internal quality control and plan of action to the Director, upon request.

(7) An air carrier shall submit a summary of annual report of activities to the Director as prescribed in Document SA-CATS 114.

(8) An official responsible for aviation security shall prepare a schedule of future monitoring activities on a quarterly basis, to ensure that activities are monitored regularly.

(9) An air carrier shall submit a report of quality activities to the Director as prescribed in Document SA-CATS 114.

Security Inspection or Audit

114.12.3 (1) An air carrier shall provide access to an authorised officer, inspector or authorised person to carry out a security inspection or audit to verify the validity or effectiveness of a security programme.

(2) The Director may conduct an inspection or audit referred to in subregulation (1) at any time with or without prior notice.

(3) An authorised officer, inspector or authorised person may:

- (a) search an aircraft registered or operating within the Republic; or
- (b) detain an aircraft for the purposes of inspection, or rectification of any deficiency in the application of a security programme.

(4) When a deficiency in complying with this Part is identified and reported to an air carrier, an air carrier shall immediately implement corrective action plan to remedy such deficiency.

(5) Where a rectification of a deficiency may not be achieved immediately as provided in subregulation (4), an air carrier shall submit to the Director a proposed

corrective action plan which includes an implementation timeframe to address any deficiency identified, for approval.

(6) When a non-compliance is identified and such non-compliance may require a further inspection, a fee for such further inspection shall be charged as prescribed in Part 187.

SUBPART 13: **CONTINGENCY PLANS**

General protocols

114.13.1 An air carrier shall develop a contingency plan as prescribed in Document SA-CATS 114.

Contingency plan exercise

114.13.2 An air carrier shall conduct contingency plan exercises as prescribed in Document SA-CATS 114.

SUBPART 14: **INCIDENT REPORTING**

Incident reporting obligation

114.14.1 (1) An air carrier shall report an incident, immediately upon occurrence, to the Director telephonically and thereafter submit a written incident report within 48 hours of an occurrence of an incident as prescribed in Document SA-CATS 114.

(2) An air carrier is prohibited from reporting any incident directly to ICAO or any foreign Authority.

SUBPART 15: **PROTECTION OF PERSONNEL AND SPECIAL CATEGORY PASSENGERS**

Security obligations

114.15.1 (1) An air carrier shall ensure that its security procedure and protection measures for personnel and special category passengers provide for mitigation of risk from unlawful interference.

(2) Security procedures and protection measures referred to in subregulation (1) shall be risk based.

SUBPART 16:
PROTECTION OF FACILITIES

Security obligations

114.16.1 Security measures for the protection of a building and facility of an air carrier shall be in accordance with security programme of such air carrier as prescribed in Document SA-CATS 114.

SUBPART 17:
CYBER SECURITY

Cyber protection

114.17.1 (1) An air carrier shall secure its information technology platform as prescribed in Document SA-CATS 114.

(2) An air carrier shall ensure that its cyber security measures are commensurate with a threat level.

(3) An air carrier shall implement cyber security measures as prescribed in Document SA-CATS 114.”.

Amendment of Part 121 of the Regulations

32. Part 121 of the regulations is hereby amended by—

- (a) the substitution in Division Five of Subpart 3 and in Division Three of Subpart 7 respectively in the list of regulations of the following Divisions:

Subpart 3

“Division Five: Training of Cabin Crew members

121.03.11 Training, checking, certification and validity periods

121.03.12 Flight crew proficiency checks and initial type rating”; and

Subpart 7

“Division Three: Cabin safety

121.07.33 Seat, seat safety belt, harness and child restraint device and carriage of an infant

121.07.34 Carriage of persons with a disability

121.07.35 Limitations on carriage of children and passengers with disability

121.07.36 Carriage of persons without documentation, deportees or persons in custody

121.07.37 Carry-on baggage

121.07.38 Hold baggage screening

121.07.39 Securing of passenger cabin and galley

121.07.40 Passenger services

121.07.41

121.07.42 Briefing of passengers

121.07.43 Safety features card

121.07.44 Carriage of supernumeraries

121.07.45 Seating of supernumeraries during flight”;

(b) the insertion after regulation 121.03.11 of the following regulation:

“Flight crew proficiency checks and initial type rating

121.03.12 (1) A flight crew member shall undergo a proficiency check, referred to in this Part, in respect of an aeroplane with a turbo fan which includes a light jet, at least once every six months in a flight simulator, approved for the purpose.

(2) If a flight crew member undergoes an initial type rating for a turbo fan aeroplane on an actual aircraft, an approved simulator course shall be completed within six months of initial type rating.

(3) An operator may be granted permission to deviate from a proficiency check

requirement for a particular type of aeroplane for a period not exceeding six months: Provided that such operator demonstrates a satisfactory equivalent of the requirement.

(4) The Director may, on application, exempt an operator from the requirements of subregulations (1) and (2) where such operator submits proof that —

- (a) a flight simulator is not available;
- (b) a flight simulator does not exist for a particular aeroplane in which the contemplated abnormal and emergency procedures may be simulated; or
- (c) the relevant abnormal or emergency procedures can be safely carried out in such a particular concerned aircraft, or in a similar aircraft.

(5) A permission referred to in subregulation (3) and an exemption granted in terms of subregulation (4) shall be issued on a case by case basis upon consideration of a safety case and risk assessment, and shall be withdrawn when a suitable device becomes available.

(6) When an operator is granted a permission to deviate from a current proficiency check requirement, a subsequent proficiency check shall be performed on a simulator unless it is proven that a simulator does not exist.”;

- (c) the substitution for regulation 121.05.1 of the following regulation:

"Approval of instruments and equipment

121.05.1 (1) For the purposes of this Subpart, any reference to the initial date of a type certificate or certificate of airworthiness means the first time that type certificate or certificate of airworthiness was issued for that aircraft type.

(2) An air service operator shall ensure that a flight does not commence unless the instruments and equipment required under this Subpart, or otherwise installed on an aircraft are such that they will enable a flight crew to control a flight path of such aircraft, carry out any required procedural manoeuvres and observe the operating limitations of such aircraft in the expected operating conditions and are—

- (a) approved and installed in accordance with the requirements, including operational and airworthiness requirements, applicable to such instruments and equipment; and
- (b) in a condition for safe operation of a kind being conducted, except as provided for in MEL.

(3) An air service operator shall not be required to obtain approval for—

- (a) fuses referred to in regulation 91.04.2;
- (b) intrinsically safe electric torches referred to in regulation 91.04.3(1)(d);
- (c) accurate time piece referred to in regulations 91.04.4 and 91.04.5;
- (d) first aid equipment referred to in regulation 91.04.16;
- (e) megaphones referred to in regulation 91.04.24;
- (f) survival equipment referred to in regulation 91.04.29; and
- (g) medical equipment referred to in regulation 121.05.13.

(4) An agent used in a built-in fire extinguisher for each lavatory disposal receptacle for towels, paper or waste in an aeroplane which was first issued with a certificate of airworthiness on or after 31 December 2011, and an extinguishing agent used in a portable fire extinguisher in an aeroplane which was first issued with a certificate of airworthiness on or after 31 December 2016 shall—

- (a) meet the applicable prescribed minimum performance requirements; and
- (b) not be of a type listed in the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer, as amended from time to time.

(5) Information regarding extinguishing agents to be used in an aeroplane is contained in Document SA-CATS 121,"; and

(d) the substitution for regulation 121.05.12 of the following regulation:

"Internal doors and curtains

"121.05.12 (1) A passenger-carrying aeroplane falling under the following category shall be equipped with an approved flight crew compartment door capable of being locked and unlocked from either pilot's station, designed to resist penetration by a small firearm, grenade shrapnel, and forcible intrusions from an unauthorised person:

- (a) of a MCTOW in excess of 54 500 kg;
- (b) of a MCTOW in excess of 45 500 kg with a passenger seating capacity greater than 19; or
- (c) with a passenger seating capacity greater than 60.

(2) A person shall not operate an aeroplane unless such aeroplane is equipped with—

- (a) a flight crew compartment door, that shall be capable of being locked, and means shall be provided by which cabin crew may discreetly notify a flight crew in an event of a suspicious activity or security breach in a cabin;

- (b) a readily accessible device for opening each door which separates a passenger compartment in an aeroplane and a device to secure such door or curtain in an open position;
- (c) a notice which indicates that a door or curtain shall be secured open during take-off and landing, placed on each internal door or adjacent to a curtain which provides access to an emergency exit; and
- (d) a device for any flight crew member to unlock any door which is normally accessible to and may be locked by a passenger.”;

- (e) the substitution in regulation 121.05.19 for subregulation (6) of the following subregulation:

“(6) [From 1 January 2016, no operator] A person may not operate an aeroplane equipped with a CVR or CARS using magnetic tape or wire.”;

- (f) the substitution for regulation 121.05.22 of the following regulation:

“Equipment requirements for aeroplanes on long range over water flights

121.05.22 (1) An aeroplane used on a route where it may be flown over water shall be installed with life-saving equipment under the following circumstances:

- (a) if such aircraft may operate at a distance corresponding to at least 120 minutes or at cruising speed or 400 nm, whichever is the lesser, away from land suitable for making an emergency landing; and
- (b) in the case of a twin engine aircraft with one engine inoperative or a 3 or more engine aircraft with two engines inoperative, if it may operate at a distance corresponding to at least and minutes or 100 NM, whichever is lesser, for emergency landing.

- (4) Life-saving equipment referred to in subregulation (1) shall include—

- (a) life-saving rafts in sufficient numbers to carry all persons on board, stowed so as to facilitate their ready use in an emergency, and shall include means of sustaining life as is appropriate to the flight to be undertaken;
- (b) equipment for making pyrotechnical distress signals; and
- (c) for an aeroplane of a MCTOW of over 27 000 kg, a securely attached underwater locating device operating at a frequency of 8.8 kHz which has the capability to operate for a minimum of 30 days.

(5) An underwater locating device referred to in subregulation (2)(c) shall not be installed in wings or empennage of an aeroplane.

Note.— Underwater locator beacon performance requirements are as contained in the SAE AS6254, Minimum Performance Standard for Low Frequency Underwater Locating Devices (Acoustic) (Self-Powered), or equivalent documents.”;

(6) A life jacket or equivalent individual flotation device provided in an aeroplane shall be equipped with a means of electric illumination for purpose of facilitating the location of persons.

(7) Life raft, survival radio equipment and information requirements for extended over water flights shall be as prescribed in Document SA-CATS 91.

(g) the substitution for regulation 121.06.5 of the following regulation:

“Safety and security inspections and audits

121.06.5 (1) An applicant for the issuance of an AOC shall permit an authorised officer, inspector or authorised person to carry out such safety **[and/or security inspections and audits]** and security audit or inspection which may be necessary **[to verify the validity]** for consideration of an application made in terms of this Part **[regulation 121.06.2]**.

(2) **[The]** A holder of an AOC shall permit an authorised officer, inspector or authorised person to carry out such safety and security **[inspections and audits]** inspection and audit as may be necessary to determine compliance with **[the]** appropriate requirements prescribed in this Part.

(3) A non-compliance or finding made as a result of an inspection or audit conducted in terms of this Part shall be categorised as prescribed in Document SA-CATS 121.”;

(h) the substitution in regulation 121.06.6 for subregulation (2) of the following subregulation:

“(2) An operator shall **[advise]** notify the Director of any **[changes]** intended change in the personnel occupying **[the]** a management **[positions]** position specified in regulation **[135.06.2 (5)]** 121.06.2 (5) and shall submit the names and qualifications of **[the replacement person(s)]** a replacement person for the Director's approval before

effecting such [changes] a change: Provided that, in the case of [the] a sudden departure of an incumbent, [the] an operator shall notify the Director of [the] event and his or her intentions] its plan to ensure safety of operations while replacing such person.”;

- (i) the substitution in regulation 121.07.1 for subregulation (8) of the following subregulation:

“(8) An operator of an aeroplane shall not commence a flight unless it has been ascertained by every reasonable means available that the ground facilities and services, including meteorological services and rescue firefighting services are—

- (a) available as required for the safe operation of an aeroplane and the protection of the passengers,
- (b) adequate for the type of operation being conducted, and
- (c) functioning normally for their intended purpose”.

- (j) the addition in regulation 121.07.1 after subregulation (9) of the following subregulations:

“(10) Information related to the level of rescue and firefighting service protection that is deemed acceptable by an operator of an aeroplane shall be contained in the operations manual.

“(11) An operator of an aeroplane shall, as part of its SMS, assess the level of rescue and firefighting service protection available at an aerodrome intended to be specified in the operational flight plan to ensure that an acceptable level of protection is available for an aeroplane intended to be used”.

- (k) the substitution for regulation 121.07.30 of the following regulation:

“Low visibility operations

121.07.30 (1) An air service operator shall not assign a pilot to conduct a low visibility take-off or Category II or III approach unless—

- (a) such an operator meets the conditions prescribed in Document SA-CATS 121;
- (b) an operator is authorised to do so in its operations specifications; and
- (c) an LVO is conducted in accordance with procedures approved for such operator in its operations manual.

(2) A pilot shall not conduct a visibility take-off or Category II or III approach unless the conditions specified in subregulation (1) are met.”;

- (l) the substitution for regulation 121.07.32 of the following regulation:

“Operations with electronic flight bags

121.07.32 (1) A person shall not use an EFB unless such person—

- (a) is authorised to do so in terms of the operations specifications; and
- (b) complies with the EFB requirements prescribed in Document SA-CATS 121.

(2) Where an EFB is used on board an aircraft, an operator or owner of such aircraft shall—

- (a) assess the safety risk associated with each EFB function;
- (b) establish and document procedures for the use of, and training requirements for an EFB device and each EFB function in such operator or owner’s operations manual;
- (c) ensure that, in the event of an EFB failure, sufficient information is readily available to a flight crew for a flight concerned to be conducted safely;
- (d) ensure that requirements are established for redundancy of information, if appropriate, contained and displayed by EFB functions;
- (e) ensure that the EFB equipment and its associated installation hardware, including interaction with aircraft systems if applicable, meet the appropriate airworthiness certification requirements; and
- (f) establish and document procedures for the management of the EFB functions including any database it may use.

(3) Where a portable EFB is used on board aircraft, an operator or owner of an aircraft shall ensure that such portable EFB does not affect a performance of aircraft systems, equipment or the ability to operate an aircraft.”;

- (m) the substitution for regulation 121.07.33 of the following regulation:

“Division Three: Cabin safety

Seat, seat safety belt, harness and child restraint device and carriage of infant

121.07.33(1) A person shall not operate an aircraft unless such aircraft is equipped, as applicable, with—

- (a) a seat or berth for each person who is aged two years or more;

- (b) a safety belt with or without a diagonal shoulder strap, or a safety harness, for use in each passenger seat for each passenger who is aged two or more;
- (c) a safety belt for use in each passenger berth;
- (d) a child restraint device for carriage of each child and infant as prescribed in Document SA-CATS 121;
- (e) a safety harness for each flight crew member seat, incorporating a device which shall automatically restrain an occupant's torso in the event of rapid deceleration; and
- (f) a safety harness for each cabin crew member seat: Provided that a safety belt with one diagonal shoulder strap is permitted if a fitting of a safety harness is not practical.

(2) A Seat for any cabin crew member shall, where possible, be located near floor-level emergency exit and any additional cabin crew member seat required shall be located such that a cabin crew member may best be able to assist passengers in the event of an emergency evacuation: Provided such a seat shall be forward or rearward facing within 15° of the longitudinal axis of an aircraft.

(3) If a PIC cannot see all passenger seats in an aircraft from his or her own seat, a means of indicating to all passengers and cabin crew members that seat belts should be fastened, shall be installed.

(4) A safety harness and safety belt shall have a single point release.

(5) A passenger shall not be responsible for the safety of more than one infant on board aircraft.”;

- (n) the substitution in regulation 121.08.1 for subregulation (6) of the following subregulation:

“(6) In complying with any of the provisions in this Subpart, all factors that significantly affect the performance of ~~[the]~~ an aeroplane, as applicable to ~~[the]~~ any phase of a flight, shall be taken into account and ~~[which]~~ shall include as a minimum—

- (a) ~~[the]~~ a mass of ~~[the]~~ an aeroplane;
- (b) ~~[the]~~ operating procedures employed by ~~[the]~~ an operator;
- (c) ~~[the]~~ pressure-altitude appropriate to ~~[the]~~ an elevation of ~~[the]~~ an aerodrome;
- (d) ~~[the]~~ ambient temperature;
- (e) ~~[the]~~ wind;

- (f) [the] runway slope; and
- (g) [the surface conditions of the] surface condition of a runway at the expected time of use.”;

(o) the substitution for regulation 121.09.4 of the following regulation:

“Operator’s maintenance responsibilities

121.09.4 (1) An air service operator shall establish procedures acceptable to the Director that ensure that—

- (a) an aircraft is maintained in an airworthy condition;
- (b) an operational and emergency equipment necessary for an intended flight is serviceable;
- (c) a Certificate of Airworthiness of each aircraft remains valid at all times during such operation; and
- (d) an operation of an aircraft meets special conditions which may be imposed.

(2) An air service operator shall not operate an aircraft unless it is maintained and released to service by an organisation approved in accordance with Part 145.

(3) A release to service referred to in subregulation (2) shall be conducted as stipulated in regulation 121.09.3.

(4) An air service operator shall employ sufficient personnel to ensure that maintenance is carried out in accordance with the maintenance control manual as stipulated in regulation 121.09 5.

(5) An air service operator shall ensure that the maintenance of an aircraft is performed in accordance with the maintenance programme referred to in regulation 121.09.2.”;

(p) the substitution in regulation 121.09.6 for subregulation (2) of the following subregulation:

“(2) The records referred to—

- (a) in subregulation (1)(a) to (e) shall be kept for a minimum period of 90 days after the unit to which they refer has been permanently withdrawn from service;
- (b) in subregulation (1)(f) shall be kept for a minimum period of 5 years after the signing of the maintenance release; and

- (c) in paragraphs (a) and (b) shall be kept, transferred and maintained in a form and format that ensures readability, security and integrity of the records at all times."

(q) the substitution for regulation 121.09.7 of the following regulation:

"Continuing airworthiness information

121.09.7 (1) An air service operator shall monitor and assess maintenance and operational experience with respect to continuing airworthiness of each aircraft they operate and provide such information as required by the Director.

(2) Information referred to in subregulation (1) shall be submitted to the Director using a reporting system developed for that purpose.

(3) The Director shall transmit all mandatory continuing airworthiness information reported to him or her in accordance with subregulation (2) to the State of Design of any aeroplane that has been issued a South African Certificate of Airworthiness and operated in terms of this Part.

(4) An air service operator shall, for each aircraft they operate under this Part, obtain and assess continuing airworthiness information and recommendations issued by such aircraft manufacturer, an organisation responsible for such aircraft type design or by a State of Design of such aircraft.

(5) Notwithstanding the provisions of subregulation (4), an air service operator shall meet any additional requirements and conditions issued by the Director for each type of aircraft operated under this Part and shall implement resulting actions considered necessary in accordance with a procedure acceptable to the Director."

Amendment of Part 127 of the Regulations

33. Part 127 of the regulations is hereby amended by—

- (a) the substitution for Division Three in Subpart 7 in the list of regulation of the following Division:

"Division Three: Cabin safety

127.07.29 Seat, seat safety belt, harness and child restraint device and carriage of

| | |
|------------------|--|
| | <u>an infant</u> |
| <u>127.07.30</u> | <u>Carriage of persons with a disability</u> |
| <u>127.07.31</u> | <u>Limitations on carriage of infants, children and passengers with</u> <u>disability</u> |
| <u>127.07.32</u> | <u>Carriage of inadmissible passengers, deportees or persons in custody</u> |
| <u>127.07.33</u> | <u>Carry-on baggage</u> |
| <u>127.07.34</u> | <u>Securing of passenger cabin and galley</u> |
| <u>127.07.35</u> | <u>Passenger services</u> |
| <u>127.07.36</u> | <u>Briefing of passengers</u> |
| <u>127.07.37</u> | <u>Safety features cards”.</u> |

- (b) the substitution for regulation 127.04.8 of the following regulation:

“Mass and balance sheet

127.04.8 (1) An air service operator shall not operate a helicopter with a maximum approved passenger seating configuration of more than nine seats to render an air service unless a person superintending the loading of such helicopter has completed and certified a mass and balance sheet.

(2) A mass and balance sheet referred to in subregulation (1) shall be completed in duplicate and one copy shall be carried in a flight concerned and one copy shall be retained in accordance with regulation 127.04.1.

(3) A mass and balance sheet of a flight shall be retained by an air service operator for a period of at least 90 days calculated from the date on which such flight was completed.

(4) The minimum contents of a mass and balance sheet shall be as prescribed in Document SA-CATS 127.”;

- (c) the substitution in regulation 127.05.8 for subregulations (2) to (3) respectively of the following subregulations:

“(2) Notwithstanding the provisions of regulation 91.04.24(1)(c), a Class 2 or Class 3 helicopter, operated in terms of this Part, shall, where a take-off or approach path is so disposed over water that in the event of a mishap there would be a likelihood of a ditching, be equipped with a life jacket or equivalent flotation device, stowed in a position easily accessible from each seat or berth of a person for whose use it is provided.

(3) Notwithstanding the provisions of ~~[paragraphs]~~ regulation 91.04.24(2)(b) and (c), a Class 1 or Class 2 helicopter, operated in terms of this Part, shall be equipped with the equipment specified in regulation 91.04.25 whenever ~~[the]~~ such helicopter is operated over water at such a distance that, in the event of a mishap there would be ~~[the]~~ a likelihood of a ditching.”;

- (d) the substitution in regulation 127.06.2 for subregulation (5) of the following subregulation:

“(5) Appointed personnel referred to in subregulation (2)(a) shall be approved by the Director and shall comprise of the following positions:

- (a) Chief Executive Officer;
- (b) person responsible for flight operations;
- (c) person responsible for aircraft;
- (d) Air Safety Officer;
- (e) Quality Assurance Manager; and
- (f) Security Manager.”;

- (e) the substitution for regulation 127.06.5 of the following regulation:

“Safety and security inspections and audits

127.06.5 (1) An applicant for the issuance of an AOC shall permit an authorised officer, inspector or authorised person to carry out such safety ~~[and/or]~~ and security inspections and audits which may be necessary to verify the validity of information relating to an application [made in terms of regulation 127.06.2].

(2) ~~[The]~~ A holder of an AOC shall permit an authorised officer, inspector or authorised person to carry out such safety and security inspections and audits as may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

(3) Non-compliance or findings determined by safety and security inspections or audits shall be categorised as prescribed in Document SA-CATS 127.”;

- (f) the substitution for regulation 127.07.19 of the following regulation:

“Operations with electronic flight bags

127.07.19 (1) ~~[No]~~ An air service operator or owner of an aircraft shall not use an [electronic flight bag (EFB)] EFB unless ~~[the]~~ such operator or owner—

- (a) is authorised to do so in its operations specifications; and
- (b) complies with the EFB requirements prescribed in Document SA-CATS 127.

(2) **[The operator shall include the procedures for use of such equipment in the operations manual referred to in regulation 127.04.2.]** Where an EFB is used on board aircraft, an owner or operator of an aircraft shall—

- (a) assess the safety risk associated with each EFB function;
- (b) establish and document the procedures for the use of, and training requirements for the device and each EFB function in the operations manual referred to in regulation 127.04.2;
- (c) ensure that, in the event of an EFB failure, sufficient information is readily available to flight crew for a flight to be conducted safely;
- (d) ensure requirements are established for redundancy of the information, if appropriate, contained and displayed by EFB functions;
- (e) ensure that EFB equipment and installation hardware, including interaction with aircraft systems if applicable, meet the appropriate airworthiness certification requirements; and
- (f) shall establish and document procedures for the management of EFB functions including any database it may use.

(3) Where a portable EFB is used on board aircraft, an operator or owner of such aircraft shall ensure that it does not affect the performance of an aircraft systems, equipment or the ability to operate an aircraft.”;

(g) the substitution for regulation 127.07.29 of the following regulation:

“Seat, seat safety belt, harness and child restraint device and carriage of infant

127.07.29 (1) A person shall not operate an aircraft unless such aircraft is equipped, as applicable, with—

- (a) a seat or berth for each person who is aged 2 years or more;
- (b) a safety belt with or without a diagonal shoulder strap, or a safety harness, for use in each passenger seat for each passenger who is aged two or more;
- (c) a safety belt for use in each passenger berth;
- (d) a child restraint device for the carriage of each child and infant as prescribed in Document SA-CATS 127;
- (e) a safety harness for each flight crew member seat, incorporating a

device which shall automatically restrain an occupant's torso in the event of rapid deceleration; and

- (f) a safety harness for each cabin crew member seat provided that a safety belt with one diagonal shoulder strap is permitted if fitting a safety harness is not practical.

(2) A seat for cabin crew member shall, where possible, be located near floor-level emergency exit and any additional cabin crew member seat required shall be located such that a cabin crew member may best be able to assist any passenger in the event of an emergency evacuation: Provided such a seat shall be forward or rearward facing within 15° of the longitudinal axis of an aircraft.

(3) If a PIC cannot see all the passenger seats in an aircraft from his or her own seat, a means of indicating to all passengers and cabin crew members that seat belts shall be fastened, shall be installed.

(4) A safety harness or safety belt fitted in an aircraft shall have a single point release.

(5) A passenger shall not be responsible for the safety of more than one infant on board aircraft."

- (h) the substitution for regulation 127.09.6 of the following regulation:

"Maintenance records

127.09.6 (1) A helicopter operator shall ensure that the following records are kept and maintained in a form and format that ensures readability, security and integrity of the records for the periods prescribed in subregulation (2):

- (a) the total time such as the hours, calendar time and cycles in service, of a helicopter and all life limited components;
- (b) current status of compliance with all mandatory continuing airworthiness information;
- (c) appropriate details of modifications and repairs;
- (d) the time such as hours, calendar time and cycles, since the last overhaul of a concerned helicopter or its components subject to a mandatory overhaul life;
- (e) the current status of a helicopter's compliance with the maintenance programme; and
- (f) detailed maintenance records to show that all requirements for the signing of a maintenance release have been met.

(2) The records referred to:

- (a) in subregulation (1)(a) to (e) shall be kept for a minimum period of 90 days after a unit to which they refer has been permanently withdrawn from service; and
- (b) in subregulation (1)(f) shall be kept for a minimum period of 5 years after the signing of maintenance release.

(3) In the event of a temporary change of an operator of a helicopter, the records referred to in subregulation (1) shall be made available to a new operator.

(4) In the event of a permanent change of an operator of a helicopter, the records referred in subregulation (1) shall be transferred to a new operator."

Amendment of Part 128 of the Regulations

34. Part 128 of the regulations is hereby amended by—

- (a) the substitution for regulation 128.01.1 of the following regulation:

"Applicability

128.01.1 (1) This Part applies to—

- (a) ~~[operators of type-certificated helicopters,]~~ an operator of a type-certificated helicopter registered in the Republic and operated in terms of a Class III air service licence issued either in terms of the Air Services Licensing Act of 1990 or the International Air Services Act of 1993; and**
- (b) any person on board a helicopter operated under this Part.**

(2) Notwithstanding the provision of paragraph (1) (a) certain holders of a Class III air service licence are required to operate under Part 127[of these Regulations].

(3) For the purposes of this Part a type-certificated helicopter, registered in another State and operated by ~~[the]~~ a holder of an operating certificate issued in the Republic, shall be deemed to be registered in the Republic.

(4) The provisions of Part 91 ~~[shall]~~ apply *mutatis mutandis* to any helicopter operated under this Part.

(5) Part 137 provides additional regulations in respect of certain aerial work operations.

(6) Unless the context suggests otherwise, throughout this Part the expression "operator" **[shall mean]** means an operator referred to in paragraph (1)(a).

(7) Throughout this Part the expression "aerodrome" **[shall include]** includes any site used for **[the]** take-off or landing of a helicopter, whether licensed, approved or not.

NOTE.—This Part and its associated technical standards provide for the operation Class III air services, other than G7 emergency medical services and G16 offshore operations, by a helicopter operator who does not also operate a Class I, Class II, or one of the in this note listed other Class III air service.

However, should an operator also operate one of these Class I, Class II, or Class III air services, he or she does not require to obtain a separate Part 128 approval but may have his or her aircraft operating certificate and operating specifications, as well as the various manuals, issued or approved in terms of Part 127, endorsed for Part 128 operations.

Wherever applicable, these documents shall indicate which requirements of Part 127 and its associated technical standards are not applicable to the particular aerial work operation, and which specific additional requirements of Part 128 and its associated technical standards need to be adhered to.";

- (b) the substitution in regulation 128.02.1 for subregulation (7) of the following subregulation:

"(7) **[The]** An operator shall not assign a person, and no **[flight crew member]** person may accept any assignment, to act as a flight crew member of any helicopter operated under this Part unless such person meets the requirements prescribed in **[document]** Document SA-CATS 128.";

- (c) the substitution for regulation 128.05.11 of the following regulation:

"Flight recorders

128.05.11 The provisions of regulation 91.04.10 shall apply mutatis mutandis to a helicopter operated in terms of this Part, including the prescribed minimum recording duration stipulated in subregulations (7) and (8)."; and

- (d) the substitution in regulation 128.06.2 for subregulation (5) of the following subregulation

“(5) A management structure referred to in subregulation (2)(b) applicable to the type of operational control system, shall comprise of the following positions, which shall be approved by the Director—.

- (a) Chief Executive Officer;
- (b) person responsible for flight operations;
- (c) person responsible for aircraft; and
- (d) air safety officer”.

Amendment of Part 129 of the Regulations

35. Part 129 of the regulations is hereby amended by the substitution for regulation 129.03.1 of the following regulation:

“Documents to be carried on board

129.03.1 (1) A foreign air service operator shall ensure that the originals or certified true copies of the following documents are carried on board aircraft on each individual flight:

- (a) certificate of registration;
- (b) certificate of airworthiness or, for non-type certificated aircraft, an authority to fly;
- (c) appropriate licence of each crew member;
- (d) general declaration;
- (e) aircraft radio station licence;
- (f) if passengers are carried, passenger manifest, unless the information is included in the general declaration referred to in paragraph (d);
- (g) if cargo is carried, manifest and detailed declaration of such cargo;
- (h) if baggage is carried, baggage manifest bearing approval signature of an authorised person declaring that security measures have been observed;
- (i) certificate of release to service;
- (j) navigation log when a navigator is carried;

- (k) AFM, referred to in regulation 91.03.2, or an equivalent document, which shall include the statements referred to Document SA-CATS 91, if flight in RVSM airspace is contemplated;
- (l) mass and balance report;
- (m) flight folio;
- (n) MEL, if applicable;
- (o) noise certificate, if such certificate has been issued for a type of aircraft;
- (p) list of visual signals and procedures for use by intercepting and intercepted aircraft;
- (q) licence to operate air services, FOP or equivalent document giving authority for such flight;
- (r) preflight security checklist completed at a last station of departure; and
- (s) approved declaration form with regards to all catering and supplies onboard such aircraft.

(2) A foreign air service operator operating on any other approval that requires a specific approval in terms of Parts 91, 93, 121, 127 and 135, shall ensure that an original or a certified true copy of a that specific approval is carried onboard aircraft.”.

Amendment of Part 135 of the Regulations

36. Part 135 of the regulations is hereby amended by–

- (a) the substitution for Division Three in Subpart 7 of the list of regulations of the following Division:

“Division Three: Cabin safety

- 135.07.32 Carry-on baggage
- 135.07.33 Hold baggage screening
- 135.07.34 Securing of passenger cabin and galley
- 135.07.35 Passenger services
- 135.07.36 Briefing of passengers
- 135.07.37 Safety features card
- 135.07.38 Seats, seat safety belts, harnesses and child restraint devices and carriage of infants

135.07.39 Portable electronic devices:

- (b) the substitution in regulation 135.02.11 for subregulation (6) of the following subregulation:

“(6) Where the Director is satisfied that the evidence provided under [paragraph] subregulation (5) is acceptable, the Director shall issue a full approval to implement the fatigue risk management system.”;

- (c) the substitution in regulation 135.05.11 for subregulation (5) of the following subregulation:

“(5) [From 1 January 2016,] An operator may not operate an aeroplane equipped with a CVR or CARS using magnetic tape or wire.”;

- (d) the substitution for regulation 135.05.14 of the following regulation:

“135.05.14 (1) An aeroplane used on a route where it may be flown over water shall be installed with life-saving equipment under the following circumstances:

- (a) if such aircraft may operate at a distance corresponding to at least 120 minutes or at cruising speed or 400 nm, whichever is the lesser, away from land suitable for making an emergency landing; and
- (b) in the case of a twin-engine aircraft with one engine inoperative or a 3 or more engine aircraft with two engines inoperative, if it may operate at a distance corresponding to at least and minutes or 100 NM, whichever is lesser, for emergency landing.

(2) Life-saving equipment referred to in subregulation (1) shall include—

- (a) life-saving rafts in sufficient numbers to carry all persons on board, stowed so as to facilitate their ready use in an emergency, and shall include means of sustaining life as is appropriate to the flight to be undertaken;
- (b) equipment for making pyrotechnical distress signals; and
- (c) for an aeroplane of a MCTOW of over 27 000 kg, a securely attached underwater locating device operating at a frequency of 8.8 kHz which has the capability to operate for a minimum of 30 days.

(3) An underwater locating device referred to in subregulation (2)(c) shall not be installed in wings or empennage of an aeroplane.

(4) A life jacket or equivalent individual flotation device provided in an aeroplane shall be equipped with a means of electric illumination for purpose of facilitating the location of persons.

(5) Life raft, survival radio equipment and information requirements for extended over water flights shall be as prescribed in Document SA-CATS 91.

Note. — Underwater locator beacon (ULB) performance requirements are as contained in the SAE AS6254, Minimum Performance Standard for Low Frequency Underwater Locating Devices (Acoustic) (Self-Powered), or equivalent documents.”;

(e) the substitution for regulation 135.06.5 for the following regulation:

“Safety and security inspections and audits

135.06.5 (1) An applicant for the issuance of an AOC shall grant access to an authorised officer, inspector or authorised person to carry out such safety and security inspections and audits which may be necessary for consideration of such application.

(2) Any non-compliance or finding determined as a result of inspections or audits referred to in subregulation (1) shall be categorised as prescribed in Document SA-CATS 135.”;

(f) the substitution for regulation 135.07.1 of the following regulation:

“Routes and areas of operation and aerodrome facilities

135.07.1 (1) A person shall not operate an aeroplane over any route or airway in IMC unless—

(a) in case of a single-engine aeroplane, a cloud ceiling at any point along a route of flight is not lower than that which would permit descent in VMC below a minimum en-route altitude published or established by an operator for such route or airway;

(b) in case of a twin-engine aeroplane, and in the event of failure of a critical engine—

(i) such aeroplane is capable of maintaining a minimum en-route altitude published or established by an operator for such route or airway; or

- (ii) if such aeroplane is not capable of maintaining a minimum en-route altitude published or established by an operator for such route or airway and—
 - (aa) such aeroplane is able to maintain flight to a suitable landing area, a cloud base at any point along a route of flight is not lower than that which would permit descent in VMC below the minimum en-route altitude published or established by an operator for such route or airway and flight in VMC to a suitable landing area; or
 - (bb) such aeroplane is unable to maintain flight to a suitable landing area, a cloud base at any point along a route of flight is not lower than that which would permit descent in VMC below a minimum en-route altitude published or established by an operator for such route or airway;
- (c) in a case of an aeroplane having three or more engines, and in an event of failure of any two engines, such aeroplane is capable of maintaining a minimum en-route altitude published or established by an operator for such route or airway; and
- (d) in addition to the requirements specified in paragraphs (b)(i), (b)(ii)(aa) and (c), an aeroplane shall be capable of landing at intended destination or alternate aerodrome in accordance with related landing performance criteria for such aeroplane.

(2) An operator of an aeroplane shall select at least one destination alternate aerodrome for each IFR flight unless—

- (a) for an aerodrome other than an isolated aerodrome—
 - (i) two separate runways, arranged such that a closure of one cannot affect the operations of the other and each with an operational straight-in approach procedure, are available and usable by a flight crew at a destination aerodrome; and
 - (ii) the duration of a flight from a departure aerodrome, or from a point of in-flight re-planning, to a destination aerodrome is such that, taking into account all operational information relevant to a flight, for a period of at least one hour before and one hour after an estimated time of arrival, a reasonable certainty exists that an approach and landing may be made under VMC; or
- (b) for a destination aerodrome that is isolated and for which no adequate destination alternate aerodrome exists—
 - (i) a standard instrument approach procedure is prescribed for an aerodrome of intended landing and the associated navigation aids will be functional from two hours before time of arrival; and

- (ii) available current meteorological information indicates that the following meteorological conditions will exist from two hours before time of arrival:
 - (aa) a cloud base of at least 1 000 ft above the minimum associated with the instrument approach procedure; and
 - (bb) visibility of at least 5.5 km or of 4 km more than the minimum associated with the procedure, whichever is greater.

(3) An operator of an aeroplane shall select at least two destination alternate aerodromes for each IFR flight when—

- (a) appropriate weather reports or forecasts for a destination aerodrome, or any combination thereof, indicate that during a period commencing one hour before and ending one hour after an estimated time of arrival, the weather conditions will be below applicable planning minima; or
- (b) meteorological information is not available at a destination aerodrome.

(4) An air service operator shall not permit, nor shall a PIC operate, a flight that is to be conducted in accordance with IFR, for which one or more destination alternate aerodromes are required, to be commenced unless an aerodrome meteorological forecast indicates that conditions for a period of at least one hour before until one hour after an estimated time of arrival at a destination alternate aerodrome will meet or exceed those specified in Document SA-CATS 135.

(5) An operator of an aeroplane shall operate all flights in accordance with such route, aerodrome or other approvals and conditions pertaining to flight operations as are contained in such operator's AOC.

(6) An operator of an aeroplane shall specify in its operations manual the procedures used to determine the minimum altitudes to be flown in order to meet the obstacle clearance requirements stipulated in regulation 135.07.24 and, for an operation in an uncontrolled airspace, the means for ensuring a navigational capability is maintained while operating on any route used therein.

(7) An operator of an aeroplane shall ensure that—

- (a) equipment of an aeroplane intended to be used, complies with the minimum requirements for a planned operation; and
- (b) except as approved by the Director in accordance with Document SA-CATS 135, a person shall not operate a twin-engine aeroplane under this Part over a route which contains a point further from an adequate and suitable aerodrome than a distance that can be flown, under standard conditions in still air, in 120 minutes at one-engine inoperative cruise speed.

(8) An operator of an aeroplane shall not commence a flight unless it has been ascertained by every reasonable means available that the ground facilities and services, including meteorological and rescue fire fighting services—

- (a) are available as required for a safe operation of an aeroplane and protection of the passengers;
- (b) are adequate for a type of operation being conducted; and
- (c) are functioning normally for their intended purpose.

(9) An operator of an aeroplane shall establish procedures in its operations manual that will ensure an operation can be safely conducted in the event that the rescue firefighting services at an aerodrome that may be used are or may be below that for which such aerodrome is certified, and such procedures shall include a risk assessment.

(10) An operator of an aeroplane shall report without delay to a responsible authority any observed operational inadequacy of facilities referred to in subregulation (8).”;

- (g) the substitution in regulation 135.07.18 for subregulation (2) of the following subregulation:

“(2) An air service operator shall establish [a MEL] an MEL for each type of aeroplane for which [a MMEL] an MMEL has been approved by [the State of Manufacture] a State of Design of such an aeroplane: Provided [the State of [Manufacture] such State is a Contracting State.”;

- (h) the substitution for regulation 135.07.30 of the following regulation:

“Operations with electronic flight bags

135.07.30 (1) [No] An air service operator shall not use an EFB unless [the operator or owner] such air service operator—

- (a) is authorised to do so in its operations specifications; and**
- (b) complies with the EFB requirements prescribed in Document SA-CATS 135.**

(2) [The operator shall include the procedures for use of such equipment in the operations manual referred to in regulation 135.04.2.] Where EFBs are used on board aircraft, an air service operator shall—

- (a) assess the safety risk associated with each EFB function;
- (b) establish and document the procedures for the use of, and training requirements for, an electronic device and each EFB function in an operations manual referred to in regulation 135.04.2;
- (c) ensure that, in the event of an EFB failure, sufficient information is readily available to a flight crew for a flight to be conducted safely;
- (d) ensure requirements are established for redundancy of information, if appropriate, contained and displayed by EFB function;
- (e) ensure that an EFB equipment and its associated installation hardware, including interaction with aircraft systems if applicable, meet appropriate airworthiness certification requirements; and
- (f) shall establish and document procedures for the management of EFB function including any database it may use.

(3) Where portable EFBs are used on board aircraft, an air service operator of such aircraft shall ensure that they do not affect the performance of aircraft systems, equipment or the ability to operate such aircraft.”;

(i) the insertion after regulation 135.07.37 of the following regulations:

“Seat, seat safety belt, harness and child restraint device and carriage of infant

135.07.38 (1) A person shall not operate an aircraft unless such aircraft is equipped with—

- (a) a seat or berth for each person who is two years or older;
- (b) a safety belt with or without a diagonal shoulder strap, or a safety harness, for use in each passenger seat for each passenger who is two years or older;
- (c) a safety belt for use in each passenger berth;
- (d) a child restraint device for the carriage of each child and infant as prescribed in Document SA-CATS 135;
- (e) a safety harness for each flight crew member seat, incorporating a device which shall automatically restrain an occupant's torso in the event of rapid deceleration; and
- (f) a safety harness for each cabin crew member seat provided that a safety belt with one diagonal shoulder strap is permitted if the fitting of

a safety harness is not practical.

(2) A Seat for any cabin crew member shall, where possible, be located near floor-level emergency exit and any additional cabin crew member seat required shall be located such that a cabin crew member may best be able to assist any passenger in the event of an emergency evacuation: Provided such a seat shall be forward or rearward facing within 15° of the longitudinal axis of an aircraft.

(3) If a PIC cannot see all the passenger seats in an aircraft from his or her own seat, a means of indicating to all passengers and cabin crew members that seat belts shall be fastened, shall be installed.

(4) A safety harness and safety belt fitted in an aircraft shall have a single point release.

(5) A passenger shall not be responsible for the safety of more than one infant on board an aircraft.”:

“Portable electronic device

135.07.39 An operator of an aircraft shall ensure that a passenger and crew do not operate any portable electronic device on an aircraft, except with a permission of a PIC of such aircraft.”;

(j) the substitution in regulation 135.08.1 for subregulation (8) of the following subregulation:

“(8) In complying with any of the provisions in this Subpart, all factors that significantly affect the performance of **[the] an** aeroplane, as applicable to **[the] a** phase of flight, shall be taken into account and which shall include as a minimum—

- (a) **[the]** mass of **[the] an** aeroplane;
- (b) **[The]** operating procedures employed by **[the] an** operator;
- (c) **[the]** pressure-altitude appropriate to the elevation of **[the] an** aerodrome;
- (d) **[The]** ambient temperature;
- (e) the wind;
- (f) **[the]** runway slope; and
- (g) **[The]** surface conditions of the runway at the expected time of use.”; and

(k) the substitution in regulation 135.09.6 for subregulation (3) of the following subregulation:

“(3) The records referred to—

- (a) in subregulation (1)(a) to (e) shall be kept for a minimum period of 90 days after a unit to which they refer has been permanently withdrawn from service;
- (b) in subregulation (1)(f) shall be kept for a minimum period of 5 years after a signing of a maintenance release; and
- (c) in paragraphs (a) and (b) shall be kept, transferred and maintained in a form and format that ensures readability, security and integrity of records at all times.”.

Amendment of PART 136 of the Regulations

37. Part 136 of the regulations is hereby amended by the substitution for regulation 136.03.2 of the following regulation:

“Initial training of flight crew members

136.03.2 (1) A flight crew member employed by an operator of a commercial air transport free balloon shall—

- (a) have successfully completed the initial training and skills tests as prescribed in Part 69 and through an approved ATO;
- (b) be a holder of a free balloon pilot licence; and
- (c) be a holder of a valid Class 2 medical certificate;

(2) A flight crew member for a free balloon of less than 120 000 cu ft involved in commercial air transport operation shall—

- (a) have a minimum of 100 hours as pilot in command of any free balloon plus a minimum of 5 hours of experience on supervised operational flights; and
- (b) be signed out in his or her pilot logbook as competent on any hot air balloon less than 120 000 cu ft by an appropriately rated examiner;

(3) A flight crew member for a free balloon of 120 000 cu ft but less than 240 000 cu ft involved in commercial air transport operation shall—

- (a) have a minimum of 200 hours as PIC of any free balloon plus a minimum of 5 hours of experience on supervised operational flights on balloons of 120 000 cu ft and less than 240 000 cu ft; and

- (b) be signed out in his or her pilot log book as competent on any hot air balloon of 120 000 cu ft and less than 240 000 cu ft by an appropriately rated examiner.
- (4) A flight crew member for a free balloon of 240 000 cu ft but less than 360 000 cu ft involved in commercial air transport operation shall—
 - (a) have a minimum of 300 hours as pilot in command of any free balloon of which a minimum of 100 hours must have been on balloons mentioned in subregulation (3) plus a minimum of 5 hours of experience on supervised operational hot air balloon flights on a hot air balloon of 240 000 cu ft and less than 360 000 cu ft; and
 - (b) be signed out in his pilot log book as competent on any hot air balloon of 240 000 cu ft and less than 360 000 cu ft by an appropriately rated examiner;
- (5) A flight crew member for a free balloon of 360 000 cu ft and more involved in commercial air transport operation shall—
 - (a) have a minimum of 400 hours as pilot in command of any free balloon of which a minimum of 100 hours must have been on balloons mentioned in subregulation (4) plus a minimum of 5 hours of experience on supervised operational hot air balloon flights on a hot air balloon of 360 000 cu ft and more;
 - (b) be signed out in his pilot log book as competent on any hot air balloon of 360 000 cu ft. and more by an appropriately rated examiner.

Amendment of Part 138 of the Regulations

38. Part 138 of the regulations is hereby amended by—

- (a) the substitution in regulation 138.06.2 for subregulation (3) of the following subregulation:

“(3) The minimum requirements to be met in respect of **[paragraph]** subregulation (2) are **[laid down]** prescribed in Document SA-CATS 138.”; and

- (b) the substitution in regulation 138.06.3 for subregulation (2) of the following regulation:

“(2) **[The]** A PIC of a helicopter engaged in an **[air]** ambulance operation is exempted from the restrictions imposed by regulation 91.07.4 (2) **[in terms of subregulation (b) of said regulation].**”

Amendment of Part 139 of the Regulations

39. Part 139 of the regulation is hereby amended by-

(a) the substitution for Subpart 6 in the list of regulations of the following Subpart:

"SUBPART 6:
REGISTRATION AND OPERATION OF UNLICENCED AERODROMES

- 139.06.1 Applicability
139.06.2 Requirements and conditions for registration of aerodrome
139.06.3 Registration and de-registration of aerodrome
139.06.4 Register of aerodromes".

(b) the deletion in regulation 139.01.17 of subregulation (4).

(c) the insertion in regulation 139.01.18 after subregulation (5) of the following subregulation:

"(6) An apron management service referred to in subregulation (3) shall visually monitor an aircraft stand to ensure that the required clearance distances are complied with by an aircraft using such stand.";

(d) the addition in regulation 139.01.21 after subregulation (6) of the following subregulations:

"(7) An aerodrome shall have—

- (a) fire extinguishing equipment suitable for at least initial intervention in the event of a fuel fire;
(b) personnel trained in the use of fire extinguishing equipment referred to in paragraph (a) readily available during ground servicing of an aircraft; and
(c) summoning rescue and firefighting service in the event of a fire or major fuel spill.";

(e) the substitution in regulation 139.01.30 after subregulation (4) of the following subregulation:

"(5) [No buildings or objects] A building or an object higher than 45 metres above the mean level of [the] a landing area, or, in the case of a water aerodrome [or heliport], the normal level of the water, [must] may not, without the approval of the

Director, be erected within a distance of 8 [~~kilometre~~] kilometres measured from the nearest point on the boundary of an aerodrome [~~or heliport~~].”;

(f) the substitution for regulation 139.02.11 of the following regulation:

“Aerodrome manual

139.02.11 (1) An applicant for an aerodrome licence with a Category higher than 3 or for an aerodrome where regular commercial operations are to be conducted shall, on the basis of a risk assessment, provide the Director with an aerodrome manual which shall contain—

- (a) a statement by an accountable manager and compliance officer confirming that an aerodrome manual and any included manuals define the organisation of an applicant and demonstrate the procedures and methods for ensuring that the provisions of the regulations in this Part will be complied with at all times;
- (b) particulars of personnel referred to in regulation 139.02.13;
- (c) an organisational chart showing lines of responsibility of personnel referred to in regulation 139.02.13;
- (d) restrictions on the use of an aerodrome imposed in terms of regulation 139.01.3 or any other limitation considered necessary by the Director;
- (e) a description of the characteristics of and infrastructure available at an aerodrome, which, taking into consideration the restrictions or limitations referred to in paragraph (d), comply with aerodrome design requirements referred to in regulation 139.02.10;
- (f) aerodrome emergency management system referred to in regulation 139.02.14;
- (g) a description of such aerodrome's rescue and firefighting capability which, taking into consideration restrictions or limitations referred to in paragraph (d), complies with the requirements prescribed in regulation 139.02.15;
- (h) aerodrome environment management programme referred to in regulation 139.02.19;
- (i) procedures for the notification of aerodrome data and information referred to in regulation 139.02.21;
- (j) quality assurance system referred to in regulation 139.02.12;
- (k) a description of security measures taken at such aerodrome to comply with the provisions of the Act;
- (l) procedures to control, amend and distribute an aerodrome manual;
- (m) intended air traffic services and associated airspace classification;

- (n) safety procedures pertaining to all apron operations that are carried out on such aerodrome; and
- (o) all pertinent information on such aerodrome site, facilities, services, equipment, operating procedures, organisation and management including a safety management system.

(2) The format, content and maintenance of updates of aerodrome manual referred to in subregulation (1) shall be as prescribed in Document SA-CATS 139.”;

(g) the substitution for regulation 139.02.14 of the following regulation:

“Establishment of aerodrome emergency management system

139.02.14 (1) An applicant for an aerodrome licence that is required to submit an aerodrome manual in terms of regulation 139.02.11 shall establish an aerodrome emergency management system as prescribed in Document SA-CATS 139, designed to minimise the possibility and extent of personal injury and property damage on or in the vicinity of an aerodrome.

(2) An aerodrome emergency management system referred to in sub-regulation (1) shall provide for all types of emergencies likely to take place on or in the vicinity of an aerodrome and shall include—

- (a) an index depicting all aspects contained in such emergency management system;
- (b) types of emergencies planned for;
- (c) procedures for periodic testing of the adequacy of an emergency management system plan and for reviewing the results in order to improve its effectiveness;
- (d) call out procedures for prompt response to emergencies planned for;
- (e) the roles of agencies and persons involved in executing the allocated tasks;
- (f) sufficient details to provide adequate guidance to each person responsible for executing such emergency management system;
- (g) provision for a fully equipped emergency operations centre and command post for each type of emergency which may be encountered;
- (h) a description of all available rescue and medical equipment and a location of such equipment;
- (i) information on the particulars of personnel and persons to be contacted in the case of a particular emergency;

- (j) a grid map of an aerodrome indicating available water resources and other landmarks of significance;
- (k) a grid map indicating a location of such aerodrome and its surroundings up to a radius of ten kilometres indicating the location of hospitals, clinics, water resources and road layout;
- (l) a coordinator designated to implement an emergency management system plan when necessary;
- (m) characteristics of aircraft that may be expected to operate;
- (n) arrangements for rapid receipt of aircraft recovery equipment available locally, or from other aerodromes;
- (o) a plan for the removal of an aircraft disabled on, or adjacent to, a movement area and particulars of a coordinator designated to implement the aforementioned plan;
- (p) information concerning the capability to remove an aircraft disabled on or adjacent to a movement area; and
- (q) the establishment, testing and assessment at regular intervals of a predetermined response for a specialist rescue service in case an aerodrome is located close to water, swampy area, or difficult terrain.

(3) An emergency management system for an aerodrome with a Category below 4 that is required to submit an aerodrome manual, may be limited to risks associated with a particular aerodrome and the elements to be covered are determined by the Director.

(5) An assessment in terms of regulation 139.02.14 shall take into consideration approach and departure areas within 1 000 m of a runway threshold to determine options available for intervention.”;

(h) the insertion in regulation 139.02.15 after subregulation (20) of the following subregulations:

“(21) An aerodrome located close to water or swampy area, or difficult terrain, and where a significant portion of approach or departure operations takes place over these areas, shall have specialist rescue services and firefighting equipment appropriate to the hazard and risk.

(22) Where an applicant for aerodrome licence selects an aerodrome category based on the length of an aeroplane and a fuselage width, realises that a fuselage is wider than the intended category selected, an applicant shall select the next higher aerodrome category.

(23) The amount of reserve supplies required for rapid replenishing of extinguishing agents, shall be informed by a risk assessment conducted.

(24) During low visibility conditions, an appropriate guidance, equipment or procedures for rescue and firefighting services shall be provided to meet the operational objective.”;

- (i) the substitution in regulation 139.02.23 in subregulation (2) for paragraph (a) of the following paragraph:

(a) an aerodrome is maintained in a serviceable condition by—

- (i) ensuring that, for an aerodrome Category higher than 3, a maintenance programme, including preventive maintenance where appropriate, is established to maintain facilities in a condition which does not impair the safety, regularity or efficiency of air navigation; and
- (ii) ensuring that the surfaces of all movement areas including pavements with runways, taxiways and aprons and adjacent areas are inspected and their conditions monitored regularly as part of an aerodrome preventive and corrective maintenance programme with the objective of avoiding and eliminating any foreign object debris that might cause damage to aircrafts or impair the operation of aircraft systems as prescribed in Document SA-CATS 139.”;

- (j) the substitution in regulation 139.02.23 subregulation (2) paragraph (z) for sub-item (ee) of the following subitem:

“(ee) chemicals which may have harmful effects on an aircraft or pavements, or chemicals which may have toxic effects on the aerodrome environment, shall not be used.”;

- (k) the substitution of regulation in 139.03.1 for subregulation (1) of the following sub-regulation:

“139.03.1 (1) [All heliport licence holders shall be in possession of a valid heliport licence.] An operator of a heliport shall have a valid heliport licence, in accordance with the appropriate licensing requirements in terms of this Part.

(2) The issue and renewal of a heliport licence shall be subject to the heliport complying with the regulations as **[complemented]** prescribed by **[the standards contained in relevant ICAO Annexes and Documents listed in]** Document SA-CATS 139 **[and any recommended practices contained in these documents which the Director may have incorporated as a standard.]**.”;

(l) the substitution for regulation 139.03.3 of the following regulation:

“[Operations] Heliport Manual

139.03.3 (1) An applicant for the issuing of a heliport licence shall provide the Director with **[an operations]** a heliport manual which shall contain–

- (a) a statement by **[the]** accountable manager and compliance officer confirming that **[the]** an operations manual and any included manuals define the organisation of **[the]** an applicant and demonstrate the procedures and methods for ensuring that the provisions of **[the regulations in this part will]** this Part shall be complied with at all times;
- (b) particulars of the personnel referred to in regulation 139.03.5 (1);
- (c) organisational chart showing lines of responsibility of the personnel referred to in regulation 139.03.5 (1);
- (d) the limitations on the use of **[the]** such heliport referred to in regulation 139.01.3 or any other limitations the Director may deem necessary;
- (e) a description of the characteristics of and the infrastructure available at **[the]** a concerned heliport, which, taking into consideration the limitations referred to in paragraph (d), comply with the heliport design requirements referred to in regulation 139.03.2;
- (f) **[the]** heliport emergency **[management system]** response referred to in regulation 139.03.6;
- (g) a description of **[the]** a heliport’s rescue and fire-fighting capability which, taking into consideration the limitations referred to in paragraph (d), complies with the requirements prescribed in regulation 139.03.7;
- (h) **[the]** a heliport environment management programme referred to in regulation 139.03.8;
- (i) the procedures for the notification of heliport data and information referred to in regulation 139.03.9;

- (j) **[the] a** quality assurance system referred to in regulation 139.03.4;
- (k) a description of the security measures taken at **[the] a** heliport to comply with the provisions of the Act;
- (l) the procedures to control, amend and distribute **[the operations]** heliport manual; and
- (m) where applicable, the intended air traffic services and the approach and airspace categories”.

(m) the substitution for regulation 139.03.6 of the following regulation:

“Establishment of heliport emergency response

139.03.6 (1) An applicant for the issuing of a heliport licence shall establish a heliport emergency response designed to minimise the possibility and extent of personal injury and property damage on, or in the vicinity of the heliport as prescribed in Document SA-CATS 139”.

(n) the substitution for subregulation (3) in regulation 139.03.7 of the following subregulation:

“(3) Personnel training standards for heliport rescue and firefighting shall be [the same as indicated in regulation 139.02.9] as prescribed in Document SA-CATS 139 with [the] emphasis on rotor-wing aircraft.”;

(o) the substitution for paragraph subregulation (3) in regulation 139.03.8 of the following subregulation:

(3) [The] A heliport operator shall ensure that **[the] an** environmental management programme-

- (a) is kept on site and should clearly indicate all identified environmental issues that may affect the operations or the environment;
- (b) **[contains mitigation measures to rectify all identified environmental issues that are recorded for audit purposes. This includes communication with external parties]** meets the requirements prescribed in Document SA-CATS 139.”;

(p) the substitution for regulation 139.03.10 of the following regulation:

“Application for licence or amendment thereof

139.03.10 An application for the issuing of a heliport licence, or an amendment thereof, shall be—

- (a) made to the Director in the appropriate prescribed form; and
- (b) accompanied by—
 - (i) **[the operations] heliport** manual referred to in regulation 139.03.3;
 - (ii) **[the]** plans of the heliport;
 - (iii) written approval from the local government concerned;
 - (iv) an environmental impact report, if required in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and including the provision of rescue and fire-fighting service as contemplated in regulation 139.03.7;
 - (v) written approval from all interested Government institutions;
 - (vi) proof that **[the] an** applicant is financially capable of operating **[the] a** heliport;
 - (vii) particulars of non-compliance with, or deviations from—
 - (aa) the appropriate heliport design, operation or equipment standards prescribed in this **[part] Part**; or
 - (bb) the appropriate airspace classification requirements prescribed in Part 172; and
 - (viii) the appropriate fee as prescribed in Part 187.”

- (q) the substitution in regulation 139.03.14 for subregulation (1) of the following subregulation:

“139.03.14 (1) A heliport licence shall be valid for the period determined by the Director, which period shall not exceed **[five years] 12 months**, calculated from the date on which **[the] such** licence is issued or renewed”.

- (r) the substitution for regulation 139.03.17 of the following regulation:

“Renewal of licence

139.03.17 (1) An application for the renewal of a heliport licence shall be –

- (a) made to the Director in the appropriate prescribed form; and
- (b) accompanied by –
 - (i) **[the] updated [operations] heliport** manual referred to in regulation 139.03.3, if required by the Director;”;
 - (ii) proof of adequate funding;
 - (iii) particulars of non-compliance with, or deviations from—
 - (aa) the appropriate heliport design, operation or equipment standards prescribed in this **[part] Part**; or

- (bb) the appropriate airspace classification requirements prescribed in part 172; and
- (iv) the appropriate fee as prescribed in part 187.

(2) **[The] A** holder of **[the] heliport** licence shall at least 60 days immediately preceding the date on which such licence expires, apply for the renewal of such licence”.

- (s) the deletion of regulation 139.03.18.
- (t) the substitution for regulation 139.03.19 of the following regulation:

“General duties of holder of licence

139.03.19 (1) [The] A holder of a heliport licence must—

- (a) **[hold] keep** at least one complete and current copy of **[the] approved [manuals] operations manual** referred to in regulation 139.03.3, at **[the] a concerned heliport**;
- (b) comply with all procedures detailed in **[such manuals] its operations manual**;
- (c) make each applicable part of **[such] its operations manual** available to the personnel who require those parts to carry out their duties; and
- (d) continue to comply with the appropriate requirements prescribed in this **[part] Part**.

(2) **[The] A** holder of **[the] a heliport** licence must ensure that—

- (a) **[the] a heliport concerned** is maintained in a serviceable condition;
- (b) **[the] a heliport concerned** is kept free of unauthorised persons, vehicles or animals not under proper control, in compliance with the Act;
- (c) **[all obstructions] any obstruction in a heliport concerned is [are]** marked as prescribed in Document SA-CATS 139;
- (d) the Director is informed of any **alteration to or obstruction or working on a heliport concerned [alterations to or obstructions or workings on the heliport]**;
- (e) an apparatus to show the surface direction of the wind, is installed **in a heliport concerned** and functions satisfactorily;
- (f) the markings as prescribed in Document SA-CATS 139, are maintained in a conspicuous condition, readily visible to helicopters in the air or on the ground;

- (g) ~~[the]~~ accommodation and facilities offered to the public in a heliport concerned are available and in a serviceable condition;
 - (h) ~~[all]~~ any apparatus installed by such holder to promote safety in flight, is functioning efficiently;
 - (i) any unserviceable ~~[areas on the]~~ on a landing terrain ~~[are]~~ is appropriately marked as prescribed in Document SA-CATS 139;
 - (j) the Director is informed whenever a heliport becomes unserviceable through any cause or whenever any portion of ~~[the]~~ a surface of ~~[the]~~ a touch-down area deteriorates to such extent that the safety of a helicopter may thereby be endangered, and helicopter operations are limited to those portions of ~~[the]~~ a heliport not rendered unsafe by those conditions;
 - (k) such reports on the condition of ~~[the]~~ a heliport as may be required from time to time by the Director, are submitted to the Director;
 - (l) the particulars of ~~[a foreign operator's permit]~~ an FOP are obtained and verified, in the case where a foreign helicopter ~~[which is used]~~ operated by virtue of ~~[such foreign operator's permit]~~ an FOP issued in terms of section 26 (1) of the International Air Services Act, 1993 (Act No. 60 of 1993), lands at ~~[the]~~ a concerned heliport;
 - (m) an annual survey is carried out on ~~[the]~~ such heliport for the purposes of the approval of let-down procedures by the Director;
 - (n) for a heliport ~~[heliports]~~ category ~~[H 1 2 and 3,]~~ H 1, 2, and 3, a full set of the Civil Aviation Regulations ~~[regulations]~~ that contain the latest amendments is available at ~~[the]~~ such heliport; and
 - (o) for ~~[heliports]~~ a heliport category H 1, 2 and 3, that the respective ~~[departments/ sections]~~ departments or section of such heliport have available a set of the ICAO ~~[annexes]~~ Annexes and documents relevant to their area of responsibility.
- (3) ~~[The]~~ A holder of ~~[the]~~ a heliport licence must—
- (a) furnish the Director with ~~[the heliport]~~ financial data and ~~[the heliport]~~ traffic statistics as prescribed in Document SA-CATS 139;
 - (b) in the case of a heliport which serves helicopters used in international public air transport operations, establish a Facilitation Committee ~~[facilitation committee]~~ and compile a ~~[facilitation plan]~~ Facilitation Plan in accordance with the requirements and standards as prescribed in Document SA-CATS 139;
 - (c) be responsible for handling aircraft noise complaints related to ~~[the]~~ a concerned heliport and may be required, subject to such conditions and limitations as the Director may deem necessary in the interest of aviation environmental protection, to give effect to one or more of the following—

- (i) conduct appropriate aircraft noise studies to determine whether a noise problem exists at **[the] such** heliport;
 - (ii) calculate and predict aircraft noise contours in accordance with the requirements and standards as prescribed in Document SA-CATS 139;
 - (iii) establish aircraft noise abatement operating procedures, for approval by the Director, in accordance with the requirements and standards as prescribed in Document SA-CATS 139;
 - (iv) install aircraft noise monitoring stations and equipment to monitor adherence to aircraft flight track in accordance with the requirements and standards as prescribed in Document SA-CATS 139; and
 - (v) report violations of noise abatement operating procedures and non-adherence to aircraft flight track, to the Director, in accordance with the requirements and standards as prescribed in Document SA-CATS 139.
- (d) when **[the ATSU at the] an ASTU at an** aerodrome is not in operation, be responsible for the maintenance of flying discipline on, and in the vicinity of, such heliport.

(4) **[The] A** holder of **[the] a** heliport licence is accountable for the implementation of aeronautical studies, inclusive of technical analysis, risk assessment and proposed risk mitigation for any contemplated deviation of Subpart 1 and Subpart 3 of Part 139 of the Regulations and the resultant outcome of such studies must be presented to the Director.”; and

- (u) the substitution for regulation 139.03.22 of the following regulation:

“Maintenance of heliport environmental management **[programme(s)] programme**

139.03.22 [The] A holder of a heliport licence shall—

- (a) maintain and comply with **[the] a** heliport environmental management **[programme(s)] programme** referred to in **[Regulation] regulation** 139.03.08;
- (b) operate **[the] a** heliport in accordance with the provisions of the applicable sections of the National Environmental Management Act, 1998 (Act No. 107 of 1998), and **these regulations [the regulations made thereunder]**, together with **[the]** recommendations and requirements prescribed in any relevant Specifications or Codes of

Practice published under the Standards Act, 1993 (Act No. 29 of 1993);
and

(c) comply with the provisions of **[Regulation]** regulation 139.03.8.".

(v) the substitution for regulation 139.03.27 of the following regulation:

"Access of ground vehicles to heliport movement area

139.03.27 [The] A holder of a heliport licence shall—

- (a) limit access to the heliport manoeuvring area of those ground vehicles which are necessary for heliport and helicopter operations;
- (b) **[if an ATSU is in operation at the heliport, provide adequate procedures for the safe and orderly access to, and operation in the heliport manoeuvring area of ground vehicles], adequate measures including signs, signals or guards for controlling a vehicle, if it is not practical to have two-way radio communication or escort vehicle, in order to ensure that each ground vehicle operating in the heliport manoeuvring area is controlled by—**
 - (i) two-way radio communication between the vehicle and the ATSU;
 - (ii) if the vehicle has no radio, an accompanying vehicle with two-way radio communication with the ATSU; or
 - (iii) if it is not practical to have two-way radio communication or and escort vehicle, adequate measures including signs, signals or guards for controlling the vehicle;
- (c) if an ATSU is not in operation at **[the] a** heliport, provide adequate measures to ensure that ground vehicles operating in the heliport movement area are controlled by the signs, pre-arranged signals or standards as prescribed in Document SA-CATS 139; and
- (d) ensure that each employee, tenant or contractor who operates a ground vehicle on any portion of the heliport which has access to the heliport movement area is familiar with, and complies with, the rules and procedures for the operation of ground vehicles as prescribed in Document SA-CATS 139".

(w) the substitution in regulation 139.04.9 for subregulation (3) of the following subregulation:

"(3) [The] A holder of [an] helistop approval which expires, shall notify the Director within **[90] 60 Days for the renewal or cancellation of the approval."**

(x) the substitution for Subpart 4 in the list of regulations of the following Subpart:

“SUBPART 4: APPROVAL AND OPERATION OF HELISTOPS

| | |
|-----------|---|
| 139.04.1 | Requirements for issuing of helistop approval |
| 139.04.2 | Helistop design standards |
| 139.04.3 | Standard operating procedures |
| 139.04.4 | Notification of helistop data and information |
| 139.04.5 | Application for approval or amendment thereof |
| 139.04.6 | Processing of application for approval |
| 139.04.7 | Adjudication of application for approval or amendment thereof |
| 139.04.8 | Issuing of approval |
| 139.04.9 | Period of validity |
| 139.04.10 | Transferability |
| 139.04.11 | General duties of holder of helistop approval |
| 139.04.12 | Helistop abandoned or [not maintained] closed |
| 139.04.13 | <u>Fire fighting”.</u> |

(y) the substitution for regulation 139.03.27 of the following regulation:

“Helistop abandoned or **[not maintained] closed**

139.04.12 (1) [The] A holder of a helistop approval shall give the Director at least **[90]** 60 days written notice of his or her intention to discontinue the maintenance of **[the] a** helistop or to abandon **[the] a** helistop.

(2) If, after the expiry of the period of notice referred to in **[sub-regulation]** subregulation (1), a helistop is abandoned or is not maintained in accordance with the conditions of **[the] its** approval, **[the] an** owner of **[the] a** helistop shall remove, obliterate or modify the marking on the helistop as prescribed in Document SA-CATS 139”.

(z) the insertion after regulation 139.04.12 of the following regulation:

“Fire fighting

139.04.13 (1) An applicant for a helistop approval shall ensure that a helistop is provided with firefighting equipment as prescribed in Document SA-CATS 139”.

(aa) the addition in 139.06.1 after subregulation (3) of the following subregulation:

“(4) The applicability pertaining to aerodrome registration shall be as prescribed in Document SA CATS 139”.

Amendment of Part 141 of the Regulations

40. Part 141 is hereby replaced with the following Part:

"PART 141

AVIATION TRAINING ORGANISATIONS

LIST OF REGULATIONS: AVIATION TRAINING ORGANISATIONS

SUBPART 1:

GENERAL

| | |
|------------------|--|
| <u>141.01.1</u> | <u>Applicability</u> |
| <u>141.01.2</u> | <u>Certification of ATO</u> |
| <u>141.01.3</u> | <u>Duties of ATO</u> |
| <u>141.01.4</u> | <u>ATO certificate and Ops Specs</u> |
| <u>141.01.5</u> | <u>Advertising</u> |
| <u>141.01.6</u> | <u>Application for initial ATO certificate</u> |
| <u>141.01.7</u> | <u>Period of validity of ATO certificate</u> |
| <u>141.01.8</u> | <u>Safety inspections and audits</u> |
| <u>141.01.9</u> | <u>Amendment of ATO certificate</u> |
| <u>141.01.10</u> | <u>Location of ATO</u> |
| <u>141.01.11</u> | <u>Satellite ATO</u> |
| <u>141.01.12</u> | <u>ATO off-base training</u> |
| <u>141.01.13</u> | <u>Third-Party training</u> |
| <u>141.01.14</u> | <u>Approval of foreign ATO</u> |
| <u>141.01.15</u> | <u>Facilities, equipment and material</u> |
| <u>141.01.16</u> | <u>Personnel requirements</u> |
| <u>141.01.17</u> | <u>Record keeping</u> |
| <u>141.01.18</u> | <u>Quality assurance and quality system</u> |
| <u>141.01.19</u> | <u>ATO training and procedures manual</u> |
| <u>141.01.20</u> | <u>Duty period limitations</u> |
| <u>141.01.21</u> | <u>Approval of training courses where syllabus is not provided</u> |
| <u>141.01.22</u> | <u>Graduation certificate</u> |
| <u>141.01.23</u> | <u>Evaluation and checking</u> |
| <u>141.01.24</u> | <u>Voluntary closure of ATO</u> |
| <u>141.01.25</u> | <u>Competency-based training and assessment</u> |

SUBPART 2:

ADDITIONAL TRAINING REQUIREMENTS FOR FLIGHT CREW LICENCES

- 141.02.1 General
- 141.02.2 Approval of curriculum for flight crew training
- 141.02.3 Approval of training course
- 141.02.4 Personnel

SUBPART 3: **TRAINING FACILITIES, AIRCRAFT, FSTDs, AERODROMES AND SITES** **REQUIRED FOR FLIGHT CREW TRAINING**

- 141.03.1 Requirements for aircraft
- 141.03.2 Addition of aircraft in more than one ATO
- 141.03.3 FSTD
- 141.03.4 Aerodromes and sites

SUBPART 4: **ADDITIONAL SPECIFIC OPERATING RULES FOR FLIGHT CREW TRAINING**

- 141.04.1 Training and procedures manual
- 141.04.2 Record keeping for flight crew training
- 141.04.3 Transfer of credit between ATO conducting flight crew training

SUBPART 5: **ADDITIONAL REQUIREMENTS FOR MAINTENANCE TRAINING**

- 141.05.1 General
- 141.05.2 Approval of curriculum for maintenance training courses
- 141.05.3 Approval of training course
- 141.05.4 Personnel
- 141.05.5 Facilities required for maintenance training
- 141.05.6 Training and procedures manual
- 141.05.7 Record keeping for maintenance personnel training
- 141.05.8 Transfer of credit between ATOs conducting maintenance training

SUBPART 6: **ADDITIONAL REQUIREMENTS FOR AN ATO CONDUCTING CABIN CREW** **TRAINING**

- 141.06.1 General

- 141.06.2 Approval of curriculum for cabin crew training
- 141.06.3 Approval of training course
- 141.06.4 Personnel
- 141.06.5 Facilities
- 141.06.6 Training and procedures manual
- 141.06.7 Record keeping for cabin safety training
- 141.06.8 Transfer of credit between ATOs conducting cabin crew training
- 141.06.9 Student to instructor ratio
- 141.06.10 Student to examiner ratio

SUBPART 7: **e-LEARNING**

- 141.07.1 Requirements relating to training

SUBPART 8: **DECLARED TRAINING ORGANISATION**

- 141.08.1 Applicability
- 141.08.2 Approval of DTO
- 141.08.3 DTO certificate and OpSpec
- 141.08.4 Advertising
- 141.08.5 Application for initial DTO certificate
- 141.08.6 Issuance of DTO certificate
- 141.08.7 Period of validity and renewal of DTO certificate
- 141.08.8 Surveillance
- 141.08.9 Amendment of DTO certificate
- 141.08.10 Location of DTO
- 141.08.11 Facilities, Equipment, Material, Aerodromes and Operating Sites
- 141.08.12 Personnel Requirements
- 141.08.13 DTO training programme and syllabi
- 141.08.14 Safety Policy and Quality Assurance
- 141.08.15 Record keeping
- 141.08.16 Graduation certificate
- 141.08.17 Evaluation and Checking
- 141.08.18 Voluntary Closure of DTO
- 141.08.19 Competency-based Training and Assessment

SUBPART 1: General

Applicability

141.01.1 This Part applies to aviation training provided by ATO and DTO.

Certification of ATO

141.01.2 (1) As a prerequisite to the approval process, an ATO shall demonstrate that it is staffed, equipped, financially resourced and shall be operated in a manner conducive to achieving the required standards.

(2) The Director may, on successful completion of the five-phase certification process as prescribed in Document SA-CATS 141, approve an application to render a service as an ATO to provide—

- (a)** aviation training that leads toward the issuance of a licence, rating, authorisation, endorsement, certificate or approval in terms of this Part;
- (b)** aviation training that enables a licence holder to exercise the privileges of that licence; and
- (c)** special training curricula designed to meet –
 - (i)** qualification-based training requirements; or
 - (ii)** competency-based training and assessment requirements.

(3) The Director shall issue an applicant with an ATO certificate if he or she is satisfied that an applicant meets the requirements of the applicable regulations as standard of ATO approval.

Duties of ATO

141.01.3 (1) An approved ATO may exercise its approved training OpSpec in accordance with its approved TPM, with suitably qualified instructors, on approved aircraft, flight simulator or other training devices, provided that such OpSpec has not exceeded its annual expiry date.

(2) An ATO certificate and approved training OpSpec issued to an ATO shall be available on the premises on such ATO for inspection by the public and an authorised officer, inspector or authorised person.

(3) Training provided by an ATO shall be approved with reference to a syllabus and its associated training curriculum as prescribed in Document SA-CATS 141.

(4) An approved ATO shall comply with the requirements of Part 140.

ATO certificate and OpSpec

141.01.4 (1) An ATO certificate shall be on one page and contain the following:

- (a)** the approval number or numbers specifically assigned to such ATO;
- (b)** the name, trading name, postal address and location or principal base of operation of a concerned ATO;
- (c)** the date of issue, period of validity and effective date;
- (d)** any condition of approval relating to training to be conducted;
- (e)** signature of a delegated representative of the Director; and
- (f)** any security measures deemed necessary by the Director to validate authenticity of such certificate.

(2) An approved training OpSpec of an ATO shall contain the following particulars:

- (a)** approval number or numbers assigned to such ATO;
- (b)** name and trading name of such ATO;
- (c)** type of training authorised, including approved courses;
- (d)** authorisation for an ATO including special approvals and limitations;
- (e)** facilities, aircraft registration including aircraft name within a class or type name and type of airworthiness certificate, FSTD and any other training devices required to conduct an authorised training;
- (f)** signature of a delegated representative of the Director;
- (g)** its date of issue, period of validity and effective date;
- (h)** any security measures deemed necessary by the Director to validate authenticity of a certificate issued to such ATO, and
- (i)** any other information as required by the Director.

(3) A certificate issued under this Part shall remain valid unless it has been surrendered, superseded, limited, suspended, revoked or if the currency fees required by this Part are not paid.

Advertising

141.01.5 (1) An ATO advertising its services shall have a valid ATO certificate and approved training OpSpec.

(2) An advertisement referred to in subregulation (1) shall clearly state an ATO certificate number.

Application for initial ATO certificate

141.01.6 (1) A person who wishes to provide aviation training at principal base or satellite base shall submit an application for an ATO licence to the Director.

(2) An application referred to in subregulation (1) shall be made at least 180 calendar days before the beginning of any proposed training and shall be accompanied by the fees prescribed in Part 187.

(3) An application for ATO licence shall be accompanied by –

- (a) a business plan with a detailed financial plan as prescribed in Document SA-CATS 141;
- (b) a statement showing that the minimum qualification requirements for each management position are met;
- (c) information on a location of each training facility, training to be conducted at each location, and equipment at each location including FSTDs, aircraft, training devices and classroom facilities as prescribed in Document SA CATS 141 and any aerodrome or site to be used;
- (d) two copies of proposed training, OpSpec, TPM, and procedures manual;
- (e) two copies of training course syllabi including curriculum outlines;
- (f) courseware, procedures, and documentation to support a curriculum for which approval is sought;
- (g) documentation of applicant's quality assurance and quality system;
- (h) a statement of maximum number of students it expects to train at any given time;
- (i) documentation of applicant's SMS as applicable;
- (j) a statement of compliance to applicable Parts of the Regulations; and
- (k) any additional information as required by the Director.

(4) An application for ATO licence shall only be considered if a local municipality, land owner or airport licence holder, has given written consent for establishment of a new ATO, taking into consideration available facilities and in the case of flight training, air traffic volumes.

Period of validity and renewal of ATO certificate

141.01.7 (1) A certificate issued to an approved ATO shall be valid–

- (a) for a period determined by the Director which period shall not exceed 5 years from the date of issue or renewal thereof;
- (b) until it is surrendered by a holder thereof; or
- (c) until it is suspended or cancelled in terms of Part 185.

(2) A holder of a certificate who fails to pay currency fees or whose certificate has expired or is surrendered, suspended, shall return such certificate and approved training OpSpec to the Director within 15 working days of the date of expiration, surrender, currency fee date or receipt of notice of suspension or cancellation.

(3) A holder of a certificate who wishes to apply for dormancy shall apply in writing to the Director for dormancy for a period not exceeding 36 months and shall pay annual currency fees in terms of Part 187 and surrender to the Director such certificate and approved training OpSpec on application.

(4) An approved ATO suspending its period of dormancy shall have a renewal audit conducted for the reissue of the certificate and OpSpec.

(5) If a holder of an approved ATO certificate applies for annual renewal of such certificate at least 180 days prior to the expiry of a certificate, then such certificate shall remain in force until the Director issues a renewal thereof.

(6) Annual currency fees shall be paid at least 30 days prior to the annual anniversary of the effective date of a certificate issued to an ATO.

(7) The privileges of the approval may not be exercised in the succeeding years until a holder has paid the annual currency fees prescribed in Part 187.

Safety inspections and audits

141.01.8 (1) An applicant for the issuing of an ATO certificate shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits which may be necessary to verify the information submitted with an application made in terms of this Part.

(2) A holder of an approved ATO certificate shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

(3) Any non-compliance or finding shall be categorised as prescribed in Document SA-CATS 141.

Amendment of ATO certificate

141.01.9 (1) An approved ATO shall provide written notification to the Director for approval at least 30 days prior to any of the following changes—

- (a) name of an ATO;
- (b) location of an ATO;
- (c) facilities, equipment or staff that could affect an ATO certification or rating;
- (d) any rating held by an ATO, whether granted by the Director or held through an ATO certification issued by another contracting State;
- (e) additional locations of an ATO;
- (f) items in the Training and Procedures Manual, including the syllabi and curricula;
- (g) accountable manager; or
- (h) a list of management personnel identified as described in a Training and Procedures Manual.

(2) The Director shall amend an ATO certificate if a concerned ATO notifies the Director of a change in—

- (a) location or facilities or equipment;
- (b) additional locations of an ATO;
- (c) ratings, including deletions;
- (d) items in the Training and Procedures Manual, including the syllabi and curricula;
- (e) name of an ATO with same ownership; or
- (f) ownership.

(3) The Director may amend an ATO certificate if an ATO concerned notifies the Director of a change in—

- (a) accountable manager;
- (b) the list of management personnel identified as described in the Training and Procedures Manual; or
- (c) items in a Training and Procedures Manual, including the syllabi and curricula.

(4) When the Director issues an amendment to an ATO certificate because of new ownership of an ATO which involves a name change, the Director shall assign a new ATO approval number to an amended ATO certificate.

(5) The Director may—

- (a) prescribe the conditions under which an approved ATO may continue to operate during any period of implementation of changes noted in subregulation (1); and

- (b) hold approval of ATO certificate in abeyance if the Director determines that the approval of an ATO certificate should be delayed: Provided the Director shall notify an applicant concerned, in writing, of the reasons for delay.

(6) If changes are made by an ATO to the items listed in subregulation (1) without notification to the Director and subsequent amendment of ATO certificate by the Director, the Director may suspend or revoke an ATO certificate.

Location of ATO

141.01.10 A holder of an ATO certificate issued under this Part shall establish, physically operate and maintain offices at its principal place of business as shown on its certificate.

Satellite ATO

141.01.11 (1) A holder of an ATO certificate may conduct training in accordance with a training programme approved by the Director at a satellite ATO if—

- (a) such holder complies with the requirements of this Part for a satellite ATO in the same manner as an ATO for—
 - (i) the issuance of an ATO certificate;
 - (ii) the duration or renewal of an ATO certificate; and
 - (iii) continued validity of approval;
- (b) an instructor at a satellite ATO is under the direct supervision of management personnel of a satellite ATO;
- (c) the Director has issued an ATO certificate and approved training OpSpec which has a different approval number to the principal ATO and it shall reflect the name and address of such satellite ATO and the approved courses offered at such satellite ATO.

(2) A satellite of an ATO approved by the Director may be located in a country outside of the Republic and shall be subject to all the requirements in terms of this Part.

ATO off-base training

141.01.12 (1) A holder of an ATO certificate may conduct off-base training in accordance with a training programme approved by the Director if—

- (a) the facilities, equipment, personnel and course content of the off-base training complies with the ATO approval requirements;
- (b) an instructor at a satellite ATO is under the direct supervision of management personnel of a principal ATO; and
- (c) the Director has issued approved training OpSpec to an ATO that reflects the name and address of an off-base training facility and the approved courses conducted off-base.

(2) An approved ATO shall apply in writing for authorisation to conduct off-base training at least 30 days prior to the training event and indicate the duration of intended training.

(3) An approved ATO may apply in writing for authorisation to conduct off-base training in a foreign country at least 30 days prior to a training event and indicate the duration of intended training.

Third-party training

141.01.13 (1) An approved ATO may conduct third-party training when a training programme design is outsourced for the development of courseware.

(2) The Director shall hold an approved ATO accountable for the quality of training programme design that is outsourced for the development of courseware.

(3) An approved ATO shall ensure that the work being performed by a third-party provider is subjected to the same quality assurance practices that an ATO is expected to apply to its own work.

(4) An ATO may develop a standing agreement with other institutions to lease facilities and equipment and shall develop contingency plans in their quality manual for training levels where the use of another institution's facilities or equipment is required.

(5) An ATO shall develop policies, processes and procedures to be utilised when conducting initial induction training to third party providers.

(6) An ATO shall develop a quality manual with policies, processes and procedures for the employment of temporary instructional staff which includes the re-familiarisation with the ATO's quality system and expected levels of service.

(7) An ATO shall ensure that a refresher training is implemented on a scheduled basis for part-time or temporary instructional personnel prior to commencing their duties after a specified period of inactivity.

Approval of foreign ATO

141.01.14 (1) The Director may issue approval to an ATO that is located outside the Republic.

(2) The Director shall approve ATO activities in accordance with the procedures as contained in the five-phase approval prescribed in Document SA-CATS 141.

(3) Where the Director has approved a foreign ATO in terms of subregulation (1), the Director shall-

- (a) leverage an approval and surveillance system of a baseline CAA to supplement its own oversight efforts; or
- (b) whenever possible, set up jointly agreed-to procedures to minimise the likelihood of duplication of approval activities which would impose an unnecessary burden on the Director and industry through either an informal alternative approval process between the concerned Authorities or by entering into a more formal bilateral approval arrangement between two or more Authorities.

Facilities, equipment and material

141.01.15 (1) An ATO shall ensure that it has appropriate facilities, equipment and material for conducting training.

(2) An ATO shall have necessary information, technical data, equipment, training devices and material to conduct training for which it is approved.

(3) Any training device used by an ATO, except for those regulated under Part 60, shall be qualified according to requirements prescribed in Document SA-CATS 141.

(4) An application for approval for the use of a training device shall be made to the Director in the appropriate form accompanied by fees prescribed in Part 187.

(5) The validity of an approval of a training device shall expire if such device has been altered in any form which is different from the conditions contained in its initial

approval and in these cases, an application shall be made again, and the applicable fees paid, for the approval of use of a training device.

(6) A holder of an ATO certificate shall obtain prior approval before making any changes to a training facility, equipment or material that have been approved for a particular training programme

(7) An ATO shall ensure that a facility that is at its principal place of business—

- (a) is not shared with other ATO operations unless the requirements for third party training have been met; and
- (b) is adequate to maintain the files and records required to operate a business of the ATO.

Personnel requirements

141.01.16 (1) An ATO shall nominate a person identified as an accountable manager who shall be responsible for ensuring that an ATO is in compliance with the requirements prescribed in this Part.

(2) An ATO shall employ the necessary personnel to plan, perform and supervise training to be conducted.

(3) Competence of instructional personnel shall be aligned to the prescribed regulatory requirements.

(4) An ATO shall ensure that all instructional personnel receive initial and recurrent training appropriate to their assigned tasks and responsibilities in accordance with its established training programme.

(5) An ATO shall document its training programme for ATO personnel in ATO training and procedures manual.

(6) An ATO certificate holder shall document, in its training and procedures manual, an Accountable Executive and key management personnel, their functions and powers, including the extent and scope of their authorisation.

Record keeping

141.01.17 (1) An ATO shall keep detailed student records to show that all requirements of a training course have been met as approved by the Director.

(2) The records referred to in subregulation (1) shall be kept for a minimum period of five years after completion of a training.

(3) An ATO shall maintain a system for recording the qualifications and training of instructional and examining staff.

(4) The records referred to in subregulation (3) shall be kept for a minimum period of five years after an instructor or examiner ceases to perform a function for an ATO.

Quality assurance and quality system

141.01.18 An ATO shall establish a quality assurance and quality system in accordance with the instruction and information as prescribed in Document SA-CATS 141.

ATO training and procedures manual

141.01.19 (1) An ATO shall provide a training and procedures manual, approved by the Director, for the use and guidance of its personnel, which shall contain the following information:

- (a) a general description of the scope of training authorised under the ATO's terms of approval;
- (b) the content of the training programmes offered including the courses and equipment to be used;
- (c) a description of the ATO's quality assurance and quality system;
- (d) a description of ATO's facilities;
- (e) the names, duties and qualification of a person designated as accountable manager;
- (f) a description of the duties and qualification of personnel responsible for planning, performing and supervising of training;
- (g) a description of the procedures used to establish and maintain the competence of instructional personnel;
- (h) a description of the method used for the completion and retention of the training records; and
- (i) a description of additional training needed to comply with an operator's procedures and requirements.

(2) An ATO shall ensure that training and procedures manual is amended as necessary to keep the information contained therein up to date.

(3) An ATO shall furnish copies of all amendments to training and procedures manual to the Director and upon approval, within 30 days, make it available to all applicable personnel and organisations.

Duty period limitations

141.01.20 (1) An ATO shall submit a proposed scheme for flight time and duty periods and minimum rest periods to the Director for approval as prescribed in Document SA-CATS 141.

(2) A deviation from the approved scheme referred to in subregulation (1) shall be submitted to the Director for consideration and approval.

(3) An approved ATO shall—

- (a) maintain current flight time and duty period records of all flight crew members in such approved ATO's employ; and
- (b) retain flight time and duty period records for a period of 24 calendar months calculated from the date of a last flight of each flight instructor.

(4) A flight instructor who is employed by more than one operator or approved ATO or otherwise accumulates flight time outside of his or her employment, shall maintain an accurate record of flight time and duty periods and shall provide copies thereof to all entities by whom such flight crew member is employed.

(5) An ATO may not allow a flight instructor to exceed the following maximum flight times:

- (a) 6 hours during any duty period;
- (b) 30 hours during the preceding seven days;
- (c) 100 hours during the preceding thirty days;
- (d) 300 hours during the preceding 90 days; or
- (e) 1000 hours during the preceding 365 days.

(6) If a flight instructor expects his or her projected cumulative flight hours for a particular operation to exceed the appropriate limit, a flight instructor shall inform an approved ATO accordingly.

(7) A flight instructor shall—

- (a) not work more than 7 consecutive days between days off;
- (b) have two consecutive days off in any consecutive 14 days;

- (c) have a minimum of 6 days off in any consecutive four weeks at an aerodrome from which they normally operate; and
- (d) have an average of at least 8 days off in each consecutive 4-week period, averaged over 3 such periods.

(8) An FSTD instructor shall not conduct more than 8 hours of instruction, excluding briefing and debriefing, in any 24 hour period.

(9) A trainee at an approved ATO may not be required to attend classes of instruction for more than 8 hours in any day or more than 6 days or 40 hours in any 7-day period.

Approval of training courses where syllabus is not provided

141.01.21 (1) The Director may approve, as provided in an approved training OpSpec, an approved ATO to conduct a training course where the Director has not provided a syllabus.

(2) The requirements for obtaining a syllabus and curriculum approval are contained in Document SA-CATS 141.

Graduation certificate

141.01.22 (1) An ATO shall issue a graduation certificate to each trainee who completes its approved course of training.

(2) The graduation certificate shall be issued to a trainee upon completion of a course of training and contain the following information:

- (a) a name and certificate number of ATO;
- (b) the name of a trainee to whom it was issued;
- (c) a course of training for which it was issued;
- (d) the date of graduation;
- (e) a statement that a trainee has satisfactorily completed each required stage of approved course of training including tests for those stages;
- (f) a certification of information contained on a graduation certificate by a chief instructor for that course of training and for flight crew training, which shall include a statement showing a cross-country training that a trainee received in the course of training; and

- (g) for security and control purposes, each certificate shall be numbered prior to being issued to a graduate.

Evaluation and checking

141.01.23 If the Director authorises an ATO to conduct testing required for the issuing of a licence or rating, such testing shall be conducted by personnel authorised by the Director or designated by such ATO in accordance with criteria approved by the Director.

Voluntary closure of ATO

141.01.24 (1) A holder of an ATO certificate who wishes to voluntarily close by ceasing operations shall notify the Director in writing of the planned date of closure.

(2) An accountable executive of ATO shall—

- (a) surrender to the Director an ATO certificate and approved training OpSpec within 30 days of the closure date;
- (b) refund student fees in credit to its students;
- (c) retain a copy of student training file and inform each student in writing as to where the record of such training shall be held for the following 5 years;
- (d) hand over an original record of training to each student;
- (e) provide details to the Director of where the training records are to be retained for the following 5 years; and
- (f) pay any outstanding fees due to the Director at the time of closure.

Competency-based training and assessment

141.01.25 Competency-based training methodologies are prescribed in Document SA-CATS 141.”;

SUBPART 2:

ADDITIONAL TRAINING REQUIREMENTS FOR FLIGHT CREW LICENCES

General

141.02.1 In addition to the requirements of Subpart 1, this Subpart prescribes requirements for ATOs conducting training for flight crew licenses.

Approval of curriculum for flight crew training

141.02.2 The Director may authorise an ATO to conduct the following courses, as provided in an OpSpec:

- (a) RPL course;
- (b) Remote pilot instructor course;
- (c) Flight engineer licence course;
- (d) Cabin crew licensing course;
- (e) Safety and emergencies course;
- (f) Crew resource management course;
- (g) Dangerous goods course;
- (h) National pilot licence course;
- (i) National pilot flight instructor course;
- (j) Free balloon pilot course;
- (k) Glider pilot licence course;
- (l) Private pilot licence course;
- (m) Night rating course;
- (n) Commercial pilot licence course;
- (o) Instrument rating course;
- (p) Commercial pilot licence, instrument rating-multi-engine or integrated course;
- (q) Multi-crew pilot licence course;
- (r) Airline transport pilot licence course;
- (s) Class rating course;
- (t) Type rating course;
- (u) Flight instructor course;
- (v) Instructor course for additional type or class ratings;
- (w) Instructor course for flight simulation training;
- (x) Train the trainer courses; and
- (y) other courses as the Director may authorise.

Approval of training course

141.02.3 (1) An applicant for an ATO certificate or a holder of an ATO certificate shall apply to the Director for approval for each course to be offered.

(2) The application referred to in subregulation (1) shall be made on an appropriate form published on the website of the Authority and accompanied by—

- (a) 2 copies of training course intended to be conducted;
- (b) information prescribed in sub-regulation (5); and
- (c) the fees prescribed in Part 187.

(3) An application referred to in subregulation (1) shall be submitted at least 90 days before any training under a course is scheduled to begin.

(4) A training course for which approval is requested shall meet the minimum requirements or flight training time requirements specified in terms of this Part for a licence, rating or authorisation sought unless provided otherwise in this Part.

(5) An application referred to in subregulation (1) shall contain—

- (a) a description of each room used for ground training, including a room size and the maximum number of students that may be trained in a room at one time;
- (b) a description of each type of audio-visual aid, projector, tape recorder, mock-up, chart, aircraft component, and other special training aids used for ground training;
- (c) a description of an FSTD and training device used for training;
- (d) a list of aerodromes at which training flights originate and a description of the facilities, including pilot briefing areas that are available for use by the students and personnel at each aerodrome;
- (e) a description of the type of aircraft including any special equipment used for each phase of training;
- (f) minimum qualifications and ratings for each instructor assigned to ground or flight training; and
- (g) a training curriculum that includes the following information:
 - (i) the prerequisites for enrolling in the ground and flight portion of a course that include a pilot certificate and rating, if required, training, pilot experience, and pilot knowledge;
 - (ii) a detailed description of each lesson, including its objectives, standards, and planned time for completion;
 - (iii) a description of what a course is expected to accomplish with regard to student learning;
 - (iv) expected accomplishments and standards for each stage of training; and
 - (v) a description of checks and tests to be used to measure a student's accomplishments for each stage of training.

Personnel

141.02.4 (1) An applicant for an ATO certificate, or a holder of approved ATO certificate who conducts training of flight crew shall engage, nominate, employ or contract—

- (a) an accountable manager;
- (b) a head of training;
- (c) a responsible person aircraft, as applicable;
- (d) a safety officer, as applicable;
- (e) a quality manager; and
- (f) an adequate number of ground and flight instructors relevant to the courses provided.

(2) An instructor to be used for training shall have received training and hold a license or rating as required by this Part.

(3) The qualifications, duties and responsibilities of personnel are prescribed in Document SA-CATS 141.”:

SUBPART 3:
TRAINING FACILITIES, AIRCRAFT, FSTDs, AERODROMES AND SITE REQUIRED FOR FLIGHT CREW TRAINING

Requirements for aircraft

141.03.1 (1) An aircraft used for flight training in terms of Parts 61 or 62 shall have such characteristics as are suitable for provision of training for which such aircraft shall be used and instruments and equipment shall comply with Part 96.

(2) Save for the provisions in subregulation (4), where a non-type certificated aircraft is used for flight training in terms of Part 61, such aircraft shall be required to fall within the definition of Production Built aircraft.

(3) An aircraft used in Part 62 training shall meet the airworthiness requirements in terms of Part 24.

(4) An aircraft issued with a restricted category certificate of airworthiness in terms of Part 21 shall not be used for Part 61 training save for differences or conversion training.

(5) Notwithstanding the provisions of subregulation (2), a registered owner of an amateur built non-type certificated aircraft shall be entitled to receive Part 61 training in such aircraft, provided that such aircraft meets the requirements of subregulation (1).

(6) An ex-military or veteran aircraft issued with an authority to fly shall be operated in accordance with the provisions of Part 94 and may be added to an approved ATO training and procedures manual for the purposes of providing advanced training.

(7) Flight time accumulated may be accredited towards a higher licence as stipulated in Part 61.

(8) An application for addition of an ex-military aircraft onto an ATO training specification shall be accompanied by—

- (a) a certified true copy of sales agreement detailing the conditions of use by original seller; and
- (b) a certified true copy of an aircraft assessment issued by a relevant authority confirming that such aircraft is no longer used as a military equipment.

(9) An aircraft used in flight training shall meet the airworthiness requirements associated with the applicable class of aircraft.

(10) An aircraft used in flight training shall have at least two pilot stations with engine-power controls that can be easily reached and operated in a normal manner from both pilot stations unless as provided by subregulation (11).

(11) An aircraft with controls such as nose-wheel steering, switches, fuel selectors, and engine air flow controls, that are not easily reached and operated in a conventional manner from both pilot stations may be used for flight instruction only if a holder of an approved ATO certificate determines that a flight instruction can be conducted in a safe manner considering the location of controls and their non-conventional operation, or both.

(12) An ATO shall maintain a record of aircraft utilised for training and such record shall contain the following -

- (a) lease agreement;
- (b) insurance, including third-party liability insurance;
- (c) certificate of registration;
- (d) radio licence;
- (e) release to service;
- (f) certificate of airworthiness or authority to fly; and
- (g) weight and balance.

Addition of aircraft in more than one ATO

141.03.2 (1) A holder of ATO certificate may add to his or her OpSpec an aircraft registered with another AOC or ATO: Provided that an aircraft—

- (a) is not registered with more than three entities; and
- (b) is maintained by only one AMO.

(2) For the purposes of subregulation (1), an ATO shall meet the requirements and training specifications stipulated in an. Appropriate form published in the Authority website.

Flight simulation training device

141.03.3 An FSTD used or to be used for training and checking shall be approved by the Director as stipulated in Part 60.

Aerodromes and sites

141.03.4 (1) An ATO shall have continuous use of each aerodrome and site at which training flights originate, and such aerodrome must have adequate runway and the necessary equipment.

(2) A base aerodrome and any alternative base aerodrome at which flight training is conducted shall have at least one runway or take-off area that allows training aircraft to make a normal take-off or landing at the maximum certificated take-off or maximum certificated landing mass, under the following conditions:

- (a) calm wind of not more than four knots;
- (b) temperatures equal to a mean high temperature for a hottest month of a year in an operating area;
- (c) if applicable, with the powerplant operation, and landing gear and flap operation recommended by a manufacturer; and
- (d) in the case of a take-off—
 - (i) clearing all obstacles in a take-off flight path by at least 50 ft; and
 - (ii) with a smooth transition from lift-off to a best rate of climb speed without exceptional piloting skills or techniques.

(3) An aerodrome shall have a wind direction indicator that is visible at ground level from the ends of each runway and shall—

- (a) have adequate runway electrical lighting, if used for night training; and
- (b) have a traffic direction indicator when—
 - (i) an aerodrome does not have an operating control tower; and
 - (ii) traffic and wind advisories are not available.

(4) An aerodrome used for night training flights shall have permanent runway lights.

(5) An aerodrome or seaplane base used for night training flights in seaplanes may be approved by the Director to use adequate, non-permanent lighting or shoreline lighting.

(6) A site used for helicopter training shall be available for—

- (a) confined area operation training;
- (b) simulated engine off autorotation; and
- (c) sloping ground operation.”;

SUBPART 4:

ADDITIONAL SPECIFIC OPERATING RULES FOR FLIGHT CREW TRAINING

Training and procedures manual

141.04.1 (1) An ATO shall have training manual and procedures manual containing information and instructions to enable staff to perform their duties and to give guidance to students on how to comply with course requirements.

(2) A training manual and procedures manual referred to in subregulation (1) may be combined.

(3) An ATO shall ensure that training manual and the procedures manual are amended as necessary to keep information contained therein up to date.

(4) An ATO shall promptly furnish copies of amendments to training manual and procedures manual to organisations or persons to whom such manual has been issued.

(5) The requirements for training manual and procedures manual and format for each manual are as prescribed in Document SA-CATS 141.

Record keeping for flight crew training

141.04.2 (1) An ATO conducting flight crew training shall maintain a record for each trainee that contains—

- (a) names of trainee;
- (b) a copy of trainee’s licence, if any, and any medical certificate;
- (c) name of a course and make and model of flight training equipment used;
- (d) trainee’s prerequisite experience and course time completed;

- (e) trainee's performance on each lesson and the names of an instructor providing instruction;
- (f) date and result of each end-of-course skills test and names of examiner conducting such test; and
- (g) number of hours of additional training that was accomplished after any unsatisfactory skills test.

(2) An ATO shall maintain a record for each instructor which indicates that an instructor has complied with all applicable instructor requirements of these regulations.

(3) An ATO shall keep a copy of records for a minimum period of 5 years calculated—

- (a) in the case of a trainee, from the date of completion of training, testing or checking; or
- (b) in the case of an instructor, from the date of the last employment by an approved ATO.

(4) An ATO shall keep records and make them available to the Director within 30 days of request—

- (a) for a trainee, at an ATO or satellite ATO where training, testing, or checking occurred; and
- (b) for an instructor, at an ATO or satellite ATO where such instructor is employed.

(5) An ATO shall provide a trainee with his or her training records on completion of training or if a trainee decides to transfer to a different training provider.

(6) If a trainee chooses to transfer to a different training provider, an ATO shall provide a receiving training provider with original training record who shall maintain that record and a copy of such training record until completion of training being provided.

Transfer of credit between ATOs conducting flight crew training

141.04.3 (1) A trainee who transfers from one approved ATO to another shall undergo a competency check by a receiving ATO and may receive credit for previous flight crew training, provided that—

- (a) a trainee completes knowledge and proficiency test conducted by receiving ATO for the purpose of determining the amount of experience and knowledge to be credited;

- (b) a receiving ATO determines, based on a trainee's performance on knowledge and proficiency test, the amount of credit to be awarded, and records that credit in a trainee's training record; and
- (c) a receiving ATO receives a copy of a trainee's training record from a previous approved ATO or a trainee.";

SUBPART 5: **ADDITIONAL REQUIREMENTS FOR MAINTENANCE TRAINING**

General

141.05.1 In addition to the requirements of Subpart 1, this Subpart prescribes additional requirements for an ATO conducting training on maintenance curricula.

Approval of curriculum for maintenance training courses

141.05.2 (1) The Director may authorise an approved ATO to conduct the following courses as provided in training specifications:

- (a) aircraft mechanic technician licence course;
- (b) airframe rating course;
- (c) powerplant rating course;
- (d) airframe and powerplant combined ratings course;
- (e) avionics rating course; or
- (f) other courses as the Director may approve.

Approval of training course

141.05.3 (1) An applicant for an ATO certificate shall apply to the Director for approval for each course to be offered.

(2) An application referred to in subregulation (1) shall be made on the appropriate form and accompanied by—

- (a) details of training course intended to be conducted;
- (b) the information referred to in sub-regulation (5); and
- (c) the fees prescribed in Part 187.

(3) An application referred to in subregulation (1) shall be submitted at least 30 days before any training under the course is scheduled to begin.

(4) A training course for which approval is requested shall meet the minimum training time requirements specified in terms of this Part for a licence, rating or authorisation sought unless provided otherwise.

(5) An application referred to in subregulation (1) shall contain-

- (a) a description of each room used for training, including room size and a maximum number of students that may be trained in such a room at one time;
- (b) a description of each type of audio-visual aid, projector, tape recorder, mock-up, chart, aircraft component and other special training aids used for training;
- (c) a description of minimum equipment to be used in each course;
- (d) minimum qualifications and ratings for each instructor assigned to training, including initial and continuing training; and
- (e) a training curriculum that includes the following information:
 - (i) prerequisites for enrolling in a course;
 - (ii) detailed description of each lesson, including lesson's objectives, standards, and planned time for completion;
 - (iii) subjects and items to be covered and level of proficiency to be met;
 - (iv) for each subject, the proportions of theory and other instruction to be given;
 - (v) a description of what a course is expected to achieve with regard to student learning;
 - (vi) expected accomplishments and the standards for each stage of training, including the required practical projects to be completed; and
 - (vii) a description of checks and tests to be used to measure a student's accomplishments for each stage of training.

Personnel

141.05.4 (1) An ATO who conducts training of maintenance curricula shall engage, employ or contract-

- (a) an accountable manager;
- (b) a quality manager;
- (c) a head of training; and
- (d) an adequate number of instructors relevant to the courses provided.

(2) An instructor used for training shall have received appropriate training and hold appropriate licence or rating as required by Part 66.

(3) The duties and qualifications of personnel referred to in subregulation (1) shall be as prescribed in Document SA-CATS 141.

Facilities required for maintenance training

141.05.5 An ATO shall have facilities, as determined by the Director, appropriate for the maximum number of students expected to be taught at any time, as prescribed in Document SA-CATS 141.

Training and procedures manual

141.05.6 (1) An ATO shall maintain a training manual and a procedures manual containing information and instructions to enable staff to perform their duties and to give guidance to students on how to comply with course requirements.

(2) Training manual and procedures manual referred to in subregulation (1) may be combined.

(3) An ATO shall ensure that training manual and procedures manual are amended as necessary to keep the information contained therein up to date.

(4) An ATO shall furnish all organisations or persons to whom training manual and procedures manual have been issued with copies of all amendments thereto.

(5) The requirements and format for training manual and procedures manual shall be as prescribed in Document SA-CATS 141.

Record keeping for maintenance personnel training

141.05.7 (1) An ATO that is authorised to conduct maintenance training shall maintain a record for each trainee that contains—

- (a) names of trainee;
- (b) a copy of trainee's certificates;
- (c) name of course and instruction credited;
- (d) trainee's prerequisite experience and course time completed;
- (e) trainee's performance on each lesson and the names of an instructor providing instruction;
- (f) the date and result of each end-of-course test and the names of an examiner conducting a test;

- (g) number of hours of additional training that was accomplished after any unsatisfactory test; and
- (h) a progress chart or individual progress record for each trainee, showing the practical projects or laboratory work completed, or to be completed, in each subject.

(2) An ATO shall maintain a record for each instructor which indicates that such instructor has complied with all applicable instructor requirements of this Part.

(3) An ATO shall keep records for a period of 2 years calculated—

- (a) in the case of trainees, from the date of completion of training or testing; and
- (b) in the case of instructors, from the date of last employment.

(4) An ATO shall make records referred to in subregulation (3) available to the Director within 30 days of request and shall keep the records—

- (a) for a trainee, at an approved ATO or satellite ATO where training, testing, or checking occurred; and
- (b) for an instructor, at an approved ATO or satellite ATO where such instructor is employed by such ATO.

Transfer of credit between ATOs conducting maintenance training

141.05.8 (1). A trainee who transfers from one approved ATO to another shall undergo a competency check by a receiving ATO and may receive credit for that previous maintenance training, provided that—

- (a) a trainee completes a knowledge and practical test conducted by a receiving ATO for the purpose of determining the amount of experience and knowledge to be credited;
- (b) a receiving ATO determines, based on the trainee's performance on knowledge and practical test required by this regulation, the amount of credit to be awarded, and records that credit in a trainee's training record; and
- (c) a receiving ATO receives a copy of a trainee's training record from a previous ATO or a trainee.

SUBPART 6:

ADDITIONAL REQUIREMENTS FOR ATO CONDUCTING CABIN CREW TRAINING

General

141.06.1 In addition to the requirements of Subpart 1, this Subpart prescribes additional requirements for an approved ATO conducting cabin crew training.

Approval of curriculum for cabin crew training

141.06.2 (1) The Director may approve an ATO to conduct the following courses, as provided in the training specifications:

- (a) cabin crew licensing course;
- (b) cabin crew recurrent course;
- (c) cabin crew requalification course;
- (d) type rating course;
- (e) crew resource management course;
- (f) train the trainer course; or
- (g) other courses as the Director may approve.

Approval of training course

141.06.3 (1) An ATO or applicant for ATO certificate shall apply to the Director for approval for each course to be offered.

(2) An application referred to in subregulation (1) shall be made on the appropriate form and accompanied by—

- (a) two copies of details of training course intended to be conducted.
- (b) the information referred to in subregulation (5); and
- (c) the fees prescribed in Part 187.

(3) An application referred to in subregulation (1) shall be submitted at least 60 days before any training under a course is scheduled to begin.

(4) A training course for which approval is requested shall meet the minimum training time requirements specified in this Part for a licence, rating or authorisation sought unless provided otherwise.

(5) An application referred to in subregulation (1) shall contain—

- (a) a description of each room used for ground training, including a room size and a maximum number of trainees that may be trained in such a room at one time;
- (b) a description of each type of audio-visual aid, projector, tape recorder, mock-up, chart, aircraft component, and other special training aids used for ground training;

- (c) a description of each representative training device used for training;
- (d) minimum qualifications and ratings for each instructor assigned to ground or flight training;
- (e) minimum qualifications and ratings for each examiner assigned to ground or flight training; and
- (f) a training curriculum that includes the following information—
 - (i) the prerequisites for enrolling in the ground course that include the cabin crew certificate and any rating required in this Part, training, cabin crew experience, and cabin crew knowledge;
 - (ii) a detailed description of each lesson, including a lesson's objectives, standards, and planned time for completion;
 - (iii) a description of what a course is expected to accomplish with regard to student learning;
 - (iv) expected accomplishments and standards for each stage of training; and
 - (v) a description of the checks and tests to be used to measure a student's accomplishments for each stage of training.

Personnel

141.06.4 (1) An ATO who conducts training of cabin crew shall engage, employ or contract —

- (a) an accountable manager;
- (b) a quality manager;
- (c) a head of training;
- (d) an adequate number of ground instructors relevant to the courses provided; and
- (e) an adequate number of ground designated examiners relevant to the courses provided.

(2) An instructor to be used for training shall have received an appropriate training and hold an appropriate licence or rating as required in terms of this Part.

(3) A designated examiner to be used for assessments shall have received an appropriate training and hold an appropriate licence or rating as required in terms of this Part.

(4) The duties and qualifications of personnel contemplated in this Part shall be as prescribed in Document SA-CATS 141.

Facilities

141.06.5 An ATO teaching cabin crew curricula shall have facilities, as determined by the Director, appropriate for a maximum number of students expected to be taught at any time, as prescribed in Document SA-CATS 141.

Training and procedures manual

141.06.6 (1) An ATO shall maintain a training manual and a procedures manual containing information and instructions to enable staff to perform their duties and to provide guidance to students on how to comply with course requirements.

(2) Training manual and procedures manual referred to in subregulation (1) may be combined.

(3) An ATO shall ensure that training and procedures manual are amended as necessary to keep information contained therein up to date.

(4) An ATO shall furnish organisations or persons to whom training manual and procedures manual has been issued with copies of amendments thereto.

(5) The requirements for training manual and procedures manual and the format for each manual shall be as prescribed in Document SA-CATS 141.

Record keeping for cabin safety training

141.06.7 (1) An ATO conducting cabin crew training shall maintain a record for each trainee that contains—

- (a) names of trainee;
- (b) copy of the trainee's certificates, if any;
- (c) name of a course and instruction credited;
- (d) the trainee's prerequisite experience and course time completed;
- (e) date and result of each end-of-course test and names of the examiner conducting the test;
- (f) number of hours of additional training that was accomplished after any unsatisfactory test; and
- (g) a training record for each trainee and class, to be completed, in each subject.

(2) An ATO shall maintain a record for each instructor which indicates that such instructor has complied with all applicable instructor requirements in terms of this Part.

(3) An ATO shall keep all records for a minimum period of 5 years calculated—

- (a) in the case of a trainee, from the date of completion of training or testing; and
- (b) in the case of an instructor, from the date of last employment.

(4) An approved ATO shall make records referred to in subregulation (3) available to the Director within 30 days of request and shall keep such records—

- (a) for a trainee, at an approved ATO or satellite ATO where training, testing, or checking occurred, and
- (b) for an instructor, at an approved ATO or satellite ATO where such instructor is employed by such ATO.

Transfer of credit between ATOs conducting cabin crew training

141.06.8 (1) A trainee who transfers from one approved ATO to another shall undergo a competency check by a receiving ATO and may receive credit for that previous maintenance training, provided that—

- (a) a trainee completes a knowledge and practical test conducted by a receiving ATO for the purpose of determining the amount of experience and knowledge to be credited;
- (b) a receiving ATO determines, based on trainee's performance on the knowledge and practical test required by this Part, the amount of credit to be awarded, and records that credit in trainee's training record; and
- (c) the receiving ATO receives a copy of a trainee's training record from a previous ATO or trainee.

Student to instructor ratio

141.06.9 (1) A maximum number of 24 students per instructor per day shall be permitted in a theoretical classroom environment.

(2) A maximum number of 12 students per instructor per day shall be permitted in a practical classroom environment with due consideration to a type of hands-on exercises being performed.

(3) A maximum number of 30 students per instructor per day shall be permitted in a computer-based training environment, where the presence of an instructor is limited to providing support.

Student to examiner ratio

141.06.10 (1) A maximum number of 24 students per examiner per day shall be permitted in a theoretical examination environment.

(2) A maximum number of 12 students per examiner per day shall be permitted in a practical drill assessment environment with due consideration to the type of practical drills being assessed and the duration of each drill as applied for by an ATO.

(3) A maximum number of 30 students per examiner per day shall be permitted in a computer-based assessment environment, where the presence of an examiner is limited to providing support.

(4) A designated first aid examiner shall be required to have at least 2 consecutive days off in any 14-day period.

SUBPART 7: **e-LEARNING**

Requirements relating to training

141.07.1(1) An ATO shall be approved by the Director before e-Learning can be endorsed.

(2) E-Learning course, course material and assessments shall be approved by the Director.

(3) An ATO may not facilitate an aircraft maintenance type, distance learning course, for aircraft above MCTOW 5 700 kg through e-Learning.

(4) An approved ATO may conduct blended learning for courses that also require a practical component.

(4) An e-Learning courses appearing on ATO's OpSpec shall have a skills or knowledge test as applicable to the e-Learning matrix contained in Document SA-CATS 141 which shall be completed in a Controlled Environment.

(5) An ATO shall ensure that the e-Learning system is of high integrity to minimise fraud and meets the criteria set out in Document SA-CATS 141."

SUBPART 8: **DECLARED TRAINING ORGANISATION**

Applicability

141.08.1 (1) This Subpart is applicable to a DTO which is approved by the Director to provide training required for the issuance of a licence or rating issued under Part 62, Part 68, Part 69 and Part 105.

(2) This Subpart prescribes the operating regulations for a holder of a Part 141 DTO certificate.

Approval of DTO

141.08.2 (1) The Director may approve a DTO to provide-

- (a) aviation training for the purpose of a student making application for the issuance of a licence, rating, authorisation, certificate, endorsement or approval in terms of Parts 62, 68, 69 and 105; or
- (b) aviation training for purpose of a licence holder exercising the privileges obtained in paragraph (a).

(2) A person may not operate as a DTO:

- (a) without, a valid DTO certificate issued under this Part; or
- (b) in violation of a DTO certificate.

(3) Aviation training conducted by a holder of a DTO approval, shall be in accordance with the provisions of its approved training Opspec.

(4) A DTO shall make a declaration to the Director with training programmes approved by the Director in accordance with the requirements of this Part.

DTO certificate and Operations Specification

141.08.3 (1) The Director shall issue a DTO certificate to an approved DTO.

(2) An DTO certificate shall contain–

- (a) the approval number or numbers specifically assigned to a DTO;
- (b) the name, trading names, postal address and location or principal base of a DTO;
- (c) the date of issue, period of validity and effective date;
- (d) the conditions of approval relating to training to be conducted;
- (e) signature of a delegated representative of the Authority; and
- (f) any security measures deemed necessary by the Authority to validate authenticity of a certificate.

(3) A training OpSpec shall contain–

- (a) the approval number or numbers assigned to a DTO;
- (b) the name and trading names of a DTO;
- (c) the type of training authorised, including approved courses;
- (d) authorisation for a DTO, including any special approvals and limitations;
- (e) the facilities, aircraft, flight simulation training devices as listed in applicable appendices;
- (f) signature of a delegated representative of the Authority;
- (g) a date of issue or revision;
- (h) any other information as required by the Director; and
- (i) any security measures deemed necessary by the Director to validate authenticity of a certificate if applicable.

(4) The privileges of authorisations contained in an OpSpec may only be exercised by suitably qualified instructor, on accepted aircraft, flight simulation or other training devices and in compliance with a DTO accepted training programme.

Advertising

141.08.4 (1) An organisation shall not advertise as an approved DTO without a valid DTO certificate issued in accordance with this Part.

(2) A DTO may not make any statement, either in writing or orally, about itself that is false or is designed to mislead.

(3) When the advertising of a DTO indicates that it has been approved, such advertisement shall clearly state a DTO certificate number.

Application for initial DTO certificate

141.08.5 (1) An application for approval of a DTO to conduct training at its principal base of operation shall be submitted to the Director at least 90 calendar days before the expected date of commencement of any proposed training and shall be accompanied by the fees prescribed in Part 187.

(2) An applicant for a DTO certificate shall submit a declaration to the Director which shall contain the following information:

- (a) name of DTO;
- (b) contact details of DTO's principal place of business and, where applicable, contact details of aerodromes and operating sites of a DTO;
- (c) names and contact details of the following persons:
 - (i) a representative of a DTO; and
 - (ii) head of training of a DTO.
- (d) a type of training provided at each aerodrome or operating site;
- (e) a list of all aircraft and FSTDs to be used for training, if applicable, as an accompanying annexure; and
- (f) the date of intended commencement of training or operations.

(3) Where flight training is intended to take place at an aerodrome or any other land, a written authorisation to conduct training by a proposed DTO shall be obtained from—

- (a) a relevant aerodrome authority; or
- (b) legal landowner.

Issuance of DTO certificate

141.08.6 An applicant may be issued with a DTO certificate if the Director is satisfied that an applicant meets the applicable requirements and standards for a DTO certificate.

Period of validity and renewal of DTO certificate

141.08.7 (1) A certificate issued to a DTO shall be valid—

- (a) for a period determined by the Director which period shall not exceed five years from the date of issue or renewal thereof;
- (b) until it is surrendered by the approved DTO; or
- (c) until it is suspended or cancelled in terms of Part 185.

(2) A holder of an approved DTO certificate who fails to pay currency fees, or whose certificate has expired or is surrendered, suspended, shall return such certificate to the Director within 30 working days of the date of expiration or surrender.

(3) A holder of a DTO certificate who wishes to apply for dormancy shall apply in writing to the Director for dormancy for a period not exceeding 60 months.

(4) A DTO shall surrender a DTO certificate to the Director at the time of application for dormancy.

(5) If a holder of a DTO certificate applies for the renewal of such certificate at least 30 days prior to its expiry, a certificate shall remain in force until the Director issues a renewal thereof and a DTO may exercise the privileges of an approved DTO until a new certificate is issued.

(6) Currency fees shall be paid at least 30 days prior to the annual anniversary of effective date of a DTO certificate.

Surveillance

141.08.8 (1) An authorised officer, inspector or authorised person may, at any time, conduct surveillance or inspection at the premises of a DTO or site where operation takes place to ascertain compliance with this Subpart.

(2) An oversight programme of a DTO shall be developed taking into account a specific nature of an organisation, the complexity of its activities and the results of past oversight activities and shall be based on the assessment of risks associated with a type of training provided.

(3) Oversight activities of a DTO shall include audits and inspections, including unannounced inspections.

(4) If during oversight or by any other means the Director finds evidence indicating non-compliance with the requirements of this Subpart, the Director shall—

- (a) raise a finding, record it, communicate it in writing to a representative of a DTO and determine a reasonable period of time within which a DTO is to take specified steps to remedy a finding;

- (b) take immediate and appropriate action to limit or prohibit training activities affected by the non-compliance until a DTO has taken implemented a corrective action where any of the following situations occurs:
 - (i) a safety or security problem has been identified;
 - (ii) a DTO fails to take corrective action; or
 - (iii) an applicable Authority limits, suspends or revoke approval of a training programme; or
- (c) take any further enforcement measures necessary in order to ensure termination of the non-compliance and, where relevant, remedy the consequences thereof.

Amendment of DTO certificate

141.08.9 (1) A DTO shall provide written notification to the Director for approval at least 30 days prior to any of the following changes:

- (a) name of an organisation;
- (b) location of an organisation;
- (c) facilities, equipment or staff that could affect a DTO authorisation;
- (d) additional locations of an organisation;
- (e) items in a DTO approved training programme;
- (f) accountable manager; or
- (g) declared list of management personnel.

(2) The Director shall amend a DTO certificate if such DTO notifies the Director of a change in—

- (a) location or facilities or equipment;
- (b) additional locations of an organisation;
- (c) items in a DTO approved training programme;
- (d) name of an organisation with same ownership; or
- (e) ownership.

(3) The Director may amend a DTO certificate if a DTO notifies the Director of a change of accountable manager.

(4) When the Director issues an amendment to a DTO certificate because of new ownership of a DTO which involves a name change, the Director shall assign a new DTO approval number.

(5) The Director may—

- (a) prescribe, in writing, the conditions under which an approved DTO may continue to operate during any period of implementation of changes noted in subregulation (1); or
- (b) hold an approved DTO certificate in abeyance if the Director determines that approval of a DTO certificate should be delayed, and notify a concerned DTO, in writing, of the reasons for any such delay.

(6) If changes are made by a DTO to the items listed in subregulation (1) to the Director, DTO certificate concerned may be suspended or revoked, by the Director.

(7) Except in the case of a balloon, hangglider or paraglider, an aerodrome or operating site at which flight training is being conducted shall have the following facilities:

- (a) one runway or final approach and take-off area that allows training aircraft to make a normal take-off or landing within the performance limits of an aircraft used for training flights at that aerodrome or operating site;
- (b) a wind direction indicator that is visible at ground level from the ends of each runway or at appropriate holding points or launch and landing sites as applicable; and
- (c) ATS, except for uncontrolled aerodrome or operating site where training requirements may be satisfied safely by another acceptable means of communication.

(8) In the case of a balloon, hangglider or paraglider, a take-off site used by a DTO should allow a normal take-off and clearing of all obstacles in a take-off flight path by at least 50 ft.

(9) A DTO shall ensure that a training site used for training that take place in a specific environment has the characteristics and facilities that are necessary to ensure the safe conduct of training.

(10) A DTO shall have in place the facilities as appropriate for the type of training carried out at each aerodrome or operating site.

Location of DTO

141.08.10 A DTO shall maintain a principal place of business.

Facilities, Equipment, Material, Aerodromes and Operating Sites

141.08.11 (1) A DTO shall ensure that its facilities, equipment and material are appropriate for a training to be conducted.

(2) A DTO shall have necessary information, technical data, equipment, training devices and material to conduct training for which it is approved.

(3) ADTO shall not make a change in equipment or material that have been accepted for a particular training programme, except with a prior approval by the Director.

(4) A DTO shall ensure that its principal place of business is adequate to maintain the files and records required to perform its operations.

(5) A DTO shall make a declaration containing a list of aerodromes and operating sites where it is permanently or temporarily conducting its training activities, where its training aircraft is based, and where it has its facilities, as required in terms of this Subpart, except in instances where a DTO provides training for balloons, hanggliders and paragliders.

(6) An aerodrome or operating site that serves as a site or destination for cross-country training flights does not need to be listed on a declaration referred to in subregulation (5).

(7) A list of aircraft as per applicable annexure on a declaration of aircraft used by a DTO shall contain at least the models used for training.

(8) A list on a declaration of FSTD used by a DTO shall contain references to the FTSD qualification certificates.

(9) The facilities of a DTO shall comprise of–

(a) flight planning facility providing access to at least:

(i) appropriate and current aviation maps and charts;

(ii) current aeronautical information service information;

(iii) current meteorological information;

(iv) communications to air traffic control; and

(v) any other flight-safety-related material;

(b) adequate briefing facilities of sufficient size and number;

(c) a suitable office to allow flight instructor to write reports on student, complete records and other related documentation, as appropriate;

- (d) suitable rest areas for instructors and students, where appropriate to a training task;
- (e) in the case of a DTO that provide training for balloons, hanggliding or paragliding only, a flight operations accommodation listed in paragraph (a) to (b) may be replaced by other suitable facilities when operating; and
- (f) the following facilities for theoretical knowledge instruction:
 - (i) adequate classroom or similar accommodation for current student population;
 - (ii) suitable demonstration equipment to support theoretical knowledge instruction; and
 - (iii) suitable office for instructional personnel if applicable.

(10) A training aircraft used by a DTO shall be—

- (a) equipped as required for the exercise for which it is used; and
- (b) fitted with primary flight controls that are accessible by both a student and an instructor, provided swing-over flight controls shall not be used, except in the case of a balloon, hangglider, paraglider or single-seat aircraft.

(11) A DTO is required to use an adequate fleet of training aircraft and not required to own aircraft used.

(12) A DTO shall use airworthy and appropriately equipped aircraft with applicable third party insurance and FSTDs as relevant to a particular training exercise.

(13) A fleet referred to in subregulation (11) shall include, as appropriate to training courses—

- (a) in the case of an aeroplane and sailplane, an aircraft suitable for demonstrating stalling and spin, or avoidance;
- (b) in the case of a helicopter, an aircraft suitable for autorotation demonstration; and
- (c) in the case of FSTDs, each FSTD shall be equipped as required in the training specifications concerning a course for which it is used: Provided that a DTO may utilise a single aircraft that has all the required characteristics of a training aircraft in paragraphs (a) and (b).

Personnel Requirements

141.08.12 (1) A DTO shall nominate a person identified as an accountable manager who shall be responsible for ensuring compliance with the requirements prescribed in this Subpart.

(2) A DTO shall utilise the necessary personnel to plan, perform and supervise training to be conducted.

(3) The competence of instructional personnel shall be to a level acceptable to the Director.

(4) A head of training shall, with regard to size and training scope of a DTO, possess sufficient managerial capabilities in order to discharge their responsibilities, and shall—

- (a) in the case of a DTO that provides training in aircraft or FSTDs, hold an instructor certificate applicable to an aircraft in the training fleet in accordance with Part 61 or 62 as applicable with instructional privileges that are relevant to training provided by a DTO, including sufficient experience as necessary and has gained the required experience as an instructor in order to have the capacity to administer a particular training activity of the DTO; and
- (b) in the case of a DTO that provides theoretical knowledge training only, have appropriate experience in aviation and knowledge relevant to training provided.

(5) A head of training of a DTO that provides training courses for different aircraft categories may be assisted by one or more nominated training personnel qualified in accordance with subregulation (4) and with regard to other category or categories of aircraft.

(6) For a determination of sufficient experience required in subregulation (4), the following factors should be taken into consideration:

- (a) training scope of an approved DTO, including specific training courses;
- (b) location of a DTO training area;
- (c) size of an approved DTO;
- (d) the use of FSTDs; and
- (e) training aircraft models used by an approved DTO.

(7) A DTO shall ensure that in its declaration it nominates a person to carry out the tasks of a representative or a head of training in a manner which safeguards and enhance aviation safety.

(8) A DTO may not appoint a person as a head of training if such person, within the last 5 years preceding his or her nomination as representative or head of training—

- (a) holds or has held a pilot licence and that licence or any associated rating, certificate or authorisation have been subject to limitation, suspension or revocation; or

(b) has knowingly and deliberately committed any non-compliance with a regulation.

(9) A DTO shall ensure that instructional personnel receive initial and recurrent training if applicable and appropriate to their assigned tasks and responsibilities in accordance with a training programme established by a DTO.

(10) A DTO shall maintain a record of details of its members, the extent and scope of personnel who hold authorisation and delegations granted by such DTO.

(11) A DTO shall ensure that the ratio of all students to flight instructors shall allow maintaining the quality and safety of training provided.

(12) A DTO shall ensure that class student numbers in ground subjects involving a high degree of supervision or practical work should not exceed 28 students.

DTO Training Programme and Syllabi

141.08.13 A DTO training programme which may not be provided under this Part and associated technical standards shall include the following information–

- (a) the aim of a course;
- (b) crediting of previous experience and pre-entry requirements, including appropriate procedures for a student that wish to complete his or her training after having started at a different training organisation;
- (c) a list of all air and FSTD exercises to be taught, including a description of the objective of each exercise;
- (d) a syllabus summary if applicable;
- (e) structure and content of theoretical knowledge instruction;
- (f) structure of entire course and integration of theoretical knowledge instruction, FSTD and flight training; and
- (g) student progress checks for theoretical knowledge and flight training, as appropriate.

Safety Policy and Quality Assurance

141.08.14 (1) A DTO shall develop and implement a safety policy and apply such policy during all training activities covered therein.

(2) A safety policy referred to in subregulation (1) shall include procedures required for occurrence reporting and shall define, in relation to a DTO training programme, the means and methods used for–

- (a) hazard identification;
- (b) risk assessment; and
- (c) effectiveness of mitigation measures, implementation and follow-up.

(3) A DTO may make use of simplified mechanisms to ensure the collection, evaluation, processing, analysis and storage of details of occurrences.

(4) A DTO shall develop and implement a quality assurance policy to ensure compliance with DTO accepted training programmes.

(5) A DTO quality assurance policy shall provide for an annual internal review and annual activity report.

(6) An annual internal review report referred to in subregulation (6) shall consist of an assessment whether a DTO effectively carries out its tasks and responsibilities, with specific emphasis given to the following–

- (a) availability of resources;
- (b) conduct of training in accordance with DTO training programmes and safety policy;
- (c) random checks of training records and course completion;
- (d) assessment of training programmes for adequacy and currency;
- (e) training aircraft including their documents and maintenance records;
- (f) aerodromes and operating sites, including associated facilities;
- (g) evaluation of both adequacy and effectiveness of the follow-up, corrective and, as applicable, remedial action taken after non-compliances that have been detected internally or that have been subject to findings;
- (h) assessment of a safety policy including its means and for its adequacy and currency; and
- (i) assessment of the effectiveness of implementation of mitigation measures, as foreseen in DTO's safety policy.

(7) An annual activity report referred to in subregulation (6), shall be submitted to the Director within a time frame prescribed in Document SA-CATS 141, and shall contain a list of–

- (a) training courses and refresher trainings provided;
- (b) names of all instructors involved in training with a DTO;

- (c) number of students per training course;
- (d) training aircraft and FSTDs used;
- (e) aerodromes and operational sites used;
- (f) occurrences, accidents and incidents that occurred during a training courses; and
- (g) any other information that is deemed relevant by a DTO.

Record keeping

141.08.15 (1) A DTO shall keep student records for a minimum period of 5 years after completion of training to show that requirements of a training programme have been met as approved by the Director.

(2) A DTO shall keep a record of qualifications and training of instructional and examining staff.

(3) The records referred to in subregulation (2) shall be kept for a minimum period of 5 years after an instructor or examiner ceases to perform a function for an ATO.

Graduation certificate

141.08.16 (1) A DTO shall issue a graduation certificate to each trainee who completes its approved course of training and graduation certificate shall contain at least the following information—

- (a) name and certificate number of DTO;
- (b) the names, ID or passport numbers, and licence number of trainee;
- (c) training programme for which it was issued;
- (d) the date of completion;
- (e) a statement that a trainee has satisfactorily completed each required stage of approved training programme including tests for those stages; and
- (f) a certification by way of signature of the information contained on a graduation certificate by a chief instructor for that training programme;

Evaluation and Checking

141.08.17 If the Director authorises a DTO to conduct a testing required for the issuing of a license or rating or endorsement, such testing shall be conducted by personnel authorised by an accountable executive of such DTO in accordance with criteria accepted by the Director.

Voluntary Closure of DTO

141.08.18 (1) A holder of DTO certificate who wishes to voluntarily close by ceasing operations shall notify the Director in writing of a planned date of closure.

(2) An accountable executive of a DTO shall—

- (a) surrender a DTO certificate and operations specifications within 30 business days of the closure date;
- (b) reimburse all student funding in credit to its students;
- (c) make a copy of a student training file and inform as to where a record of such training is going to be held for the following 5 years;
- (d) hand-over the original training file of a student to a student;
- (e) provide contact details as to where an accountable executive may be reached in the following 5 years; and
- (f) pay any outstanding fees due to the Authority at the time of closure.

Competency-based Training and Assessment

141.08.19 (1) A DTO may determine the competency of a student prior to training being undertaken in order to determine an entry point at which a student enters a DTO approved training programme or is assessed.

(2) A DTO shall retain a record of competency assessment referred to in subregulation (1) in a student training file for record keeping purposes.”.

Amendment of Part 145 of the Regulations

41. Part 145 of the regulations is hereby amended by—

(a) the substitution for regulation 145.01.5 for the following regulation:

“Safety inspections and audits

145.01.5 (1) An applicant for the issuing of an AMO approval shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits which may be necessary to verify the validity of any application made in terms of this Part.

(2) **[The] A** holder of an AMO approval shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits **[including safety inspections and audit of its partners or subcontractors,]** which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

(3) Any non-compliance or findings determined as a result of safety inspection or audits referred to in subregulations (1) and (2) shall be categorised as prescribed in Document SA-CATS 145.”;

(b) the substitution for regulation 145.02.8 of the following regulation:

“Privileges

145.02.8 (1) The privileges of an AMO with a Category A rating approval shall be limited to aeroplane for which the approval is rated and shall be—

- (a) to release to service an aeroplane, excluding its engine or engines;
- (b) to certify in the manner prescribed in the regulations—
 - (i) work required by maintenance programme relating to an aircraft;
 - (ii) assembly of an aeroplane and any adjustment or minor modification of an aeroplane;
 - (iii) installation or replacement of completed subassemblies, equipment, instruments and minor components of an aircraft, excluding its engine or engines; and
 - (iv) to release to service an aircraft, excluding its engine or engines, for a test flight.

(2) For the purpose of subregulation (1)(b)(iii), a completed subassembly comprises a unit built up of individual components to form a complete unit which may include a wing, aileron, landing gear shock strut, wheel, complete landing gear, tail plane, fin, rudder and elevator.

(3) The privileges of an AMO approval with a Category B rating shall be limited to aircraft for which the approval is rated and shall be—

- (a) to certify in the manner prescribed in the regulations—
 - (i) any overhaul, repair or modification of an aircraft, excluding its engine or engines, except—
 - (aa) overhaul, repair or modification of such item, equipment or apparatus which is to be certified by a holder of an approval with a Category X rating; and

- (bb) installation and testing of such instrument, electrical equipment or radio apparatus which is to be certified by a holder of an approval with a Category W rating; and
 - (ii) manufacturing of components and parts in accordance with the appropriate approved specifications as prescribed in Part 21, if such manufacturing of components and parts is necessary for a holder of the approval to complete a repair, modification or overhaul which it will certify;
 - (b) in respect of an aeroplane for which the approval is rated under Category A, to release to service such aeroplane, excluding its engine or engines; and
 - (c) in respect of rotorcraft for which the approval is rated under Category E, to release to service a rotorcraft, excluding its engine or engines.
- (4) The privileges of an AMO approval with a Category C rating shall be limited to engines for which an approval is rated and shall be—
- (a) to release to service an engine installed in an aeroplane;
 - (b) to certify in the manner prescribed in the regulations—
 - (i) work required by a maintenance programme of an aeroplane;
 - (ii) the installation of an engine in an aeroplane;
 - (iii) any adjustment or minor modification of an aeroplane engine and replacement of external components and of piston and cylinder assemblies;
 - (iv) the overhaul and testing of spark plugs; and
 - (v) any installation and maintenance, other than the overhaul, major modification or major repair, of propellers and the reassembly of variable-pitch propellers which may have been dismantled for transport purposes; and
 - (c) to release to service an aeroplane engine for a test flight.
- (5) The privileges of an AMO approval with a Category D rating shall be limited to engines for which an approval is rated and shall be—
- (a) to release to service an engine; and
 - (b) to certify in the manner prescribed in the regulations—
 - (i) any overhaul, repair or modification of an engine or its accessories, except the overhaul, repair or modification of ignition equipment, other than the

spark plugs, and of a propeller, starter and generator, which is to be certified by the holder of an approval with a Category X rating; and

- (ii) manufacturing of components and parts in accordance with the appropriate approved specifications as prescribed in Part 21, if the manufacturing of components and parts are necessary for a holder of approval to complete a repair, modification or overhaul, which it will certify.

(6) The privileges of an AMO approval with a Category E rating shall be limited to rotorcraft for which the approval is rated and shall be—

- (a) to release to service a rotorcraft;
- (b) to certify in the manner provided for in this Part—
 - (i) work prescribed by a maintenance programme relating to a rotorcraft;
 - (ii) assembly of a rotorcraft and any adjustment or minor modification of a rotorcraft;
 - (iii) installation or replacement of completed subassemblies, equipment, instruments and minor components of a rotorcraft;
 - (iv) any adjustment or minor modification of a rotorcraft engine and the replacement of external components and of piston and cylinder assemblies;
 - (v) overhaul and testing of spark plugs; and
 - (vi) any installation and maintenance, other than the overhaul, major modification or major repair, of rotors and the re-assembly of rotors which may have been dismantled for transport purposes; and
- (c) to release to service a rotorcraft for a test flight.

(7) The privileges of an AMO approval with a Category W rating shall be limited to equipment for which an approval is rated and shall be—

- (a) to release equipment to service; and
- (b) to certify in the manner provided for in this Part—
 - (i) work prescribed by a maintenance programme relating to aircraft;
 - (ii) any adjustment, maintenance or modification of such equipment; and
 - (iii) any installation of such equipment in aircraft and replacement of components and parts of such equipment; Provided that no equipment shall be dismantled for the purpose of making internal replacements.

(8) The privileges of an AMO approval with a Category X rating shall be limited to aircraft equipment, instruments, components, auxiliaries or parts for which the approval is rated and shall be—

- (a) to release to service the aircraft equipment, instruments, components, auxiliaries or parts; and
- (b) to certify in the manner prescribed in the regulations—
 - (i) their overhaul, repair, testing and modification; and
 - (ii) the manufacturing of components and parts in accordance with the appropriate approved specifications as prescribed in Part 21, if the manufacturing of such components and parts are necessary for a holder of the approval to complete a repair, overhaul, test or modification which it will certify.”.

Amendment of Part 147 of the Regulations

42. Part 147 of the regulations is hereby amended by—

- (a) the substitution for regulation 147.01.4 of the following regulation:

“Safety inspections and audits

147.01.4 (1) An applicant for the issuing of a design organisation approval shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and flight and ground tests which may be necessary to verify compliance with prescribed requirements **[the validity of any application made in terms of regulation 147.02.6].**

(2) [The] A holder of a design organisation approval shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits, including safety inspections and audits of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements prescribed in this **[part] Part.**

(3) Any non-compliances or findings determined by safety inspection and audit should be categorised as prescribed in Document SA-CATS 147.”.

Amendment of Part 148 of the Regulations

43. Part 148 of the regulations is hereby amended by—

- (a) the substitution for regulation 148.01.5 of the following regulation:

"Safety inspections and audits

148.01.5 (1) An applicant for a manufacturing organisation approval shall permit an authorised officer, inspector or authorised person to carry out **[such]** safety **[inspections and audits]** inspection or audit as may be necessary to verify **[the validity of any application made in terms of regulation 148.02.2]** compliance with prescribed requirements.

(2) **[The]** A holder of a manufacturing organisation approval shall permit an authorised officer, **[inspector]** inspector, or authorised person to carry out **[such]** safety **[inspections and audits]** inspection or audit, including any safety **[inspections and audits]** inspection or audit of any of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements prescribed in this **[part]** Part.

(3) Inspection and audit fees, as prescribed in **[part 187]** Part 187, shall be payable in respect of **[the]** inspections and audits referred to in subregulation (1), and for any inspection considered necessary by the Director in order to adjudicate on the suspension of an approval issued in terms of this **[part]** Part.

(4) Any non-compliance or findings determined by safety inspection or audit shall be categorised as prescribed in Document SA-CATS 148."

- (b) the substitution for regulation 148.02.5 of the following regulation:

"Manual of procedure

148.02.5 (1) An applicant for a manufacturing organisation approval shall provide the Director with his or her manual of procedure, which shall—

- (a) comply with the requirements prescribed in this **[subpart]** Subpart;
- (b) contain the information prescribed in Document SA-CATS 148; and
- (c) be amended, as necessary to **[remain]** provide an up-to-date description of **[the]** an organisation. **[Two copies of amendments shall be supplied to the Director.];"**

- (c) the substitution for regulation 148.02.12 of the following regulation:

"Privileges

148.02.12 [The] A holder of a manufacturing organisation approval may, within the terms of approval issued in accordance with regulation 148.02.9—

- (a) in the case of a complete aircraft and upon presentation of an aircraft statement of conformity in the prescribed format, obtain a certificate of airworthiness **[(standard or export)]** in accordance with **[part 21subpart 8] Subpart 8 of Part 21** without further showing;
- (b) in the case of any other Class I product and upon presentation of a statement of conformity in the format as prescribed in Document SA-CATS 148, obtain from the Director an authorised release certificate without further showing;
- (c) in the case of products, parts or appliances, other than a Class I product, issue authorised release certificates in the format as prescribed by the Director without further showing; and
- (d) carry out maintenance on a new aircraft produced by **[the] an** organisation to the extent necessary to keep it in an airworthy condition, and that does not require **[an]** approval in terms of **[part] Part 145** and issue a certificate of release to service in respect of such maintenance in accordance with **[part] Part 43.**”.

Amendment of Part 149 of the Regulations

44. Part 149 of the Regulations is hereby amended by—

- (a) the substitution in regulation 149.01.1 for subregulation (1) of the following subregulation:

“(1) This Part applies to the approval and operation of **[organisations] an organisation** whose members operate, for recreational purposes, any of the following:

- (a) a microlight [aeroplanes_and] aeroplane or powered [paragliders] paraglider;
- (b) **[gliders] a glider;**
- (c) a free [balloons] balloon;
- (d) **[gyroplanes] a gyroplane;**
- (e) a hang [gliders and] glider or a non-powered [paragliders] paraglider;
- (f) **[parachutes; or] a parachute;**
- (g) a non-certificated aircraft; or
- (h) a model aircraft.”;

- (b) the addition in regulation 149.01.5 after subregulation (2) of the following subregulation:

(3) Any non-compliances or findings determined as a result of safety inspection or audit shall be categorised and prescribed in Document CATS 149."

Amendment of Part 171 of the Regulations

45. Part 171 of the regulations is hereby amended by—

- (a) the substitution for regulations 171.02.13 to 171.02.16 of the following regulations:
"Duties of holder of approval

171.02.13 (1) [The] A holder of an electronic services organisation approval shall—

- (a) hold at least one complete and current copy of its manual of procedure referred to in regulation 171.02.1, at each workplace specified in the manual of procedure;
- (b) comply with **[all]** procedures detailed in **[the] its** manual of procedure;
- (c) make each applicable part of **[the]** manual of procedure available to **[the] any person** who **[require] requires** those parts to carry out their duties; and
- (d) continue to comply with the appropriate requirements prescribed in this **[part] Part**.

(2) **[The] A** holder of an electronic services organisation approval shall ensure that all persons who will be directly in charge of any maintenance, inspection or commissioning performed on behalf of **[the] an** electronic services organisation are appropriately authorised and rated.",

Record of authorised personnel

171.02.14 (1) [The] A holder of an electronic services organisation approval shall maintain a record of all authorised personnel, which record shall include particulars of the scope of their authorisation.

(2) **[The] A** holder of an electronic services organisation approval **[to] must** provide its authorised personnel with evidence of the scope of their authorisation.

(3) The record referred to in subregulation (1) shall be retained by **[the] a** holder of the approval for a period of five years from the date on which the personnel member ceases to be an employee.”,

Services records

171.02.15 (1) [The] A holder of an electronic services organisation approval shall keep adequate records of all services performed by such organisation.

(2) The records referred to in subregulation (1) shall—

- (a) indicate the **[name] names** of each person who performed **[the work] services on behalf of an electronic services organisation**;
- (b) indicate the **[name] names** of each person who inspected **[the work] such services**; and
- (c) be retained for at least five years from the date on which **[the electronic or] an** electronic component to which the **[work relates] services relate**, was released to service.

(3) **[The] A** holder of an electronic services organisation approval **shall** provide a copy of each certificate of release to service to an operator of an electronic component [the operator of the electronic], together with a copy of any specific equipment specification used for repairs or modifications carried out.

(4) **[The] A** holder of an electronic services organisation approval shall establish a procedure for recording maintenance details and for the retention of such maintenance records.”,

Equipment specification

171.02.16 (1) [The] A holder of an electronic services organisation approval shall—

- (a) keep all equipment specification and documentation necessary to support the services to be performed by **[the] an electronic services organisation**; and
- (b) make **[the]** equipment specification and documentation available to all personnel who need access to such data to discharge their allocated responsibilities.”;

- (b) the substitution regulation 171.03.1 of the following regulation:

"Radio site approval

171.03.1 (1) [No] A radio site shall not be allowed to come into existence without **[the]** prior approval of the Director.

(2) An application for approval of a radio site shall be made to the Director on the appropriate form and shall comply with the requirements prescribed in Document SA-CATS 171.

(3) An approval shall be granted if the Director **[being]** is satisfied—

- (a) as to the intended purpose of **[the]** equipment; **[and]**
- (b) that **[the]** a person or organisation is competent to operate **[the]** such equipment **[and that the equipment is fit for its intended purpose]; and**
- (c) that such equipment is fit for its intended purpose.

[(3)] (4) The Director shall be notified to the type and availability of operation, of any service, which is available for use by any aircraft.

[(4)] (5) The Director may approve a person or organisation to provide particular services in connection with approved equipment.

[(5)] (6) The Director may require **[the]** flight calibration **[and/or]** or commissioning of such equipment by an authorised person or organisation.

[(6)] (7) The Director may require that the information in subregulation (3) be published.”;

- (c) the substitution for regulation 171.03.2 of the following regulation:

"Frequencies, identification codes and call signs

171.03.2 (1) [No] A person shall not operate—

- (a) a radio navigation aid, unless it has been allocated an operating frequency and identification code by the Director;
- (b) a radio communication transmitter on an aeronautical radio frequency, unless it has been allocated an operating frequency and call sign by the Director;
- (c) a radio apparatus unless an appropriate licence has been granted in terms of the Electronic Communications Act, 2005 (Act No. 36 of 2005).

(2) The Director shall allocate an identification code for a navigation aid or call sign for [a] an aeronautical radio communication facility if he or she is satisfied that the allocation of a code or call sign is not contrary to the interest of aviation safety.”;

- (d) the substitution for regulation 171.03.4 for subregulation (2) of the following subregulation:

“(2) The Director shall investigate, or cause to be [investigate] investigated, all reports of interference and may require further action to be taken.”;

- (e) the deletion of regulation 171.03.12

Amendment of Part 172 of the Regulations

46. Part 172 of the regulations is hereby amended by—

- (a) the substitution for Subpart 3 in the list of regulations of the following Subpart:

“SUBPART 3:

APPROVAL OF AIR TRAFFIC SERVICE UNIT

172.03.1 Manual of procedure

172.03.2 Quality assurance system

172.03.3 Personnel requirements

172.03.4 Facility requirements

172.03.5 Application for approval, amendment, change or termination of service

172.03.6 Issuing of approval

172.03.7 Scope of approval

172.03.8 Period of validity

172.03.9 Renewal of approval

172.03.10 Transferability

172.03.11 Changes in quality assurance system

172.03.12 Duties of holder of approval

172.03.13 Station standing instructions manual

172.03.14 Documentation

172.03.15 Internal inspection

172.03.16 Air traffic control clearances

172.03.17 Responsibility for control

172.03.18 Transfer of responsibility for control

172.03.19 Reporting and investigation of accidents and incidents

172.03.20 Reporting of aeronautical information

172.03.21 Air traffic controller scheme

172.03.22 FRMS

172.03.23 Approval of FRMS

172.03.24 FRMS manual".

- (b) the substitution in regulation 172.01.1 for paragraph (e) of the following paragraph:

"(e) the provision of search and rescue services within those regions, and matters relating thereto.";

- (c) the deletion in regulation 172.02.1 subregulation (1) for paragraph (f).

- (d) the substitution in regulation 172.03.19 for subregulation (1) of the following subregulation:

"**172.03.19 (1) [The] A** holder of an ATSU approval shall report to the Director any accident or incident reported to or witnessed by **[the ATS]** such holder **[, to the Director].**";

- (e) the substitution for regulation 172.03.21 of the following regulation:

"[Duty period Scheme] Air traffic controller scheme

172.03.21 (1) A holder of an ATSU approval shall publish, in **[the manual of procedure] its SMS** prescribed in **[regulation 172.03.1 of the regulations, a duty period] Part 140**, an air traffic controller scheme for the management of duty periods, rest periods and days free of duty **[, as applicable,]** for all ATS personnel.

(2) [A duty period scheme] An air traffic controller scheme referred to in subregulation (1) shall comply with the maximum hours of duty as prescribed in Document SA-CATS 65 or an FRMS established by a holder of an approval for each ATSU listed in its manual of procedure.

(3) An ATSU shall not roster ATS personnel for an assignment if—

- (a)** that assignment **[may not be in compliance] is in conflict** with **[a duty period scheme] its air traffic controller scheme**;
- (b)** an ATSU or ATS personnel knows or has been made aware that such assignment may cause an ATS personnel to exceed the maximum duty periods while on duty; or
- (c)** an ATS personnel is likely to suffer from fatigue which may endanger the safety of air traffic under his or her control.

(4) An ATSU shall not schedule any ATS personnel for operational duty for a period exceeding 8 consecutive hours, unless so authorised by **[a duty period scheme] an air traffic controller scheme**.

(5) Where an ATS personnel is aware of any reason that he or she may be in violation of a scheme referred to in subregulation (1) such a person shall, without delay inform appropriate management personnel.

(6) **[A duty period scheme]** An air traffic controller scheme referred to in subregulation (1) shall be as prescribed in Document SA-CATS 172.

(7) An ATSU, regardless of FRMS method used, shall be required to schedule its employees and other fatigue related risks using SMS."

(f) the substitution in regulation 172.03.22 for subregulation (1) of the following subregulation:
"172.03.22 (1) **[An ATSU that establishes a duty period scheme]** After establishment of air traffic controller scheme for the management of duty periods, an ATSU shall establish [a] an FRMS."

(g) the substitution in regulation 172.03.22 for subregulation (3) of the following subregulation:

"(3) A holder of an ATSU approval shall designate a person responsible for **[FRMA]** FRMS who is qualified and experienced, and who shall be responsible for the functions prescribed in Document SA-CATS 172."; and

(h) the substitution for regulation 172.03.24 of the following regulation:

"172.03.24 A holder of an ATSU approval shall **[draw up]** develop an FRMS manual containing all the information required **[under]** in this Part **[,]** and publish the contents thereof in its **[manual of procedure]** SMS, as prescribed in Document SA-CATS 172."

Amendment of Part 173 of the Regulations

47. Part 173 of the regulations is hereby amended by—

(a) the substitution in regulation 173.02.4 for subregulation (6) of the following subregulation:

"(6) If **[the]** a holder of a flight procedure design approval intends to cease to perform flight procedure design of a particular rating, **[the]** such a holder shall apply to the Director for an amendment of such approval as prescribed **[regulation in]** in regulation 173.01.10 (1)."

Amendment of Part 174 of the Regulations

48. Part 174 of the regulations is hereby amended by the renumbering in regulation 174.04.11 subregulation (4) of paragraph (q) to become paragraph (q) as follows:

"[(q)] (g) volcanic ash cloud; or".

Amendment of Part 175 of the Regulations

49. Part 175 of the regulations is hereby amended by—

(a) the substitution for the Table in Subpart 3 of the list of regulations of the following Table:

"SUBPART 3:

OPERATING REQUIREMENTS

175.03.1 Responsibilities of AIS

175.03.2 Aeronautical information management

175.03.3 Scope of aeronautical data and information

175.03.4 Aeronautical information products and services

175.03.5 Aeronautical information update

175.03.6 Human factor principles considerations."

(b) the substitution for regulation 175.01.1 of the following regulation:

"Applicability

175.01.1 This Part applies to —

- (a) certification and operation of organisations providing [an] aeronautical information service;
- (b) provision of [the IAIP] Aeronautical Information Product;
- (c) data [originators] originator; and
- (d) service [providers] provider who in the provision of aeronautical data and aeronautical information covers the territory of the Republic [of South Africa] including areas over the high seas for which [South Africa] the Republic is legally responsible.";

(c) the substitution for regulation 175.01.7 of the following regulation:

"Data originator

175.01.7 (1) Data shall be collected and transmitted to an AIS provider in accordance with the accuracy requirements and integrity classification of the Aeronautical Data Catalogue prescribed in Document SA-CATS 175.

(2) Data originator shall conform to minimum standards for data integrity and quality as prescribed in Document SA-CATS 175.

(3) Aeronautical data and aeronautical information provided through automation by a Data originator to an AIS provider shall conform to digital data set requirements as prescribed in Document SA-CATS 175.

(4) Data originator shall be authorised to provide aeronautical information and data necessary to support the minimum requirement for aeronautical information products and services, aeronautical navigation data bases, air navigation applications and ATM systems prescribed in Document SA-CATS 175.”;

(d) the substitution for regulation 175.02.2 of the following regulation:

“[Quality assurance system] QMS

175.02.2 (1) [The] An applicant for AIS provider approval shall establish [a quality assurance system], implement and maintain a QMS for the management of the services covered by [the] a concerned application.

(2) The minimum standards for a [quality assurance system] QMS shall be as prescribed in Document SA-CATS 175.

(3) Should [the] an organisation required to establish QMS in terms of this Part already have an established [quality assurance system] QMS approved under an alternate [part of these regulations] Part, such [quality assurance system] QMS may be approved in terms of this Part provided the provisions of subregulation (2) are met.

(4) [The holder of an AIS certificate] An AIS provider shall conform to minimum standards for data integrity and quality[. The minimum standards are] as prescribed in Document SA-CATS 175.

(5) [The holder of an AIS certificate] An AIS provider shall establish service level agreements with [certified] authorised data and information originators[. These agreements], which shall define the minimum standards as prescribed in Document SA-CATS 175”;

(e) the substitution in regulation 175.02.7 for subregulation (3) of the following subregulation:

"(3) **[The]** A holder of a certificate which expires or is cancelled, shall, within 30 days from the date **[on which [the approval] expires or is cancelled,]** of expiry or cancellation, surrender **[the]** such certificate to the Director.";

- (f) the substitution in regulation 175.02.8 for subregulation (1) of the following subregulation:

"175.02.8 (1) [The holder of an AIS certificate] An AIS provider shall at least 60 days immediately preceding the date on which **[such]** an AIS certificate expires, apply for **[the]** renewal of such certificate.";

- (g) the substitution for regulation 175.02.9 of the following regulation:

"175.02.9 (1) [The holder of an AIS certificate] An AIS provider shall—

- (a) ensure that **[their]** its manual of procedure is amended so as to remain current;
- (b) ensure that any amendments made to **[the holder's]** AIS provider manual of procedure meet the applicable requirements of this Part and comply with the amendment procedures contained in **[the]** its AIS holder's certificate; and
- (c) submit to the Director for approval, any amendment to **[the holder's]** AIS provider manual of procedure.

(2) Where any of the changes referred to in **[subregulation]** subregulation (1) requires an amendment to **[the]** a certificate, **[the certificate holder]** an AIS provider shall forward **[the]** such certificate to the Director within 28 working days.";

- (h) the substitution for regulation 175.02.10 of the following regulation:

"175.02.10 (1) [The holder of an AIS certificate] An AIS provider shall develop a station standing instructions manual which shall—

- (a) set out the procedures for the operation of **[the]** AIS concerned; and
- (b) contain the information as prescribed in Document SA-CATS 175.

(2) **[The holder of an AIS certificate]** An AIS provider shall provide each AIS unit listed in its manual of procedure with a station standing instructions manual.";

- (i) the substitution for regulation 175.02.11 of the following regulation:

"175.02.11 (1) [The holder of an AIS certificate] An AIS provider shall provide each AIS unit listed in its manual of procedure with copies of **[the]** documentation as prescribed in Document SA-CATS 175.

(2) **[The holder]** An AIS provider shall ensure that—

- (a) **[the]** documentation referred to in subregulation (1) is reviewed and authorised by appropriate personnel before issue;

- (b) current issues of relevant documentation are available to personnel at all locations where they need access to such documentation for the provision of the services listed in its manual of procedure referred to in regulation 175.02.1;
- (c) obsolete documentation is removed from all points of issue or use;
- (d) changes to documentation are reviewed and approved by appropriate personnel; and
- (e) **[the] a** current version of each item of documentation can be identified to preclude the use of obsolete editions.”;

(j) the substitution for regulation 175.02.12 of the following regulation:

“175.02.12 (1) [The holder of an AIS certificate] An AIS provider shall—

- (a) hold at least one complete and current copy of their manual at each office listed in their AIS certificate;
- (b) comply with all procedures and standards detailed in their manual;
- (c) make each applicable part of their manual available to personnel who require those parts to carry out their duties;
- (d) continue to meet the standards and comply with the requirements of Subpart 2 of this Part; and
- (e) notify the Director of any change of address for service, telephone number, email or facsimile number within 28 days of the change.”; and

(k) the substitution for Subpart 3 of the following Subpart:

“SUBPART 3:
OPERATING REQUIREMENTS

175.03.1 Responsibilities and functions

175.03.2 AIM

175.03.3 Scope of aeronautical information and aeronautical information

175.03.4 Aeronautical information products and services

175.03.5 Aeronautical information updates

175.03.6 Human factor principles consideration

Responsibilities and functions

175.03.1 (1) An AIS provider shall be responsible for the provision of aeronautical data and aeronautical information services to ensure that the information necessary for the safety, regularity or efficiency of air navigation is available in a form suitable for operational requirements of personnel involved in ATM operations including—

- (a) those involved in flight operations such flight crews, flight planning and flight simulators; and
- (b) providers of air traffic services; and the services responsible for pre-flight information.

(2) In relation to exchange of aeronautical data and aeronautical information, an AIS provider shall designate an office to which all elements of aeronautical products provided by another State shall be addressed.

(3) An AIS provider shall ensure that laws relating to copyrights are adhered to in relation to the use of all AIS products.

(4) The overhead cost of collecting and compiling aeronautical data and aeronautical information shall be included in the cost basis for airport and air navigation services charges, as appropriate, in accordance with the principles contained in ICAO's Policies on Charges for Airports and Air Navigation Services (Doc 9082).

AIM

175.03.2 (1) AIM requirements shall be applicable to aeronautical data chain in terms of collection, processing, storing, integration, exchange and delivery, from data origination to distribution to a next intended user, taking into consideration the intended use of data.

(2) An AIS provider and data originator shall establish aeronautical data and aeronautical information verification and validation processes as prescribed in Document SA-CATS 175.

(3) An AIS provider shall establish information management resources and processes as prescribed in Document SA-CATS 175.

(4) An AIS provider and data originator shall comply with data quality specifications as prescribed in Document SA-CATS 175.

(5) An AIS provider and data originator shall comply with data error protection requirements as prescribed in Document SA-CATS 175.

(6) An AIS provider and data originator shall use automation to meet the data quality requirements as prescribed in Document SA-CATS 175, by:

- (a) enabling digital aeronautical data exchange between the parties involved in the data processing chain; and
- (b) using aeronautical information exchange models and data exchange models designed to be globally interoperable.

(7) An AIS provider shall consider Human factor principles as prescribed in Document SA-CATS 175.

Scope of aeronautical data and aeronautical information

175.03.3 (1) An AIS provider shall comply with a scope of aeronautical data and aeronautical information which provide minimum requirements to support aeronautical information products and services, aeronautical navigation data bases, air navigation applications and ATM systems prescribed in Document SA-CATS 175.

(2) Meta data shall be applied and collected throughout the aeronautical information data chain, from origination to distribution to a next intended user as prescribed in Document SA-CATS 175.

Aeronautical information products and services

175.03.4. (1) An AIS provider shall provide aeronautical information in the form of aeronautical products and associated services as prescribed in Document SA-CATS 175.

(2) An AIS provider shall provide aeronautical information in a standardised presentation which shall include an AIP, AIP Amendments, AIP Supplements, AIC, NOTAM and aeronautical charts as prescribed in Document SA-CATS 175.

(3) An AIS provider shall provide digital data in the form of AIP data sets, terrain data sets, obstacle data sets, aerodrome mapping data sets and instrument flight procedure data sets as prescribed in Document SA-CATS 175.

(4) An AIS provider shall distribute aeronautical information products to users who request them and shall be made available by the most expeditious means.

(5) In relation to pre-flight information services, an AIS provider shall make available to flight operations personnel and flight crew members aeronautical data and aeronautical information for any aerodrome used for international operations that—

- (a) is relative to the route stages originating from such aerodrome; and
- (b) includes information of operational significance from the elements of aeronautical information products.

(6) In relation to post-flight information services, an AIS provider shall, for any aerodrome used for international operations, make arrangements to receive information concerning the state and operation of air navigation facilities or services noted by flight crews as prescribed in Document SA-CATS 175.

Aeronautical information updates

175.03.5 An AIS provider shall keep aeronautical data and aeronautical information up to date.

"Human factor principles consideration

175.03.6 (1) An organisation responsible for AIS or the design, contents, processing and distribution of aeronautical data, shall take into consideration human factors principles to accomplish optimum utilisation of design systems, operating procedures or improvement in the operating environment.

(2) Due consideration shall be given to the integrity of information where human interaction is required, and mitigating steps taken where risks are identified."

Amendment of Part 185 of the Regulations

50. Part 185 of the regulations is hereby amended by the substitution for regulation 185.04.3 of the following regulation:

"Appeal against refusal, cancellation or endorsement of medical certificate or declaration of unfitness

185.04.3 (1) Any person who is directly affected by any of the following decisions may lodge an appeal with the Director:

- (a) a decision by a designated body or institution to cancel his or her medical certificate;
- (b) a decision by a DAME, declaring him or her unfit or temporarily unfit; and
- (c) an endorsement made by a DAME or a designated body or institution on his or her medical certificate; or

(2) An appeal referred to in sub-regulation (1) must be lodged on the appropriate form within 60 days from the date of receipt of the reasons for such decision, and must be accompanied by appropriate fees prescribed in Part 187.

(3) In considering an appeal lodged in terms of this regulation, the Director must be assisted by at least two medical practitioners, one of whom must have experience in aviation medicine.

(4) The Director shall consider an appeal lodged in terms of sub-regulation (2) within 60 days of receipt thereof, and may set aside or confirm a decision in respect of which an appeal was lodged, or make such other decision as the Director may consider equitable.

(5) The Director must within 14 days furnish written reasons to the appellant for any decision taken in terms of sub-regulation (4).

(6) A person appealing in terms of sub-regulation (2) is entitled to legal representation at his or her own cost.

(7) The Director may on good cause shown condone any non-compliance with the time period for lodging an appeal.

(8) An appeal lodged in terms of this regulation does not suspend a decision or endorsement in respect of which such appeal is lodged."

Amendment of Part 187 of the Regulations

51. Part 187 of the regulations is hereby amended by the substitution in regulation 187.01.8 for paragraph (h) of following paragraph:

"(h) for the re-allocation of aircraft registration marks (regulation ~~[47.02.90]~~ 47.02.9)".

Amendment of Part 188 of the Regulations

52. Part 188 of the regulations is hereby amended by the substitution in regulation 188.00.1 for paragraph (d) of the following paragraph:

"(d) ~~[Part 187 of the Civil Aviation Regulations, 2011]~~ Civil Aviation Aircraft Passenger Safety Charge Regulations, 2001".

Short title and commencement

53. This regulation is called the Twenty-First Amendment of the Civil Aviation Regulations, 2021 and shall come into operation on date of publication thereof in the Government Gazette.