

PROPOSAL FOR THE AMENDMENT OF PART 61 OF THE CIVIL AVIATION REGULATIONS, 2011

PROPOSER

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PROPOSER'S INTEREST

AATOSA is an association of leading professional companies and individuals committed to the highest standards of commercial aviation training. Foremost is the strict code, by which these members live and conduct business. AATOSA, as an affiliate of CAASA, is where all reputable aviation training organisations have the opportunity to collectively discuss and partake in the direction where commercial and general aviation is heading in South Africa. Through CAASA we have a role to play in the rules, regulations and practices that governs and promotes aviation.

GENERAL EXPLANATORY NOTE

Words in **[bold and solid square bracket]** indicate deletions from the existing regulations.

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

1. PROPOSAL FOR AMENDMENT OF PART 61

1.1 It is hereby proposed to amend Part 61 by:

(a) the substitution in regulation 61.01.5 for subregulation (12) of the following subregulation:

“(12) A holder of a licence who has undergone **[shall undergo]** a competency check or a revalidation check **[before the expiry of a competency or a rating. Provided that]** shall submit, to the Director, an application for maintenance of competency or the

revalidation of a rating, in a prescribed form, within 30 days of such competency check or revalidation check, provided that —

[(a) such a holder shall submit, to the Director, an application for revalidation of a competency or a rating, in a prescribed form, within 30 days of such competency check or revalidation check;]

[(b)] (a) [if] for a competency check or revalidation check [is] conducted within 90 days prior to the expiry date of [a] the competency or [a] rating, [a] the new expiry date shall be calculated from the last day of the month of expiry of such competency or rating;

[(c)] (b) [if] for a competency check or revalidation check [is] conducted more than 90 days prior to the expiry date of [a] the competency or [a] rating, [a] the new expiry date shall be calculated from the last day of the month in which [a] the competency check or [a] revalidation check was conducted; and

[(d)] (c) the Director may grant an extension not exceeding 30 days from the date of expiry of a competency or a rating upon receipt of an application accompanied by written reasons providing for exceptional circumstances.”;

(a) the substitution for the regulation 61.03.7 of the following regulation:

“Maintenance of competency for a PPL(A)

61.03.7 (1) In order to maintain competency, the holder of a PPL(A) shall undergo a PPL(A) competency check, a skills test for a PPL(A) instrument rating, or a revalidation check for a PPL(A) instrument rating within 12 months calculated from the date of initial issue of the licence, and thereafter, either –

(a) undergo a PPL(A) competency check within 24 months calculated from the beginning of the month following the date of the last revalidation of competency; or

(b) undergo a skills test for a PPL(A) instrument rating, or a revalidation check for a PPL(A) instrument rating within 12 months calculated from the beginning of the month following the date of the last revalidation of competency.

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

- (a) undergo sufficient ground and flight training at an approved ATO to reach the standard required for a PPL(A) competency check or a PPL(A) instrument rating revalidation check, as the case may be; and
- (b) pass a PPL(A) competency check or a PPL(A) instrument rating revalidation check.

(3) A holder of a PPL(A) whose competency has lapsed by more than 36 months, shall, for the purpose of revalidating such competency, be required to—

- (a) rewrite the PPL(A) Air Law examination;
- (b) undergo sufficient ground and flight training at an approved ATO to reach the standard required for a PPL(A) skills test; and
- (c) pass a PPL(A) skills test.

(4) The holder of a PPL(A) who has not flown, in an aeroplane, a minimum of 3 hours as PIC in the six months preceding a competency check or an instrument rating revalidation check, shall undergo sufficient ground and flight training at an approved ATO to reach the standard required for a PPL(A) competency check or a PPL(A) instrument rating revalidation check, as the case may be.

(5) A PPL(A) competency check must be undertaken in an aeroplane.

(6) A PPL(A) instrument rating revalidation check must be undertaken in an aeroplane or an FSTD approved for the purpose.”;

(b) the substitution for regulation 61.04.7 of the following regulation:

“Maintenance of competency for a PPL(H)

61.04.7 (1) In order to maintain competency, the holder of a PPL(H) shall undergo a PPL(H) competency check, a skills test for a PPL(H) instrument rating, or a revalidation check for a PPL(H) instrument rating within 12 months calculated from the date of initial issue of the licence, and thereafter, either –

- (a) undergo a PPL(H) competency check within 24 months calculated from the beginning of the month following the date of the last revalidation of competency; or
- (b) undergo a skills test for a PPL(H) instrument rating, or a revalidation check for a PPL(H) instrument rating within 12 months calculated from the beginning of the month following the date of the last revalidation of competency.

(2) A holder of a PPL(H) whose competency has lapsed by not more than 36 months, shall, for the purpose of revalidating such competency, be required to—

- (a) undergo sufficient ground and flight training at an approved ATO to reach the standard required for a PPL(H) competency check or a PPL(H) instrument rating revalidation check, as the case may be; and
- (b) pass a PPL(H) competency check or a PPL(H) instrument rating revalidation check.

(3) A holder of a PPL(H) whose competency has lapsed by more than 36 months, shall, for the purpose of revalidating such competency, be required to—

- (a) rewrite the PPL(H) Air Law examination;
- (b) undergo sufficient ground and flight training at an approved ATO to reach the standard required for a PPL(H) skills test; and
- (c) pass a PPL(H) skills test.

(4) The holder of a PPL(H) who has not flown, in a helicopter, a minimum of 3 hours as

PIC in the six months preceding a competency check or an instrument rating revalidation check, shall undergo sufficient ground and flight training at an approved ATO to reach the standard required for a PPL(H) competency check or a PPL(H) instrument rating revalidation check, as the case may be.

(5) A PPL(H) competency check must be undertaken in a helicopter.

(6) A PPL(H) instrument rating revalidation check must be undertaken in a helicopter or an FSTD approved for the purpose.”;

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

“Maintenance of competency for a CPL(A)

61.05.7 (1) In order to maintain competency, the holder of a CPL(A) shall undergo a CPL(A) competency check, a skills test for a CPL(A) instrument rating, or a revalidation check for a CPL(A) instrument rating within 12 months calculated from the date of initial issue of the licence, and thereafter, either –

- (a) undergo a CPL(A) competency check within 24 months calculated from the beginning of the month following the date of the last revalidation of competency;
- (b) undergo a skills test for a CPL(A) instrument rating, or a revalidation check for a CPL(A) instrument rating within 12 months calculated from the beginning of the month following the date of the last revalidation of competency; or
- (c) be enrolled in a baseline evidence-based training (EBT) program approved in terms of Regulation 121 of the CAR.

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

- (a) undergo sufficient ground and flight training at an approved ATO to reach the standard required for a CPL(A) competency check or a CPL(A) instrument rating revalidation check, as the case may be; and

(b) pass a CPL(A) competency check or a CPL(A) instrument rating revalidation check.

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

(a) rewrite the CPL(A) Air Law examination;

(b) undergo sufficient ground and flight training at an approved ATO to reach the standard required for a CPL(A) skills test; and

(c) pass a CPL(A) skills test.

(4) A holder of a CPL(A) who has not flown, in an aeroplane, a minimum of 3 hours as PIC, 3 hours as PICUS, or 6 hours as co-pilot in the 6 months preceding a competency check or an instrument rating revalidation check, shall undergo sufficient ground and flight training at an approved ATO to reach the standard required for a CPL(A) competency check or a CPL(A) instrument rating revalidation check, as the case may be.

(5) A CPL(A) competency check or a CPL(A) instrument rating revalidation check must be undertaken in an aeroplane or an FSTD approved for the purpose.”;

(d) the substitution for regulation 61.06.7 of the following regulation:

“Maintenance of competency for a CPL(H)

61.06.7 (1) In order to maintain competency, the holder of an CPL(H) shall undergo a CPL(H) competency check, a skills test for a CPL(H) instrument rating, or a revalidation check for a CPL(H) instrument rating within 12 months calculated from the date of initial issue of the licence, and thereafter, either –

(a) undergo a CPL(H) competency check within 24 months calculated from the beginning of the month following the date of the last revalidation of competency;

or

(b) undergo a skills test for a CPL(H) instrument rating, or a revalidation check for a CPL(H) instrument rating within 12 months calculated from the beginning of the month following the date of the last revalidation of competency.

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

(a) undergo sufficient ground and flight training at an approved ATO to reach the standard required for a CPL(H) competency check or a CPL(H) instrument rating revalidation check, as the case may be; and

(b) pass a CPL(H) competency check or a CPL(H) instrument rating revalidation check.

(3) A holder of a CPL(H) whose competency has lapsed by more than 36 months, shall, for the purpose of revalidating such competency, be required to —

(a) rewrite the CPL(H) Air Law examination;

(b) undergo sufficient ground and flight training at an approved ATO to reach the standard required for a CPL(H) skills test; and

(c) pass a CPL(H) skills test.

(4) The holder of a CPL(H) who has not flown, in a helicopter, a minimum of 3 hours as PIC, 3 hours as PICUS, or 6 hours as co-pilot in the 6 months preceding a competency check or an instrument rating revalidation check, shall undergo sufficient ground and flight training at an approved ATO to reach the standard required for a CPL(H) competency check or a CPL(H) instrument rating revalidation check, as the case may be.

(5) A CPL(H) competency check or a CPL(H) instrument rating revalidation check must be undertaken in a helicopter or an FSTD approved for the purpose.”;

(e) the substitution for regulation 61.07.4(1) of the following regulation:

“**61.07.4** (1) An applicant for the initial issue **[or revalidation]** of an ATPL(A) must have demonstrated to a DFE I (A), the ability to perform as PIC of a multi-engine aeroplane, in an actual or simulated multi-crew and IFR scenario, the procedures and manoeuvres as prescribed in Document SA-CATS 61, with a degree of competency appropriate to the privileges granted to the holder of an ATPL(A).”

(f) the substitution for regulation 61.07.7 of the following regulation:

“Maintenance of competency for an ATPL(A)

61.07.7(1) In order to maintain competency, the holder of an ATPL(A) shall –

(a) undergo an ATPL(A) instrument rating revalidation check within a period of 12 months calculated from the date of initial issue of the licence and thereafter not later than 12 months calculated from the beginning of the month following the date of the last revalidation of competency; or

(b) be enrolled in a baseline evidence-based training (EBT) program approved in terms of Part 121 of the SACAR.

(2) A holder of an ATPL(A) whose maintenance of competency has lapsed by not more than 36 months, shall, for the purpose of revalidating such competency, be required to –

(a) undergo sufficient ground and flight training at an approved ATO to reach the standard required for an ATPL(A) instrument rating revalidation check.; and

(b) pass an ATPL(A) instrument rating revalidation check.

(3) A holder of an ATPL whose maintenance of competency has lapsed by more than 36 months, shall, for the purposes of revalidating such competency, be required to –

(a) rewrite the CPL(A) Air Law examination and the Operational Procedures examination;

(b) undergo sufficient ground and flight training at an approved ATO to reach the standard required for an ATPL(A) skills test; and

(c) pass an ATPL(A) skills test.

(4) The holder of an ATPL(A) who has not flown, in an aeroplane, a minimum of 3 hours as PIC, 3 hours as PICUS, or 6 hours as co-pilot in the 6 months preceding an instrument rating revalidation check, shall undergo sufficient ground and flight training at an approved ATO to reach the standard required for an ATPL(A) instrument rating revalidation check.

(5) An ATPL(A) instrument rating revalidation check must be conducted in a multi-engine aeroplane or an FSTD approved for the purpose, and in a multi-crew operation.”;

(g) the substitution for regulation 61.08.7 of the following regulation:

“Maintenance of competency for an ATPL(H)

61.08.7 (1) In order to maintain competency, the holder of an ATPL(H) shall undergo a ATPL(H) competency check, a skills test for a ATPL(H) instrument rating, or a revalidation check for a ATPL(H) instrument rating within 12 months calculated from the date of initial issue of the licence, and thereafter, either –

(a) undergo a ATPL(H) competency check within 24 months calculated from the beginning of the month following the date of the last revalidation of competency; or

(b) undergo a skills test for a ATPL(H) instrument rating, or a revalidation check for a ATPL(H) instrument rating within 12 months calculated from the beginning of the month following the date of the last revalidation of competency.

(2) A holder of an ATPL(H) whose competency has lapsed by not more than 36 months, shall, for the purpose of revalidating such competency, be required to —

- (a) undergo sufficient ground and flight training at an approved ATO to reach the standard required for an ATPL(H) competency check or an ATPL(H) instrument rating revalidation check, as the case may be; and
- (b) pass an ATPL(H) competency check or an ATPL(H) instrument rating revalidation check, as the case may be.

(3) A holder of an ATPL(H) whose competency has lapsed by more than 36 months, shall, for the purpose of revalidating such competency, be required to —

- (a) rewrite the CPL(H) Air Law examination;
- (b) undergo sufficient ground and flight training at an approved ATO to reach the standard required for an ATPL(H) skills test; and
- (c) pass an ATPL(H) skills test.

(4) The holder of an ATPL(H) who has not flown, in an aeroplane, a minimum of 3 hours as PIC, 3 hours as PICUS, or 6 hours as co-pilot in the 6 months preceding a competency check or an instrument rating revalidation check shall undergo sufficient ground and flight training at an approved ATO to reach the standard required for an ATPL(H) competency check or an ATPL(H) instrument rating revalidation check, as the case may be.

(5) An ATPL(H) competency check or an ATPL(H) instrument rating revalidation check must be undertaken in a helicopter or an FSTD approved for the purpose, and in a multi-crew operation.”.

- (h) the substitution for regulation 61.11.2 in subregulation (5) of the following subregulation:

“Requirements for an IR

61.11.2 **[An applicant for an IR shall—(5)">]** (5) A minimum of 5 hours instrument flight training must be undertaken in the aircraft category for which the IR is sought.";

- (i) the deletion in Regulation 61.11.4 of subregulation (8):

[(8) A skills test for the issue of an IR conducted after the first competency check for a PPL or CPL will revalidate the maintenance of competency of the licence as applicable, in the same aircraft category.].";

- (j) the substitution for regulation 61.11.7 of the following regulation:

“Revalidation of an IR

61.11.7 (1) If the period of validity of an IR has not yet lapsed, or has lapsed for a period of 36 months or less, the applicant must pass a revalidation check with a DFE, as prescribed in Document SA-CATS 61.

(2) If the period of validity of the IR has lapsed for more than 36 months the applicant must—

- (a) re-write the IR theoretical knowledge examination;
- (b) undergo sufficient ground and flight training at an approved ATO to reach the standard required for the skills test of an IR; and
- (c) pass the skills test as stipulated in regulation 61.11.4.

(3) Where the IR is endorsed with SEA and MEA, every alternate revalidation of this rating may be carried out in a single engine aeroplane or in an FSTD approved for the purpose.

[(4) The revalidation check for an IR revalidates the maintenance of competency of a licence endorsed with an IR for a period of 12 months, provided that the aircraft or FSTD meets the requirements for the maintenance of competency of that licence.]

[(5)] (4) Where a pilot holds an instrument rating in the helicopter and aeroplane

categories, the revalidation check shall be carried out in each category at least once in every 24 months.

[(6)] (5) The pilot proficiency check (PPC) conducted by a South African Part 121 operator may revalidate the IR and the maintenance of competency of a CPL or ATPL, provided that the check is conducted by a DFE and that the following documentation is submitted to the Director within 30 days of successful completion of the proficiency check—

- (a) a copy of the logbook summary for the 12 months preceding the proficiency check;
- (b) a copy of the PPC report; and
- (c) the applicable application form duly completed and signed by the DFE and the applicant.

(6) The instrument rating of a pilot enrolled in a baseline evidence-based training (EBT) program approved in terms of Part 121 of the SACAR may be revalidated, provided that the following documentation is submitted to the Director within 60 days of completion of the last module of a cycle –

- (a) a copy of the logbook summary for the 12 months preceding the last EBT session; and
- (b) the relevant notification form.”.”

MOTIVATION

1. SACAR 61.01.5 (12): The purpose of paragraph 12 is to regulate the submission of application and date implications. It should not include the requirement of having to undergo a competency check or revalidation check. This requirement is already addressed in each applicable Subpart. The indefinite article “a” was replaced by the definite article “the” to render the text more specific.
2. SACAR 161.03.7 is a total rewrite due to the excessive corrections, deletions, and additions to address the following issues:

- a. Addition of the allowance for an instrument rating skills test or an instrument rating revalidation check to maintain competency of the licence (see proposed amendment of SACAR 61.11.4(8) and 61.11.7(4));
 - b. Specifying the aircraft category and use of FSTD;
 - c. Correction of incorrect wording; and
 - d. Removing of substantial inconsistencies
3. SACAR 61.04.7 is a total rewrite due to the excessive corrections, deletions, and additions to address the following issues:
- a. Addition of the allowance for an instrument rating skills test or an instrument rating revalidation check to maintain competency of the licence (see proposed amendment of SACAR 61.11.4(8) and 61.11.7(4));
 - b. Specifying the aircraft category and use of FSTD;
 - c. Correction of incorrect wording; and
 - d. Removing of substantial inconsistencies.
4. SACAR 61.05.7 is a total rewrite due to the excessive corrections, deletions, and additions to address the following issues:
- a. Addition of the allowance for an instrument rating skills test or an instrument rating revalidation check to maintain competency of the licence (see proposed amendment of SACAR 61.11.4(8) and 61.11.7(4));
 - b. Addition of the enrollment in a baseline EBT program as a mean to maintain competency;
 - c. Specifying the aircraft category and use of FSTD;
 - d. Correction of incorrect wording; and
 - e. Removing of substantial inconsistencies.
5. SACAR 61.06.7 is a total rewrite due to the excessive corrections, deletions, and additions to address the following issues:
- a. Addition of the allowance for an instrument rating skills test or an instrument rating

- revalidation check to maintain competency of the licence (see proposed amendment of SACAR 61.11.4(8) and 61.11.7(4));
 - b. Specifying the aircraft category and use of FSTD;
 - c. Correction of incorrect wording; and
 - d. Removing of substantial inconsistencies.
6. The requirements for revalidation are addressed in SACAR 61.07.7.
7. SACAR 61.07.7 is a total rewrite due to the excessive corrections, deletions, and additions to address the following issues:
- a. Addition of the allowance for an instrument rating skills test or an instrument rating revalidation check to maintain competency of the licence (see proposed amendment of SACAR 61.11.4(8) and 61.11.7(4));
 - b. Addition of the enrollment in a baseline EBT program as a mean to maintain competency;
 - c. Specifying the aircraft category and use of FSTD;
 - d. Correction of incorrect wording; and
 - e. Removing of substantial inconsistencies.
8. SACAR 61.08.7 is a total rewrite due to the excessive corrections, deletions, and additions to address the following issues:
- a. Addition of the allowance for an instrument rating skills test or an instrument rating revalidation check to maintain competency of the licence (see proposed amendment of SACAR 61.11.4(8) and 61.11.7(4));
 - b. Specifying the aircraft category and use of FSTD;
 - c. Correction of incorrect wording; and
 - d. Removing of substantial inconsistencies.
9. SACAR 61.11.2

- a. Deletion of an erroneous insert in 61.11.2 (5)
- b. The content of paragraph 8 was reworded and inserted in Subparts 3 to 8 to allow for specific applications of regulatory relaxation.
- c. The content of paragraph 4 was reworded and inserted in Subparts 3 to 8 to allow for specific applications of regulatory relaxation. Paragraph 6 was added to provide a relaxation of the requirement regarding the revalidation check for a pilot enrolled in a baseline EBT program. This relaxation does not contradict ICAO Annex 1.