

PROPOSAL FOR THE AMENDMENT OF PART 135 OF THE CIVIL AVATION REGULATIONS, 2011

PROPOSER

SACAA

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PROPOSER'S INTEREST

The proposer has been established in terms of the Civil Aviation Act, 2009 (Act No. 13 of 2009), to control and regulate civil aviation in South Africa and to oversee the functioning and development of the civil aviation industry, and, in particular, to control, regulate and promote civil aviation safety and security.

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 135

1.1 It is hereby proposed to amend Part 135 by the substitution of Regulation 135.05.13 of the following Regulation:

“135.05.13 (1) [No] An air service operator shall operate an aeroplane over water [at a distance of more than 50 NM from shore, in any operation described in subregulation (2)] unless there is carried on board one life jacket or equivalent individual flotation device for each person on board, stowed in a position easily accessible from each seat or berth occupied by such person.

(2) The equipment prescribed in subregulation (1) applies to—

- (a) flying at a distance of more than 50 NM from shore for [aeroplanes] an aeroplane having two power-units, where in the event of the critical power-unit becoming inoperative at the most critical point along the route, **[the]** an aeroplane is not capable of maintaining the minimum safe flight altitude to the planned destination or a suitable alternate aerodrome where a safe landing can be made;
- (b) flying at a distance of more than 50 NM from shore for [aeroplanes] an aeroplane having three or more power-units, where in the event of two power-units becoming inoperative at the most critical point along the route, **[the]** an aeroplane is not capable of maintaining the minimum safe flight altitude to the planned destination or a suitable alternate aerodrome where a safe landing can be made;
- (c) when taking off or landing at an aerodrome where the aeroplane flight path is over water and in the opinion of the Director, should any mishap occur, there would be a likelihood of **[the]** an aeroplane ditching into the water;
- (d) flying en route over water beyond gliding distance from the shore, in the case of an aeroplane;

(3) A life jacket and equivalent individual flotation device shall be equipped with a means of electric illumination for the purpose of facilitating the location of persons, except where the requirement of subregulation (2) is met by the provision of individual flotation devices other than life jackets.

(4) An air service operator shall develop procedures for the use of individual flotation devices other than life jackets in the case of subregulation (2).".

MOTIVATION

A gap was identified between our regulations and ICAO SARPS prescribed in Annex 6 Parts I and II. Our regulations are less restrictive than ICAO. The ICAO SARPs prescribe the requirement for a life jacket or equivalent to be loaded on flights flying en-route over water beyond gliding distance from the shore while our current CARS does not.

Confusion exists among operators who have stated that the seat cushion can float and is an equivalent to the life jacket, but the ICAO SARP specifies a means of electric illumination on the equivalent flotation device. The exception is when taking off or landing at an aerodrome where the aeroplane flight path is over water and in the opinion of the Director, should any mishap occur, there would be a likelihood of the aeroplane ditching into the water. The intent of these proposals is to align our regulations with ICAO and to clarify requirements that will eliminate confusion in this regard.