

PROPOSAL FOR THE AMENDMENT OF PART 138 OF THE CIVIL AVIATION REGULATIONS, 2011

PROPOSER

SACAA

Ikhaya Lokundiza

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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 THE AMENDMENT OF PART 138

1.1 It is hereby proposed to amend Part 138 by:

- (a) the insertion after regulation 138.04.4 of the following regulation:
Secretariat: SS

“Insurance policy cover for air service operator

138.04.5 (1) A registered air service operator shall not operate, or cause or permit any other person to operate, an aircraft unless there is in force an insurance cover policy for any damage or loss that may be caused by an aircraft to any person or property on land or water as provided for in Part 91”.

MOTIVATION

This proposal emanates from the Civil Aviation Amendment Act (CAAA), which was assented to by the President in March 2022. Before the CAAA can be proclaimed and brought into operation, certain provisions of the Civil Aviation Regulations must be amended to ensure alignment with the amended Act. In particular, this proposal seeks to give effect to section 8(5) of the Act by introducing a requirement for registered aircraft owners or operators to maintain an insurance policy that provides passenger and third-party liability cover.