PROPOSAL FOR THE AMENDMENT OF DOCUMENT SA-CATS 91 ISSUED UNDER THE CIVIL AVIATION REGULATIONS, 2011

PROPOSER

SACAA
Ikhaya Lokundiza
11 Byls Bridge Boulevard
Byls Bridge Office Park
Olievenhoutbosch Road
Centurion

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 <u>underlined</u> with a solid line indicate insertions in the existing regulations.

1. PROPOSAL FOR AMENDMENT OF DOCUMENT SA-CATS 91

1.1 It is hereby proposed to amend Document SA-CATS 91 by the insertion after Subpart 11 of the following Subpart:

91.11.3 Minimum insurance coverage

1. A registered aircraft owner of an aircraft or service operator shall maintain an insurance policy at not less than the levels set out in Table A and B in respect of third party liability—

(i) in relation to an aircraft with a maximum certificated mass exceeding 20,000 kilograms, R50 000 000 per aircraft;

(ii) in relation to an aircraft with a maximum certificated mass exceeding 5,700 kilograms but not exceeding 20, ~~R50,000,000~~000 kilograms, R20 000 000 per aircraft;

(iii) in relation to an aircraft with a maximum certificated mass exceeding 2 700 kilograms but not exceeding 5 700 kilograms, R10 000 000 per aircraft;

(iv) in relation to an aircraft with a maximum certificated mass of 2 700 kilograms or less, excluding a micro-light aeroplane, R2 500 000 per aircraft; and

(v) in relation to a micro-light aeroplane, R500 000 per micro-light aeroplane.

(vi) Group cover for air activities or group air activities in relation to hang-gliders, and paragliders inclusive of power and/or wheeled undercarriages, R10,000,000 for any one accident or occurrence. Unlimited in any one period of insurance.

Table A: Private operations

Aircraft Category	MTOM (Maximum Take-off Mass)	Minimum Insurance – Third Party Liability
(a) All aircraft	Up to 1000 kg	ZAR 500 000
(b) Manned free balloons		ZAR 1 000 000
(c) All fixed wing aircraft	1,001kg to 2,700 kg	ZAR 2,500,000
(d) All fixed wing aircraft	2,701 kg – 5,700 kg	ZAR 5,000,000
(e) All fixed wing aircraft	5,701 kg – 20,000 kg	ZAR 20,000,000
(f) All aircraft	20,001Kg and above	ZAR 20 million + R 10m for every 20 Tones thereafter
(g) Rotorcraft excluding gyros	Any MTOM	ZAR 10,000,000

Note: the figures in the table above are minimum prescribed limits and appropriate risk profiling should apply.

Table B: Commercial operations

Aircraft Category	MTOM (Maximum Take-off Mass)	Minimum Insurance – Third Party Liability
(a) LSA and below	Up to 600 Kg	ZAR 500 000
(b) Light aircraft	Up to 2,700 kg	ZAR 2,500,000
(c) Medium aircraft	2,701 kg – 5,700 kg	ZAR 5,000,000
(d) Large aircraft	5,701 kg – 20,000 kg	ZAR 20,000,000
(e) Heavy aircraft	Above 20,000 kg	ZAR 50,000,000
(f) All Aircraft	Above 20,000kg	R 50m + R25m for every 20,000kg thereafter
(g) Rotorcraft excluding Gyros	i. Up to 500kg ii. Up to 1,000kg iii. Up to 2,700kg iv. Up to 6,000kg	ZAR 2,500,000 ZAR 5,000,000 ZAR 10,000,000 ZAR 25,000,000
(h) UAS	up to 150kg	ZAR 500,000

91.11.5 Proof of insurance policy

1. Validity of insurance

(1) The insurance policy shall—

(a) be issued by a registered and licensed insurer authorised to operate within the Republic;

(b) specify an aircraft registration mark(s), serial number, and insured values;

(c) remain valid for the duration of an aircraft's operation; and

(2) A registered owner of an aircraft or air service operator shall retain proof of the current insurance policy at the principal place of business and shall present such proof to an authorised officer or inspector of the Authority upon request.

2. Review of minimum coverage

(1) The Authority shall review the prescribed minimum insurance levels at least once every five years or sooner where necessary to reflect inflationary adjustments, currency fluctuations, or international benchmarks”.”

MOTIVATION

This proposal emanates from the current Civil Aviation Act, 2009 and 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 mandatory requirement for registered aircraft owners or air service operators to maintain an insurance policy that provides passenger and third-party liability cover.