

REPUBLIC
OF
SOUTH AFRICA



REPUBLIEK
VAN
SUID-AFRIKA

Government Gazette Staatskoerant

Regulation Gazette

No. 6209

Regulasiekoerant

Vol. 396

PRETORIA, 5 JUNE
JUNIE 1998

No. 18963

GOVERNMENT NOTICE

DEPARTMENT OF TRANSPORT

No. R. 786

5 June 1998

AVIATION ACT, 1962

PROPOSED THIRD AMENDMENT OF THE CIVIL AVIATION REGULATIONS, 1997

Under regulation 11.03.2 (1) (a) of the Civil Aviation Regulations, the Chairperson of the Regulations Committee hereby publishes, for comment, the proposed Amendments to the Civil Aviation Regulations as set out in the Schedule. Any comments or representations on these proposed regulations should be lodged in writing with the Chairperson of the Regulations Committee, for attention: Mr E. Maritz, Private Bag X193, Pretoria, 0001, Fax (012) 323-7007 or E-mail at: Maritz E @ NDOT.PWV.GOV.ZA, before or on 5 July 1998. Motivations for the proposed amendments are set out in the Schedule.

SCHEDULE

1. Regulation: 1.00.1

Title: Definitions: Flight crew member
Flight deck crew member

CURRENT DEFINITIONS:

"Flight crew member" means a person licensed under Part 61, 63 and 64 and assigned by an operator to duty on an aircraft during flight;

"Flight deck crew member" means a licensed flight crew member charged by the operator of an aircraft with duties essential to the operation of an aircraft."

PROPOSED AMENDMENT:

"'Flight crew member' means a crew member charged with flight deck duties during flight time;
'Flight deck crew member'—to be deleted."

MOTIVATION:

The present definition includes pilots, flight engineers and cabin crew. In several parts of the regulations when flight crew member is mentioned cabin crew is added as if this is a separate entity. (E.g. CARs 67.00.9 (b) . . . not act as pilot in command, or in any other capacity as a flight crew member, an air traffic service personnel member or a cabin crew member, as the case may be— If the definition is changed to the proposed wording, this statement will fall into place). In other words, the definition is not used as described.

The proposed definition falls in line with the present draft of the JAR-FCL, where "flight crew member" is deemed to be flight deck crew.

2. Regulation: 1.00.1 and 61.24.9

**Title: Definitions: Simulator; and
Privileges of aeroplane simulator flight instructor rating**

CURRENT REGULATIONS:

"'Simulator' means—

- (a) a flight procedures trainer or synthetic flight training device;
- (b) a type specific flight simulator;
- (c) any other training device approved by the Commissioner."

"Privileges and limitations of aeroplane simulator flight instructor rating

- 61.24.9 (1) No person shall conduct aeroplane simulator training for the purposes of obtaining a licence or rating. . . .
- (2) The holder of a valid aeroplane simulator flight instructor rating shall be entitled to give instruction in simulators of aeroplanes in respect of which he is the holder of the appropriate type rating.
- (3) The holder of a valid aeroplane simulator instructor rating shall be entitled to instruct the holder of a pilot licence in a simulator for a type rating in

PROPOSED AMENDMENTS:

(i). "'simulator' means—

- (a) **Class 1**—a full scale type specific flight simulator, including an out of cockpit view and a force cueing motion system.
- (b) **Class 2**—a flight procedures trainer or synthetic flight training device or any other training device approved by the Commissioner."

(ii) **"Privileges and limitation of aeroplane simulator flight instructor rating:**

- 61.24.9 (1) No person shall conduct aeroplane simulator (**class 1**) training for the purposes of obtaining a licence or rating. . . .
- (2) The holder of a valid aeroplane simulator flight instructor rating shall be entitled to give instruction in a simulator (**class 1**) of aeroplanes in respect of which he or she is the holder of the appropriate type rating.
- (3) The holder of a valid aeroplane simulator instructor rating be entitled to instruct the holder of a pilot licence in a simulator (**class 1**) for a type rating in

MOTIVATION:

The difficulty with the current definition is that there is a Aeroplane Flight Simulator Instructor Rating (61.24). This must refer to a type specific simulator (what we would define as a class 1 simulator), and it would be ridiculous for the instructor of a procedures trainer to have this full qualification to be able to instruct on a procedures trainer.

Secondly the HAD-FC define a simulator as attached, and make a clear distinction between the two.

3. Regulation: 91.02.3 (1) (a)**Title: Flight crew member responsibilities****CURRENT REGULATION:**

- "(1) No person shall act as a flight crew member of an aircraft—
 (a) while under the influence of any drug having a narcotic effect;"

PROPOSED AMENDMENT:

- "(1) No person shall act as a flight crew member of an aircraft—
 (a) whilst using any narcotic or drug which may affect his or her faculties in any way that may jeopardise safety;"

MOTIVATION:

1. The JAR-O'S 1.085 (A) (1) relating to Crew Responsibilities, has a more specific wording than the current regulation. For example, the nicotine in tobacco is considered to be a narcotic substance but is there any evidence that smoking in contrary to safety?
2. Australian CAN 256 (2): "a person acting as a member of the operating crew of an aircraft, or carried in the aircraft for the purpose of so acting, shall not, while so acting or carried, be in a state in which by reason for his or her having consumed used or absolved any alcoholic liquor, drug, pharmaceutical or medicinal preparation or other substance, his or her capacity so to act is impaired."
3. Current Aviation Legislation: Rules of the Air pg. 515

"Use of intoxicating liquor, narcotics or drugs"

- 2.7 (1) No person shall act as a crew member of a civil aircraft—
 (a);
 (b);
 (c) whilst using any narcotic or drug which may affect his faculties in any way that may jeopardise safety."

4. Regulation: 91.02.3 (2) (a)**Title: Flight crew member responsibilities****CURRENT REGULATION:**

- "(2) No flight crew member shall—
 (a) consume any alcohol less than **12 hours** prior to commencing standby for flight duty or flight duty, which flight duty shall be deemed to commence at the specified reporting time, if applicable."

PROPOSED AMENDMENT:

- "(2) No flight crew member shall—
 (a) consume any alcohol less than **8 hours** prior to commencing standby for flight duty or flight duty, which flight duty shall be deemed to commence at the specified reporting time, if applicable."

MOTIVATION:

1. We strongly object to such draconian measures to increase the time period by another four hours to twelve hours. The current regulation is 8 hours and the JAR-O'S 1.085 (b) (1), relating to Crew Responsibilities, is also 8 hours. Why impose such harsh measures in South Africa, that are more stringent than those of the rest of the world?
2. An 8-hour restriction is reasonable and we feel that an extra four hours on the present limitation would make it difficult for even law-abiding citizens to adhere to.

Please note the current legislation in Digma page 515, as follows:

"Use of intoxicating liquor, narcotics or drugs"

- 2.7 (1) No person shall act as a crew member of a civil aircraft—
 (a) within eight hours after the consumption of any alcoholic beverage;

- (b) whilst under the influence of intoxicating liquor; or
- (c) whilst using any narcotic or drug which may affect his faculties in any way that may jeopardise safety.”.

5. Regulation: 91.02.3 (2) (b)

Title: Flight crew member responsibilities

CURRENT REGULATION:

“(2) No flight crew member shall—

- (a)
- (b) commence flight duty while the concentration of alcohol in any specimen of blood taken from any part of his or her body is more than **0,00 gram per 100 millilitres**; or.”.

PROPOSED AMENDMENT:

“(2) No flight crew member shall—

- (a)
- (b) commence flight duty period with a blood alcohol level in excess of **0,02 gram per 100 millilitres**.”.

MOTIVATION:

1. The wording of this regulation is clumsy! Where do blood samples get taken from: an earlobe, the tongue, behind the eyeball? Taking blood samples is recognised practice and doesn't need definition in the regulations.
2. Metabolisms differ and many “over the counter” medications of foodstuffs and chocolates contain alcohol and most consumers could retain slight blood alcohol levels and be unaware of this. The JAR-O'S 1.085 (b) (2) is more appropriate with: “a level of 0,02 grams per 100 millilitres (or 0,2 promille).”
3. To quote from correspondence from the Australian Federations of Air Pilots: “We are aware that a proposal is under discussion here for a similar regulation. However, the maximum blood/alcohol levels being considered is 0,02 gms/100 mls. It was felt that given the blood/alcohol levels which naturally occur within the body regardless of alcohol consumption, a figure of zero would be virtually impossible to administer and this is unenforceable. 0,02 gms/100 mls is seen as a more realistic figure.”

6. Regulation: 91.04.3 (2) (d)

Title: Aircraft Operating Lights

CURRENT REGULATION:

“(2) No owner or operator of an aeroplane shall operate at night unless such aeroplane is equipped with—

- (a)
- (b)
- (c) in the case of an aeroplane with a maximum certificated mass exceeding 5 700 kg, two parachute flares.”.

PROPOSED AMENDMENT:

Delete paragraph (c).

MOTIVATION:

1. Parachute flares are extremely dangerous pyrotechnics having very high projectile energy and also very high burning temperatures.
2. Mr Charl Simon of “Swartklip” who manufacture parachute flares informs us that these products cannot be carried by air (passenger or cargo) as they are listed dangerous goods items i.e. rocket hand illumination (UN0254 class 1.3 G).
3. The velocity of the parachute flare projectile is ± 350 m/sec.
4. On information supplied by ballistic experts to calculate the energy in foot/pounds of the parachute flare projectile, energy has been calculated at $\pm 4\,300$ ft.lbs or twice the mass of an average family car.

5. Swartklip Technical Specifications for the illuminant are that the flare is rated at 80 000 candela, the burn time is between 25 and 35 seconds with a temperature of between 980 °C and 1 000 °C. This temperature is also hot enough to melt the aluminium flare container.
6. SAA engineering informs us that the handheld flares for liferaft safety equipment are very specific to the type of emergency equipment approved by the aircraft manufacturer. The projectile type parachute flare is forbidden.
7. Furthermore, flares have a shelf-life and are expensive, operational training for their use is required because of their hazardous nature.
8. Security: If all aircraft above 5 700 kg were enforced by law to carry parachute flares, any potential hijacker would be aware of this and need only to gain access to the flares acquire control of the aircraft.

CONCLUSION:

From this evidence, having parachute flares on board a pressurised aircraft constitutes a security incendiary and a ballistically hazardous threat to the aircraft. NOTE: aircraft above 5 700 kg are required to carry an (ELT) Emergency Locator Transmitter in any case.

7. Regulation: 91.06.9 (1)

Title: Aircraft Speed

CURRENT REGULATION:

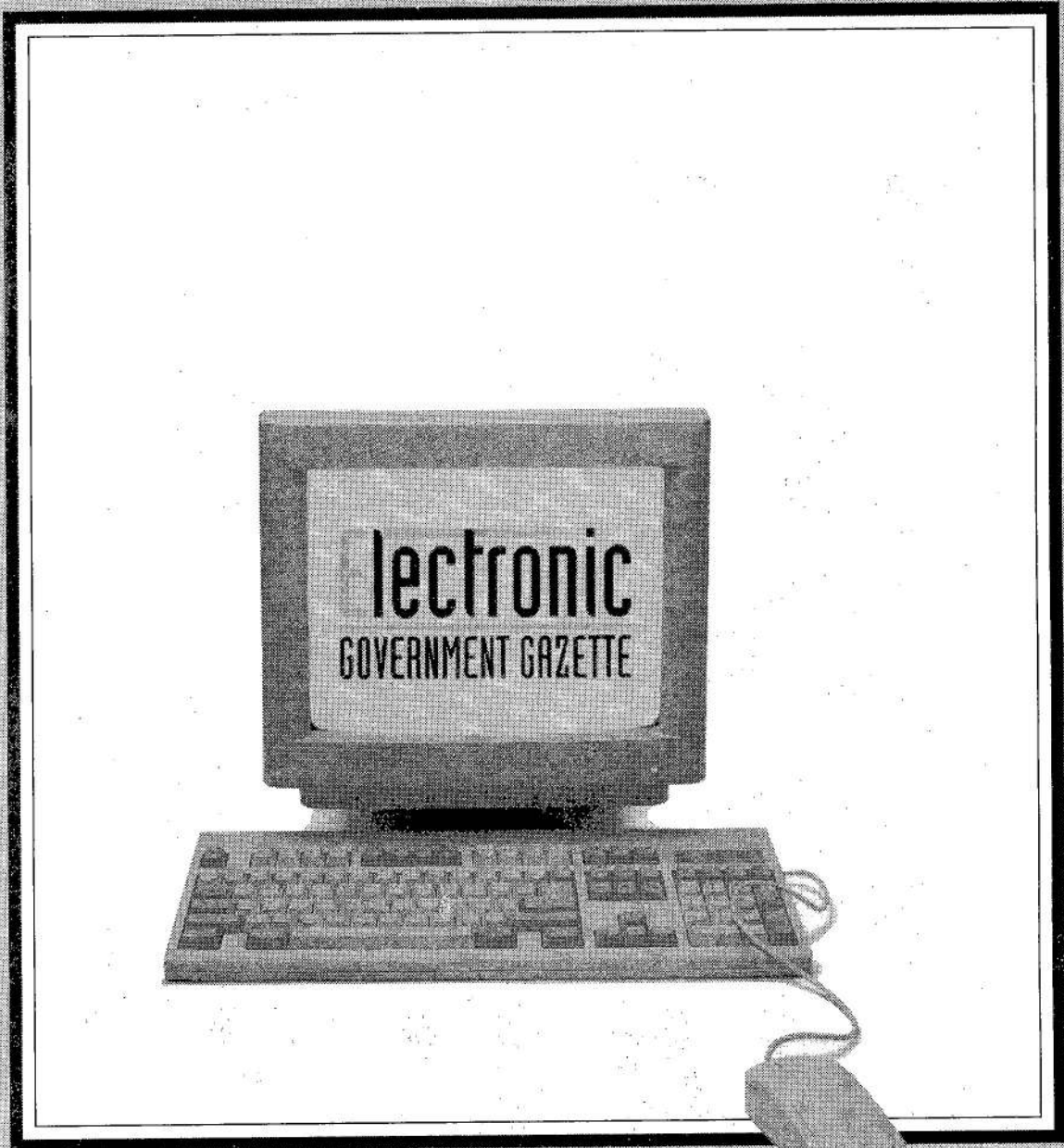
- "(1) No person shall, outside controlled airspace and between **1 000 feet** above the surface and flight level 100, fly an aircraft at an indicated airspeed of more than 250 knots."

PROPOSED AMENDMENT:

- "(1) No person shall, outside controlled airspace and below **flight level 100**, fly an aircraft at an indicated airspeed of more than 250 knots."

MOTIVATION:

1. The current regulation is ambiguous. It can be interpreted that above the surface and up to 1 000 feet, any indicated airspeed can be flown; i.e. 300 knots without infringing on the law. It is recommended that the speed restriction should be effective below flight level 100 to the surface outside controlled airspace.
2. Mr Arthur Bradshaw of the ATNS has agreed with this suggestion, and confirms that other speed restrictions are in place for controlled airspaces; also, this speed is recommended outside controlled airspace because of density of traffic below FL100.



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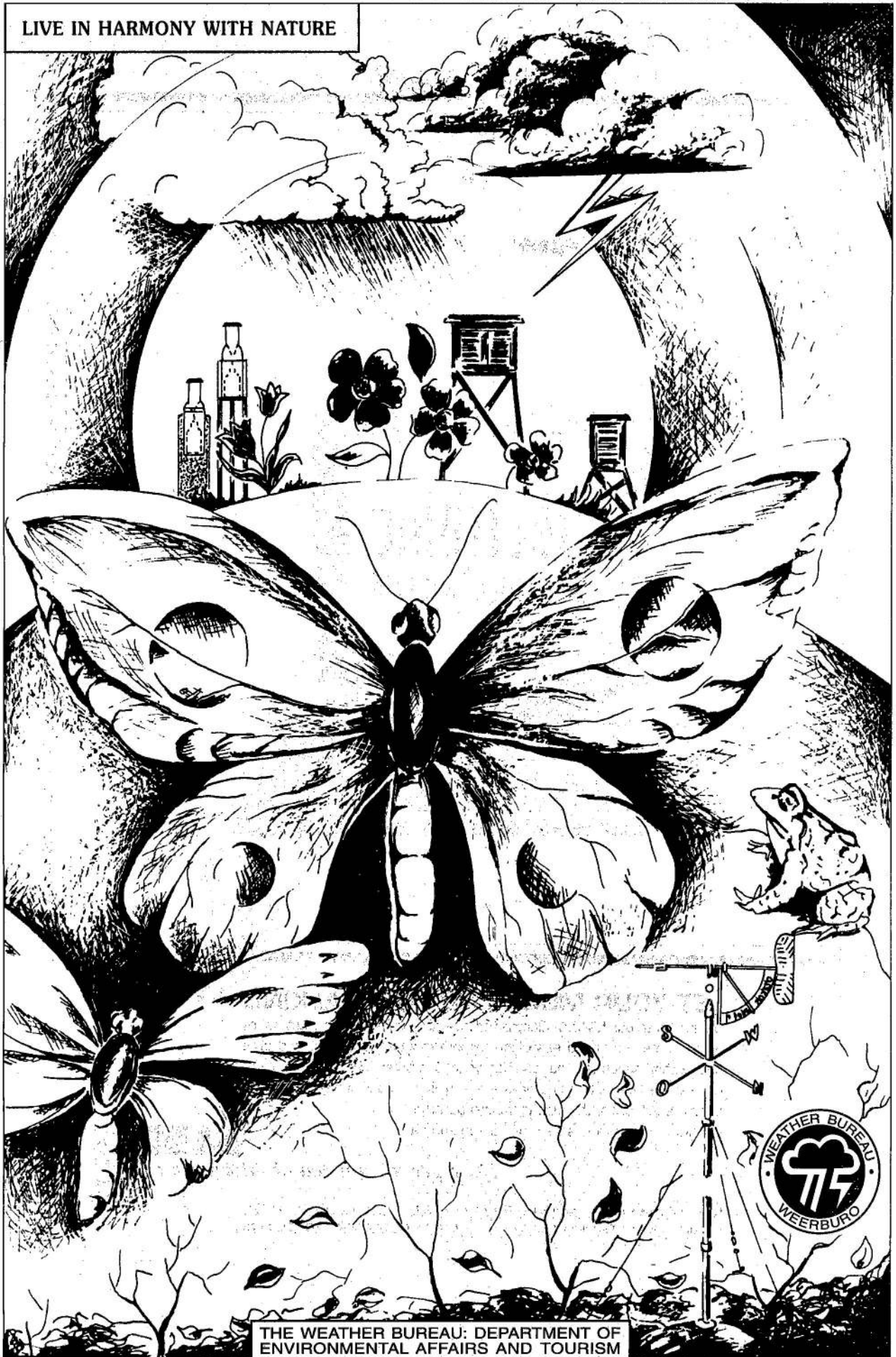
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