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OF
SOUTH AFRICA



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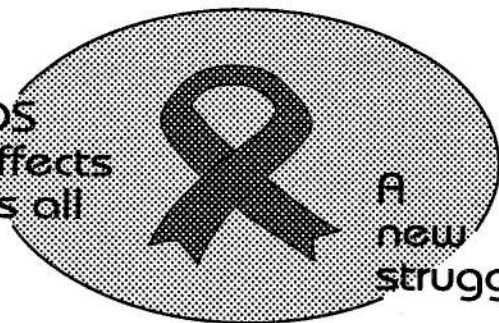
Vol. 417

PRETORIA, 10 MARCH
MAART 2000

No. 20975

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DEPARTMENT OF HEALTH

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GOVERNMENT NOTICE

DEPARTMENT OF TRANSPORT

No. R. 226

10 March 2000

AVIATION ACT 1962 PROPOSED 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, 1997, as set out in the Schedules. Any comments or representations on the proposed amendments should be lodged in writing with the Chairperson of the Regulations Committee for attention: Mr Levers Mabaso, Private Bag X193, Pretoria, 0001, fax no (012) 323-7007 or e-mail at mabasol@ndot.pwv.gov.za before or on 12 April 2000.

SCHEDULE 1

PROPOSALS FOR THE AMENDMENT OF REGULATION 139.01.1 (APPLICABILITY – AERODROMES AND HELIPORTS: LICENSING AND OPERATION)

PROPOSER

Cor Beek
PO Box 71582
Die Wilgers
0041

EXPLANATION OF INTEREST OF THE PROPOSER

The proposer is an Aviation Consultant and has been mandated by the CAA/HASA working group to submit the amendments on its behalf.

1. PROPOSED AMENDMENTS OF REGULATION 139.01.1

1.1 AMENDMENT OF REGULATION 139.01.1 2(a)

“(2) No place in the Republic shall be used as a place of landing or departure by -

- (a) an aeroplane with a maximum certificated mass exceeding 5700 kilograms, used in commercial air transportation operations;”

1.2 (2) MOTIVATION

It is proposed that the expression “aircraft” in sub-regulation (2)(a) be substituted by the expression “an aeroplane”. It has never been the intention to restrict helicopters with an MCM in excess of 5700 kg to licensed aerodromes and licensed heliports

only. The relevant section within the CAA confirms that it does not consider this restriction to be applicable to helicopters.

1.3 (1) THE CURRENT PROVISION READS AS FOLLOWS:

"(2) No place in the Republic shall be used as a place of landing or departure by –

(a) aircraft with a maximum certificated mass exceeding 5700 kilograms, used in commercial air transportation operations;"

1.1 (2) DELETION OF REGULATION 139.01.1 2(b)

It is proposed that sub-regulation 2(b) be deleted.

1.2 (2) MOTIVATION

It is impractical to restrict all aviation training to licensed aerodromes and licensed heliports only.

However, it is accepted that certain restrictions need to be placed on the sites used in aviation training. The restrictions would depend on the kind of aviation training. It is, therefore, submitted that such restrictions should be made either in terms of Part 61 "Pilot Licensing" or Part 141 "Aviation Training Organisations" (ATO), and be dependent on the training syllabi established in terms of Part 61.

Because the latter Part is still under revision, and the Air Navigation Regulations of 1976 (ANR) are still applicable in respect of flight training for the time being, the restriction imposed by the ANR are also applicable in respect of training sites used. The relevant ANR reads as follows:

"(3)(a) Except in an emergency, no student pilot shall land or take-off in an aeroplane from an area other than an aerodrome".

The restriction applies to aeroplanes only, and the aerodrome used does not need to be a licensed one.

In the suspended Part 61 the corresponding regulations reads as follows:

"61.07.9 Except in an emergency, no student pilot shall land or take-off in any aircraft, other than a microlight aeroplane, a helicopter or a gyroplane from an area other than a licensed aerodrome, an approved heliport or helistop or a forced-landing

ground approved by the Commissioner in terms of Regulation 2.1(1)(a) of the [in the mean time withdrawn] Airport Regulations, 1982."

Since this regulation contradicts itself (the restriction is not applicable to helicopters but reference is made to approved heliports and helistops) – omitting licensed heliports and including the not defined expression 'helistop', it is suggested that the Part 61 review committee in consultation with ATO representatives formulate reasonable and practical restrictions on the use of landing sites in flight training.

1.3 (2) THE CURRENT PROVISION READS AS FOLLOWS:

"(2) No place in the Republic shall be used as a place of landing or departure by –

(a) aircraft used in aviation training, unless it has been licensed in terms of the regulations in this Part;"

1.3 DELETION OF REGULATION 139.01.1(3)

1.1 (3) It is proposed that sub-regulation (3) be deleted totally.

MOTIVATION

1.2 (3) This sub-regulation is in conflict with Regulation 91.07.4 which is sufficient to regulate the landing and take-off by helicopters within the Republic.

1.3 (3) THE CURRENT PROVISION READS AS FOLLOWS:

"(3) No place in an urban area in the Republic shall be used as a place of landing or departure by helicopters, unless it has been approved in terms of the regulations in this Part."

1.4 INSERTION OF SUBPART 4 INTO PART 139 OF THE REGULATIONS (REGULATION 139.04.1)

1.4 (1) THE PROPOSED SUBPART PROVIDES AS FOLLOWS:

"APPROVAL AND OPERATION OF NON-LICENSED HELICOPTER SITES

(1) No pilot-in-command of a helicopter shall land at or take-off from any place unless the place is so situated to permit the helicopter, in the event of an emergency arising during such landing or take-off, to land without undue hazard to persons or property on the surface.

2. No pilot-in-command of a helicopter shall land on, or take-off from, any building, structure or place situated within 100 metres of any other building or structure, in the area of jurisdiction of a local government, unless such building, structure or place has been approved for the purpose by the Commissioner, - Provided that this restriction shall not apply –
 - (a) to a helicopter landing on, or taking off from, a building, structure or place within an industrial area, a commercial warehouse area or an open farm land which is suitable for such purposes and in respect of which helicopter the pilot-in-command or, in case of the holder of a private pilot licence (helicopter), with the written permission of the Commissioner, unless specifically prohibited by the local government;
 - (b) to a helicopter engaged in an emergency medical service operation referred to in Part 138 [Emergency Medical Service Operations], or undertaking a flight necessary for the exercising of any power in terms of any law."
3. A local government may after consultation with the Commissioner, extend the scope of the provisions of sub-regulation (2)(a) to include other places in its area of jurisdiction.
4. The Commissioner may, in the interest of aviation safety, impose conditions or institute restrictions as to the use of any building, structure or place for the landing or take-off of helicopters, or require special flight procedures to be adopted at, or special routes to be followed to or from, such building, structure or place by helicopters, and the Commissioner may impose different conditions, institute different restrictions or require different special flight procedures to be adopted in respect of different buildings, structures or places.
5. Nothing in this regulation shall be construed as conferring any right to land at any building, structure or place against the wishes of the owner of, or any other person who has an interest in, the building, structure or place or as prejudicing the rights or remedies of any person in respect of any injury to persons or property caused by the helicopter or its occupants."

1.4 (2) MOTIVATION

It is recommended that Part 139 is expanded to include a sub-part 4 'Approval and operation of non-licensed helicopter landing sites', based on Regulation 91.07.4:

- 1.4 (3) No current provisions exist in Part 139 of the Regulations. As Stated above the proposed Subpart is based on regulation 91.07.4

2. PROPOSAL FOR THE AMENDMENT OF REGULATION 187.00.19 (FEES)

PROPOSER

The Civil Aviation Authority
Private Bag X08
WATERKLOOF
0145

EXPLANATION OF INTEREST OF THE PROPOSER

The proposer is responsible for the administration of the Aviation Act, 1962 (Act No. 74 of 1962) and regulations issued in terms thereof.

"187.00.19 Fees relating to Part 148

The following fees should be payable upon application -

- | | | | |
|-----------|--|-------|---|
| (a) | For a copy of the register of manufacturing organisation approvals (regulation 148.01.7(5)) | .... | R30,00 |
| (b) (i) | For the issuing of a manufacturing organisation approval (regulations 148.02.6(b)(i), 148.04.6(b)(i)) | .... | R1000,00 per rating + Table A |
| (b) (ii) | For the amendment of a manufacturing organisation approval (regulations 148.02.6(b)(i), 148.03.6(b)(i), 148.04.6(b)(i)) | .... | R750,00 per rating + Table A |
| (b) (iii) | For approval of amendments to the manufacturing organisations Manual of Procedure an hourly rate will be charged in accordance with regulation 187.00.22A. | | |
| (c) | For the renewal of a manufacturing organisation approval (regulations 148.02.15(1)(a)(i), 148.03.15(1)(b)(i), 148.04.15(1)(b)(i)) | .... | R500,00 per rating + Table A |
| (d) | For the issuing of a duplicate manufacturing organisation approval | .... | R75,00 |
| (e) | For the issue, amendment or renewal of a manufacturing organisation approval outside the borders of RSA (regulations 148.02.6(b)(i), 148.02.15(1)(a)(i), 148.03.6(b)(i), 148.03.15(1)(b)(i), 148.04.6(b)(i), 148.04.15(1)(b)(i)) | ..... | US\$ 80 per hour per officer (plus associated costs in terms of CAA Policy) |

TABLE A	
ORGANISATION SIZE	FEES
Very small	R1250,00
Small	R3000,00
Medium	R5250,00
Large	R7500,00
Very Large	R12500,00

NOTE: A very small organisation is considered an organisation with nil to five employees involved in any of the civil aviation manufacturing ratings applied for. A small organisation has six to ten employees, a medium organisation has eleven to fifty employees, a large organisation has fifty-one to one hundred employees and a very large organisation has one hundred and one or more employees

2.2 MOTIVATION

To bring the relevant issue, renewal and amendment fees for Manufacturing Organisations, (CAR Part 187.00.19), in line with :-

- (i) Current fees charged for AMOs, and
- (ii) The actual costs involved in auditing of the organisation and issuing of the Certificate of Approval.

The CAA works on a cost recovering financial system. At this stage the issue of a Certificate of Approval is covered by the application fee. There is, however, a substantial short fall of the actual man-hour and equipment costs relating to the renewal and amendment of the relevant Certificates of Approvals for Manufacturing Organisations.

The present fees are (CAR Part 148 organisations):-

- (i) For the issue of a manufacturing certificate, per rating R2500,00
- (ii) For the amendment of a manufacturing certificate, per rating R500,00
- (iii) For the renewal of a manufacturing certificate, per rating R200,00

The main difference between the fee structure between AMOs and MPTs is that the AMO fee structure makes provision for the size of the organisation being audited, by taking the number of employees working at the organisation into consideration. (See CAR 187.00.16)

Average costs layout for a small manufacturing organisation:-

Description	Hours	Rate (r/hr)	Amount (R)
2 persons @ 3 hrs each	6	350,00	2100,00
Admin (C of Appr. Issue)	2	350,00	700,00
Admin (C of Appr. Amend)	1	350,00	350,00
Admin (C of Appr. Renewal)	0.5	350,00	175,00
Average total costs for the issue of a Manufacturing Licence			R2800,00
Average total costs for the amendment of a Manufacturing Licence			R2450,00
Average total costs for the renewal of a Manufacturing Licence			R2275,00

It can be seen that the current fee of R2500,00 for the issue is realistic but the fees of R200,00 renewal and R500,00 amendment, do not cover the actual audit costs.

2.3 THE CURRENT PROVISION READS AS FOLLOWS:

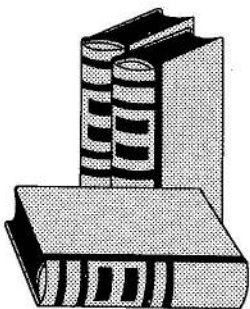
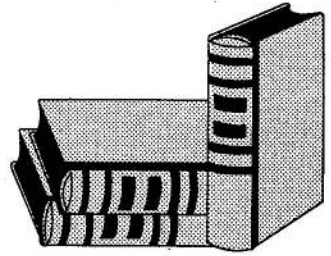
"187.00.19 Fees relating to Part 148

The following fees shall be payable upon application –

	R
(a) For a copy of the register of manufacturing organisation approvals (regulation 140.01.7(5)) (R1,00 per page up to a maximum of)	100,00
(b) (i) For the issuing of a manufacturing organisation approval with a M-rating (regulation 148.02.6(b)(i))	2500,00
(ii) For the amendment of a manufacturing organisation approval with a M-rating (regulation 148.02.6(b)(i))	50,00
(c) For the renewal of a manufacturing organisation approval with a M-rating (regulation 148.02.6(b)(i))	200,00
(d) (i) For the issuing of a manufacturing organisation approval with a P-rating (regulation 148.03.6(b)(i))	2500,00
(ii) For the amendment of a manufacturing organisation approval with a P-rating (regulation 148.03.6(b)(i))	50,00
(e) For the renewal of a manufacturing organisation approval with a P-rating (regulation 148.03.15(1)(b)(I))	200,00
(f) (i) For the issuing of a manufacturing organisation approval with a T-rating (regulation 148.03.6(b)(i))	2500,00
(ii) For the amendment of a manufacturing organisation approval with a T-rating (regulation 148.03.6(b)(i))	50,00

(g)	For the renewal of a manufacturing organisation approval with a T-rating (regulation 148.04.15(1)(b)(I))	.....	200,00
(h)	For the issuing of a duplicate manufacturing organisation approval	.....	75,00
(i)	For each additional rating (per application)	.....	1000,00
(j)	For the inspection of an organisation for issuance of a Certificate of Approval per hour per inspection	.....	350,00
(k)	For the application for the annual renewal of a Certificate of Approval	.....	250,00
(l)	For the annual inspection for continued approval per hour per inspection	350,00

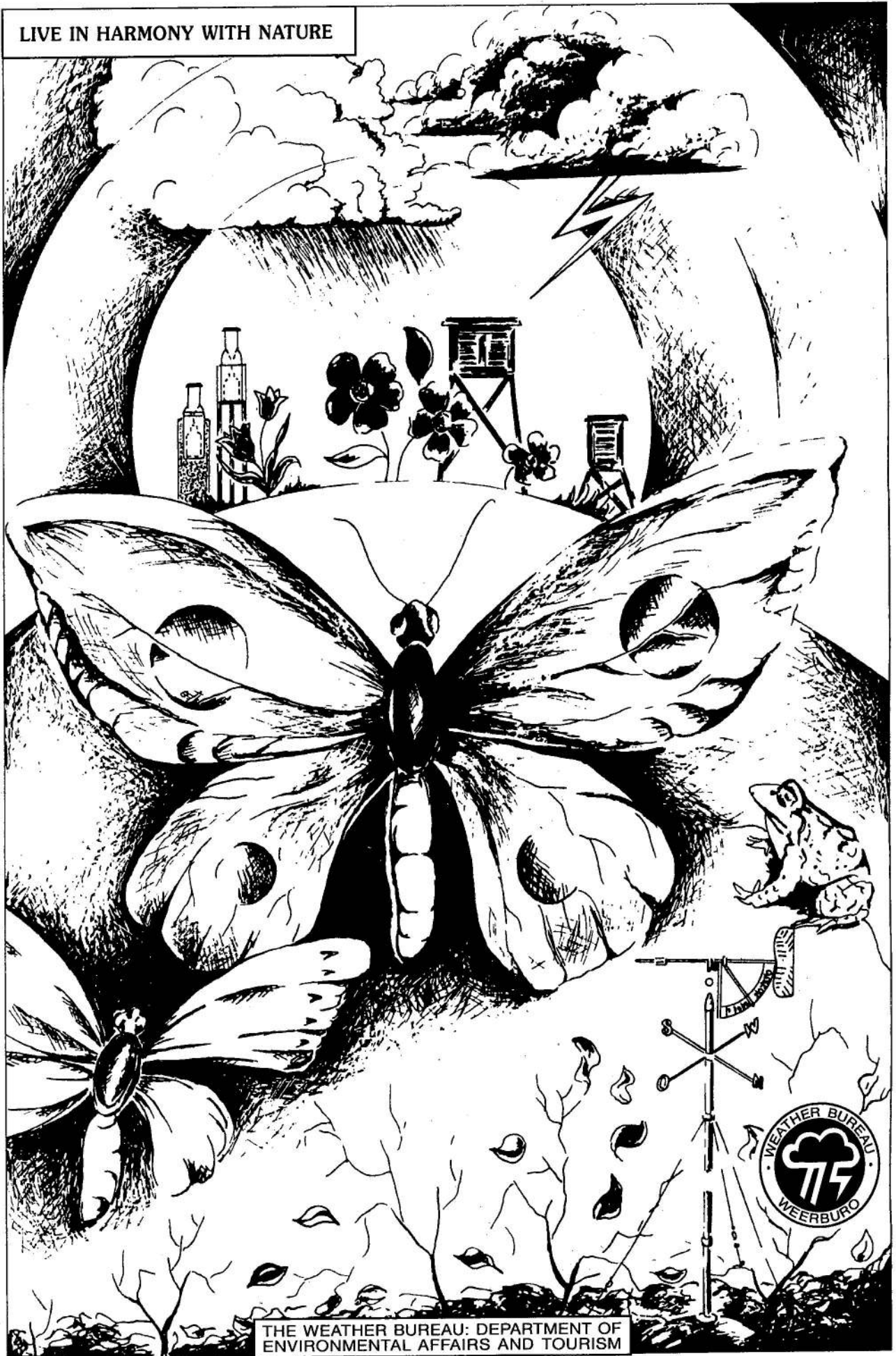
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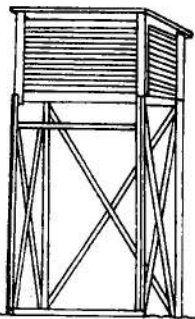
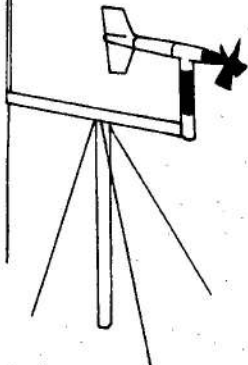
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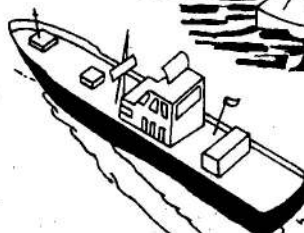
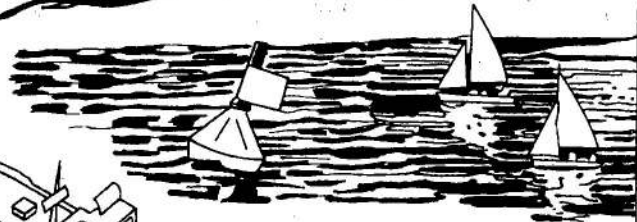
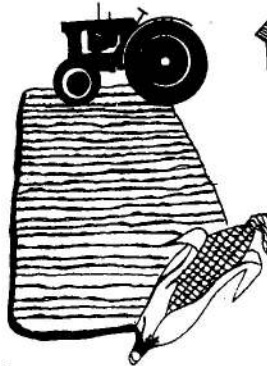
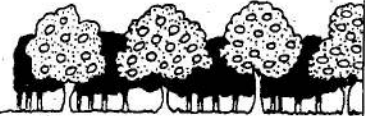
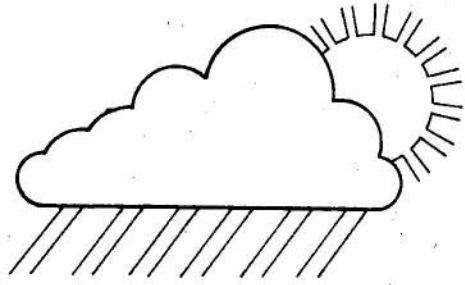
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DIE WEERBURO: DEPARTEMENT VAN OMGEWINGSAKE EN TOERISME



SA WEATHER BUREAU SA WEERBURO



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