



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Regulation Gazette

No. 7249

Regulasiekoerant

Vol. 439

Pretoria, 11 January 2002
Januarie

No. 23009



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GOVERNMENT NOTICES

DEPARTMENT OF TRANSPORT

No. R. 22

11 January 2002

AVIATION ACT, 1962,(ACT NO 74 OF 1962) PROPOSED AMENDMENT TO THE CIVIL AVIATION REGULATIONS, 1997

Under regulation 11.03.2(1)(a) of the Civil Aviation Regulations, the Chairperson of the Civil Aviation Regulations Committee (CARCOM) hereby publishes for comment the proposed amendments to the Civil Aviation Regulations, 1997, as set out amendments in the schedule. Any comments or representations on the proposed amendments should be lodged in writing with the Chairperson of the Regulations Committee, for attention Mr, Kim Gorringe or Mr. Herman Wildenboer, Private Bag X08, Waterkloof, 0145, fax: (012) 346-5979, or e-mail at gorringek@caa.co.za or wildenboerh@caa.co.za, before or on 11 February 2002.

SCHEDULE (1)

1. Proposal to amend regulation 1.001 of Part 1 of the Civil Aviation Regulations, 1997

PROPOSER:

Civil Aviation Authority
Private Bag X08
Waterkloof
0145

Explanation of interest of the PROPOSER

The Proposer administers the Aviation Act, 1962 (Act No. 74 of 1962) and regulations and technical standards issued in terms thereof.

2. **Proposed introduction of New Definitions**

It is proposed to insert the definitions contained hereunder into Part 1.

Motivation :

The definitions contained hereunder are necessary to define certain words and terms used in the proposed Parts 24, 94 and 96.

3. **Current regulation :** The definitions proposed hereunder, except for the definitions for "hang glider", "glider" and "microlight Aeroplane", do not currently exist in Part 1. The current definitions for "hang glider", "glider" and "microlight aeroplane" require substitution with those definitions contained hereunder which more accurately describe and give meaning to words and terms used in the proposed Parts 24, 94 and 96. The current definitions for "hang glider", "glider" and "microlight aeroplane" are :

"hang glider" means a non – power driven heavier than air aircraft capable of being carried, foot launched and landed solely by the energy and use of the pilot,s legs, having –

- (a) a rigid primary structure with pilot weight shift as the primary method of control; or
- (b) a rigid primary structure with moveable aerodynamic surfaces as the primary method of control in at least two axes,

and for the purposes of Part 106, includes a paraglider"

"glider" means a non power driven heavier than air aircraft other than a hang glider, deriving its lift in flight mainly from aerodynamic reactions on the surfaces which remain fixed under given conditions of flight and for the purposes of these Regulations, includes a powered glider"

"microlight aeroplane" means an aeroplane the empty mass of which does not exceed 450 kilograms." "

PROPOSED DEFINITIONS

"amateur-built aircraft" means an aircraft built in terms of the provisions of Part 24, and for the purpose of these Regulations include any of its components;

"approved", unless used with reference to another person, means approved in writing by the Commissioner, or in respect of Parts 24, 94 and 96 the Commissioner or the organization approved for the purpose in terms of Part 149, as the case may be;

"approved maintenance schedule" means a document, compiled by an owner or operator in accordance with the provisions of these Regulations, approved by the Commissioner in terms of regulation 43.02.5 of Part 43, that prescribes in detail the inspections that need to be carried out in respect of an aircraft, its components, installed systems and equipment, and the intervals between such inspections;¹

"approved person" means a person, approved in terms of Part 24 of the CAR of 1997, to carry out inspections on non-type certificated aircraft in compliance with the relevant Aircraft Maintenance Schedule approved for the particular aircraft;

"authority to fly" means the authority to fly issued in terms of Subpart 2 of Part 24 of these Regulations as a restricted certificate of airworthiness;

"build standard" means the document package that defines the dimensions, materials and processes to be used in the construction of an aircraft, together with associated documents that show that the design complies to an established design criteria;

¹ The reference is to a amendment of this regulation being proposed but not as yet published for comment.

"captive balloon" means a balloon which is moored to the surface or to a ship, vehicle or construction on the surface;

"certificate of airworthiness", as used in these regulations, is the certificate of airworthiness referred to in Article 31 of the Convention, issued in terms of Subpart 8 of Part 21 of these Regulations, and includes an authority to fly issued in terms of Sub-part 2 of Part 24;

"design criteria basis" means the design criteria chosen by the constructor of an amateur-built or production-built aircraft, based on a set of airworthiness standards acceptable to the Commissioner;

"ex-military aircraft" means an aircraft which-

- (a) has been in use by the military;
- (b) was not designed, constructed or maintained according to internationally recognised civil airworthiness standards; and
- (c) has been decommissioned from military service.

"factor of safety" means a design factor, used to provide for the possibility of loads greater than those assumed and for uncertainties in design and manufacture;

"glider" definition needs to be substituted by the following:

'... means a heavier-than-air aircraft other than a hang-glider that is supported in flight by the dynamic reaction of the air against its fixed lifting surfaces and whereof free flight does not depend on an engine; and for the purposes of these Regulations includes a self-launching

“hang-glider” definition needs to be amended by the substitution of the expression ‘... and for the purpose of these Regulations includes a powered hang-glider’ for the expression ‘... and for the purposes of Part 106, includes a paraglider’;

“imported” in the context of Part 24 means brought into the Republic by any means for the purpose of having the aircraft put on the South African Register of Civil Aircraft;

“kite” means a non-power-driven, heavier-than-air aircraft, other than a glider or hang-glider, deriving its lift in flight mainly from aerodynamic reactions on the surfaces which remain fixed under given conditions of flight, and for the purpose of these Regulations means a line-controlled kite only;

“limit loads” means the maximum loads assumed to occur in the anticipated aircraft operating conditions;

“load” means the design strength requirements, prescribed for an aircraft in terms of its limit load and ultimate load;

“maintenance control manual” means a document, compiled by an owner or operator in accordance with the provisions of these Regulations, approved by the Commissioner in terms of regulation 43.02.5 of Part 43, that defines the organisation and procedures established for ensuring the sustained airworthiness of the aircraft to which it applies, its components, installed systems and equipment;²

“mandatory periodic inspection” means an inspection prescribed in sub-regulations 43.02.5(2) or (3) of Part 43;³

² The reference is to a amendment of this regulation being proposed but not as yet published for comment.

"microlight aeroplane" definition to be substituted by the following definition:

'... means an aeroplane of which the minimum flying speed at maximum take-off mass and the maximum take-off mass have been restricted for classification purposes. The values of these restrictions are defined in Document SA-CATS-NTCA';

"non-type certificated aircraft" means any aircraft which does not qualify for the issue of a certificate of airworthiness in terms of Part 21; it includes any type certificated aircraft that has been scrapped, of which the original identification plate has been removed and returned to the applicable aviation authority, and is rebuilt as a full-scale replica;

"paraglider" means a non-power-driven, heavier-than-air aircraft without a rigid primary structure, comprising a flexible drag, or drag and ram-air type lift surface, from which the pilot and passenger/s are suspended by shroud lines, which is foot-launched and of which the descent is partly controlled by the pilot by means of two steering lines, and for the purposes of Parts 24, 94 and 96 includes a paratrike and a powered paraglider;

"paratrike" means a paraglider with a large ram-air type lift surface and fixed undercarriage;

"powered hang-glider" means a hang-glider, fitted with an engine attached either to the structure or to the pilot and which may also be fitted with a detachable undercarriage, to support its launch and climb;

"powered paraglider" means a paraglider, fitted with an engine attached to the pilot to assist in its launch and in short local powered flights, and which may have a fixed or detachable undercarriage;

"prescribed loads" in respect of an aircraft means limit loads, unless otherwise stated;

³ The reference is to a amendment of this regulation being proposed but not as yet published for comment.

“production-built aircraft” means an aircraft, of which the prototype has been constructed and approved in terms of Part 24, and which is made available by the constructor to others either as a fully-assembled non-type certificated aircraft, in kit form, or of which the build standard has been approved to be made available for its construction by others; and for the purpose of these Regulations includes its components.

“proving flight” means any flight conducted in terms of a Proving Flight Authority for the purpose of qualifying for the issuance of an Authority to Fly;

“proving flight authority” means the authorisation to commence flight trials as are necessary for development purposes, for the compilation of handling and operational data and, generally, for the preparation of the aircraft for the tests necessary for the issue of an Authority to Fly;

“rocket” means an airborne vehicle propelled by ejected expanding gases generated in its engine/s from self contained propellants and not dependent on the intake of outside substances. It includes any part that becomes separated during operation;

“self-launching glider” means a glider with a maximum all-up mass of not more than 850 kg, fitted with an engine that is used solely for the purpose of launch and climb and not for the sustenance of free flight;

“tiltrotor” means a power-driven heavier-than-air aircraft, deriving its lift in flight mainly from aerodynamic reactions –

- (a) on surfaces which remain fixed under given conditions of flight; or
- (b) on more than one power-driven rotors on axis that may be tilted during flight from the vertical to the horizontal and *vice versa*; or
- (c) from a combination thereof;

“touring glider” means an aeroplane with a maximum all-up mass of not more than 850 kg, fitted with an engine, and having

the characteristics of a glider when the engine is inoperative;

“ultimate load” means the limit load, multiplied by the appropriate factor of safety;

“veteran aircraft” means a previously type- certificated aircraft of which the airworthiness is no longer supported by the holder of the type certificate, or for which no longer a valid type certificate is held by any person;

**AVIATION ACT, 1962, (ACT NO 74 OF 1962)
PROPOSED AMENDMENT TO THE CIVIL AVIATION
REGULATIONS, 1997**

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SCHEDULE (2)

1. Proposal to introduce Part 24, Airworthiness Standards: Non-Type Certificated Aircraft

PROPOSER:

Civil Aviation Authority
Private Bag X08
Waterkloof
0145

Explanation of interest of the PROPOSER

The Proposer administers the Aviation Act, 1962 (Act No. 74 of 1962) and regulations and technical standards issued in terms thereof.

2. **Proposed introduction of Part 24**

It is proposed to introduce the under-mentioned regulations, as Part 24.

Motivation :

The operation of non - type certificated aircraft is currently regulated in terms of Document LS/1 dated 30 November 2000. The re-introduction of Document LS/1 on 15 December 2001 was intended only as a temporary measure, until such time as new regulations pertaining to non type certificated aircraft had been developed. The proposals contained in this schedule, read together with proposed Parts 94 and 96, (Schedules 3 and 4 respectively) are proposed as the requirements which will replace and expand upon those requirements contained in Document LS/1. The proposed Parts 24, 94 and 96 are a synthesis of; work previously undertaken on this topic, the requirements contained in Document LS/1; the requirements of other aviation authorities, and the imputes obtained from both the CAA and other stakeholders. The proposed Part 24 (this Schedule) establishes the minimum airworthiness standards for non-type certificated aircraft. Proposed Part 94 (Schedule 3) stipulates the operational requirements for non-type certificated aircraft and the proposed Part 96 (Schedule 4), establishes the requirements for the commercial operation of non - type certificated aircraft. The requirements contained in the proposed Part 96 are to address the South African and universal trend towards the utilisation of non - type certificated aircraft for commercial purposes and establish standards that will permit commercial operation within parameters that maintain adequate levels of safety. All three of the proposed Parts have been work shopped with stakeholders.

3. **Current regulation:** No Part 24 currently exists.

PART 24
LIST OF REGULATIONS
Airworthiness Standards:
Non-Type Certificated Aircraft

Subpart 1**General**

- 24.01.1 Applicability
- 24.01.2 Airworthiness
- 24.01.3 Registration
- 24.01.4 Aircraft Documentation
- 24.01.5 Maintenance and Inspection
- 24.01.6 Instruments, Equipment and Placards
- 24.01.7 Issuing of Airworthiness Directives
- 24.01.8 Safety Inspections and Audits
- 24.01.9 Suspension, cancellation and appeal
- 24.01.10 Register of certificates

Subpart 2**Authority to Fly and Proving Flight Authority**

- 24.02.1 Application
- 24.02.2 Requirements
- 24.02.3 Issuing
- 24.02.4 Special conditions
- 24.02.5 Form
- 24.02.6 Period of validity
- 24.02.7 International operations
- 24.02.8 Currency fee
- 24.02.9 Transferability
- 24.02.10 Aircraft type approval

Subpart 3**Maintenance**

- 24.03.1 Approved Maintenance Schedule
- 24.03.2 Annual Inspections
- 24.03.3 Periodic and other Inspections
- 24.03.4 Mandatory maintenance
- 24.03.5 Release to Service
- 24.03.6 Record keeping and audits

Subpart 4**Approval of organization**

- 24.04.1 Application
- 24.04.2 Cost recovery

Applicability

24.01.1 (1) This Part applies to -

- (a) Amateur-built aircraft
- (b) Production-built aircraft
- (c) Veteran aircraft
- (d) Ex-military aircraft
- (e) Any other aircraft not qualifying, or not longer qualifying for the issue of a certificate of airworthiness in terms of Part 21.

(2) The aircraft referred to in sub-regulation (1) are classified in the following sub-groups:

- (a) Aeroplanes, including microlight aeroplanes
- (b) Helicopters
- (c) Gyroplanes
- (d) Gliders, including self-launching gliders and touring gliders
- (e) Manned captive and manned free balloons
- (f) Airships
- (g) Unmanned aerial vehicles
- (h) Hang-gliders, including powered hang-gliders
- (i) Paragliders, including powered paragliders and paratrikes
- (j) Parachutes
- (k) Model aircraft
- (l) Rockets

(3) This Part does not apply to any aircraft that, for the purpose of flight -

- (a) is to be attached to and towed by a vehicle or vessel travelling on the surface;
- (b) is to be moored to the surface or any construction on the surface, provided that the aircraft is not manned;
- (c) is to be controlled with a line by a person on the surface:

Provided that such aircraft shall not be operated in contravention of these Regulations, or cause an obstruction to aviation.

(4) The airworthiness design standards for each sub-group of aircraft referred to in sub-regulation (2) are those referred to in sub-regulation 24.01.2(5)(a).

Airworthiness

- 24.01.2** (1) Before a non-type certificated aircraft, other than a model aircraft or a rocket, is considered to be airworthy it shall—
- (a) have been issued with —
 - (i) an Authority to Fly or a Proving Flight Authority, as the case may be, in terms of this Part; and
 - (ii) a valid certificate of Release to Service;
 - (b) have been maintained in accordance with the provisions of this Part and of Part 43, as applicable to the type of aircraft; and
 - (c) have no known condition which could make the aircraft unsafe for flight.
- (2) Only those aircraft, of which the type, the local or foreign manufacturing organization, the local assembling organization or agent, or the build standard has been approved by the Commissioner, may be built or imported and flown within the Republic.
- (3) The Commissioner may consider a foreign manufacturing organization as being approved by the Commissioner if that facility was approved by an appropriate authority.
- (4) (a) Before any person commences with the construction of an aircraft, which is intended to be put on the South African Civil Aircraft Register, such person shall apply for a build number.
- (b) The application shall be made to the Commissioner, or — if applicable - the body designated for the purpose by the Commissioner in the format prescribed in Document SA-CATS-NTCA, and shall be accompanied by a copy of the design criteria for the aircraft.
- (c) The Commissioner, or the body so designated, shall — on receipt of the prescribed documentation and fee as prescribed in Part 187 of the CAR — issue the build number to the applicant.
- (d) The issuing body shall retain a register of build numbers issued and make relevant information available to any authorised officer, inspector or authorised person who needs such information for the purpose of oversight and inspection.

- (e) The applicant, on being issued with the build number, shall enter a record of the build number in the aircraft's logbook or any other document associated with the construction of the aircraft.
- (5) The design criteria and the build standard for an amateur- or production-built aircraft shall --
 - (a) comply with the appropriate design criteria as prescribed in Document SA-CATS-NTCA;
 - (b) comply with any special conditions prescribed in terms of Regulation 24.02.4 by the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of the CAR, 1997, as the case may be; and
 - (c) incorporate no feature or characteristic that makes the aircraft type unsafe for its intended use.
- (6) Production-built aircraft may not be delivered to the public by a manufacturer or agent unless the aircraft has been registered in the name of the new owner; Provided that this restriction shall not apply in the case of the sale of a plan according to an approved build standard, in which case the provisions of sub-regulation (4)(a) applies.

Registration

24.01.3 No non-type certificated aircraft classified in the paragraphs (a) to (g) of sub-regulation 24.01.1(2) shall be flown unless it has been registered and marked in accordance with the provisions of Part 47.

Aircraft documentation

24.01.4 (1) The owner of a non-type certificated aircraft classified in the paragraphs (a) to (i) of sub-regulation 24.01.1(2) shall submit to the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of the CAR, 1997, as the case may be, for approval, the documentation prescribed in SA-CATS-NTCA.

- (2) In the case of a production-built aircraft, a copy of the approved manuals, together with the aircraft logbook/s, shall accompany the aircraft, the kit, or (and except for the logbooks:) the approved build standards on its delivery to a customer.
- (3) In the case where proving flights for the purpose of the issue of an Authority to fly are carried out, the owner of the non-type certificated aircraft shall retain all documents and records, generated in the process, for the duration of the life of the aircraft.

Maintenance and Inspection

24.01.5 (1) The owner of a non-type certificated aircraft for which an Authority to Fly is required in terms of these Regulations shall-

- (a) submit to the Commissioner or, if applicable: to the organization designated for the purpose in terms of Part 149 of the CAR, 1997, as the case may be, for approval an Approved Maintenance Schedule or similar document for the aircraft;
- (b) ensure that the non-type certificated aircraft is maintained in compliance with-
 - (i) its Approved Maintenance Schedule or similar document; and
 - (ii) to the extent applicable, the requirements of Part 43;

and furthermore

- (c) take such action as is necessary to ensure the continued airworthiness of the aircraft.
- (2) The format and minimum requirements for the Approved Maintenance Schedule shall be as prescribed in regulation 24.03.1.

Instruments, Equipment and Placards

- 24.01.6** (1) Any flight instrument, required to be installed in terms of these Regulations, shall be calibrated before first flight, and be checked for calibration annually thereafter.
- (2) The minimum instrumentation and equipment and the placards to be installed in non-type certificated aircraft shall be as prescribed in Document SA-CATS-NTCA.

Issuing of Airworthiness Directives

- 24.01.7** (1) The Commissioner may issue appropriate airworthiness directives in respect of design changes that are necessary to correct the unsafe condition of a non-type certificated aircraft.
- (2) If the Commissioner issues an airworthiness directive in terms of sub-regulation (1), the holder of any certificate issued in terms of this Part for the aircraft or its component, shall –
- (a) upon the request of the Commissioner, submit appropriate design changes to the Commissioner for approval; and
 - (b) upon approval of the design changes, if applicable, make the descriptive data covering the changes available to all operators of the product.

Safety Inspections and Audits

- 24.01.8** (1) An applicant for the issuing of any certificate, approval or authorization in terms of this Part, shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and flight and ground tests which may be necessary to verify the validity of any application made in terms of this Part.
- (2) The holder of any certificate, approval or authorization issued under this Part, shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits, including safety inspections and audits of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.
- (3) Any inspection carried out on a non-type certificated aircraft in terms of sub-regulation (1) is of a conditional nature, in that the inspector shall not be required to guarantee the airworthiness of the aircraft. The owner or operator of the aircraft shall at all times be responsible for the airworthiness status of the aircraft and, if called upon, shall prove to an inspector that the aircraft is in an airworthy condition.

Suspension, cancellation and appeal

- 24.01.9** (1) An authorised officer, inspector or authorised person may suspend, for a period not exceeding 30 days, any certificate, approval or authorization issued under this Part, if –

- (a) after a safety inspection and audit carried out in terms of Regulation 24.01.8, it is evident that the holder of the certificate, approval or authorization, does not comply with the requirements prescribed in these Regulations, and such holder fails to remedy such non-compliance within 30 days after receiving notice in writing from the authorised officer, inspector or authorised person to do so; or
 - (b) the authorised officer, inspector or authorised person is prevented by the holder of the certificate, approval or authorization, or its partners or subcontractors, to carry out a safety inspection and audit in terms of Regulation 24.01.8; or
 - (c) the suspension is necessary in the interests of aviation safety.
- (2) The authorised officer, inspector or authorised person who has suspended a certificate, approval or authorization in terms of sub-regulation (1), shall –
- (a) enter a note to that effect in the aircraft's logbook or other applicable documentation file; and
 - (b) deliver a report in writing to the Commissioner, stating the reasons why, in his or her opinion, the suspended certificate, approval or authorization should be cancelled.
- (3) The authorised officer, inspector or authorised person concerned shall submit a copy of the report referred to in sub-regulation (2), to the holder of the certificate, approval or authorization that has been suspended, and shall furnish proof of such submission for the information of the Commissioner.
- (4) The holder of a certificate, approval or authorization who feels aggrieved by the suspension of the certificate, approval or authorization may appeal against such suspension to the Commissioner, within 30 days after such holder has been notified of such suspension.
- (5) The appeal, referred to in sub-regulation (4), shall be in writing, stating the reasons why, in the appellant's opinion, the suspension should be varied or set aside.
- (6) The appellant shall submit a copy of the appeal and any documents or records supporting such appeal, to the authorised officer, inspector or authorised person concerned and shall furnish proof of such submission for the information of the Commissioner.

- (7) The authorised officer, inspector or authorised person concerned may, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (6), deliver his or her written reply to such appeal to the Commissioner.
- (8) The Commissioner may –
- (a) either adjudicate the appeal on the basis of the documents submitted to him or her; or
 - (b) order the appellant and the authorised officer, inspector or authorised person concerned to appear before him or her to give evidence, either in person or through a representative, at a time and place determined by him or her; and
 - (c) at any time –
 - (i) extend the period of suspension for further periods not exceeding each 30 days, if necessary to deal fairly with the appeal; and
 - (ii) either confirm, vary or set aside the suspension referred to in sub-regulation (1).
- (9) Before the Commissioner confirms the suspension in terms of sub-regulation (8)(ii), he or she shall permit the holder of the certificate, approval or authorisation, if such holder so wishes, to remedy any non-compliance.
- (10) The Commissioner shall –
- (a) if he or she confirms the suspension in terms of sub-regulation (8)(ii); or
 - (c) if a certificate, approval or authorization is suspended in terms of sub-regulation (1) and the holder thereof does not appeal against such suspension in terms of sub-regulation (4),
- cancel the certificate, approval or authorization concerned.

Register of certificates

- 24.01.10** (1) The Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of the CAR, 1997, as the case

may be, shall maintain a register of all certificates, approvals or authorizations issued in terms of the regulations in this Part.

(2) The register shall contain the following particulars:

- (a) the full name of the holder of the certificate, approval or authorization;
- (b) the postal address of the holder of the certificate, approval or authorization;
- (c) the date on which the certificate, approval or authorization was issued; and
- (d) a true, certified copy of the issued certificate, approval or authorisation.

(3) The particulars referred to in sub-regulation (2) shall be recorded in the register within thirty days from the date on which the certificate, approval or authorization is issued."

(4) The register shall be kept in a safe place at the office of the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of the CAR, 1997, as the case may be.

(5) A copy of the register shall be furnished by the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of the CAR, 1997, as the case may be, on payment of the appropriate fee as prescribed in Part 187, to any person who requests the copy.

SUBPART 2: AUTHORITY TO FLY AND PROVING FLIGHT AUTHORITY

Application

- 24.02.1** (1) Any owner of a non-type certificated aircraft, or his, her or its authorised representative, may apply for the issuing of an Authority to Fly for the aircraft, or for an amendment thereof.
- (2) An application for the issuing of an Authority to Fly, or an amendment thereof, shall be –
- (a) made to the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of the CAR, 1997, as the case may be, on the form prescribed in Document SA-CATS-NTCA;
 - (b) accompanied by –
 - (i) the appropriate fee as prescribed in Part 187;
 - (ii) proof of compliance with the provisions of Regulation 24.01.2(5);
 - (iii) the aircraft logbook/s or similar document, or certified true copies of all entries;
 - (iv) copies of all documents and records in the construction or testing file;
 - (v) a copy of the flight manual, if applicable; and
 - (vi) a copy of the approved maintenance schedule, referred to in regulation 24.03.1.

Requirements

- 24.02.2** (1) An applicant for the issuing of an Authority to Fly for a non-type certificated aircraft, or an amendment thereof, shall provide the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of the CAR, 1997, as the case may be, with proof that, in the case of–
- (a) a non-type certificated aircraft, built in the Republic,-
 - (i) the provisions of Document SA-CATS-NTCA in respect of proving flights and of performance, handling and strength tests have been complied with; and

- (ii) the aircraft, other than an amateur-built aircraft, was manufactured or assembled by an organization approved by the Commissioner in terms of Regulation 24.04.1
- (b) an imported non-type certificated aircraft, where the owner requests the aircraft to be registered in the South African Civil Aircraft Register, the aircraft-
 - (i) has been de-registered in the country of export or was never registered;
 - (ii) had been issued with a Certificate of Airworthiness, an Authority to Fly, or similar certificate by the military or civil aviation authority of the country of de-registration; and
 - (iii) complies with all the applicable provisions of this Part; or
 - (iv) where the aircraft is a production-built aircraft which has not been previously issued with an Authority to fly or similar certificate by a civil aviation authority, the aircraft was manufactured or assembled by an organization approved by the Commissioner in terms of Regulation 24.04.1.
- (2) Prospective owners of an aircraft referred to in sub-regulation (1)(b) shall first consult the Commissioner and obtain approval before importing such an aircraft.
- (3) Examples of documentation, required to show compliance with the provisions of sub-regulation (1), are given in Document SA-CATS-NTCA.
- (4) Except for the production-built aircraft referred to in sub-regulation (1)(iv), only aircraft which previously have been registered and issued with a Certificate of Airworthiness, an Authority to Fly, or similar document by the appropriate military or civil aviation authority of the country of deregistration may be imported into the Republic.
- (5) The applicant shall, in addition to the provisions of sub-regulation (1), provide the Commissioner with proof that-

- (a) any modification to the aircraft conforms to the design changes approved for the type;
 - (b) the aircraft complies with all appropriate airworthiness directives issued in terms of regulation 24.01.7;
 - (c) the aircraft is issued with the appropriate flight manual, and any logbooks, repair and alteration forms and documents which the Commissioner may require;
 - (d) an annual inspection has been carried out in accordance with the requirements of Regulation 24.03.2; and
 - (e) the aircraft is in a condition for safe operation.
- (6) Where the application is in respect of a previously type-certificated aircraft, other than a veteran aircraft, the applicant shall provide proof that the original identification plate has been removed and handed to the appropriate authority and the aircraft re-registered as a different make and type of aircraft. The Commissioner shall inform the original manufacturer of the fact that the aircraft no longer meets its type certificate.
- (7) In addition to the provisions of sub-regulation (1), (5) and (6), the applicant shall provide the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of the CAR, 1997, as the case may be, with—
- (a) any other airworthiness data which the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of the CAR, 1997, as the case may be, may require; and
 - (b) any document relating to the operation of the aircraft which the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of the CAR, 1997, as the case may be, may require.
- (8) An application referred to in sub-regulation (1) shall be accompanied by the appropriate fee as prescribed in Part 187.

Issuing

- 24.02.3** (1) An application in terms of Regulation 24.02.1 shall be granted and an Authority to Fly issued if the applicant complies with the provisions of Regulation 24.02.2;

- (2) An Authority to Fly is issued subject to such conditions and limitations which may be determined by the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of the CAR, 1997, as the case may be.
- (3) Whether the Authority to Fly will include permission to operate the aircraft at night, under IMC, or to conduct semi-acrobatic or acrobatic flights, depends on the results of the proving flights, and the aircraft equipment.
- (4) In the case of a locally built amateur-built aircraft, or in the case of any aircraft that previously has been issued with a Certificate of Airworthiness in terms of Part 21 or a similar document issued by another State in accordance with ICAO Annex 8, or of which the Certificate of Airworthiness or Authority to Fly has become invalid as a result of a proposed major modification, the Authority to Fly will normally be granted, or re-issued as the case may be, in two stages, viz. a Proving Flight Authority and, thereafter, where applicable, the Authority to Fly.
- (5) Before a Proving Flight Authority or an Authority to Fly is issued, the Commissioner may require the aircraft to be inspected by an authorised officer, inspector or authorised person, and the owner shall be advised accordingly. The owner shall make the aircraft available for such inspection, where and when required by the Commissioner.

Proving Flight Authority

- (6) A Proving Flight Authority will normally be validated for maximum six months, and shall show the base from which the proving flights are to be carried out.
- (7) A Proving Flight Authority may be extended for further periods at the discretion of the Commissioner, or if applicable, the organisation designated for the purpose in terms of Part 149, as the case may be, on the submission of an inspection report equivalent to an annual inspection.
- (8) Modifications and repairs may be effected by the constructor as required during the periods of validity of the Proving Flight Authority. However, should a major modification or repair be required, the issuing authority may require that the proving flights be commenced anew.

- (9) Proving flights shall be carried out as prescribed in document SA-CATS-NTCA.
- (10) Flights conducted in terms of a Proving Flight Authority-
 - (a) are limited to an area not exceeding 100 km radius from the specified base from which such flights are to be undertaken, unless stated otherwise on the Proving Flight Authority;
 - (b) may only be conducted under VMC by day;
 - (c) are forbidden over open-air assemblies of persons; and
 - (d) are forbidden over built-up areas, except where necessary for take-off and landing.
- (11) Only essential crew members, including those persons assigned to carry out in-flight inspections, may be carried on board the aircraft during flights conducted in terms of a Proving Flight Authority.
- (12) Where a Proving Flight Authority is issued in respect of an aircraft of a new design, or of which the originally-approved design has undergone major modification, the first flight or flights shall be conducted by an appropriately rated test pilot.
- (13) With the approval of the test pilot, who undertook the flight or flights referred to in sub-regulation (12), the owner of the aircraft, if suitably qualified, may carry out additional proving flights. For the purpose of this sub-regulation, where the 'owner' consists of more than one natural person, one of these persons shall be designated by the test pilot to carry out the proving flights.
- (14) The owner, referred to in sub-regulation (13), shall be a licensed pilot, holding the appropriate category and class rating, and having been converted on type by an appropriately rated flight instructor.
- (15) Apart from any conversion training, which may be required in terms of sub-regulation (14), no flight training may be conducted on an aircraft, operated in terms of a Proving Flight Authority.
- (16) Where the limitations for flight still have to be established, such proving flight or flights shall be carried out by an appropriately rated test pilot.
- (17) The final proving flight for the issue of an Authority to Fly shall be carried out by an appropriately rated test pilot who, if applicable,

shall be the pilot who carried out the proving flights, referred to in sub-regulation 16.

Special Conditions

- 24.02.4** The Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of the CAR, 1997, as the case may be, may prescribe special conditions for a Proving Flight Authority or an Authority to Fly, in order to establish a level of safety equivalent to the appropriate airworthiness design standards referred to in Regulation 24.01.2(5)(a), if the aircraft has novel or unusual design features which deviate from accepted airworthiness design standards appropriate to the type of aircraft.

Form

- 24.02.5** An Authority to Fly and a Proving Flight Authority shall be issued on the appropriate form as prescribed in Document SA-CATS-NTCA.

Period of validity

- 24.02.6** (1) An Authority to Fly and a Proving Flight Authority shall be valid until –
- (a) in the case of a Proving Flight Authority, if an expiry date has been determined by the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of the CAR, 1997, as the case may be, it expires;
 - (b) in the case of an Authority to Fly or a Proving Flight Authority, it is surrendered by the holder thereof, or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of the CAR, 1997, as the case may be, in terms of Regulation 24.01.9;
 - (c) a major modification is to be incorporated; or
 - (d) the aircraft is involved in an incident or accident that results in major damage to its primary structure.
- (2) Subject to the provisions of sub-regulation (1), an Authority to Fly or Proving Flight Authority shall remain valid for as long as –

- (a) the aircraft remains registered on the South African Civil Aircraft Register; and
 - (b) the aircraft is maintained in accordance with the Regulations.
- (3) The holder of an Authority to Fly or Proving Flight Authority which expires shall forthwith surrender the Authority to Fly or Proving Flight Authority to the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of the CAR, 1997, as the case may be,
- (4) The holder of an Authority to Fly or Proving Flight Authority which is suspended shall forthwith produce the Authority to Fly or Proving Flight Authority upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.
- (5) The holder of an Authority to Fly or Proving Flight Authority which is cancelled shall, within 30 days from the date on which the Authority to Fly or Proving Flight Authority is cancelled, surrender such certificate to the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of the CAR, 1997, as the case may be.
- (6) An Authority to Fly or a Proving Flight Authority, which has been suspended, shall be reinstated when the cause for the suspension has been corrected to the satisfaction of the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of the CAR, 1997, as the case may be.

International operations

- 24.02.7** (1) An Authority to Fly is only valid for flight in South African airspace.
- (2) Notwithstanding the provision of sub-regulation (1), a non-type certificated aircraft, issued with a South African Authority to Fly, may be flown outside the Republic's borders if the appropriate authority with jurisdiction over the relevant airspace has given prior permission for the aircraft to be flown in such airspace, in the full knowledge that the Authority to Fly is not equivalent to a Certificate of Airworthiness issued in terms of ICAO's Annex 8.

Currency fee

- 24.02.8** A currency fee, as prescribed in Part 187, shall be payable by the holder of an Authority to Fly, on the anniversary date of such

Authority to Fly. Should the Authority to Fly not be valid at the time for any of the reasons stated in regulation 24.02.6, the currency fee will be waived until such time that the Authority to Fly is reinstated and the relevant fee for reinstatement becomes payable. The reinstatement date shall become the new anniversary date.

Transferability

- 24.02.9 (1)** Although a Proving Flight Authority or an Authority to Fly may be transferred in the name of a new owner, the aircraft can be re-registered in the new owner's name only --
- (a) if all documents related to the airworthiness of the aircraft, including reports related to proving flights and the aircraft's logbooks, have been handed over to the new owner; or
 - (b) if the provision of sub-regulation (1) (a) has not or cannot been met, an inspection equivalent to an annual inspection has been carried out by a suitably-qualified person other than the original owner, and the aircraft has been certified airworthy.
- (2) After the transfer of a Proving Flight Authority the provisions of sub-regulations 24.02.3 (6) to (17) *mutatis mutandis* apply. The Commissioner, or if applicable, the organisation designated for the purpose in terms of Part 149, as the case may be, shall determine the conditions for the continuation of the proving flights by or on behalf of the new owner, which conditions may include the instruction that the proving flights shall be commenced anew.
- (3) The provisions of Part 47 of the CAR of 1997 shall apply *mutatis mutandis* in respect of an application for the re-registration of an aircraft following a change of ownership.

Aircraft type approval

24.02.10 (1) An applicant, who requires an aircraft type approval for an amateur-built aircraft to qualify as a production-built aircraft, shall make the application to the Commissioner on the form prescribed in Document SA-CATS-NTCA, accompanied by –

- (a) the appropriate fee as prescribed in Part 187;
- (b) proof of compliance with the provisions of Regulation 24.01.2, and in particular the Technical Standard 24.01.2.B.2;
- (c) a copy of the Authority to Fly issued for the prototype aircraft; and
- (d) proof that the applicant meets the requirements of Regulation 24.04.1.

(2) When the Commissioner is satisfied that –

- (a) the applicant has been or may be approved as a manufacturing organisation in terms of Regulation 24.04.1; and
- (b) the aircraft will be manufactured according to the approved build standard,

he or she shall issue a production-built aircraft type certificate on the form prescribed in Document SA-CATS-NTCA.

SUBPART 3 MAINTENANCE

Approved Maintenance Schedule

- 24.03.1 (1) A non-type certificated aircraft shall be maintained in accordance with its Approved Maintenance Schedule in such a manner that it is airworthy at the commencement of any flight.
- (2) The Approved Maintenance Schedule, referred to in sub-regulation (1) shall-
- (a) prescribe who may carry out maintenance on the aircraft;
 - (b) specify the conditions under which maintenance shall be carried out, including environmental conditions and equipment and tools to be used; and
 - (c) be in the format as prescribed in Document SA-CATS-NTCA.

Annual inspections

- 24.03.2 (1) A non-type certificated aircraft shall undergo an annual inspection not later than 365 days since the previous annual inspection, or an inspection equivalent to an annual inspection, was carried out
- (2) The items to be inspected as part of an annual inspection are those listed in Document SA-CATS - NTCA for the particular type of aircraft, and shall be incorporated in the Approved Maintenance Schedule.
- (3) The annual inspection shall be recorded in the aircraft logbook and certified by the organization or person by whom, or under whose direct supervision, the annual inspection was carried out.
- (4) Within fourteen days from the day that the annual inspection is completed, the annual inspection form, as prescribed in Document SA-CATS-NTCA, shall be completed and forwarded to the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of the CAR, 1997, as the case may be, together with the currency fee prescribed in regulation 24.02.8.
- (5) The inspection, prior to the issue of a Proving Flight Authority and the inspection prior to the issue of an Authority to Fly for an amateur-built or production-built aircraft, referred to in sub-regulation 24.02.2(5)(d), shall be carried out by a person who may

not be the owner of the aircraft, even if the owner is also an appropriately rated Approved Person.

Periodic and other inspections

- 24.03.3** (1) In addition to the annual inspection, referred to in regulation 24.03.2, the Commissioner may prescribe additional periodic inspections for non-type certificated aircraft, depending on the type of aircraft and its intended use.
- (2) A schedule, reflecting the periodic inspections prescribed in sub-regulation (1) shall be incorporated in the Approved Maintenance Schedule, referred to in regulation 24.03.1.
- (3) In addition to the periodic inspections, referred to in sub-regulation (1), the Commissioner may prescribe any additional inspection of a non-type certificated aircraft if considered necessary in the interest of safety.

Mandatory maintenance

24.03.4 All modifications and special inspections prescribed by the Commissioner shall be considered mandatory, unless otherwise stated.

Release to Service

24.03.5 Further to the provisions of regulation 43.03.1, the owner who is also the builder of an amateur-built or a production-built aircraft may issue a release to service, as prescribed in Part 43 of the CAR of 1997, for his or her aircraft after it has been issued with an Authority to Fly: Provided the provisions of this Part have been met in respect of the aircraft's airworthiness.

Record keeping and audits

- 24.03.6** (1) Unless specifically exempted in terms of Part 94 of the CAR, 1997, the owner of a non-type certificated aircraft shall maintain proper maintenance records in accordance with Part 43 of the CAR of 1997 and as prescribed in Document SA-CATS-NTCA.
- (2) The Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of the CAR, 1997, as the case may be, may from time to time carry out audits of the equipment, records and procedures to ascertain whether the aircraft continues to be maintained in a safe and satisfactory manner, and the owner shall allow unrestricted access thereto.

SUBPART 4 APPROVAL OF ORGANIZATION

Application

24.04.1 An applicant for the approval of a manufacturing or assembling organization shall meet those provisions of Part 148 of the CAR, 1997, which the Commissioner deems to be applicable.

Cost recovery

24.04.2 The cost incurred by the Authority for approving a local or foreign organization; i.e. travel, accommodation and subsistence, will be at the expense of the applicant, manufacturer or agent, as the case may be.

Approved Organisations

24.04.3 A list of approved organisations, if any, is provided in Document SA-CATS-NTCA.

No. R. 24

11 January 2002

**AVIATION ACT, 1962,(ACT NO 74 OF 1962)
PROPOSED AMENDMENT TO THE CIVIL AVIATION
REGULATIONS, 1997**

Under regulation 11.03.2(1)(a) of the Civil Aviation Regulations the Chairperson of the Civil Aviation Regulations Committee (CARCOM) 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. Kim Gorringer or Mr. Herman Wildenboer, Private Bag X08, Waterkloof, 0145, fax: (012) 346-5979, or e-mail at goringek@caa.co.za or wildenboerh@caa.co.za, before or on 11 February 2002.

SCHEDULE (3)

1. Proposal to introduce Part 94, Operation of Non-Type Certificated Aircraft

PROPOSER:

Civil Aviation Authority
Private Bag X08
Waterkloof
0145

Explanation of interest of the PROPOSER

The Proposer administers the Aviation Act, 1962 (Act No. 74 of 1962) and regulations and technical standards issued in terms thereof.

2. **Proposed introduction of Part 94**

It is proposed to introduce the under-mentioned regulations, as Part 94.

Motivation :

The operation of non - type certificated aircraft is currently regulated in terms of Document LS/1 dated 30 November 2000. The re-introduction of Document LS/ 1, on 15 December 2000, was intended only as a temporary measure, until such time as new regulations pertaining to non - type certificated aircraft had been developed. The proposals contained in this schedule, read together with proposed Parts 24 and 96, (the proposals contained in schedules 3 and 4) are proposed as the requirements which will replace and expand upon those requirements currently contained in Document LS/1. The proposed Parts 24, 94 and 96 are a synthesis of; work previously undertaken on this topic, the requirements contained in Document LS/1, the requirements of other aviation authorities, and the inputs obtained from both the CAA and other stakeholders. The proposed Part 24 (Schedule 2) establishes the minimum airworthiness standards for non-type certificated aircraft. Proposed Part 94 (this Schedule) stipulates the operational requirements for non - type certificated aircraft and the proposed Part 96 (Schedule 4), establishes the requirements for the commercial operation of non - type certificated aircraft. The requirements contained in the proposed Part 96 are to address the South African and universal trend towards the utilization of non type certificated aircraft for commercial purposes and establish standards that will permit commercial operation within parameters that maintain adequate levels of safety. All three of the proposed Parts have been work shopped with stakeholders.

3. **Current regulation :** No Part 94 currently exists.

PART 94**OPERATION OF NON-TYPE CERTIFICATED
AIRCRAFT****LIST OF REGULATIONS OPERATION OF NON
TYPE CERTIFICATED AIRCRAFT****SUBPART 1: GENERAL PROVISIONS**

- 94.01.1 Applicability
- 94.01.2 Authority to Fly

SUBPART 2: FLIGHT CREW

- 94.02.1 Duties of pilot-in-command regarding flight preparation
- 94.02.2 Crediting of flight time
- 94.02.3 Ex-military aircraft

SUBPART 3: DOCUMENTATION AND RECORDS

- 94.03.1 Operations Manual
- 94.03.2 Logbooks

SUBPART 4: COMMUNICATION AND NAVIGATION EQUIPMENT

- 94.04.1 Communication equipment

SUBPART 5: RULES OF THE AIR

- 94.05.1 Conditions for flight
- 94.05.2 Aircraft speed

SUBPART 6: FLIGHT OPERATIONS

- 94.06.1 Standards and procedures
- 94.06.2 Operation of paraplanes
- 94.06.3 Operation of gyroplanes
- 94.06.4 Operation of manned free balloons
- 94.06.5 Operation of captive balloons
- 94.06.6 Operation of unmanned free balloons
- 94.06.7 Operation of amateur-built or production-built aircraft, including microlight aeroplanes
- 94.06.8 Operation of gliders
- 94.06.9 Operation of hang-gliders (hang gliders)
- 94.06.10 Operation of line-controlled kites
- 94.06.11 Operation of model aircraft
- 94.06.12 Operation of parachutes
- 94.06.13 Operation of ex-military aircraft

94.06.14 Display Authorisation

SUBPART 7: MAINTENANCE

94.07.1 General

94.07.2 Maintenance Control Manual

SUBPART 1: GENERAL PROVISIONS

Applicability

94.01.1 (1) This Part shall apply to –

- (a) non-type certificated aircraft operated within the Republic;
 - (b) non-type certificated aircraft registered in the Republic and operated outside the borders of the Republic;
 - (c) persons acting as flight crew members of non-type certificated aircraft registered in the Republic; and
 - (d) persons who are on board a non-type certificated aircraft operated in terms of this Part.
- (2) This Part contains for the various sub-groups of non-type certificated aircraft –
- (a) operating and flight rules additional to, and
 - (b) exemptions from,
- the operating and flight rules prescribed in Part 91, if any.
- (3) The provisions of the various other Parts of these Regulations shall apply *mutatis mutandis* to any non-type certificated aircraft unless specifically exempted by the provisions of this Part.
- (4) Non-type certificated aircraft operated in terms of this Part are prohibited to carry passengers or cargo for reward.
- (5) Notwithstanding the provision of sub-regulation (4), non-type certificated aircraft operated in terms of this Part may be used for the training of its registered owner: Provided the training is provided by an approved ATO and the airworthiness requirements in respect of a non-type certificated aircraft used in training are met.

General

- 94.01.2** (1) No person shall operate a non-type certificated aircraft unless-
- (a) for such aircraft an Authority to Fly or Proving Flight Authority has been issued in terms of Part 24 of these Regulations;
 - (b) the aircraft is in an airworthy condition; and
 - (c) the pilot-in-command is the holder of a valid pilot licence with the appropriate rating for the particular category and type of non-type certificated aircraft.
- (2) In the case of a foreign-registered non-type certificated aircraft, prior written permission by the Commissioner is required before such aircraft may enter the Republic.
- (3) The permission referred to in sub-regulation (2) shall normally be granted only –
- (a) for a limited period of time;
 - (b) for the purpose of participation in international events within the Republic, for record-breaking purposes or demonstration flights, or at the discretion of the Commissioner if an acceptable level of safety can be shown and public safety is not jeopardized; and if —
 - (c) proof is submitted that for the aircraft an Authority to Fly or similar certificate was issued by the foreign civil aviation authority or an organization designated for the purpose by such authority; and
 - (d) the aircraft is made available for inspection by a licensed AME or AMO or an Approved Person with the relevant rating or approval, or by any other person designated for the purpose by the Commissioner, as soon as possible after its arrival in the Republic, and an inspection report has been submitted to the Commissioner.

SUBPART 2: FLIGHT CREW**Ex-military aircraft****94.02.1 (1) Pilot Licensing – General Requirements**

- (a) No person shall act as pilot of a South African registered ex-military aircraft unless such person is the holder of a private pilot licence or higher category pilot licence with the appropriate category and type rating, issued or validated in terms of Part 61.
- (b) A type-rating shall be issued by the Commissioner once the licence holder has completed the required training as detailed in Document SA-CATS-FCL or Document SA-CATS-OPS 94, as applicable, and has submitted the required type rating forms, logbook copies, technical examination and payment as specified in these Regulations to the Commissioner. The currency of the type rating shall be in accordance with the provisions of Part 61 of these Regulations.
- (c) Before performing acrobatic flight in an aircraft that has been certificated for, or is capable of performing acrobatic flight, the pilot-in-command shall also be the holder of an acrobatic rating issued by the Commissioner or by an organization approved for the purpose in terms of Part 149, as the case may be.
- (d) The Commissioner may exempt a candidate from undergoing all or part of the prescribed training if he or she is satisfied that the candidate –
 - (i) has sufficient flying experience on similar types of aircraft; or
 - (ii) is the holder of a foreign type rating for the aircraft type and the Commissioner is satisfied that the training was of an acceptable standard.

(2) *Pilot Training on Ex-Military Jet Aircraft*

- (a) Pilots wishing to be rated to fly ex-military jet aircraft shall have the appropriate flying experience. Conversion, refresher and technical training requirements for these aircraft will be assessed on an individual basis by the Commissioner, after receiving the relevant documentation.
- (b) Flying training is not allowed prior to the approval of the applicable syllabus.
- (c) Pilots who have little or no military jet or high-performance piston-engine or turbo-prop aircraft experience shall be required to undergo rigorous and detailed conversion training according to the syllabus prescribed in Document SA-CATS-OPS 94.
- (d) Guidelines for the establishment of training and acrobatic training criteria for individual applicants are provided in Document SA-CATS-OPS 94.
- (e) The applicant shall supply the information as detailed in Document SA-CATS-OPS 94 when applying for approval of the training criteria referred to in sub-regulation 2(a).
- (f) The Commissioner may allow a Grade II or Grade I flight instructor with the appropriate category and type rating to determine how many hours of acrobatic training may be counted towards the conversion training prescribed by sub-regulation 2(c).
- (g) In the case of an ex-military aircraft that is available in a single-seat version only, the Commissioner may accept the training requirements for single-seat aircraft of the air force of the country of origin, or – where not available – training may be simulated in a similar aircraft. The Commissioner will treat each application for a type rating on a single-seat type on its merits.
- (h) For training purposes, the Commissioner may permit the candidate to enter into an arrangement with an owner of a similar aircraft type that has a valid Authority to Fly, e.g. a dual-seat training variant or dual-seat aircraft of similar performance: Provided that:

- (i) the candidate has obtained permission from the Commissioner to place the aircraft type for which the training is required on the South African Civil Aircraft Register;
- (ii) the candidate and the owner of the training variant submit to the Commissioner for approval the commercial agreement for the use of the aircraft;
- (iii) the owner submits to the Commissioner the insurance documentation stating that the candidate may undergo training on the aircraft; and
- (iv) the Commissioner issues a revised Authority to Fly for the aircraft stipulating that it may be used for the training of the candidate.

SUBPART 3: DOCUMENTATION AND RECORDS

Operations Manual

94.03.1 (1) The owner of

- (a) a veteran aeroplane with a maximum all-up mass in excess of 5 700 kg or with more than 9 passenger seats;
- (b) a veteran helicopter with a maximum all-up mass in excess of 3 175 kg; or
- (c) an ex-military jet aircraft,

shall draw up an operations manual containing all information required under this Part, and if applicable, required under Part 96, whether the aircraft is to be operated in commercial air transport operations or not. The operations manual shall set out the manner in which the owner will operate and maintain the aircraft.

- (2) The owner shall submit the operations manual in duplicate for approval to the Commissioner.
- (3) If the Commissioner is satisfied that the owner will comply with the provisions of the relevant Parts of the Regulations, he or she shall certify in writing on both copies of the operations manual that such

- (4) manual has been approved and shall return one copy of the approved operations manual to the owner.
- (5) The owner shall submit any amendment to an approved operations manual in duplicate for approval to the Commissioner.
- (6) If the Commissioner is satisfied that the owner will comply with the provisions of the relevant Parts of the Regulations, he or she shall certify in writing on both copies of the amendment to the approved operations manual that such amendment has been approved and shall return one copy of the approved amendment to the owner.
- (7) The owner shall at all times operate the aircraft, referred to in sub-regulation (1), in accordance with the approved operations manual or an approved amendment thereto.
- (8) The owner shall –
 - (a) ensure that all operations personnel are able to understand the technical language used in those sections of the operations manual which pertain to their duties;
 - (b) ensure that every flight is conducted in accordance with the operations manual and that those parts of the operations manual which are required for the conduct of a flight, are easily accessible to the flight crew members on board;
 - (c) make the operations manual available for the use and guidance of operations personnel;
 - (d) provide the flight crew members with their own personal copy of the sections of the operations manual which are relevant to the duties assigned to them;
 - (e) keep the operations manual up to date; and
 - (f) keep the operations manual in a safe place.
- (9) The contents of the operations manual shall not contravene the conditions contained in the Authority to Fly issued to the owner in terms of Subpart 2 of Part 24 of these Regulations.
- (10) The structure and contents of the operations manual referred to in sub-regulation (1) shall be as prescribed in Document SA-CATS-OPS 96.

Logbooks

- 94.03.2 (1)** For any veteran or ex-military aircraft, and for any non-type certificated aircraft used in a commercial air transport operation, appropriate airframe, engine and propeller logbooks, as applicable, shall be maintained in accordance with the provisions of Part 43 of these Regulations.
- (2) Notwithstanding the provisions of sub-regulation (1), the owner or operator of an ex-military aircraft may continue to use the equivalent document or documents used by the previous military operator for the recording of flight times and maintenance carried out.
- (3) Notwithstanding the provisions of sub-regulation 24.03.6(1) of Part 24 of these Regulations, the following non-type certificated aircraft are exempted from keeping the logbooks, prescribed by Part 43 to the extent stated:
- (a) paragliders, including powered paragliders and paratrikes: record of maintenance to be kept in accordance with the approved maintenance schedule;
 - (b) hang-gliders, including powered hang-gliders: record of maintenance to be kept in accordance with the approved maintenance schedule;
 - (c) balloons: record of maintenance to be kept in accordance with the approved maintenance schedule;
 - (d) parachutes: record of maintenance to be kept in accordance with the approved maintenance schedule;
 - (e) model aircraft.

SUBPART 4: COMMUNICATION AND NAVIGATION EQUIPMENT**Communication equipment**

- 94.04.1 (1)** Notwithstanding the provisions of Regulation 91.05.1 of these Regulations, the following non-type certificated aircraft may be operated outside controlled airspace below 1 000 feet AGL, or within the traffic area of any aerodrome licensed or approved in terms of Part 139 and reserved for the operation of such aircraft, without the prescribed communication equipment:

- (a) microlight aeroplanes;
 - (b) paragliders, including powered paragliders and paratrikes;
 - (c) hang-gliders, including powered hang-gliders; and
 - (d) model aircraft.
- (2) Unmanned free balloons and unmanned aerial vehicles shall carry the equipment as prescribed by the Commissioner in the Authority to Fly or in terms of regulation 94.06.6.
- (3) Notwithstanding the provisions of sub-paragraph (1), at sites where and when paragliding or hang-gliding takes place, the persons involved shall preferably arrange for the automatic transmission on the applicable flight information frequency of a warning that such gliding activity takes place, or alternatively make use of a hand-held transceiver to warn other aircraft in the vicinity.
- (4) Notwithstanding the provisions of sub-paragraphs (1) and (3), at sites where aerotowing of hang-gliders takes place, the use of the appropriate communication equipment to warn other air traffic in the vicinity that aerotowing is in progress is mandatory.

SUBPART 5: RULES OF THE AIR

Conditions for Flight

94.05.1 Except when stated otherwise on the Authority to Fly, a non-type certificated aircraft may not be flown –

- (a) by night;
- (b) in meteorological conditions less than those prescribed as suitable for flight under VFR;
- (c) within controlled airspace, unless cleared by and on conditions prescribed by ATC; or
- (d) within 8 km from the aerodrome reference point of an aerodrome, licensed or approved in terms of Part 139 of these Regulations and situated in Class G airspace, unless established unmanned aerodrome procedures for the particular aerodrome can be adhered to.

Aircraft speed

94.05.2 (1) No aircraft shall be flown at speeds in excess of –

- (a) Mach 0.90 below 5 000 feet AGL;
- (b) Mach 0.95 between 5 000 feet AGL and FL 300.

- (2) Supersonic flight will be allowed at or above FL 300 with the permission of the responsible air traffic service unit.

SUBPART 6: FLIGHT OPERATIONS**Standards and procedures**

94.06.1 (1) The owner of a non-type certificated aircraft, flown for aviation recreational purposes or in air displays, shall comply with the standards and procedures determined by the organization approved for the purpose in terms of Part 149, if any, and if applicable.

- (2) Any person operating a non-type certificated aircraft for aviation recreational purposes shall be a *bona fide* member of an applicable aviation recreation organization approved by the Commissioner in terms of Part 149 and abide by its constitution and code of conduct, if any.

Operation of paragliders, including powered paragliders and paratrikes**94.06.2 (1) Exemptions**

Notwithstanding the provisions of –

- (a) Regulation 91.03.2 and Regulation 91.03.5, a person may operate a paraglider without carrying on board a current, approved flight manual or flight folio;
- (b) Regulation 91.03.7, a person may operate a paraglider if the paraglider has been issued with a certificate of release to service by an appropriately rated Approved Person;
- (c) Subpart 4 of Part 91, a person may operate a paraglider if the paraglider has been equipped with –
 - (i) a safety harness or safety belt for each person on board the paraglider;
 - (ii) in the case of flights above 500 feet AGL, an altimeter that is accurate to within approximately 100 feet; and

- (iii) in the case of flight over water beyond gliding distance from shore, one lifejacket or individual flotation device for each person on board, worn by such persons.
- (d) Regulation 91.06.7(5), the pilot-in-command of a paraglider, overtaking another paraglider or hang-glider soaring on a ridge, shall pass on the ridge side of the overtaken paraglider or hang-glider;
- (e) Regulation 91.07.2, the pilot-in-command of a paraglider may fly the paraglider below 500 feet AGL for the purpose of ridge soaring if such paraglider is flown in a manner that does not endanger persons or property on the ground;
- (f) Regulation 139.01.1(2)(b), the pilot in-command of a paraglider may use any suitable area to launch the paraglider: Provided permission has obtained from the owner of the site or the local authority having jurisdiction; and provided furthermore that in the case of flight training or tandem operations, only launch sites approved by the Commissioner or by the organization designated for the purpose in terms of Part 149, as the case may be, shall be used.

(2) *Helmets*

Each person on board a paraglider shall wear a serviceable, rigid, protective helmet of a type approved by the Commissioner or by the organization designated for the purpose in terms of Part 149.

(3) *Conditions for flight*

In addition to the restrictions imposed by Regulation 94.05.1, no paraglider operation shall be conducted above 1 000 feet AGL unless fitted with an approved, serviceable compass.

(4) *Tandem operations*

- (a) No person may operate a paraglider with a passenger, unless that person holds a valid tandem rating.
- (b) Tandem operations shall be limited to two persons, including the pilot.

Operation of gyroplanes**94.06.3 (1) Exemptions**

Notwithstanding the provisions of –

- (a) Regulation 91.03.2 and Regulation 91.03.5, a person may operate a non-type certificated gyroplane without carrying on board a current, approved flight manual or flight folio;
- (b) Regulation 91.03.7, a person may operate a non-type certificated gyroplane if the gyroplane has been issued with a certificate of release to service by an appropriately rated Approved Person;
- (c) Subpart 4 of Part 91, a person may operate a non-type certificated gyroplane if the gyroplane has been equipped with –
 - (i) a seat with an approved safety harness or safety belt for each person on board the gyroplane;
 - (ii) a map which covers the complete route of the proposed flight;
 - (iv) in the case of flights above 500 feet AGL, an altimeter that is accurate to within approximately 100 feet;
 - (v) a rotor brake; and
 - (vi) in the case of flight over water beyond autorotative distance from shore, one lifejacket or individual flotation device for each person on board, stored in a position easily accessible for such persons, or alternatively worn by such persons

(2) Conditions for flight

In addition to the restrictions imposed by Regulation 94.05.1, no gyroplane operation shall be conducted above 1 000 feet AGL unless fitted with an approved, serviceable compass.

Operation of manned free balloons**94.06.4 (1) Exemptions**

Notwithstanding the provisions of –

- (a) Regulation 91.03.7, a person may operate a non-type certificated manned free balloon if the balloon has been issued with a certificate of release to service by an appropriately rated Approved Person;
- (b) Subpart 4 of Part 91, a person may operate a non-type certificated manned free balloon if the balloon has been equipped with –
 - (i) a map which covers the complete route of the proposed flight;
 - (ii) an approved sensitive altimeter;
 - (iii) a rate-of-climb indicator;
 - (iv) a fire extinguisher;
 - (v) gloves;
 - (vi) a handling line;
 - (vii) in the case of a hot-air balloon:
 - (aa) two alternate methods of ignition;
 - (bb) a fuel quantity gauge; and
 - (cc) envelope temperature indicator; and
 - (viii) in the case of flight over water, one lifejacket or individual flotation device for each person on board, stored in a position easily accessible for such persons, or alternatively worn by such persons.

(2) Conditions for flight

In addition to the restrictions imposed by Regulation 94.05.1, no manned free balloon operation shall be conducted over any built-up areas below 3 000 feet.

Operation of captive balloons**94.06.5 Exemptions**

- (1) Captive balloons are exempted from these Regulations –
 - (a) except from regulation 94.05.1; and
 - (b) provided that no captive balloon operation shall be conducted –

- (i) higher than 150 feet above the surface; or
- (ii) from or above a public road;

unless with the prior approval of the Commissioner and on conditions determined by him or her.

- (2) In the event of a captive balloon breaking free from its moorings, the operator thereof shall immediately report the occurrence to the nearest air traffic service unit, indicating the direction in which the balloon is drifting.

Operation of unmanned free balloons

94.06.6 Exemptions

- (1) Unmanned free balloons are exempted from these Regulations, except that no unmanned free balloon operations shall take place without the prior permission of the Commissioner and on the conditions determined by him or her.
- (2) For purposes of this regulation, the mass release of toy balloons shall be considered to be the launch of an unmanned free balloon.

Operation of amateur-built or production-built aircraft, including microlight aeroplanes

94.06.7 (1) Exemptions

Notwithstanding the provisions of –

- (a) Regulation 91.03.2 and Regulation 91.03.5, a person may operate an amateur-built or production-built aircraft, including a microlight aeroplane, without carrying on board a current, approved flight manual or flight folio should such carriage not be safely possible;
- (b) Regulation 91.03.7, a person may operate an amateur-built or production-built aircraft, including a microlight aeroplane, if the aircraft has been issued with a certificate of release to service by an appropriately rated Approved Person;
- (c) Subpart 4 of Part 91, a person may operate an amateur-built or production-built aircraft, including a microlight aeroplane, if the aircraft has been equipped with –

- (i) a seat with an approved safety harness or safety belt for each person on board the aircraft;
- (ii) a map which covers the complete route of the proposed flight; and
- (iii) in the case of flight over water beyond gliding or autorotative distance from shore, one lifejacket or individual flotation device for each person on board, stored in a position easily accessible for such persons, or alternatively worn by such persons

(3) *Conditions for flight*

In addition to the restrictions imposed by Regulation 94.05.1, no microlight aeroplane shall be operated above 500 feet AGL unless fitted with –

- (a) an approved, serviceable compass; and
- (b) an altimeter that is accurate to within approximately 100 feet.

Operation of gliders

94.06.8 (1) Exemptions

Notwithstanding the provisions of –

- (a) Regulation 91.03.2 and Regulation 91.03.5, a person may operate a non-type certificated glider without carrying on board a current, approved flight manual or flight folio should such carriage not be safely possible;
- (b) Regulation 91.03.7, a person may operate a non-type certificated glider if the glider has been issued with a certificate of release to service by an appropriately rated Approved Person;
- (c) Subpart 4 of Part 91, a person may operate a non-type certificated glider if the glider has been equipped with –
 - (i) a seat with an approved safety harness or safety belt for each person on board the glider;
 - (ii) a map which covers the complete route of the proposed flight;
 - (iii) in the case of flights above 500 feet, an altimeter that is accurate to within approximately 100 feet; and
 - (iv) in the case of flight over water beyond gliding distance from shore, one lifejacket or individual

flotation device for each person on board, stored in a position easily accessible for such persons, or alternatively worn by such persons;

- (d) Regulation 139.01.1(2)(b), a person may land a glider, operated in training, at suitable sites other than a licensed aerodrome: Provided that this exemption shall not override a landowner's rights in respect of trespassing.

(2) *Conditions for flight*

In addition to the restrictions imposed by Regulation 94.05.1, no glider operation shall be conducted over a built-up area.

(3) *Glider launching winches*

- (a) On every winch, used for the launching of gliders, a means shall be provided for the severing of the launching cable.
- (b) The means referred to in sub-regulation 3(a) shall be subject to the approval of the Commissioner or the organization, approved for the purpose in terms of Part 149, as the case may be, and shall be so positioned that it can be easily and readily operated by the winch operator.

Operation of hang-gliders

94.06.9 (1) Exemptions

Notwithstanding the provisions of –

- (a) Regulation 91.03.2 and Regulation 91.03.5, a person may operate a hang-glider without carrying on board a current, approved flight manual or flight folio;
- (b) Regulation 91.03.7, a person may operate a hang-glider if the hang-glider has been issued with a certificate of release to service by an appropriately rated Approved Person;
- (c) Subpart 4 of Part 91, a person may operate a hang-glider if the hang-glider has been equipped with –
 - (i) an approved safety harness or safety belt for each person on board the hang-glider;
 - (ii) in the case of flights above 500 feet AGL, an altimeter that is accurate to within approximately 100 feet; and

- (iii) in the case of flight over water one lifejacket for each person on board and worn by such persons;
- (d) Regulation 91.06.7(5), the person operating a hang-glider overtaking another hang-glider or paraglider soaring on a ridge shall pass on the ridge side of the overtaken hang-glider or paraglider;
- (e) Regulation 91.06.21, a person may operate a hang-glider to 500 feet vertically below cloud –
 - (i) up to a maximum altitude of 19 500 feet above MSL in class G airspace; and
 - (ii) up to a maximum altitude of 19 500 feet above MSL in Class E airspace, other than transponder-mandatory airspace;
- (f) Regulation 91.06.32, a person may operate a hang-glider below 500 feet AGL for the purpose of ridge soaring: Provided such hang-glider is flown in a manner that does not endanger persons or property on the surface;
- (g) Regulation 139.01.1(2)(b), the pilot in-command of a hang-glider may use any suitable area to launch the hang-glider: Provided permission has been obtained from the owner of the site or the local authority having jurisdiction; and Provided furthermore that in the case of flight training or tandem operations, only launch sites approved by the Commissioner or by the organization designated for the purpose in terms of Part 149, as the case may be, shall be used.

(2) *Helmets*

Each pilot and passenger of a hang-glider shall wear a serviceable, rigid, protective helmet of a type approved by the Commissioner or by the organization designated for the purpose in terms of Part 149.

(3) *Conditions for flight*

In addition to the restrictions imposed by Regulation 94.05.1, no hang-glider operation shall be conducted –

- (a) over a built-up area; or
- (b) higher than 19 500 feet above MSL.

(4) *Hang-glider launching winches*

- (a) On every winch, used for the launching of hang-gliders, a means shall be provided for the severing of the launching cable.
- (b) The means referred to in sub-regulation (1) shall be subject to the approval of the Commissioner or the organization, approved for the purpose in terms of Part 149, as the case may be, and shall be so positioned that it can be easily and readily operated by the winch operator.

(5) *Tandem operations*

- (a) No person may operate a hang-glider with a passenger, unless that person holds a valid tandem rating.
- (b) Tandem operations shall be limited to two persons, including the pilot.

(6) *Aerotowing*

- (a) No person may operate a hang-glider in an aerotow operation unless such person is the holder of an appropriately endorsed license.
- (b) The requirements for the issue of an aerotow endorsement are those prescribed in Part 62.

Operation of line-controlled kites

94.06.10 Exemptions

Line-controlled kites are exempted from these Regulations –

- (a) except from regulation 94.05.1; and
- (b) provided that no line-controlled kite shall be flown –
 - (i) higher than 150 feet above the surface;
 - (ii) from or above a public road; or
 - (iii) on the approaches to any aerodrome licensed or approved in terms of Part 139 of these Regulations;

unless with the prior approval of the Commissioner and on conditions determined by him or her.

Operation of model aircraft**94.06.11 Exemptions**

Model aircraft are exempted from these Regulations –

- (a) except from regulation 94.05.1; and
- (b) provided that no model aircraft shall be flown –
 - (i) higher than 150 feet above the surface; or
 - (ii) from or above a public road;unless –
 - (iii) with the prior approval of the Commissioner and on conditions determined by him or her; or
 - (iv) in airspace specifically approved for the purpose by the Commissioner and on conditions set by him or her for the use of such airspace.

Operation of parachutes

94.06.12 The regulations governing parachuting operations are those prescribed in Part 105 of these Regulations.

Operation of ex-military jet aircraft**94.06.13 (1) Minimum fuel**

Further to the provisions of Regulation 91.07.12, an ex-military jet aircraft shall carry sufficient fuel –

- (a) to divert from its destination aerodrome to an alternate aerodrome that is at least 100 km distant from the destination aerodrome; and
- (b) to allow for at least 10 minutes of flight at cruise-power settings when arriving over the alternate aerodrome referred to in sub-regulation (1) (a).

(2) Passenger seating

- (a) Only if the Commissioner on the Authority to Fly has approved the carriage of passengers may passengers be carried in an ex-military jet aircraft.
- (b) Where applicable, the owner of an ex-military jet aircraft shall ensure that the medical and physical condition of the

passenger complies with the conditions prescribed by the manufacturer of the ejection seat of the aircraft.

- (c) It is the responsibility of the owner of an ex-military jet aircraft to provide the passenger with suitable and serviceable flying equipment, protection gear and clothing.

(3) *Passenger briefing*

The owner of an ex-military jet aircraft shall ensure that the passenger is thoroughly briefed on --

- (a) all the dangers associated with the flying in an ex-military jet aircraft, including the possible injuries following ejection; and
- (b) actions during flight:
 - (i) the operation of switches and handles, if applicable;
 - (ii) the actions and execution of commands during emergency situations;
 - (iii) the actions should the pilot-in-command become incapacitated during flight; and
 - (iv) any other information as seen fit by the owner or the pilot-in-command.

(4) *Minimum equipment list*

(a) *Oxygen Systems*

Oxygen system shall be fully serviceable, unless specifically exempted, whether or not it is intended to fly the aircraft above FL 100.

(b) *Aircraft Pressurisation*

Aircraft pressurisation systems shall be fully serviceable, unless specifically exempted, irrespective of the altitudes it is intended that the aircraft be flown.

(c) *Ejection Seats*

Where ejection seats are an integral part of the aircrew escape system, as specified in the relevant Flight Manual or Aircrew Notes, they shall be fully serviceable for all flights

unless specifically exempted, and all occupants shall have been suitably instructed in their use.

(d) *Flying Clothing and equipment*

(i) Certain items of flying clothing and personal equipment are an integral part of the aircraft safety equipment, such as life-saving jackets with dinghy connections or personal equipment connectors with oxygen connections. Where the appropriate clothing, equipment or systems are required for flight, these additional items shall be made available and be fully serviceable.

(ii) Unless specifically exempted, all occupants of an ex-military jet or turbo-prop aircraft shall wear protective helmets, equipped with suitable visors and facilitating communication.

(iii) Aircraft that are to be operated over large water masses beyond gliding distance from shore shall be equipped with suitable survival equipment, and the occupants shall wear suitable survival clothing and equipment.

(e) *Emergency and Backup Systems.*

Systems under this heading are invariably an integral part of the aircraft build standard and will have been installed with certain emergencies in mind (i.e. emergency undercarriage lowering, or hood opening or jettison). All such systems shall be serviceable for flight, unless specifically exempted.

(f) *Instrumentation for flight under IFR and Standby Instrumentation*

Where permission has been granted to operate the aircraft in instrument meteorological conditions (IMC), all instrumentation and equipment normally required for operation in IMC according to Instrument Flight Rules (IFR) shall have been fitted and be serviceable in accordance with the provisions of Part 91 of the CAR, 1997.

(g) *Weaponry*

(i) Where weaponry are an integral part of the aircraft, such weaponry shall be permanently de-activated, or

be removed and replaced by ballast to ensure that the correct mass and center of gravity of the aircraft is maintained.

(ii) The carriage of external weaponry is prohibited

(h) *External Equipment*

Where aircraft are capable of carrying external fuel tanks, whether jettisonable or not, such fuel tanks may be used: Provided that all systems applicable to the fuel tanks are serviceable. The pilot must also be fully qualified in the handling of the aircraft with and without the external fuel tanks (including asymmetric flight) and conversant with the jettison restrictions, limits and implications.

Display Authorization

94.06.13 (1) When a non-type certificated aircraft is to participate in a public flying demonstration, the pilot-in-command shall be the holder of an appropriate Display Authorization.

(2) The Display Authorization may be issued by the Commissioner or by an organization approved for the purpose in terms of Part 149, as the case may be, in writing if he, she or it is satisfied that –

(a) the pilot has the required experience; and

(b) the proposed display sequence can be executed safely with the particular aircraft.

(3) The Display Authority shall be issued on the form prescribed in SA-CATS-OPS 94, and shall detail the aircraft to be used, its configuration, the sequence to be flown, and any other condition that may be imposed by the Commissioner or by the organization approved for the purpose in terms of Part 149, as the case may be, at his, her or its discretion in the interest of flight and public safety.

(4) The following information shall be submitted to the Commissioner or the organization approved for the purpose in terms of Part 149, as the case may be, when applying for a Display Authorization:

(a) a summary of the pilot's total flying experience and details of experience on the type of aircraft to be flown in the display;

- (b) a detailed list of previous air display experience, to include events, dates, duration, aircraft types, and sequences flown;
- (c) the details of the sequence for which Display Authorization is sought, including:
 - (i) good weather sequence; and
 - (ii) bad weather sequence, where the weather conditions, such as cloud ceiling, impose a restriction on the good weather display sequence.
 - (iii) The sequences shall be submitted in textual and graphical form, with the minimum meteorological conditions for each sequence specified.
- (d) The specific procedures to be followed for possible emergencies that may arise during the display, including the listing of diversion aerodromes.
- (e) Details of the aircraft in the configuration to be used in the display, including take-off mass, take-off fuel and landing fuel.
- (5) The application shall be made in the form prescribed in SA-CATS-OPS 94.
- (6) The application shall be accompanied by the appropriate fee prescribes in Part 187.

SUBPART 7 MAINTENANCE

General

94.07.1 No owner, operator or pilot-in-command of a non-type certificated aircraft shall operate the aircraft unless such aircraft is maintained and released to service in accordance with the provisions of Part 24.

Maintenance Control Manual

94.07.2 Where an owner or operator is required in terms of sub-regulation

- 94.03.1 (1)** to maintain an operations manual, the latter shall include a maintenance control manual in the format as prescribed in TS 43.02.2 in Document SA-CATS-GMR.

No. R. 25

11 January 2002

**AVIATION ACT, 1962, (ACT NO 74 OF 1962)
PROPOSED AMENDMENT TO THE CIVIL AVIATION
REGULATIONS, 1997**

Under regulation 11.03.2(1)(a) of the Civil Aviation Regulations, the Chairperson of the Civil Aviation Regulations Committee (CARCOM) 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. Kim Gorringer or Mr. Herman Wildenboer, Private Bag X08, Waterkloof, 0145, fax: (012) 346-5979, or e-mail at gorringek@caa.co.za or wildenboerh@caa.co.za, before or on 11 February 2002.

SCHEDULE (4)

1. Proposal to introduce Part 96, Commercial Operation of Non-Type Certificated Aircraft

PROPOSER:

Civil Aviation Authority
Private Bag X 08
Waterkloof
0145

Explanation of interest of the PROPOSER

The Proposer administers the Aviation Act, 1962 (Act No. 74 of 1962) and regulations and technical standards issued in terms thereof.

2. Proposed introduction of Part 96

It is proposed to introduce the under-mentioned regulations, as Part 96.

Motivation :

The operation of non - type certificated aircraft is currently regulated in terms of Document LS/1 dated 30 November 2000. The re-introduction of Document LS/1, on 15 December 2000, was intended only as a temporary measure, until such time as new regulations pertaining to non - type certificated aircraft had been developed. The proposals contained in this schedule, read together with proposed Parts 24 and 94, (the proposals contained in schedules 2 and 3) are proposed as the requirements which will replace and expand upon those requirements currently contained in Document LS/1. The proposed Parts 24, 94 and 96 are a synthesis of; work previously undertaken on this topic, the requirements contained in Document LS/1, the requirements of other aviation authorities, and the inputs obtained from both the CAA and other stakeholders. The proposed Part 24 (Schedule 2) establishes the minimum airworthiness standards for non-type certificated aircraft. Proposed Part 94 (this Schedule) stipulates the operational requirements for non - type certificated aircraft and the proposed Part 96 (Schedule 4), establishes the requirements for the commercial operation of non - type certificated aircraft. The requirements contained in the proposed Part 96 are to address the South African and universal trend towards the utilization of non type certificated aircraft for commercial purposes and establish standards that will permit commercial operation within parameters that maintain adequate levels of safety. All three of the proposed Parts have been work shopped with stakeholders.

3. Current regulation : No Part 96 currently exists.

PART 96
LIST OF REGULATIONS
COMMERCIAL OPERATION OF NON-TYPE CERTIFICATED AIRCRAFT

Subpart 1 General

96.01.1 Applicability

Subpart 2 Flight Crew

96.02.1 In-flight relief of flight crew members

96.02.2 Cabin crew member compliment

96.02.3 Flight time and duty periods

96.02.4 Training and checking

Subpart 3 Documentation and records

96.03.1 Operations Manual

Subpart 4 Operating Certificate

96.04.1 Operating Certificate

96.04.2 Application for operating certificate

96.04.3 Adjudication of application for operating certificate

96.04.4 Period of validity of operating certificate

96.04.5 Safety inspections and audits

96.04.6 Suspension and cancellation of operating certificate and appeal

96.04.7 Duties of holder of operating certificate

96.04.8 Register of operating certificates

Subpart 5 Maintenance

96.05.1 General

SUBPART 1: GENERAL PROVISIONS**Applicability**

96.01.1(1) This Part shall apply to –

- (a) non-type certificated aircraft engaged in commercial air transport operations within the Republic;
 - (b) non-type certificated aircraft registered in the Republic and engaged in commercial air transport outside the borders of the Republic;
 - (c) persons acting as flight crew members of non-type certificated aircraft registered in the Republic and engaged in commercial air transport operations; and
 - (d) persons on board a non-type certificated engaged in commercial air transport operations.
- (2) No non-type certificated aircraft shall be used in commercial air transport operations unless the operator is the holder of the appropriate air service licence issued in terms of the Air Services Licensing Act, 1990 (Act 115 of 1990) or International Air Services Act, 1993 (Act 60 of 1993): Provided that no amateur-built or production-built aircraft shall be issued with Class I - type S1 or a Class II - type N1 domestic air service licence, nor with a Class I or Class II international air service licence.
- (3) Notwithstanding the provisions of paragraph (2), an amateur-built or production-built aircraft may be issued with a Class II – type N1 domestic air service licence which restrict the holder to flights where the place of take-off and subsequent landing are one and the same (so-called 'flips').
- (4) No non-type certificated aircraft shall be used for flight training unless the operator is the holder of the appropriate aviation training organization approval, issued in terms of Part 141 of these Regulations.
- (5) The provisions of Part 24, Part 91 and Part 94 of these Regulations shall *mutatis mutandis* apply to any non-type certificated aircraft unless specifically exempted by the provisions of this Part.

SUBPART 2 FLIGHT CREW**In-flight relief of flight crew members**

96.02.1 In the case of a large non-type certificated aircraft engaged in commercial air transport operations, the provisions of Regulation 121.02.2 of Part 121 shall apply *mutatis mutandis*.

Cabin crew member compliment

96.02.2 In the case of a large non-type certificated aircraft engaged in commercial air transport operations, the provisions of Regulations 121.02.5 to 121.02.9 (both inclusive) of Part 121 shall apply *mutatis mutandis*.

Flight time and duty periods

- 96.02.3** (1) The operator of a non-type certificated aircraft engaged in commercial air transport shall –
- (a) establish a scheme for the regulation of flight time and duty periods for each flight crew member;
 - (b) include the scheme referred to in paragraph (a) in the operations manual referred to in Regulation 96.04.1;
 - (c) ensure that each flight crew member complies with the provisions of the scheme referred to in paragraph (a);
 - (d) not cause or permit any flight crew member to fly in the aircraft if such operator knows or has been made aware that such flight crew member –
 - (i) will exceed the flight time and duty periods referred to in sub-regulation (1)(a) while on flight duty; or
 - (ii) is suffering from or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from fatigue which may endanger the safety of the aircraft or its flight crew members and passengers; and
 - (iii) not schedule a flight crew member for active flight duty for a period exceeding eight consecutive hours

during any given flight time and duty period unless authorised in the scheme referred to in paragraph (a).

- (2) Except with the approval of the Commissioner, the flight time and duty scheme of the operator shall not be in conflict with the provisions of Regulation 91.02.3(3)
- (3) The provisions to be included in a flight time and duty scheme referred to in sub-regulation (1) shall be as prescribed in Document SA-CATS-OPS 96.

Training and Checking

- 96.02.4**
- (1) The owner of a non-type certificated aircraft engaged in commercial air transport operations shall establish and maintain a ground and flight training and recurrent training programme for flight crew members in his permanent or part-time employ.
 - (2) The training shall be provided by the holder of an aviation training organisation approval issued in terms of Part 141.
 - (3) Training shall be in accordance with the syllabi prescribed in Document SA-CATS-OPS 96.

SUBPART 3 DOCUMENTATION AND RECORDS

Operations Manual

- 96.03.1**
- (1) The operator of a non-type certificated aircraft used in commercial air transport operations shall draw up an operations manual containing all information required under this part and setting out the manner in which such operator will operate the air service for which such operator is licensed in terms of the Air Services Licensing Act, 1990 or International Air Services Act, 1993.
 - (2) The operator shall submit the operations manual in duplicate to the Commissioner for approval.
 - (3) If the Commissioner is satisfied that the operator –
 - (a) will comply with the provisions of Regulation 96.04.7; and
 - (b) will not operate the air service concerned contrary to any provision of the Act, the Air Services Licensing Act, 1990, the International Air Services Act, 1993, or the Civil Aviation Offences Act, 1972 (Act No. 10 of 1972),

the Commissioner shall certify in writing on both copies of the operations manual that such manual has been approved, and shall return one copy of the approved operations manual to the operator.

- (4) The operator shall submit an amendment to an approved operations manual in duplicate to the Commissioner for approval.
- (5) If the Commissioner is satisfied that the operator will comply with the provisions of sub-regulation (3)(a) and (b), the Commissioner shall certify in writing on both copies of the amendment to the approved operations manual that such amendment has been approved, and shall return one copy of the approved amendment to the operator.
- (6) The operator shall at all times operate the non-type certificated aircraft, when operated in terms of this Part in accordance with the approved operations manual or an approved amendment thereto.
- (7) The operator shall –
 - (a) ensure that all operations personnel are able to understand the technical language used in those sections of the operations manual which pertain to their duties;
 - (b) ensure that every flight is conducted in accordance with the operations manual and that those parts of the operations manual which are required for the conduct of a flight, are easily accessible to the flight crew members on board;
 - (c) make the operations manual available for the use and guidance of operations personnel;
 - (d) provide the flight crew members with their own personal copy of the sections of the operations manual which are relevant to the duties assigned to them;
 - (e) keep the operations manual up to date; and
 - (f) keep the operations manual in a safe place.
- (8) The contents of the operations manual shall not contravene the conditions contained in the operating certificate issued to the operator in terms of Regulation 96.04.3.

- (9) The structure and contents of the operations manual referred to in sub-regulation (1) shall be as prescribed in Document SA-CATS-OPS 96.

SUBPART 4 OPERATING CERTIFICATE

Operating certificate

96.04.1 The operator of a non-type certificated aircraft used in commercial air transport operations shall not operate the aircraft unless such operator is the holder of a valid –

- (a) licence issued in terms of the Air Services Licensing Act, 1990 or the International Air Services Act, 1993 ; and
- (b) operating certificate issued in terms of Regulation 96.04.3.

Application for operating certificate

96.04.2 An application for an operating certificate shall be made to the Commissioner in the appropriate form as prescribed in Document SA-CATS-OPS 96 and shall be accompanied by the appropriate fee as prescribed in Part 187.

Adjudication of application for operating certificate

- 96.04.3** (1) In considering an application referred to in Regulation 96.04.2 the Commissioner may conduct the investigation he or she deems necessary.
- (2) An application shall be granted and the operating certificate issued if the Commissioner is satisfied that –
- (a) the applicant will comply with the provisions of Regulation 96.04.7; and
 - (b) the applicant will not operate the air service concerned contrary to any provision of the Act, the Civil Aviation Offences Act, 1972, the Air Service Licensing Act, 1990, or the International Air Services Act, 1993.
- (3) If the Commissioner is not so satisfied, he or she shall notify the operator thereof, stating the reasons in the notification, and grant the operator the opportunity to rectify or supplement any defect within the period determined by the Commissioner, after which period the Commissioner shall grant or refuse the application concerned.

- (4) An operating certificate shall be issued on the appropriate form as prescribed in Document SA-CATS-OPS 96, under such conditions that the Commissioner may determine.

Period of validity of operating certificate

- 96.04.4** (1) An operating certificate shall be valid for such period as may be determined by the Commissioner: Provided that such period shall not exceed a period of 12 months from the date of issuing thereof.
- (2) If the holder of an operating certificate applies at least 30 days prior to the expiry thereof for a new operating certificate, that first-mentioned operating certificate shall, notwithstanding the provisions of sub-regulation (1), remain in force until such holder is notified by the Commissioner of the result of the application for the issuing of a new operating certificate.

Safety inspections and audits

- 96.04.5** (1) An applicant for the issuing of an operating certificate shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits which may be necessary to verify the validity of an application made in terms of Regulation 96.04.2.
- (2) The holder of an operating certificate shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits which may be necessary to determine compliance with the appropriate requirements prescribed in this part.

Suspension and cancellation of operating certificate and appeal

- 96.04.6** (1) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, an operating certificate issued under this subpart, if –
- (a) after a safety inspection and audit carried out in terms of Regulation 96.04.5, it is evident that the holder of the operating certificate does not comply with the requirements prescribed in this Part, and such holder fails to remedy such non-compliance within 30 days after receiving notice in writing from the authorised officer, inspector or authorised person to do so; or
- (b) the authorised officer, inspector or authorised person is prevented by the holder of the operating certificate to carry out a safety inspection and audit in terms of Regulation 96.04.5; or

- (c) the suspension is necessary in the interests of aviation safety.
- (2) The authorised officer, inspector or authorised person who has suspended an operating certificate in terms of sub-regulation (1), shall deliver within seven days a report in writing to the Commissioner, stating the reasons why, in his or her opinion, the suspended operating certificate should be cancelled.
- (3) The authorised officer, inspector or authorised person concerned shall submit a copy of the report referred to in sub-regulation (2), to the holder of the operating certificate which has been suspended, and shall furnish proof of such submission for the information of the Commissioner.
- (4) The holder of an operating certificate who feels aggrieved by the suspension of the operating certificate may appeal against such suspension to the Commissioner, within 30 days after such holder has been notified of such suspension.
- (5) The appeal, referred to in sub-regulation (4), shall be in writing, stating the reasons why, in the appellant's opinion, the suspension should be varied or set aside.
- (6) The appellant shall submit a copy of the appeal and any documents or records supporting such appeal, to the authorised officer, inspector or authorised person concerned and shall furnish proof of such submission for the information of the Commissioner.
- (7) The authorised officer, inspector or authorised person concerned may, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (6), deliver his or her written reply to such appeal to the Commissioner.
- (8) The Commissioner may –
 - (a) either adjudicate the appeal on the basis of the documents submitted to him or her; or
 - (b) order the appellant and the authorised officer, inspector or authorised person concerned to appear before him or her to give evidence, either in person or through a representative, at a time and place determined by him or her; and
 - (c) at any time –

- (i) extend the period of suspension for further periods not exceeding each 30 days, if necessary to deal fairly with the appeal; and
 - (ii) either confirm, vary or set aside the suspension referred to in sub-regulation (1).
- (9) Before the Commissioner confirms the suspension in terms of sub-regulation (8)(ii), he or she shall permit the holder of the operating certificate to remedy any non-compliance, if the holder so wishes.
- (10) The Commissioner shall –
 - (a) if he or she confirms the suspension in terms of sub-regulation (8)(ii); or
 - (b) if an operating certificate is suspended in terms of sub-regulation (1) and the holder thereof does not appeal against such suspension in terms of sub-regulation (4),cancel the operating certificate concerned.

Duties of holder of operating certificate

96.04.7 The holder of an operating certificate shall –

- (a) notify the Commissioner in the manner as prescribed in Document SA-CATS-OPS 96, before any change is effected to the particulars on the operating certificate;
- (b) keep the operating certificate in a safe place and produce such operating certificate to an authorised officer, inspector or authorised person for inspection if so requested by such officer, inspector or person authorised person; and
- (c) not commence or continue with the air service concerned unless such holder is the holder of a valid operating certificate.

Register of operating certificates

96.04.8 (1) The Commissioner shall maintain a register of all operating certificates issued in terms of this Part.

(2) The register shall contain the following particulars:

- (a) The full name and, if any, the trade name of the holder of the operating certificate;

- (b) the postal address of the holder of the operating certificate;
 - (c) the number of the operating certificate issued to the holder;
 - (d) particulars of the type of air service for which the operating certificate was issued;
 - (e) particulars of the category of aircraft for which the operating certificate was issued; and
 - (f) the date on which the operating certificate was issued.
- (3) The particulars referred to in sub-regulation (2) shall be recorded in the register within 30 days from the date on which the operating certificate is issued by the Commissioner.
- (4) The register shall be kept in a safe place at the office of the Commissioner.
- (5) A copy of the register shall be furnished by the Commissioner, on payment of the appropriate fee as prescribed in Part 187, to any person who requests the copy.

SUBPART 5 MAINTENANCE

General

- 96.05.1** (1) A non-type certificated aircraft used in commercial air transport operations shall be maintained by a licensed AME or AMO with the appropriate rating, or by a person approved for the purpose by the Commissioner, as the case may be, in accordance with the provisions of Part 24 and Part 43 of these Regulations, as they *mutatis mutandis* apply, and as has been specified in the approved Maintenance Control Manual.
- (2) The Maintenance Control Manual shall –
- (i) be drawn up in the format as prescribed in TS 43.02.2 in Document SA-CATS-GMR;
 - (ii) prescribe who may carry out maintenance on the aircraft, and incorporate the terms of the contract between the operator and any outside maintenance personnel or organisation responsible for all or part of the maintenance, if any; and

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- (iii) prescribe the environmental conditions under which maintenance may be carried out and, if applicable, the special tools and equipment that are to be used in maintenance.
- (2) Notwithstanding the provisions of sub-regulations (1) and 96.01.1(4), the privilege extended by regulation 24.03.5 shall apply only in respect of an owner who is the holder of the valid applicable AME licence and ratings, issued in terms of Part 66.
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Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001

Publications: Tel: (012) 334-4508, 334-4509, 334-4510

Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504

Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737

Cape Town Branch: Tel: (021) 465-7531

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001

Publikasies: Tel: (012) 334-4508, 334-4509, 334-4510

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