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**GOVERNMENT NOTICE**

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**DEPARTMENT OF TRANSPORT****No. R. 705****15 May 2002****AVIATION ACT 1962****PROPOSED AMENDMENTS 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 amendment(s) to the Civil Aviation Regulations, 1997, as set out in the schedule(s). Any comments or representations on the proposed amendment(s) 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](mailto:gorringek@caa.co.za) or [wildenboerh@caa.co.za](mailto:wildenboerh@caa.co.za), before or on 15 June 2002.

**SCHEDULE 1****1. PROPOSAL TO AMEND THE HEADING OF PART 13 OF THE  
REGULATIONS****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.  
(the proposer of all the amendments contained in this Notice is the Civil Aviation Authority)

**1.1 Proposed amendment of the Heading of Part 13:**

It is proposed to change the heading of Part 13 to read as follows:

"Powers and duties of Authorized Officers and Inspectors"

**1.2 MOTIVATION:**

Part 13 deals with the powers and duties of authorized officers and Inspectors, but not with enforcement procedures. The latter are dealt with in Part 185.

**1.3 CURRENT HEADING:**

The heading of Part 13 currently reads:

"Enforcement Procedures"

**SCHEDULE 2****2. PROPOSAL TO AMEND REGULATION 121.05.6 OF PART 121 OF THE REGULATIONS****2.1 Proposal to add a proviso to regulation 121.05.6 (Airborne weather radar requirement)**

" The operator of a large commercial air transport aeroplane shall not operate the aeroplane unless such aeroplane is equipped with airborne weather radar equipment whenever such aeroplane is being operated by night or on IMC in areas where thunderstorms or other potentially hazardous weather conditions, regarded as detectable with airborne weather radars, may be expected to exist along the route: provided that in the case of a non-pressurized aeroplane the airborne weather radar equipment may be substituted by other approved equipment, capable of detecting thunderstorms and other potentially hazardous weather conditions."

**2.2 MOTIVATION:**

For non-pressurized aeroplanes, the alternate equipment should suffice.

**2.3 CURRENT REGULATION:**

"The operator of a large commercial air transport aeroplane shall not operate the aeroplane unless such aeroplane is equipped with airborne weather radar equipment whenever such aeroplane is being operated by night or on IMC in areas where thunderstorms or other

potentially hazardous weather conditions, regarded as detectable with airborne weather radars, may be expected to exist along the route."

### **SCHEDULE 3**

#### **3. PROPOSAL TO AMEND REGULATION 139.02.16 OF PART 139 OF THE REGULATIONS**

##### **3.1 Proposed amendment of regulation 139.02.16(2)(changes in quality control system)**

It is proposed to delete sub-regulation (2)

##### **3.2 MOTIVATION**

The quality control system is not a public document. Only the Commissioner can approve an amendment.

##### **3.3 CURRENT REGULATION**

"(2) The provisions of Regulation 139.02.11 shall apply *mutatis mutandis* to an application for the approval of a change in the quality control system." [Reg. 139.02.11 would require the application to be published for general comment.]

### **SCHEDULE 4**

#### **4 PROPOSAL TO AMEND REGULATION 139.02.18 OF PART 139 OF THE REGULATIONS**

##### **4.1 Proposed amendment of Regulation 139.02.18 (licence of intent).**

It is proposed to amend sub-regulation 139.02.18 (2) (b) by the deletion of the following sub-paragraphs:

- "(2) An application for the issuing of a licence of intent shall be accompanied by
- (b)
  - (i) .....
  - (ii) written approval from the local government concerned;
  - (iii) an environmental impact study;
  - (iv) written approval from all interested Government institutions;
  - (v) proof of adequate funding for the development of the aerodrome;"

##### **4.2 MOTIVATION**

These requirements are not aviation-safety related and come only into play when an application is made for a licence in terms of regulation 139.02.10. It is while

holding the licence of intent that the developers need to carry out the environmental impact study, obtain the necessary approvals, and secure funding. The responsibility of the Commissioner is prescribed in sub-regulation 139.02.18(4) as follows: "The Commissioner may grant the application if the Commissioner is satisfied that the development of the aerodrome will not jeopardize aviation safety".

#### **4.3 CURRENT REGULATION**

- "(2) An application for the issuing of a licence of intent shall be –
- (b) accompanied by-
    - (i) full particulars of the particular area demarcated for the development of the aerodrome, and the location thereof;
    - (ii) written approval from the local government concerned ;
    - (iii) an environment impact study
    - (iv) written approval from all interested Government institutions;
    - (v) proof of adequate funding for the development of the aerodrome; and
    - (vi) the appropriate fee as prescribed in Part 187."

### **SCHEDULE 5**

#### **5. PROPOSAL TO AMEND REGULATION 139.02.19 OF PART 139 OF THE REGULATIONS**

##### **5.1 Proposed amendment of regulation 139.02.19 (general duties of holder of licence) regulation**

It is proposed to add the following paragraph to the said regulation:

- "(n) furnish in writing the Commissioner as soon as practical, but within thirty days from the day of engagement, employment or contracting the accountable manager and compliance officer referred to in Sub-regulation 139.02.5(1)(a), with that person's full particulars."

##### **5.2 MOTIVATION**

The purpose of the proposed amendment is to ensure that the Commissioner for Civil Aviation is being informed of the appointment of the said person

##### **5.3 CURRENT REGULATION**

The proposal is for a new paragraph.



## SCHEDULE 6

### 6. PROPOSAL TO AMEND REGULATION 139.02.31 OF PART 139 OF THE REGULATIONS

#### 6.1 Proposed amendment of Regulation 139.02.31(2) and (3) ('Aerodrome abandoned or not maintained').

- "(2) If, after the expiry of the period of notice referred to in sub-regulation (1) an aerodrome is abandoned or is not being maintained in accordance with the conditions of the licence, the holder of the licence shall remove, obliterate or modify all aerodrome markings as the Commissioner may direct.
- (3) On completion of the task, referred to in sub-regulation (2), the holder shall surrender the licence to the Commissioner."

#### 6.2 MOTIVATION

- (1) The expression used in the current regulation: 'appropriate aerodrome markings', does not indicate clearly what markings are being referred to, creating uncertainty.
- (2) No provision exists in the current regulations for the licence to be returned to the Commissioner after an aerodrome has been abandoned or is no longer maintained.

#### 6.3 CURRENT REGULATION

"(2) If, after the expiry of the period of notice referred to in sub-regulation (1) an aerodrome is abandoned or is not being maintained in accordance with the conditions of the licence, the holder of the licence shall remove, obliterate or modify the appropriate aerodrome markings referred to in Regulation 139.02.2"

"(3) The provisions of Regulation 139.02.11 shall apply *mutatis mutandis* to an application for the approval of a change in the quality control system." [Reg. 139.02.11 would require the application to be published for general comment.]

## SCHEDULE 7

### 7. PROPOSAL TO AMEND REGULATION 139.03.18 OF PART 139 OF THE REGULATIONS

#### 7.1 Proposed amendment of Regulation 139.03.18 (Licence of intent).

It is proposed to amend sub-regulation 139.03.18 (2) (b) by the deletion of the following sub-paragraph:

"An application for the issuing of a licence of intent shall be accompanied by –

- (i) .....
- (ii) written approval from the local government concerned;
- (iii) an environmental impact study;
- (iv) written approval from all interested Government institutions;
- (v) proof of adequate funding for the development of the heliport"
- (vi) the appropriate fee as prescribed in Part 187."

## 7.2 MOTIVATION

These requirements are not aviation-safety related and come only into play when an application is made for a licence in terms of regulation 139.03.10. It is while holding the licence of intent that the developers need to carry out the environmental impact study, obtain the necessary approvals, and secure funding. The responsibility of the Commissioner is prescribed in sub-regulation 139.03.18(4) as follows: "The Commissioner may grant the application if the Commissioner is satisfied that the development of the heliport will not jeopardize aviation safety".

## 7.3 CURRENT REGULATION

"(2) An application for the issuing of a licence of intent shall be –  
accompanied by

- (i) full particulars of the particular area demarcated for the development of the aerodrome, and the location thereof;
- (ii) written approval from the local government concerned ;
- (iii) an environment impact study
- (iv) written approval from all interested Government institutions;
- (v) proof of adequate funding for the development of the aerodrome;  
and
- (vi) the appropriate fee as prescribed in Part 187."

## SCHEDULE 8

### PROPOSAL TO AMEND REGULATION 145.02.13 OF PART 145 OF THE REGULATIONS

#### 8.1 Proposed amendment of regulation 145.02.13(2) (duties of holder of approval)

" (2) The holder of an approval with a category A rating shall ensure that-

- (a) all persons who will be directly in charge of any maintenance or inspection performed on behalf of the aircraft maintenance organization;
- (b) all personnel who are authorized to issue on behalf of the aircraft maintenance organization certificates of release to service and certificates relating to the maintenance of an aircraft;



, are appropriately licensed and rated in terms of Part 66 or have been issued by him or her with a certification authorization with the appropriate rating, as provided for in the organization's Manual of Procedure in accordance with sub-Regulation 43.03.1(1)(b)."

## 8.2 MOTIVATION

The regulation has to be amended to provide for a AMO to authorize a person who is not the holder of a AME licence to issue a release to service on the AMO's behalf.

## 8.3 CURRENT PROVISION

"(2) The holder of an approval with a Category A rating shall ensure that –

(a) all persons who will be directly in charge of any maintenance or in charge of any maintenance or inspection performed on behalf of the aircraft maintenance organization;

(b) all personnel who are authorized to issue on behalf of the aircraft maintenance organization certificates of release to service and certificates relating to the maintenance of an aircraft;

are appropriately licensed and rated in terms of Part 66."

## SCHEDULE 9

### 9. PROPOSAL TO AMEND REGULATION 145.02.13 OF PART 145 OF THE REGULATIONS

#### 9.1 Proposed amendment of regulation of Regulation 145.03.13 (2) ( duties of holder of approval)

"(2) The holder of an approval with a Category B rating shall ensure that

(a) all persons who will be directly in charge of any maintenance or inspection performed on behalf of the aircraft maintenance organization;

(b) all personnel who are authorized to issue on behalf of the aircraft maintenance organization certificates of release to service and certificates relating to the maintenance of an aircraft;

, are appropriately licensed and rated in terms of Part 66 or have been issued by him or her with a certification authorization with the appropriate rating , as provided for the in the organization's Manual of Procedure in accordance with sub-Regulation 43.03.1(1)

(b).

## **9.2 MOTIVATION**

The regulation has to be amended to provide for a AMO to authorize a person who is not the holder of a AME licence to issue a release to service on the AMO's behalf.

## **9.3 CURRENT PROVISION**

"(2) The holder of an approval with a Category B rating shall ensure that –

(a) all persons who will be directly in charge of any maintenance or in charge of any maintenance or inspection performed on behalf of the aircraft maintenance organization;

(b) all personnel who are authorized to issue on behalf of the aircraft maintenance organization certificates of release to service and certificates relating to the maintenance of an aircraft;

are appropriately licensed and rated in terms of Part 66."

## **SCHEDULE 10**

### **10. PROPOSAL TO AMEND 145.04.13 OF PART 145 OF THE REGULATIONS**

#### **10.1 Proposed amendment of Regulation 145.04.13 (2) (duties of holder of approval)**

"(2) The holder of an approval with a Category C rating shall ensure that

(a) all persons who will be directly in charge of any maintenance or inspection performed on behalf of the aircraft maintenance organization;

(b) all personnel who are authorized to issue on behalf of the aircraft maintenance organization certificates of release to service and certificates relating to the maintenance of an aircraft;

are appropriately licensed and rated in terms of Part 66 or have been issued by him or her with a certification authorization with the appropriate rating, as provided for the in the organization's Manual of Procedure in accordance with sub-Regulation 43.03.1(1) (b) ."

#### **10.2 MOTIVATION**

The regulation has to be amended to provide for a AMO to authorize a person who is not the holder of a AME licence to issue a release to service on the AMO's behalf.

### **10.3 CURRENT PROVISION**

- "(2)** The holder of an approval with a Category C rating shall ensure that
- (a) all persons who will be directly in charge of any maintenance or inspection performed on behalf of the aircraft maintenance organization;
  - (b) all personnel who are authorized to issue on behalf of the aircraft maintenance organization certificates of release to service and certificates relating to the maintenance of an aircraft;
- are appropriately licensed and rated in terms of Part 66."

## **SCHEDULE 11**

### **11. PROPOSAL TO AMEND REGULATION 145.05.13 OF PART 145 OF THE REGULATIONS**

#### **11.1 Proposed amendment of regulation 145.05.13 (2) (duties of holder of approval)**

- "(2)** The holder of an approval with a Category D rating shall ensure that
- (a) all persons who will be directly in charge of any maintenance or inspection performed on behalf of the aircraft maintenance organization;
  - (b) all personnel who are authorized to issue on behalf of the aircraft maintenance organization certificates of release to service and certificates relating to the maintenance of an aircraft;
- are appropriately licensed and rated in terms of Part 66 or have been issued by him or her with a certification authorization with the appropriate rating, as provided for in the organization's Manual of Procedure in accordance with sub-Regulation 43.03.1(1) (b)."

#### **11.2 MOTIVATION**

The regulation has to be amended to provide for a AMO to authorize a person who is not the holder of a AME licence to issue a release to service on the AMO's behalf.

#### **11.3 CURRENT PROVISION**

- "(2)** The holder of an approval with a Category D rating shall ensure that
- (a) all persons who will be directly in charge of any maintenance or inspection performed on behalf of the aircraft maintenance organization;
  - (b) all personnel who are authorized to issue on behalf of the aircraft maintenance organization certificates of release to service and certificates relating to the maintenance of an aircraft;

are appropriately licensed and rated in terms of Part 66.”

## **SCHEDULE 12**

### **12. PROPOSAL TO AMEND REGULATION 145.06.13 OF PART 145 OF THE REGULATIONS**

#### **12.1 Proposed amendment of Regulation 145.06.13 (2) (duties of holder of approval)**

“(2) The holder of an approval with a Category E rating shall ensure that

(a) all persons who will be directly in charge of any maintenance or inspection performed on behalf of the aircraft maintenance organization;

(b) all personnel who are authorized to issue on behalf of the aircraft maintenance organization certificates of release to service and certificates relating to the maintenance of an aircraft;

are appropriately licensed and rated in terms of Part 66 or have been issued by him or her with a certification authorization with the appropriate rating, as provided for the in the organization’s Manual of Procedure in accordance with sub-Regulation 43.03.1(1) (b).”

#### **12.2 MOTIVATION**

The regulation has to be amended to provide for a AMO to authorize a person who is not the holder of a AME licence to issue a release to service on the AMO’s behalf.

#### **12.3 CURRENT PROVISION**

“(2) The holder of an approval with a Category E rating shall ensure that

(a) all persons who will be directly in charge of any maintenance or inspection performed on behalf of the aircraft maintenance organization;

(b) all personnel who are authorized to issue on behalf of the aircraft maintenance organization certificates of release to service and certificates relating to the maintenance of an aircraft;

are appropriately licensed and rated in terms of Part 66.”

## **SCHEDULE 13**

### **13. PROPOSAL TO AMEND REGULATION 145.07.13 OF PART 145 OF THE REGULATIONS**

#### **13.1 Proposed amendment of regulation 145.07.13 (2) (duties of holder of approval)**

“(2) The holder of an approval with a Category W rating shall ensure that

(a) all persons who will be directly in charge of any maintenance or inspection performed on behalf of the aircraft maintenance organization;

(b) all personnel who are authorized to issue on behalf of the aircraft maintenance organization certificates of release to service and certificates relating to the maintenance of an aircraft;

are appropriately licensed and rated in terms of Part 66 or have been issued by him or her with a certification authorization with the appropriate rating, as provided for in the organization's Manual of Procedure in accordance with sub-Regulation 43.03.1(1) (b).”

#### **13.2 MOTIVATION**

The regulation has to be amended to provide for a AMO to authorize a person who is not the holder of a AME licence to issue a release to service on the AMO's behalf.

#### **13.2 CURRENT PROVISION**

“(2) The holder of an approval with a Category W rating shall ensure that

(a) all persons who will be directly in charge of any maintenance or inspection performed on behalf of the aircraft maintenance organization;

(b) all personnel who are authorized to issue on behalf of the aircraft maintenance organization certificates of release to service and certificates relating to the maintenance of an aircraft;

are appropriately licensed and rated in terms of Part 66.”

## **SCHEDULE 14**

### **14. PROPOSAL TO AMEND REGULATION 145.08.13 OF PART 145 OF THE REGULATIONS**

#### **14.1 Proposed amendment of Regulations 145.08.13 (2) (duties of holder of approval)**

“(2) The holder of an approval with a Category X rating shall ensure that

- (a) all persons who will be directly in charge of any maintenance or inspection performed on behalf of the aircraft maintenance organization;
- (b) all personnel who are authorized to issue on behalf of the aircraft maintenance organization certificates of release to service and certificates relating to the maintenance of an aircraft;

are appropriately licensed and rated in terms of Part 66 or have been issued by him or her with a certification authorization with the appropriate rating, as provided for in the organization's Manual of Procedure in accordance with sub-Regulation 43.03.1(1)(b)."

#### **14.2 MOTIVATION**

The regulation has to be amended to provide for a AMO to authorize a person who is not the holder of a AME licence to issue a release to service on the AMO's behalf.

#### **14.3 CURRENT PROVISION**

"(2) The holder of an approval with a Category X rating shall ensure that

- (a) all persons who will be directly in charge of any maintenance or inspection performed on behalf of the aircraft maintenance organization;
- (b) all personnel who are authorized to issue on behalf of the aircraft maintenance organization certificates of release to service and certificates relating to the maintenance of an aircraft;

are appropriately licensed and rated in terms of Part 66."

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