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GOVERNMENT NOTICE

DEPARTMENT OF TRANSPORT

No. R. 1173

13 September 2002

AVIATION ACT 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 gorringerk@caa.co.za or wildenboerh@caa.co.za, before or on 14 October 2002.

SCHEDULE 1

Proposals to amend Part 21 of the Civil Aviation Regulations of 1997

Proposer

Civil Aviation Authority
Private Bag X08
0145 Waterkloof

Explanation of interest of the Proposer

The Proposer administers the Aviation Act of 1962 (Act No. 74/1962) and the regulations and technical standards issued in terms thereof. (All proposals contained in this Government Notice emanates from the Civil Aviation Authority)

1.1 Proposed amendment of regulation 21.01.2 (types of aircraft) and wherever the expression occurs:

It is proposed to amend regulation 21.01.2 (1)(a) and Part 21 in general by the substitution for the expression --

- (a) "sailplane and powered sailplane," wherever the latter expression occurs, of the expression "glider, power-assisted glider and touring glider"; and

- (b) "remotely piloted aircraft", wherever the latter expression occurs, of the expression "unmanned aerial vehicle".

1.2 Motivation

To bring this Part in line with other Parts of the Regulations and with international practice, as far as terminology is concerned.

1.3 Current Regulation

The to be substituted expressions are those presently used in Part 21.

2.1 Proposed amendment of regulation 21.08.1 (Categories of certificates of airworthiness)

It is proposed to add a new sub-regulation (3) to regulation 21.08.1 and to renumber the current sub-regulation (3) as sub-regulation (4):

"(3) An aircraft may be issued with a standard category certificate of airworthiness which includes limitations that otherwise would require it to be issued with a restricted category certificate of airworthiness, provided the aircraft –

- (a) can be converted from one configuration to another by removing or adding equipment by simple mechanical means;
- (b) complies with the requirements prescribed for flight operations in that configuration and the particular operation;
- (c) after having been operated in terms of Part 137, is inspected for release to service according to the provisions of Part 43 each time the aircraft is restored to a configuration permitting the carriage of passengers in terms of either Part 121, Part 127, Part 135 or Part 138, as the case may be, unless the Commissioner finds this unnecessary for safety in a particular case."

2.2 Motivation

To provide for the situation where an aircraft is certificated to operate in various configurations, some of which normally would require a restricted category certificate of airworthiness. The proposal would bring the regulation in line with a similar FAA Rule.

2.3 Current regulation

The proposal is for a new sub-regulation.

3.1 Proposed amendment of regulation 21.08.1A (Requirements for certificate of airworthiness)

It is proposed to amend regulation 21.08.1A as follows:

- (1) In the heading, substitute the word "Requirement" for "Requirements";
- (2) Number the current paragraph as sub-regulation (1); and
- (3) Insert the following new sub-regulation (2):

"(2) A certificate of airworthiness issued in terms of this Part shall be valid only for flights within the borders of the Republic and over international waters. For flights over or within the territory of another State or Principality permission of the responsible aeronautical authority is required."

3.2 Motivation

Re. (1): The regulation prescribes that a certificate of airworthiness is required.

Re. (2) and (3): It is necessary to confirm that a certificate of airworthiness issued by the South African Civil Aviation Authority is valid for flight within the borders of the Republic and over international waters only, and that for flights over or within the territory of another State or Principality its recognition as a valid, acceptable document is the prerogative of that State or Principality.

3.3 Current regulation

The proposal is for the substitution of the current expression "Requirements" and for the insertion of a new sub-regulation.

4.1 Proposed amendment of regulation 21.08.2 (Application for certificate of airworthiness or amendment thereof)

It is proposed to delete sub-regulation (4) and renumber the current sub-regulation (5) as sub-regulation (4).

4.2 Motivation

It is proposed to regulate the application and amendment of a special flight permit in an amended regulation 21.08.4.

4.3 Current regulation

“(4) An application for the issuing of a special flight permit, or an amendment thereof, shall be --

- (a) made to the Commissioner in the appropriate form as prescribed in Document SA-CATS-AR; and
- (b) accompanied by –
 - (i) the appropriate fee as prescribed in Part 187; and
 - (ii) proof of compliance with the provisions of Regulation 21.08.5 (Requirements for special flight permit);”

5.1 Proposed amendment of regulation 21.08.4 (Requirements for experimental certificate)

It is proposed to substitute regulation 21.08.4 with the following new regulation :

“Requirements and application for experimental certificate

21.08.4 (1) An experimental certificate for an aircraft or an amendment thereto may be issued for the purposes of –

- (a) *showing compliance with the Regulations:* conducting flight tests and other operations to show compliance with the airworthiness regulations including –
 - (i) flights to show compliance for issuance of a type certificate or supplemental type certificate;
 - (ii) flights to substantiate major design changes; and
 - (iii) flights to show compliance with the function and reliability requirements of the Regulations; or
 - (b) *research and development:* the testing of new aircraft design concepts, new aircraft equipment, new aircraft installations, new aircraft operating techniques, or new uses for aircraft.
- (2) An experimental certificate for a non-type certificated aircraft is issued as a proving flight authority as prescribed in Part 24 of the Regulations.
- (3) An application for the issue of an experimental certificate or an amendment thereto, other than for a non-type certificated aircraft, shall be made to the Commissioner and shall include --

- (a) a statement specifying the purposes of the test flights;
 - (b) sufficient data to identify the aircraft;
 - (c) the estimated time and duration or number of the test flights;
 - (d) details of the area over which the tests will be conducted;
 - (e) proof that the aircraft complies with any design criteria or design changes necessary for the safe operation of the aircraft that the Commissioner may require;
 - (f) flight manuals, maintenance manuals, or such documents relating to the operation of the aircraft that the Commissioner may require, if such manuals or documents already have been developed;
 - (g) except for aircraft converted from a previously type-certificated aircraft without appreciable change in the external configuration or silhouette, three-view drawings or three-dimensional views of the aircraft;
 - (h) any other information that the Commissioner may require to safeguard the public.
- (4) An application for the issue of a proving flight authority for a non-type certificated aircraft or an amendment thereto shall be made in accordance with the provisions of Part 24."

5.2 Motivation

To clarify more clearly for what purposes an experimental certificate may be issued and to provide for the introduction of a proving flight authority for non-type certificated aircraft in terms of the proposed new Part 24 'Airworthiness Standards: Non-type Certificated Aircraft'.

5.3 Current regulation

"Requirements for experimental certificate

- 21.08.4 (1)** An applicant for the issuing of an experimental certificate for an aircraft, or an amendment thereof, shall provide the Commissioner with –
- (a) a statement specifying the purposes for which the aircraft is to be used;
 - (b) sufficient data to identify the aircraft;

- (c) any information which the Commissioner may require to safeguard the public;
 - (d) flight manuals, maintenance manuals or such documents relating to the operation of the aircraft which the Commissioner may require, if such manuals and documents already exist; and
 - (e) proof that the aircraft complies with any design changes necessary for the safe operation of the aircraft which the Commissioner may require.
- (2) An applicant for the issuing of an experimental certificate for an aircraft, or an amendment thereof, to be used for the purpose of research and development or showing compliance with the regulations in this part shall, in addition to the provisions of subregulation (1), provide the Commissioner with –
 - (a) the purpose of the test;
 - (b) the estimated time or number of flights required for the test;
 - (c) details of the areas over which the test will be conducted; and
 - (d) except for aircraft converted from a previously certificated type without appreciable change in the external configuration, three-view drawings or three-dimensional photographs of the aircraft.
- (3) An applicant for the issuing of an experimental certificate for an aircraft, or an amendment thereof, to be used for a purpose other than those prescribed in subregulation (2), shall, in addition to the provisions of subregulation (1), provide the Commissioner with proof that –
 - (a) a period of flight evaluation has been completed showing –
 - (i) the aircraft is controllable throughout its normal range of speed and throughout all the manoeuvres to be executed; and
 - (ii) the aircraft has no hazardous operating characteristics or design features; or
 - (b) the aircraft conforms to a type design which has been shown to provide an acceptable level of safety for the purpose by –
 - (i) showing compliance with the appropriate airworthiness design standards referred to in Regulation 21.02.3; or
 - (ii) providing information concerning the airworthiness history of aircraft which conform to the type design.

6.1 Proposed amendment of regulation 21.08.5 (Requirements for special flight permit)

It is proposed to substitute regulation 21.08.5 with the following new regulation 21.08.5:

"Requirements and application for special flight permit

21.08.5 (1) A special flight permit for an aircraft or an amendment thereof may be issued for the purposes of –

- (a) ferrying an aircraft where the certificate of airworthiness has become invalid due to the aircraft not longer meeting its airworthiness standard to a base where maintenance can be carried out;
- (b) delivering or exporting the aircraft;
- (c) evacuating the aircraft from areas of impending danger;
- (d) carrying out a flight or a series of flights while the aircraft does not conform to the appropriate design standards referred to in regulation 21.02.3; or
- (e) operation of an aircraft at a mass in excess of its maximum certificated take-off mass for flights beyond the normal range over water or over land areas where adequate landing facilities or appropriate fuel is not available. The excess mass that may be authorised under this sub-regulation is limited to the additional fuel, fuel-carrying facilities, and navigation and emergency equipment necessary for the flight.

(2) A special flight permit for a non-type certificated aircraft is issued as an authority to fly as prescribed in Part 24 of the Regulations.

(3) An application for the issuing of a special flight permit for an aircraft or an amendment thereto, other than for a non-type certificated aircraft, shall be made to the Commissioner on the form prescribed in Document SA-CATS-AR and be accompanied by a statement containing –

- (a) the purpose of the flight(s);
- (b) the proposed itinerary;
- (c) details of any non-compliance with the appropriate airworthiness design standards referred to in regulation 21.02.3;
- (d) any restriction the applicant considers necessary for the safe operation of the aircraft; and
- (e) any other information that the Commissioner may require for the purpose of prescribing operating limitations.

- (4) The Commissioner may make, or require the applicant to make appropriate inspections or tests to establish safety aspects.
- (5) The application referred to in sub-regulation (1) shall be accompanied by the appropriate fee as prescribed in Part 187.
- (6) An application for the issue of an authority to fly for a non-type certificated aircraft or an amendment thereto shall be made in accordance with the provisions of Part 24."

6.2 Motivation

To combine the current sub-regulation 21.08.2(4) with regulation 21.08.5 and to provide for the introduction of the authority to fly for non-type certificated aircraft as proposed in new Part 24 'Airworthiness Standards: Non-type Certificated Aircraft'.

6.3 Current regulation

Requirements for special flight permit

- 21.08.5** (1) An applicant for the issuing of a special flight permit for an aircraft other than an aircraft referred to in subregulation (2), or an amendment thereof, shall provide the Commissioner with a statement containing –
- (a) the purpose of the flight;
 - (b) the proposed itinerary;
 - (c) the flight crew required to operate the aircraft and its equipment;
 - (d) details of any non-compliance with the appropriate airworthiness design standards referred to in Regulation 21.02.3;
 - (e) any restriction which the applicant deems necessary for the safe operation of the aircraft; and
 - (f) any other information which the Commissioner may require for the purpose of prescribing operating limitations.
- (2) An applicant for the issuing of a special flight permit for any amateur-built aircraft or production-built aircraft, or an amendment thereof, shall provide the Commissioner with –
- (a) a statement specifying the purpose for which the aircraft is to be used;
 - (b) proof of compliance with the appropriate airworthiness design standards referred to in Regulation 21.02.3;

- (c) any information which the Commissioner may require to safeguard the public;
 - (d) any document relating to the operation of the aircraft which the Commissioner may require; and
 - (e) proof that the aircraft complies with any design changes necessary for the safe operation of the aircraft which the Commissioner may require.
- (3) An application referred to in subregulation (1) and (2) shall be accompanied by the appropriate fee as prescribed in Part 187.

7.1 Proposed amendment of regulation 21.08.8 (Special flight permits with continuing authorisation)

It is proposed the substitute regulation 21.08.8 with the following new regulation and to renumber the current regulations 21.08.6 and 21.08.7 as regulations 21.08.7 and 21.08.8:

“Special flight permits with continued authorisation

21.08.6 (1) Upon application, the Commissioner may issue a special flight permit with a continued authorisation to –

- (a) the holder of an operating certificate for the purpose of ferrying an aircraft that may not meet applicable airworthiness requirements but is capable of safe flight to a base where maintenance or alterations are performed; or
- (b) the holder of a manufacturing authorisation approval issued in terms of Part 148 for the purpose of --
 - (i) flight testing new production aircraft manufactured by such holder; and
 - (ii) conducting customer demonstration flights in new production aircraft that have satisfactorily completed production flight tests.

- (2) The permit issued under this regulation is an authorisation, including conditions and limitations for flight, which is set forth in the operations manual or manual of procedure of the holder of the operating certificate or authorisation approval, as the case may be.”

7.2 Motivation

The proposed amendment is a rewrite of the current regulation 21.02.8 and has been expanded to include conducting customer demonstration flights by the manufacturer. Furthermore, it is specified that the conditions and limitations for flight in terms of these special flight permits must be included in the operations manual on the manual of procedures of the holder. The proposed amendment brings the regulations in line with the US FAR.

7.3 Current provision

Special flight permits with continuing authorisation

“21.08.8 The Commissioner may issue a special flight permit with a continuing authorisation to-

- (a) the holder of an operating certificate, for the purpose of flying aircraft to a base where maintenance are to be carried out; and
- (b) (b) the holder of a manufacturing organisation approval issued in terms of Part 148, for the purpose of flight testing new production aircraft manufactured by such holder.”

SCHEDULE 2

Proposals to amend Part 47 (Registration and Marking)

8.1 Proposed amendment of regulation 47.00.10(Notification of transfer of right of possession of aircraft)

It is proposed to amend regulation 47.00.10 through the substitution of sub-regulation (4) with the following new sub-regulation (4):

- “(4) A certificate of registration shall not longer be valid from the fifteenth day after the date on which the holder of the certificate of registration has transferred to another person the permanent and unconditional right of possession of the aircraft.”

8.2 Motivation

A certificate of registration has no expiry date and, therefore, cannot expire. However, such certificate becomes invalid when the right in the aircraft is passed from one person to another, the latter having to obtain a new certificate of registration in his, her or its name. Furthermore, it is clarified that the right shall be a permanent and unconditional one, and not a temporary one, as in the case of a lease agreement.

8.3 Current Regulation

“(4) A certificate of registration shall expire on the fifteenth day after the date on which the holder of the certificate of registration has transferred to another person right of possession of the aircraft.”

9.1 Proposed amendment of regulation 47.00.10(Notification of transfer of right of possession of aircraft)

It is proposed to amend regulation 47.00.10 through the substitution of the introductory paragraph of sub-regulation (5) with the following new introductory paragraph:

“(5) From the date on which a certificate of registration has become invalid in terms of sub-regulation (4), no person shall use the aircraft specified in the certificate unless and until such time as –“

9.2 Motivation

The amendment is subsequent to the proposed amendment in paragraph 8.1 above. Furthermore, an ambiguity in the original text has been removed. (Fifteen days after fifteen days)

9.3 Current regulation

“(5) From the commencement of the fifteenth day after the date on which a certificate of registration expires, no person shall use the aircraft specified in the certificate unless and until such time as –“

10.1 Proposed amendment of regulation 47.00.10(Notification of right of possession of aircraft)

It is proposed to amend regulation 47.00.10 through the substitution of the introductory paragraph of sub-regulation (6) with the following new introductory paragraph:

“(6) From the date on which a certificate of registration has become invalid in terms of sub-regulation (4), the Commissioner shall have the right –“

10.2 Motivation

The amendment is subsequent to the proposed amendment in paragraph 8.1 above. Furthermore, an ambiguity in the original text has been removed. (Fifteen days after fifteen days)

10.3 Current regulation

“(6) From the commencement of the fifteenth day after the date on which a certificate of registration expires the Commissioner shall have the right –“

11.1 Proposed amendment of regulation 47.00.11(Application for cancellation of registration)

It is proposed to amend sub-regulation (3) of regulation 47.00.11 through the substitution of sub-regulation (b) with the following new sub-regulation (b):

“(b) is damaged beyond repair and becomes permanently useless as an aircraft; or”

11.2 Motivation

To specify more clearly why the aircraft becomes useless as an aircraft.

11.3 Current regulation

“(b) becomes permanently useless as an aircraft; or”

12.1 Proposed amendment of regulation 47.00.12(Cancellation of registration)

It is proposed to amend sub-regulation (2) of regulation 47.00.12 through the substitution of sub-regulation (b) with a new sub-regulation as follows:

“(b) that the certificate of registration has been invalidated in terms of sub-regulation 47.00.10(4) without having received an application as referred to in regulation 47.00.11(2).”

12.2 Motivation

The amendment is subsequent to the proposed amendment in paragraph 8.1 above.

12.3 Current regulation

“(b) that the certificate of registration had expired in terms of sub-regulation 47.00.10(4) without having received an application as referred to in regulation 47.00.11(2).”

13.1 Proposed amendment of regulation 47.00.13(Duration of certificate of registration)

It is proposed to amend regulation 47.00.13 through the substitution of the following new regulation 47.00.13:

“Duration of certificate of registration

47.001.13 (1) A certificate of registration shall remain in force until –

- (a) it has been invalidated in terms of regulation 47.00.10(4); or
- (b) the registration of the aircraft in respect of which such certificate of registration was issued, is cancelled by the Commissioner.

- (2) The holder of a certificate of registration that has become invalid in terms of this Part shall surrender the certificate of registration to the Commissioner within 14 days from the date on which the certificate became invalid.”

13.2 Motivation

The amendment is subsequent to the proposed amendment in paragraph 8.1 above.

13.3 Current regulation

“Duration of certificate of registration

47.001.13 (1) A certificate of registration shall remain in force until –

- (a) it expires in terms of regulation 47.00.10(4); or
- (b) the registration of the aircraft in respect of which such certificate of registration was issued, is cancelled by the Commissioner.

- (2) The holder of a certificate of registration which has expired, shall surrender the certificate of registration to the Commissioner within 14 days from the date of expiry.”

SCHEDULE 3

Proposals to amend Part 61 (Pilot licensing) and Part 91 (General operating and flight rules) of the Civil Aviation Regulations of 1997

14.1 Proposed substitution of Subpart 10 and deletion of Subparts 11 and 12 of Part 61

It is proposed to substitute Subpart 10 of Part 61 with the following new Subpart 10 as follows and to delete Subparts 11 and 12:

SUBPART 10 GLIDER PILOT LICENCE

“ Requirements for glider pilot licence

61.10.1 An applicant for the issuing of a glider pilot licence shall –

- (a) be not less than 16 years of age;
- (b) hold at least a valid Class 2 medical certificate issued in terms of Part 67;
- (c) hold at least a valid restricted radiotelephony operator's certificate;
- (d) hold at least a valid student pilot licence;
- (e) have acquired the experience referred to in regulation 61.10.2;
- (f) have successfully completed the training referred to in regulation 61.10.3;
- (g) have passed the theoretical knowledge examination referred to in regulation 61.10.4; and
- (h) have undergone the skill test referred to in regulation 61.10.5.

Experience

61.10.2 (1) An applicant for the issuing of a glider pilot licence shall –

- (a) have completed not less than six hours flight time in a glider suitable for cross-country flights of which not less than two hours shall be solo flight time; and
 - (b) have performed not less than 20 launches and landings.
- (2) Notwithstanding the provisions of sub-regulation (1), where the applicant has flight time as a pilot of aeroplanes, the prescribed experience may be reduced at the discretion of the testing officer to not less than 3 hours flight time, of which not less than one hour shall be solo flight time, and not less than 10 launches and landings.

Training

61.10.3 An applicant for the issuing of a glider pilot licence shall have successfully completed the appropriate training as prescribed in Document SA-CATS-FCL.

Theoretical knowledge examination

61.10.4 An applicant for the issuing of a glider pilot licence shall have passed the appropriate written examination as prescribed in Document SA-CATS-FCL.

Skill test

- 61.10.5** (1) An applicant for the issuing of a glider pilot licence shall demonstrate to the holder of a Grade I glider flight instructor rating the ability to perform, as pilot-in-command of a glider, the procedures and maneuvers as prescribed in Document SA-CATS-FCL, with a degree of competency appropriate to the privileges granted to the holder of a glider pilot licence.
- (2) The applicant shall undergo the skill test referred to in sub-regulation (1) within 90 days of passing the theoretical knowledge examination referred to in regulation 61.10.4 and within 60 days immediately preceding the date of application.

Application for glider pilot licence

61.10.6 An application for the issuing of a glider pilot licence shall –

- (a) be made to the Commissioner on the appropriate form as prescribed in Document SA-CATS-FCL; and
- (b) be accompanied by –
- (i) the original or a certified true copy of a valid Class 2 or Class 1 medical certificate, issued in terms of Part 67;
 - (ii) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 61.10.4;
 - (iii) the skill test report as prescribed in Document SA-CATS-FCL; and
 - (iv) the appropriate fee as prescribed in Part 187.

Issuing of glider pilot licence

- 61.10.7** (1) The Commissioner shall issue a glider pilot licence if the applicant complies with the requirements referred to in regulation 61.10.1.
- (2) A glider pilot licence shall be issued on the appropriate form as prescribed in Document SA-CATS-FCL.

Period of validity

61.10.8 A glider pilot licence shall be valid for an indefinite period with the proviso that the privileges of the licence shall not be exercised by the holder thereof unless –

- (a) he or she holds a valid Class 2 or Class 1 medical certificate issued in terms of Part 67;
- (b) he or she complies with the provisions of regulation 61.10.11; and

- (c) he or she holds an appropriate valid class and type rating.

Privileges of a glider pilot licence

61.10.9 The holder of a glider pilot licence shall be entitled –

- (a) to act by day in VMC as pilot-in-command of any glider for which he or she is type rated and for which he or she has operational experience in the launching method being used;
- (b) to exercise the privileges of the licence for any of the special purposes referred to in regulation 61.10.10(1), if he or she holds the appropriate valid rating;
- (c) to exercise the foregoing privileges while carrying passengers, provided he or he has completed not less than 10 hours of flight time including at least 15 landings as pilot-in-command of a glider of the same class as that in which such passenger flight is to be undertaken: Provided that for the purpose of this sub-regulation the classes 'glider' and 'power-assisted gliders' shall be deemed to be one and the same class; and
- (d) to exercise the foregoing privileges for remuneration and in commercial air transport operations, provided he or she has attained the age of 18 and completed not less than 60 hours of flight time on a glider of which not less than 20 hours shall have been on a glider of the same class as that in which the flight for remuneration or in a commercial air transport operation is to be undertaken, of which flight time at least 20 hours and 5 hours respectively shall have been as pilot-in-command: Provided that for the purpose of this sub-regulation the classes 'glider' and 'power-assisted gliders' shall be deemed to be one and the same class.

Rating for special purposes

61.10.10 (1) The ratings for special purposes associated with a glider pilot licence are –

- (a) a Grade II glider flight instructor rating;
- (b) a Grade I glider flight instructor rating;
- (c) a power-assisted glider rating; and
- (d) a touring glider rating.

- (2) An application for any of the ratings referred to in sub-regulation (1) shall be made in accordance with the regulations in this Part and Subparts 23, 24 or 37, as the case may be.
- (3) The requirements for the issuing of a power-assisted rating shall be as prescribed in SA-CATS-FCL.

Maintenance of competency

61.10.11 The holder of a glider pilot licence shall not act as pilot-in-command of a glider transporting a passenger unless he or she has within the 90 days immediately preceding the flight on which such passenger is to be transported, executed not less than three launches/take-offs and three landings in a glider of the same class as that in which such passenger flight is to be undertaken: Provided that for the purpose of this regulation the classes 'glider' and 'power-assisted gliders' shall be deemed to be one and the same class.

14.2 Motivation

Part 61 has never been put in operation. The Part is under review, to bring it in line with ICAO requirements and to align South African regulations with best international practices. The proposed new Subpart has been circularised to interested parties and reflects the ICAO requirements for a glider pilot licence.

Subpart 11 is substituted by the proposed new Subpart 10.

The current Subpart 10 is to be substituted by a generic new Subpart 9 'Restricted Commercial Pilot Licence'.

Subpart 12 reflects an over-regulation: ICAO does not restrict the holder of a glider pilot licence to non-revenue, non-commercial operations only, nor requires the issue of a commercial glider pilot licence. The proposed new Subpart 10 prescribes additional experience before the holder of a glider pilot licence may act as pilot-in-command of a glider in a commercial air transport operation.

Furthermore, it is the intention to provide for the issue of a glider flight instructor licence to glider pilots either without such pilots either having to be the holder of a commercial (glider) pilot licence or alternatively, to be the holder of a restricted commercial pilot licence endorsed in the category gliders. (The latter as well as the glider flight instructor ratings are still under development.)

Note: 1) The current Subpart 10 intended to provide for the licensing of commercial microlight pilots. A new Subpart 9 is in the process of being drafted, to provide for a restricted commercial pilot licence for the commercial operation of microlights and other categories of aircraft.

2) *The references in proposed new sub-regulation 61.10.10 (2) are to current Subparts 32 and 31 (to be renumbered as 23 and 24 at a later stage, when the restructuring of Part 61 is complete) and to a proposed new Subpart 37.*

14.3 Current Regulation

The proposed Subpart 10 substitutes the current Subpart 11. However, the latter has never been put into operation. *De facto*, glider pilots are licensed in terms of the Air Navigation Regulations of 1976 (which are still in force in respect of licensing issues). The relevant regulations reads as follows:

Aircraft ratings for pilots and flight instructors

2.4 (1) Aircraft ratings for pilots and flight instructors shall comprise-

- (a) category rating;
- (b) class rating;
- (c) type rating;
- (d) group type rating.

(2) Category ratings shall comprise-

- (d) gliders;

(3) Class ratings shall comprise-

- (d) for gliders –

- (i) unpowered gliders;
- (ii) powered gliders.

(6) Type ratings for gliders shall comprise a rating by name for each type of glider.

Period of validity

2.12 Subject to the prescribed requirements being met, a licence or rating may be issued, renewed or reissued–

for a period of–

twenty-four months for a glider pilot.

Effective period of reports of medical fitness

2.19 Subject to the provisions of regulations 2.21 and 2.22 a report of medical fitness issued in terms of these regulations shall be effective –

for a period of—

twenty-four months for a glider pilot:

Provided that in the case of a glider pilot who is 40 years of age or over, the report of medical fitness shall not be effective for more than 12 months.

Privileges of and limitations on licence holders

Glider pilots

2.29 The holder of a valid glider pilot's licence shall be permitted, subject to regulations 2.3 and 2.36, to act as pilot-in-command of any glider in VMC by day or by night but may only carry passengers therein if he has at least ten hours' flight experience as a glider pilot and provided that he shall have acquired previous experience of the type of launching to be used for the flight in which such passengers are to be carried.

Privileges of and limitations on rating holders

2.34 (1) The holder of a valid pilot category rating, class rating or type rating shall be permitted to act as pilot-in-command of an aircraft of that category, class or type concerned.

Maintenance of competency: Minimum landings before carrying passengers

2.36 No person shall act as pilot-in-command of an aircraft carrying a passenger unless he has, within the six months immediately preceding the flight on which such passenger is to be carried, carried out three take-offs and three landings in an aircraft of the same category as that in which such passenger-carrying flight is to be undertaken or in a simulator approved for such purpose by the Commissioner.

Maintenance of competency: Minimum landings before carrying passengers by night

2.37 No person shall act as pilot-in-command of an aircraft carrying a passenger by night unless he has, within the six months immediately preceding the flight on which such passenger is to be carried, carried out not less than three take-offs by night and three landings by night in an aircraft of the same category as that in which such passenger-carrying flight is to be undertaken or in a simulator approved for such purpose by the Commissioner.

Requirements for the issue and renewal of flight crew member licences, certificates and ratings

Glider pilots

3.17 (1) An applicant for a glider pilot's licence shall—

- (a) be the holder of at least a valid restricted radiotelephone operator's certificate;

- (aA) be the holder of a valid student pilot's or higher grade licence;
 - (b) be not less than 16 years of age;
 - (c) have passed an examination conducted by an organisation approved for this purpose by the Commissioner as to his knowledge of—
 - (i) the visual flight rules regulations;
 - (ii) the elementary principles of aeronautical charts; meteorology in relation to flight in gliders; the compass and instruments used in gliders; theory of flight; and glider operating limitations;
 - (d) have completed not less than six hours' flight time in a glider suitable for cross-country flights; the total of six hours shall include two hours' solo flight time, during which he shall have performed not less than 20 take-offs and landings: Provided that, where he is the holder of a licence to fly aeroplanes, these requirements may be reduced in accordance with his degree of skill and experience;
 - (e) have passed a practical flight test with a person designated by an organisation approved by the Commissioner which person is familiar with emergency flight manoeuvres appropriate to a glider suitable for cross-country flights. The candidate's ability to execute such manoeuvres with a degree of ability and competency expected of a glider pilot must be tested.
- (2) An applicant for the renewal of a glider pilot's licence shall be the holder of a valid radiotelephony operator's licence and shall submit to the Commissioner a certificate of competency signed by the designated persons as prescribed in subregulation (1) (e) wherein it is certified that the applicant has completed not less than three hours flight time as pilot-in-command within the 12 months immediately preceding the date of application or, in lieu of three hours flight time, has completed the test prescribed in subregulation (1) (e).

CAR Part 67 Medical Certification

"Classes of medical certification

67.00.2 (1) The classes of medical certification are:

- (a) Class 1 –
 - (iv) commercial glider pilot;
- (d) Class 4 –
 - (ii) glider pilot.

Note: The current Subpart 10 intended to provide for the licensing of commercial microlight pilots. A new Subpart 9 is in the process of being drafted, to provide for a restricted commercial pilot licence for the commercial operation of microlights and other categories of aircraft.

14.4. Technical Standards

Proposed new or amended Technical Standards related to the above proposed amendment of the Regulations are published for comment in an Aeronautical Information Circular and published on the website of the Civil Aviation Authority www.caa.co.za.

15.1 Proposed substitution of Subpart 11 and deletion of Subpart 13 of Part 61

It is proposed to substitute Subpart 11 of Part 61 with the following new Subpart 11 as follows and to delete Subpart 13 :

SUBPART 11 FREE BALLOON PILOT LICENCE

Requirements for free balloon pilot licence

61.11.1 An applicant for the issuing of a free balloon pilot licence shall –

- (a) be not less than 16 years of age;
- (b) hold at least a valid Class 2 medical certificate issued in terms of Part 67;
- (c) hold at least a valid restricted radiotelephony operator's certificate;
- (d) hold at least a valid student pilot licence;
- (e) have acquired the experience referred to in regulation 61.11.2;
- (f) have successfully completed the training referred to in regulation 61.11.3;
- (g) have passed the theoretical knowledge examination referred to in regulation 61.11.4; and
- (h) have undergone the skill test referred to in regulation 61.11.5.

Experience

61.11.2 An applicant for the issuing of a free balloon pilot licence shall –

- (a) have completed not less than 16 hours flight time in a free balloon; and
- (b) have performed not less than 8 launches and ascents of which one must be solo.

Training

61.11.3 An applicant for the issuing of a free balloon pilot licence shall have successfully completed the appropriate training as prescribed in Document SA-CATS-FCL.

Theoretical knowledge examination

61.11.4 An applicant for the issuing of a free balloon pilot licence shall have passed the appropriate written examination as prescribed in Document SA-CATS-FCL.

Skill test

- 61.11.5** (1) An applicant for the issuing of a free balloon pilot licence shall demonstrate to the holder of a free balloon flight instructor rating the ability to perform, as pilot-in-command of a free balloon, the procedures and maneuvers as prescribed in Document SA-CATS-FCL, with a degree of competency appropriate to the privileges granted to the holder of a free balloon pilot licence.
- (2) The applicant shall undergo the skill test referred to in sub-regulation (1) within 90 days of passing the theoretical knowledge examination referred to in regulation 61.11.4 and within 60 days immediately preceding the date of application.

Application for free balloon pilot licence

61.11.6 An application for the issuing of a free balloon pilot licence shall –

- (a) be made to the Commissioner on the appropriate form as prescribed in Document SA-CATS-FCL; and
- (b) be accompanied by –
 - (i) the original or a certified true copy of a valid Class 2 or Class 1 medical certificate, issued in terms of Part 67;
 - (ii) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 61.11.4;
 - (iii) the skill test report as prescribed in Document SA-CATS-FCL; and
 - (iv) the appropriate fee as prescribed in Part 187.

Issuing of free balloon pilot licence

- 61.11.7** (1) The Commissioner shall issue a free balloon pilot licence if the applicant complies with the requirements referred to in regulation 61.11.1.
- (2) A free balloon pilot licence shall be issued on the appropriate form as prescribed in Document SA-CATS-FCL.

Period of validity

61.11.8 A free balloon pilot licence shall be valid for an indefinite period with the proviso that the privileges of the licence shall not be exercised by the holder thereof unless –

- (a) he or she holds a valid Class 2 or Class 1 medical certificate issued in terms of Part 67;
- (b) he or she complies with the provisions of regulation 61.11.11; and
- (c) he or she holds an appropriate valid class and type rating.

Privileges of a free balloon pilot licence

61.11.9 The holder of a free balloon pilot licence shall be entitled –

- (a) to act by day in VMC as pilot-in-command of any free balloon for which he or she holds a group-type rating, provided that he or she has operational experience in hot air or gas balloons, as appropriate;
- (b) to exercise the privileges of the licence for any of the special purposes referred to in regulation 61.11.10(1), if he or she holds the appropriate valid rating;
- (c) to exercise the foregoing privileges while carrying passengers, provided he or she has completed at least one launch and ascent in a free balloon of the same class as that in which such passenger flight is to be undertaken: Provided that if the launch and ascent has been undertaken in a free balloon of a size in excess of 15 000 m² this requirement shall be deemed to have been complied with in respect of a free balloon of a smaller size as well; and
- (d) to exercise the foregoing privileges for remuneration and in a commercial air transport operation, provided he or she has completed at least three launches and ascents in a free balloon of the same class as that in which such flight is to be undertaken:

Provided that if the launches and ascents have been undertaken in a free balloon of a size in excess of 15 000 m² this requirement shall be deemed to have been complied with in respect of a free balloon of a smaller size as well.

Rating for special purposes

61.11.10 (1) The rating for special purposes associated with a free balloon pilot licence is a flight instructor rating;

(2) An application for a free balloon flight instructor rating shall be made in accordance with the regulations prescribed in subpart 25.

Maintenance of competency

61.11.11 The holder of a free balloon pilot licence shall not act as pilot-in-command of a free balloon unless he or she –

- (a) has within the 12 months immediately preceding the flight executed at least one launch and ascent in a free balloon of the same class as that in which such flight is to be undertaken:
Provided that if the launch and ascent has been undertaken in a free balloon of a size in excess of 15 000 m² this requirement shall be deemed to have been complied with in respect of a free balloon of a smaller size as well; or
- (b) has within the 90 days immediately preceding the flight undergone the skill test referred to in regulation 61.11.5.

15.2 Motivation:

Part 61 has never been put in operation. The Part is under review, to bring it in line with ICAO requirements and to align South African regulations with best international practices. The proposed new Subpart has been circularised to interested parties and reflects the ICAO requirements for a free balloon pilot licence.

Subpart 13 is substituted by the proposed new Subpart 11.

The current Subpart 11 will be substituted by the proposed new Subpart 10 (see paragraph 14 above).

ICAO does not restrict the holder of a free balloon pilot licence to non-revenue, non-commercial operations only, nor requires the issue of a commercial glider pilot licence. The proposed new Subpart 11 prescribes additional experience before the holder of a free balloon pilot licence may act as pilot-in-command of a free balloon in a commercial air transport operation. Furthermore, it is the intention to provide for the issue of a free balloon flight instructor licence to free

balloon pilots either without such pilots having to be the holder of a commercial (free balloon) pilot licence or alternatively, to be the holder of a restricted commercial pilot licence endorsed in the category free balloons. (The latter as well as the free balloon flight instructor ratings are still under development.)

Note: The reference in proposed new sub-regulation 61.11.10(2) is a reference to the current Subpart 33, to be renumbered as Subpart 24 when the restructuring of Part 61 is complete.

15.3 Current Regulation

The proposed Subpart 11 substitutes the current Subpart 12. However, the latter has never been put into operation. *De facto*, free balloon pilots are licensed in terms of the (withdrawn) Air Navigation Regulations of 1976 as follows:

Aircraft ratings for pilots and flight instructors

2.4 (1) Aircraft ratings for pilots and flight instructors shall comprise-

- (a) category rating;
- (b) class rating;
- (c) type rating;
- (d) group type rating.

(2) Category ratings shall comprise-

- (f) free balloons

(6) Type ratings for free balloons shall comprise a rating by name for each type of glider.

Period of validity

2.12 Subject to the prescribed requirements being met, a licence or rating may be issued, renewed or reissued-

for a period of-

twenty-four months for a free balloon pilot.

Effective period of reports of medical fitness

2.19 Subject to the provisions of regulations 2.21 and 2.22 a report of medical fitness issued in terms of these regulations shall be effective -

for a period of-

twenty-four months for a free balloon pilot:

Provided that in the case of a free balloon pilot who is 40 years of age or over, the report of medical fitness shall not be effective for more than 12 months.

Privileges of and limitations on licence holders

Free balloon pilots

2.30 The holder of a valid free balloon pilot's licence shall be permitted, subject to regulations 2.3 and 2.36, to act as pilot-in-command of any free balloon and to carry passengers therein: Provided that prior to exercising this privilege by night, he shall have carried out two ascents by night of an average duration of two hours each under the supervision of a free balloon pilot designated for such instructions by an organisation approved by the Commissioner.

Privileges of and limitations on rating holders

2.34 (1) The holder of a valid pilot category rating, class rating or type rating shall be permitted to act as pilot-in-command of an aircraft of that category, class or type concerned.

Maintenance of competency: Minimum landings before carrying passengers

2.36 No person shall act as pilot-in-command of an aircraft carrying a passenger unless he has, within the six months immediately preceding the flight on which such passenger is to be carried, carried out three take-offs and three landings in an aircraft of the same category as that in which such passenger-carrying flight is to be undertaken or in a simulator approved for such purpose by the Commissioner.

Maintenance of competency: Minimum landings before carrying passengers by night

2.37 No person shall act as pilot-in-command of an aircraft carrying a passenger by night unless he has, within the six months immediately preceding the flight on which such passenger is to be carried, carried out not less than three take-offs by night and three landings by night in an aircraft of the same category as that in which such passenger-carrying flight is to be undertaken or in a simulator approved for such purpose by the Commissioner.

Requirements for the issue and renewal of flight crew member licences, certificates and ratings

"Free balloon pilots

3.18 An applicant for a free balloon pilot's licence shall—

- (1) be not less than 17 years of age;
- (2) be the holder of at least a valid restricted radiotelephone operator's certificate;

(3) have passed an examination conducted by an official examiner, or by an organisation approved for this purpose by the Commissioner on his knowledge of—

- (a) basic theory of flight and aerostatics relating to free balloons;
- (b) the relevant type of free balloons and the accessories, inflation and rigging thereof, the management of ascents therewith, and the cautions against cold and high altitudes;
- (c) the contents of the AIP, AIP SUP and NOTAMs currently in force;
- (d) the rules and regulations relevant to the privileges of the holder of a free balloon pilot's licence, including the appropriate air traffic services, practices and procedures;
- (e) the application of elementary aeronautical meteorology and the procedures for obtaining meteorological information;
- (f) practical aspects of cross-country flight, including the use of aeronautical charts;
- (g) the use of instruments and equipment for VFR flights including altimeter setting procedures; and
- (f) the appropriate safe practices and emergency procedures; and

(4) (a) have completed not less than eight ascents of an average duration of two hours which shall include:

- (i) six ascents under instruction of a licensed balloon pilot approved for such instruction by an organisation approved by the Commissioner;
- (ii) one ascent, to the maximum altitude appropriate to the type of balloon concerned, executed by such applicant under the supervision of a licensed balloon pilot approved for such supervision by an organisation approved by the Commissioner; and
- (iii) one ascent executed by such applicant as the sole occupant of the balloon under the supervision of a licensed balloon pilot approved for such supervision

by an organisation approved by the Commissioner;
and

- (b) with a licensed free balloon pilot approved for such testing by an organisation approved by the Commissioner, pass a practical test relating –
 - (i) to his familiarity with ripping seams and, where applicable, his ability to patch such seams;
 - (ii) to his ability to perform normal ascents and manoeuvres under difficult conditions, with a degree of competency appropriate to a free balloon pilot; and
 - (iii) to his ability, where applicable, to operate and use steering mechanisms and power plants.

3.18A An applicant for the renewal of a free balloon pilot's licence shall submit to the Commissioner either –

- (i) his logbook showing that he has completed not less than two ascents with an average duration of two hours within the 12 months immediately preceding the date of application; or
- (ii) a certificate signed by an approved licensed free balloon pilot certifying that he has passed the test prescribed in paragraph 3.18(4)(b)."

CAR Part 67 Medical Certification

Classes of medical certification

"67.00.2 (1) The classes of medical certification are:

- (a) Class 1 –
 - (viii) free balloon pilot for commercial purposes;
- (d) Class 4 –
 - (v) free balloon pilot for non-commercial purposes."

15.4. Technical Standards

Proposed new or amended Technical Standards related to the above proposed amendment of the Regulations are published for comment in an Aeronautical

Information Circular and published on the website of the Civil Aviation Authority
www.caa.co.za.

16.1 Proposed substitution of Subpart 12 and deletion of Subpart 14 of Part 61

It is proposed to substitute Subpart 12 with the following new Subpart 12 as follows and to delete Subpart 14:

SUBPART 12 AIRSHIP PILOT LICENCE

“Requirements for airship pilot licence

61.12.1 An applicant for the issuing of an airship pilot licence shall –

- (a) be not less than 18 years of age;
- (b) hold at least a valid Class 2 medical certificate issued in terms of Part 67;
- (c) hold at least a valid restricted radiotelephony operator's certificate;
- (d) hold at least a valid student pilot licence;
- (e) have acquired the experience referred to in regulation 61.12.2;
- (f) have successfully completed the training referred to in regulation 61.12.3;
- (g) have passed the theoretical knowledge examination referred to in regulation 61.12.4; and
- (h) have undergone the skill test referred to in regulation 61.12.5.

Experience

61.12.2 An applicant for the issuing of an airship pilot licence shall –

- (a) have completed not less than 16 hours flight time in an airship; and
- (b) have performed not less than 8 launches and ascents under instruction of the holder of an appropriately rated airship flight instructor, of which one launch and ascent must be while carrying out all the functions of the pilot-in-command and while manipulating the controls without the assistance of or interference by another holder of an airship pilot licence.

Training

61.12.3 An applicant for the issuing of an airship pilot licence shall have successfully completed the appropriate training as prescribed in Document SA-CATS-FCL.

Theoretical knowledge examination

61.12.4 An applicant for the issuing of an airship pilot licence shall have passed the appropriate written examination as prescribed in Document SA-CATS-FCL.

Skill test

- 61.12.5** (1) An applicant for the issuing of an airship pilot licence shall demonstrate to the holder of an airship flight instructor rating the ability to perform, as pilot-in-command of an airship, the procedures and manoeuvres as prescribed in Document SA-CATS-FCL, with a degree of competency appropriate to the privileges granted to the holder of an airship pilot licence.
- (2) The applicant shall undergo the skill test referred to in sub-regulation (1) within 90 days of passing the theoretical knowledge examination referred to in regulation 61.12.4 and within 60 days immediately preceding the date of application.

Application for airship pilot licence

61.12.6 An application for the issuing of an airship pilot licence shall –

- (a) be made to the Commissioner on the appropriate form as prescribed in Document SA-CATS-FCL; and
- (b) be accompanied by –
 - (i) the original or a certified true copy of a valid Class 2 or Class 1 medical certificate, issued in terms of Part 67;
 - (ii) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 61.12.4;
 - (iii) the skill test report as prescribed in Document SA-CATS-FCL; and
 - (iv) the appropriate fee as prescribed in Part 187.

Issuing of airship pilot licence

- 61.12.7** (1) The Commissioner shall issue an airship pilot licence if the applicant complies with the requirements referred to in regulation 61.12.1.
- (2) An airship pilot licence shall be issued on the appropriate form as prescribed in Document SA-CATS-FCL.

Period of validity

61.12.8 An airship pilot licence shall be valid for an indefinite period with the proviso that the privileges of the licence shall not be exercised by the holder thereof unless –

- (a) he or she holds a valid Class 2 or Class 1 medical certificate issued in terms of Part 67;

- (b) he or she complies with the provisions of regulation 61.12.11; and
- (c) he or she holds an appropriate valid class rating.

Privileges of an airship pilot licence

61.12.9 The holder of an airship pilot licence shall be entitled –

- (a) to act by day in VMC as pilot-in-command of any airship for which he or she holds a class rating;
- (b) to exercise the privileges of the licence for any of the special purposes referred to in regulation 61.12.10(1), if he or she holds the appropriate valid rating;
- (c) to exercise the foregoing privileges while carrying passengers, provided he or she has executed within the 90 days immediately preceding the flight on which such passengers are to be carried at least one launch and ascent in an airship of the same class as that in which such passenger flight is to be undertaken; and
- (d) to exercise the foregoing privileges for remuneration and in a commercial air transport operation, provided he or she has completed at least three launches and ascents in an airship of the same class as that in which such flight is to be undertaken.

Rating for special purposes

61.12.10 (1) The rating for special purposes associated with an airship pilot licence are:

- (a) a night rating; and
 - (b) a. flight instructor rating
- (2) An application for any of the special purpose ratings referred to in sub-regulation (1) shall be made in accordance with the regulations prescribed in subpart 14 and subpart 25 respectively.

Maintenance of competency

61.12.11 The holder of an airship pilot licence shall not act as pilot-in-command of an airship unless he or she –

- (a) has within the 12 months immediately preceding the flight executed at least one launch and ascent in an airship of the same class as that in which such flight is to be undertaken; or

- (b) has within the 90 days immediately preceding the flight undergone the skill test referred to in regulation 61.12.5.”

16.2 Motivation:

Part 61 has never been put in operation. The Part is under review, to bring it in line with ICAO requirements and to align South African regulations with best international practices. The proposed new Subpart has been circularised to interested parties.

ICAO doesn't provide for a separate airship licence and appears to consider an airship as a free balloon. The motivation for separating the free balloon and the airship pilot licences is *inter alia* because in South Africa night flight with free balloons is to be prohibited, and airships are engine-propelled and are under steering control.

Subpart 14 is substituted by the proposed new Subpart 12.

The current Subpart 12 is to be replaced by a generic Subpart 9 'Restricted Commercial Pilot Licence'.

It is the intention to provide for the issue of an airship flight instructor licence to airship pilots either without such pilots having to be the holder of a commercial (airship) pilot licence or alternatively, to be the holder of a restricted commercial pilot licence endorsed in the category airships. (The latter as well as the airship flight instructor ratings are still under development.)

Note: The references in proposed new sub-regulation 61.12.10(2) are references to the proposed new Subpart 14 'Night Rating' and the current Subpart 34, to be renumbered as Subpart 25 when the restructuring of Part 61 is complete.

16.3 Current Regulation

The proposed Subpart 12 substitutes the current Subpart 14. However, the latter has never been put into operation. *De facto*, airship pilots are licensed in terms of the Air Navigation Regulations of 1976 (which are still in force in respect of licensing matters). The relevant regulations read as follows:

“Aircraft ratings for pilots and flight instructors

2.4 (1) Aircraft ratings for pilots and flight instructors shall comprise-

- (a) category rating;
- (b) class rating;
- (c) type rating;
- (d) group type rating.

- (2) Category ratings shall comprise-
- (g) unconventional aircraft, that is aircraft excluding the aircraft mentioned in paragraph (a) to (f). *(The ANR do not refer to airships.)*
- (6) Type ratings for unconventional aircraft shall comprise a rating by name for each unconventional type of aircraft.

Period of validity

2.12 Subject to the prescribed requirements being met, a licence or rating may be issued, renewed or reissued-

for a period of-

twenty-four months for a free balloon pilot. *(The ANR do not provide for a separate airship pilot licence nor for an unconventional aircraft pilot licence. The free balloon requirements are substituted for airships.)*

Effective period of reports of medical fitness

2.19 Subject to the provisions of regulations 2.21 and 2.22 a report of medical fitness issued in terms of these regulations shall be effective -

for a period of-

twenty-four months for a free balloon pilot:

Provided that in the case of a free balloon pilot who is 40 years of age or over, the report of medical fitness shall not be effective for more than 12 months. *(See note above.)*

Privileges of and limitations on licence holders**Free balloon (airship) pilots**

2.30 The holder of a valid free balloon (airship) pilot's licence shall be permitted, subject to regulations 2.3 and 2.36, to act as pilot-in-command of any free balloon (airship) and to carry passengers therein: Provided that prior to exercising this privilege by night, he shall have carried out two ascents by night of an average duration of two hours each under the supervision of a free balloon (airship) pilot designated for such instructions by an organisation approved by the Commissioner.

Privileges of and limitations on rating holders

2.34 (1) The holder of a valid pilot category rating, class rating or type rating shall be permitted to act as pilot-in-command of an aircraft of that category, class or type concerned.

Maintenance of competency: Minimum landings before carrying passengers

2.36 No person shall act as pilot-in-command of an aircraft carrying a passenger unless he has, within the six months immediately preceding the flight on which such passenger is to be carried, carried out three take-offs and three landings in an aircraft of the same category as that in which such passenger-carrying flight is to be undertaken or in a simulator approved for such purpose by the Commissioner.

Maintenance of competency: Minimum landings before carrying passengers by night

2.37 No person shall act as pilot-in-command of an aircraft carrying a passenger by night unless he has, within the six months immediately preceding the flight on which such passenger is to be carried, carried out not less than three take-offs by night and three landings by night in an aircraft of the same category as that in which such passenger-carrying flight is to be undertaken or in a simulator approved for such purpose by the Commissioner."

Requirements for the issue and renewal of flight crew member licences, certificates and ratings**"Free balloon (*airship*) pilots**

3.18 An applicant for a free balloon (*airship*) pilot's licence shall—

- (1) be not less than 17 years of age;
- (2) be the holder of at least a valid restricted radiotelephone operator's certificate;
- (3) have passed an examination conducted by an official examiner, or by an organisation approved for this purpose by the Commissioner on his knowledge of—
 - (a) basic theory of flight and aerostatics relating to free balloons (*airships*);
 - (b) the relevant type of free balloons (*airships*) and the accessories, inflation and rigging thereof, the management of ascents therewith, and the cautions against cold and high altitudes;
 - (c) the contents of the AIP, AIP SUP and NOTAMs currently in force;
 - (d) the rules and regulations relevant to the privileges of the holder of a free balloon (*airship*) pilot's licence, including

- the appropriate air traffic services, practices and procedures;
 - (e) the application of elementary aeronautical meteorology and the procedures for obtaining meteorological information;
 - (f) practical aspects of cross-country flight, including the use of aeronautical charts;
 - (g) the use of instruments and equipment for VFR flights including altimeter setting procedures; and
 - (h) the appropriate safe practices and emergency procedures; and
- (4) (a) have completed not less than eight ascents of an average duration of two hours which shall include:
- (i) six ascents under instruction of a licensed balloon (*airship*) pilot approved for such instruction by an organisation approved by the Commissioner;
 - (ii) one ascent, to the maximum altitude appropriate to the type of balloon (*airship*) concerned, executed by such applicant under the supervision of a licensed balloon (*airship*) pilot approved for such supervision by an organisation approved by the Commissioner; and
 - (iii) one ascent executed by such applicant as the sole occupant of the balloon (*airship*) under the supervision of a licensed balloon (*airship*) pilot approved for such supervision by an organisation approved by the Commissioner; and
- (b) with a licensed free balloon (*airship*) pilot approved for such testing by an organisation approved by the Commissioner, pass a practical test relating –
- (i) to his familiarity with ripping seams and, where applicable, his ability to patch such seams;
 - (ii) to his ability to perform normal ascents and manoeuvres under difficult conditions, with a degree of competency appropriate to a free balloon (*airship*) pilot; and

- (iii) to his ability, where applicable, to operate and use steering mechanisms and power plants. (*This appears to confirm that an airship was considered to be a free balloon under the old ANR.*)

3.18A An applicant for the renewal of a free balloon (*airship*) pilot's licence shall submit to the Commissioner either –

- (i) his logbook showing that he has completed not less than two ascents with an average duration of two hours within the 12 months immediately preceding the date of application; or
- (ii) a certificate signed by an approved licensed free balloon (*airship*) pilot certifying that he has passed the test prescribed in paragraph 3.18(4)(b)."

CAR Part 67 Medical Certification

"Classes of medical certification

67.00.2 (1) The classes of medical certification are:

- (a) Class 1 –
 - (vii) airship pilot for commercial purposes;
- (d) Class 4 –
 - (iv) airship pilot for non-commercial purposes".

16.4. Technical Standards

Proposed new or amended Technical Standards related to the above proposed amendment of the Regulations are published for comment in an Aeronautical Information Circular and published on the website of the Civil Aviation Authority www.caa.co.za.

17.1 Proposed substitution of Subpart 14 of Part 61 and deletion of Subpart 39

It is proposed to substitute Subpart 14 with a new Subpart 14 as follows and to delete Subpart 39:

SUBPART 14 NIGHT RATING

"Requirements for night rating

61.14.1 An applicant for the issuing of a night rating shall –

- (a) hold a valid pilot licence;
- (b) have acquired the experience referred to in Regulation 61.14.2;
- (c) have passed the theoretical knowledge examination referred to in Regulation 61.14.3; and
- (d) have undergone the skill test referred to in Regulation 61.14.4.

Experience

61.14.2 An applicant for the issuing of a night rating shall have completed in the category of aircraft for which the rating is required with an appropriately rated Grade I, Grade II, or Grade III flight instructor who is the holder of a valid instrument rating –

- (a) not less than 10 hours of instrument instruction, of which not more than five hours may be accumulated in a simulator approved for the purpose;
- (b)
 - (i) in the case of a night rating on aeroplanes, not less than five take-offs and five landings by night; or
 - (ii) in the case of a night rating on helicopters, not less than 15 circuits, including take-offs and landings, by night; and
- (c) a dual cross-country flight by night consisting of at least –
 - (i) in the case of a night rating for aeroplanes, consisting of at least three legs of not less than 50 NM each on aeroplanes; or
 - (ii) in the case of a night rating for helicopters, consisting of at least three legs of not less than 25 NM each.

Theoretical knowledge examination

61.14.3 An applicant for the issuing of a night rating shall have passed the appropriate written examination as prescribed in Document SA-CATS-FCL.

Skill test

- 61.14.4** (1) An applicant for the issuing of a night rating shall have demonstrated to a Grade I or Grade II flight instructor with a valid instrument rating and holding the appropriate aircraft category rating the ability to perform at night the procedures and manoeuvres as prescribed in Document SA-CATS-FCL, with a degree of competency appropriate to the privileges granted to the holder of a night rating.
- (2) The applicant shall undergo the skill test referred to in sub-regulation (1), within the 90 days immediately preceding the date of application.

Application for night rating

61.14.5 An application for a night rating shall be –

- (a) made to the Commissioner in the appropriate form as prescribed in Document SA-CATS-FCL; and
- (b) accompanied by –
 - (i) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in Regulation 61.14.3;
 - (ii) the skill test report as prescribed in Document SA-CATS-FCL; and
 - (iii) the appropriate fee as prescribed in Part 187.

Issuing of night rating

61.14.6 (1) The Commissioner shall issue a night rating if the applicant complies with the requirements prescribed in Regulation 61.14.1.

- (2) A night rating shall be issued in the appropriate form as prescribed in Document SA-CATS-FCL.

Period of validity

61.14.7 A night rating shall be valid for the period for which the pilot licence of the holder of the rating is valid, but the privileges of the rating shall not be exercised by the holder thereof unless he or she complies with the provisions of Regulation 61.14.9.

Privileges of night rating

61.14.8 The holder of a valid night rating shall be entitled to exercise the privileges of his or her pilot licence by night.

Maintenance of competency

61.14.9 (1) No person shall act as pilot-in-command of an aeroplane, a helicopter or an airship transporting passengers by night unless he or she has within the 90 days immediately preceding the flight on which such passengers are to be transported –

- (a) if he or she is the holder of a private, commercial or airline transport pilot licence (aeroplane), within the 90 days immediately preceding the flight executed as the pilot manipulating the controls not less than three night take-offs and three night landings in a simulator, approved for the purpose, or by night in an aeroplane of the same class as that in which such passenger flight is to be undertaken:

Provided that where this requirement is satisfied in a multi-engine aeroplane, the requirement shall be deemed to have been met in respect of single-engine aeroplanes as well; or

- (b) if he or she is the holder of a private, commercial or airline transport pilot licence (helicopter), within the 90 days immediately preceding the flight executed as the pilot manipulating the controls not less than three night circuits, including the take-off and landing, in a simulator, approved for the purpose, or by night in a helicopter of the same class as that in which such passenger flight is to be undertaken: Provided that where this requirement is satisfied in a multi-engine helicopter, the requirement shall be deemed to have been met in respect of single-engine helicopters as well; or
 - (c) if he or she is the holder of an airship pilot licence, within the 90 days immediately preceding the flight executed as the pilot manipulating the controls not less than three launches and three landings in an airship by night.
- (2) The holder of a night rating who is not also the holder of a valid instrument rating shall undergo a night rating proficiency check as part of the biennial general proficiency check prescribed in sub-regulation 61.01.9(2).

17.2 Motivation:

Part 61 has never been put in operation. The Part is under review, to bring it in line with ICAO requirements and to align South African regulations with best international practices. The proposed new Subpart has been circularised to interested parties.

The current Subpart 14 is substituted by the proposed new Subpart 12 (see paragraph 16 above).

17.3 Current Regulation

The proposed new Subpart 14 substitutes the current Subpart 39. However, the latter has never been put into operation. *De facto*, the night rating is issued in terms of the Air Navigation Regulations of 1976 (which are still in force in respect of licensing matters). The relevant regulations read as follows:

"Aircraft ratings for pilots and flight instructors

- 2.4 (11) A night flight rating shall comprise a rating permitting the holder to act as pilot-in-command by night.

Night flight rating requirements

2.7 No person, other than the holder of a commercial pilot's licence (aeroplane) or airline transport pilot's licence (aeroplane), shall act as pilot-in-command of an aircraft by night unless he is the holder of a valid night flight rating.

Privileges and limitations on rating holders

2.34 (7) The holder of a valid night flight rating shall be permitted to act as pilot-in-command of an aircraft by night.

Maintenance of competency: Minimum landings before carrying passengers by night

2.37 No person shall act as pilot-in-command of an aircraft carrying passengers by night unless he has, within the six months immediately preceding the flight on which such passenger is to be carried, carried out not less than three take-offs by night and three landings by night in an aircraft of the same category as that in which such passenger-carrying flight is to be undertaken or in a simulator approved for such purpose by the Commissioner.

Night flight ratings

3.14 An applicant for a night flight rating shall submit to the Commissioner –

- (a) his licence;
- (b) his or her logbook or a certificate signed by a Grade I or Grade II flight instructor who is either the holder of a valid instrument rating or is a person who, in the case of helicopters, has been designated for the purpose in writing by the Commissioner, in which logbook or certificate it is certified that the applicant has received not less than ten hours instrument instruction, of which five hours may have been acquired on simulators approved for such purpose by the Commissioner, given by an instructor who is the holder of a valid instrument rating or an approved flight simulator instructor, as the case may be, or a person who has been designated for such purpose in writing by the Commissioner and that within the 60 days immediately preceding the date of application he or she has satisfactorily completed not less than five take-offs by night and five landings by night in aeroplanes or, in the case of helicopters, has satisfactorily completed not less than 15 circuits and landings in a helicopter by night as the sole occupant within the 30 days immediately preceding the

date of application and has in addition completed a dual triangular cross-county flight by night of not less than 100 nautical miles with a radius of not less than 50 nautical miles from base along any sector of the flight, in the category;

- (c) a practical instrument flight test report signed by a Grade I or Grade II flight instructor who shall be the holder of the appropriate type rating with either a valid instrument rating or who, in the case of helicopters, has been designated for the purpose in writing by the Commissioner, and in which report it is certified that the candidate has satisfactorily demonstrated his ability to execute manoeuvres including climb, various rates of turns, compass and timed turns, straight and level, unusual attitudes with the aid of instruments only, in the category of aircraft for which such a rating is applied for."

18.1 Proposed substitution of Subpart 30 of Part 61 and deletion of Subpart 43

It is proposed to substitute Subpart 30 with a new subpart 30 as follows and to delete Subpart 43:

SUBPART 30 TUG PILOT RATING

"Requirements for tug pilot rating

61.30.1 An applicant for the issuing of a tug pilot rating shall –

- (a) hold at least a valid private pilot licence, aeroplane;
- (b) hold the appropriate type rating for the aeroplane;
- (c) have acquired the experience referred to in regulation 61.30.2; and
- (d) have undergone the skill test referred to in regulation 61.30.3.

Experience

61.30.2 An applicant for the issuing of a tug pilot rating shall have completed 10 tug operations under the supervision of a Category A, Grade I or Grade II flight instructor or by a person designated for such purpose in writing by the Commissioner, who shall be the holder of a tug pilot rating.

Skill test

61.30.3 (1) An applicant for the issuing of a tug pilot rating shall have demonstrated to a Category A Grade I or Grade II flight instructor the ability to act as pilot-in-command of a tug aeroplane while having an aircraft in tow.

- (2) The applicant shall undergo the skill test referred to in sub-regulation (1), within the 90 days immediately preceding the date of application.

Application for tug pilot rating

61.30.4 An application for the issuing of a tug pilot rating shall—

- (a) be made to the Commissioner in the appropriate form as prescribed in Document SA-CATS-FCL; and
- (b) be accompanied by -
- (i) a copy of the relevant page of the logbook of the applicant;
 - (ii) the skill test report as prescribed in Document SA-CATS-FCL; and
 - (iii) the appropriate fee as prescribed in Part 187.

Issuing of tug pilot rating

61.30.5 (1) The Commissioner shall issue a tug pilot rating if the applicant complies with the requirements referred to in regulation 61.30.1.

- (2) A tug pilot rating shall be issued in the appropriate format as prescribed in Document SA-CATS-FCL.

Privileges of tug pilot rating

61.30.6 The holder of a tug pilot rating shall be entitled to act as pilot-in-command of a tug aeroplane.

Period of validity

61.30.7 A tug pilot rating shall be valid for the period for which the pilot licence of the holder of the rating is valid, but the privileges of the rating shall not be exercised by the holder thereof unless he or she complies with the provisions of Regulation 61.43.9."

18.2 Motivation

Part 61 has never been put in operation. The Part is under review, to bring it in line with ICAO requirements and to align South African regulations with best international practices. The proposed new Subpart has been circularised to interested parties.

The current Subpart 30 will be substituted by provisions in the proposed new Part 62 'Recreational Pilot Licensing'.

18.3 Current Regulation

The proposed new Subpart 30 substitutes the current Subpart 43. However, the latter has never been put into operation. *De facto*, the tug pilot rating is issued in terms of the Air Navigation Regulations of 1976 (which is still in force in respect of licensing matters.) The relevant regulations read as follows:

“Aircraft ratings for pilots and flight instructors

2.4 (12) A tug pilot rating shall comprise a rating permitting the holder to act as pilot-in-command of a tug aircraft.

Tug pilot rating requirements

2.8 No person shall act as pilot-in-command of a tug aircraft unless he is the holder of a valid private pilot's licence with a valid tug rating or unless he is the holder of a valid commercial or airline transport pilot's licence.

Privileges and limitations on rating holders

2.34 (8) The holder of a valid tug pilot rating shall be permitted to act as pilot-in-command of a tug aircraft.

Tug pilot ratings

3.15 An applicant for a tug pilot rating shall submit to the Commissioner –

- (a) his licence;
- (b) a certificate signed by a Grade I or Grade II flight instructor that he has completed not less than 60 hours' flight time as pilot-in-command and that he is suitable to undertake such duties.”

19.1 Proposed substitution of Subpart 44

It is proposed to delete Subpart 44 and to substitute it with the following new regulation in Part 91:

“Simulated Instrument Flight in aircraft

91.07.29 (1) The owner or operator of an aircraft shall ensure that no person operates the aircraft in simulated instrument flight in visual meteorological conditions unless --

- (a) the other aircraft control seat is occupied by a safety pilot who possesses at least a private pilot licence with category and class ratings appropriate to the aircraft being flown;
- (b) the safety pilot has adequate vision forward and to each side of the aircraft, or there is a competent observer in the aircraft who adequately supplements the vision of the safety pilot; and

- (c) except in the case of lighter-than-air aircraft, the aircraft is fitted with fully functioning dual controls: Provided that simulated instrument flight may be conducted in a single-engine aircraft, equipped with a single, functioning throw-over control wheel in place of fixed dual controls of the elevator and ailerons, when --
 - (i) the safety pilot has determined that the flight can be conducted safely; and
 - (ii) the person manipulating the controls has at least a private pilot licence with appropriate category, class and type or group type ratings.
- (2) When simulated instrument flight is being practised by a pilot, at least one of the two pilots shall hold the appropriate valid type or group type rating in respect of the aircraft being flown and act as the pilot-in-command.
- (3) When a simulated instrument flight takes place at night in VMC, the safety pilot shall be the holder of a valid instrument rating.
- (4) When simulated instrument flight is being practised for the purpose of obtaining an instrument rating, the safety pilot shall be an appropriately rated flight instructor."

19.2 Motivation

Part 61 has never been put in operation. The Part is under review, to bring it in line with ICAO requirements and to align South African regulations with best international practices. The proposed new regulation has been circularised to interested parties.

The safety pilot rating is not an ICAO rating, nor part of the regulatory framework of other major aviation countries. The FAA and the New Zealand CAA regulate the role of the safety pilot in a different way. The FAA does so in Part 91, while New Zealand refers to the concept in Part 61 when dealing with training for the instrument rating. The proposed new regulation is based on the FAR, with some additions borrowed from New Zealand.

With respect to the current regulation (see below), it is pointed out that commercial pilots are not trained to control an aircraft from the co-pilot seat, and - in fact - that the only task required of the safety pilot is to act as the eyes of the practising pilot while operating in VMC, but not to take over control of the aircraft.

While on the one hand requirements are being relaxed, in the case of night practice, the safety pilot must now be the holder of an instrument rating.

19.3 Current Regulation

The proposed new regulation substitutes for the current Subpart 44. However, the latter has never been put into operation. *De facto*, the safety pilot rating is issued in terms of the Air Navigation Regulations of 1976 (which is still in force in respect of licensing matters). The relevant regulations read as follows:

"Aircraft ratings for pilots and flight instructors

- 2.4 (13)** A safety pilot rating which shall comprise a rating permitting the holder to act, on an aircraft in respect of which he is the holder of the appropriate type or group type rating in the case of piston-engined aeroplanes having a maximum certificated mass of 5 700 kg or less, or in the case of aircraft in respect of which a type rating by name is required, he is the holder of the appropriate type rating for such aircraft, as safety pilot to a pilot engaged in simulated instrument flying practice.

Safety pilot rating requirement

- 2.9** No person shall act as safety pilot to a pilot engaged in simulated instrument flying practice unless he is the holder of –

- (a) a valid private pilot's licence with a valid safety pilot or instrument rating; or
- (b) a valid commercial, senior commercial or airline transport pilot's licence; and
- (c) the appropriate valid type or group type rating in the case of piston-engined aeroplanes having a maximum certificated mass of 5 700 kg or less, or in the case of aircraft in respect of which a type rating by name is required, he is the holder of the appropriate type rating for such aircraft.

Privileges and limitations on rating holders

- 2.34 (9)** The holder of a valid safety pilot rating shall be permitted to act on an aircraft in respect of which he is the holder of the appropriate type or group type rating as safety pilot to a pilot engaged in simulated instrument flying practice.

Safety pilot ratings

- 3.16** An applicant for a safety pilot rating shall submit to the Commissioner –
- (a) his licence;

(b) a certificate signed by a Grade I or Grade II flight instructor that he has completed not less than 100 hours flight time as pilot-in-command, that he is competent to control the aircraft from the co-pilot seat and that he is capable of undertaking such duties in the category of aircraft for which such rating is applied for."

20.1 Proposed renumbering of Subpart 48

It is proposed to renumber Subpart 48 as Subpart 35.

20.2 Motivation

Part 61 has never been put in operation, except for this Subpart. The Part is under review, to bring it in line with ICAO requirements and to align South African regulations with best international practices. As a result, the total number of subparts will be substantially reduced, requiring the renumbering of Subpart 48 to Subpart 35.

20.3 Current Regulation

The proposed renumbering of the Subpart has no consequences other than the renumbering of the various regulations within the Subpart.

21.1 Proposed substitution of Subpart 37

It is proposed to substitute Subpart 37 with the following new Subpart 37:

SUBPART 37 TOURING GLIDER RATING

"Requirements for touring glider rating

61.37.1 An applicant for the issuing of a touring glider rating shall –

- (a) hold either at least a valid private pilot licence (aeroplane) or a valid glider pilot licence issued in terms of Part 61;
- (b) have the experience referred to in regulation 61.37.2;
- (c) have undergone the training referred to in regulation 61.37.3;
- (d) have passes the theoretical knowledge examination referred to in regulation 61.37.4; and
- (e) have undergone the skill test referred to in regulation 61.37.5.

Experience

61.37.2 An applicant for the issuing of a touring glider rating shall have completed not less than five flights in a touring glider under the supervision of an appropriately rated Grade I glider flight instructor or Grade I or Grade II aeroplane flight instructor.

Training

61.37.3 An applicant for the issuing of a touring glider rating shall undergo the training prescribed in Document SA-CATS-FCL.

Theoretical knowledge examination

61.37.4 An applicant for the issuing of a touring glider rating shall have passed successfully the theoretical knowledge examination prescribed in Document SA-CATS-FCL: Provided that the person holding both a valid glider pilot licence and valid aeroplane pilot licence shall be exempted from this requirement.

Skill test

61.37.5 An applicant for the issuing of a touring glider rating shall have undergone the skill test referred to in Document SA-CATS-FCL.

Application for touring glider rating

61.37.6 An application for the issuing of a touring glider rating shall –

- (a) be made to the Commissioner on the appropriate form as prescribed in Document SA-CATS-FCL; and
- (b) be accompanied by –
 - (i) a copy of the relevant page of the pilot logbook of the applicant;
 - (ii) original or certified proof that the applicant has completed the training referred to in regulation 61.37.3;
 - (iii) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 61.37.4 (unless the applicant is the holder of both a valid glider pilot licence and a valid aeroplane pilot licence);
 - (iv) a skill test report as prescribed in Document SA-CATS-FCL; and
 - (v) the appropriate fee as prescribed in Part 187.

Issuing of touring glider rating

61.37.7 (1) The Commissioner shall issue a touring glider rating if the applicant complies with the requirements referred to in regulation 61.37.1.

- (2) A touring glider rating shall be issued in the format prescribed in Document SA-CTS-FCL.

Period of validity

61.37.8 A touring glider rating shall be valid for the period for which the pilot licence of the holder of the rating is valid.

Privileges and limitations of touring glider rating

- 61.37.9** (1) The holder of a touring glider rating shall be entitled to act by day under VMC as pilot-in-command of a touring glider for which he or she holds a type rating by name.
- (2) The holder of a touring glider rating shall be entitled to exercise the privileges referred to in sub-regulation (1) in accordance with the privileges of the pilot licence and other relevant ratings he or she holds.

Maintenance of competency

61.37.10 The holder of a touring glider rating shall not exercise the privileges of the rating when carrying passengers unless he or she has carried out during the 90 days immediately preceding the passenger-carrying flight either –

- (a) at least three flights in a touring glider; or
- (b) at least one flight in a single-engine aeroplane with a maximum certificated mass of 5 700 kg or less and two in a glider; or
- (c) at least two flights in a single-engine aeroplane with a maximum certificated mass of 5 700 kg or less and one in a glider.”

21.2 Motivation

Part 61 has never been put in operation. The Part is under review, to bring it in line with ICAO requirements and to align South African regulations with best international practices. The need for an additional rating, to provide for touring gliders, has arisen.

The current Subpart 37 intended to provide for the issuing of a hang-glider flight instructor rating. This matter will be addressed in the proposed new Part 62 ‘Recreational Pilot licensing’.

21.3 Current Regulation

No separate touring glider rating currently exists.

21.4 Technical Standards

Proposals for the various Technical Standards required in terms of the above proposed new Subparts and regulations are published on the CAA website www.caa.co.za and copies may be applied for by submitting the application form published as an Aeronautical Information Circular.

SCHEDULE 4

Proposal to amend Part 91 of the Civil Aviation Regulations of 1997

22.1 Proposed amendment of regulation 91.09.4 'Aeroplane performance classification'

It is proposed to substitute regulation 91.09.4 with the following new regulation 91.09.4:

"Aeroplane performance classification

91.09.4 For performance purposes, aeroplanes are classified as follows:

- (a) Class A aeroplanes –
 - (i) Multi-engine aeroplanes with a maximum certificated mass exceeding 5 700 kg, powered by turbo-propeller engines; and
 - (ii) Multi-engine aeroplanes, powered by turbojet engines;
- (b) Class B aeroplanes -- Aeroplanes with a maximum certificated mass of 5 700 kg or less, powered by two or more reciprocating engines;
- (c) Class C aeroplanes -- Aeroplanes with a maximum certificated mass exceeding 5 700 kg, powered by two or more reciprocating engines; and
- (d) Class D aeroplanes -- Single-engine aeroplanes.

22.2 Motivation:

The current regulation is ambiguous in that it classifies a single-engine, piston-powered aeroplane with an MCM of 5 700 kg or less in two categories, namely Class B and Class D.

Furthermore, recent amendments to the Regulations have removed the maximum approved seating configuration from the classification.

22.3 Current regulation:**Aeroplane performance classification**

91.09.4 For performance purposes, aeroplanes are classified as follows:

- (a) Class A aeroplanes --
 - (i) multi-engine aeroplanes powered by turbo-propeller engines with a maximum approved passenger seating configuration of more than nine seats or a maximum certificated mass exceeding 5 700 kilograms; and
 - (ii) multi-engine turbojet-powered aeroplanes;
 - (b) Class B aeroplanes -- propeller-driven aeroplanes with a maximum approved passenger seating configuration of nine seats or less or a maximum certificated mass of 5 700 kg or less;
 - (c) Class C aeroplanes -- aeroplanes powered by two or more reciprocating engines with a maximum approved passenger seating configuration of more than nine seats or a maximum certificated mass exceeding 5 700 kg; and
 - (d) Class D aeroplanes -- single-engine aeroplanes."
-

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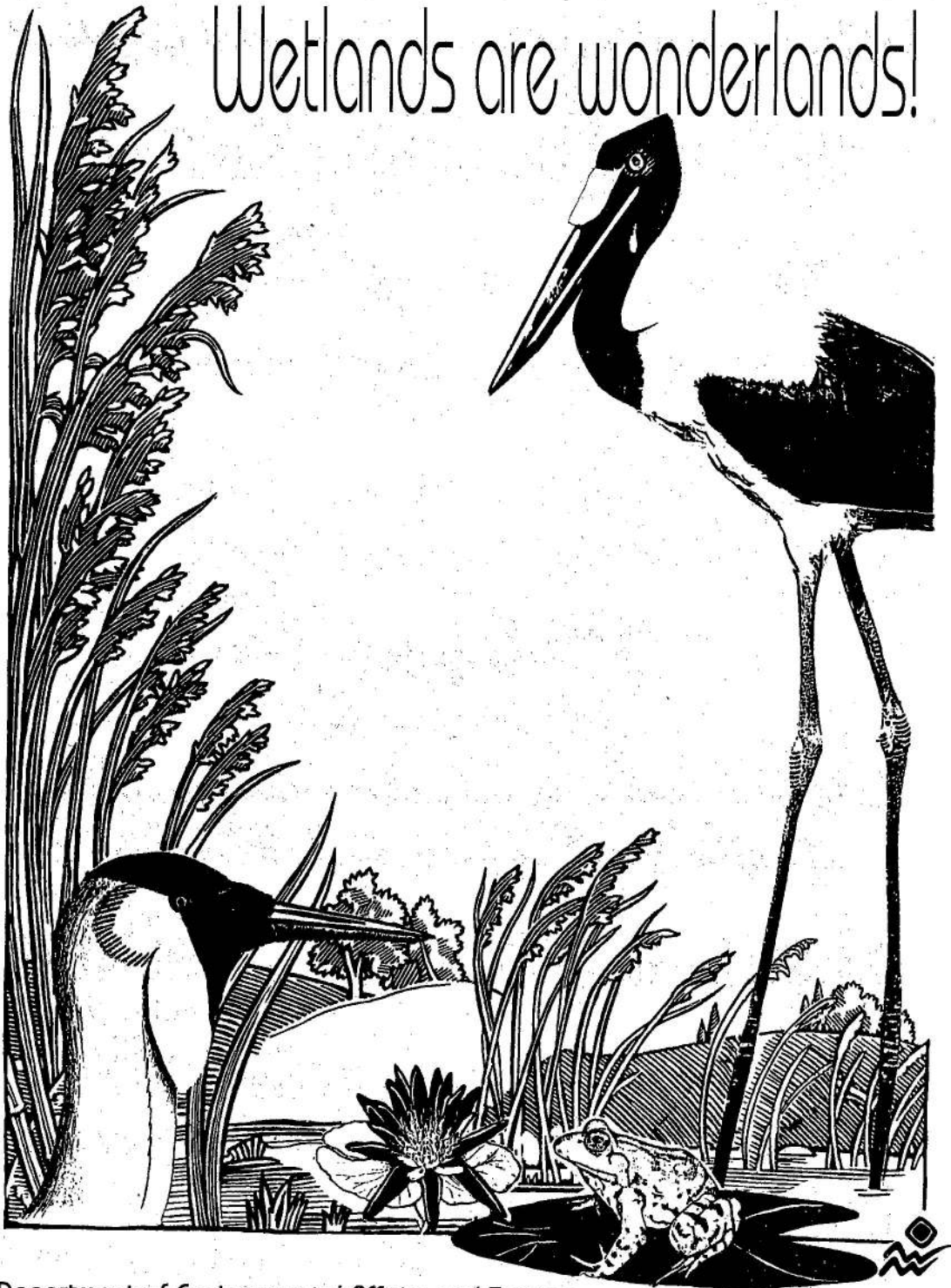
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