

INDUSTRY NOTICE

17 JULY 2014

Update on the Development of Regulations Pertaining to Remotely Piloted Aircraft Systems

This notice serves as an update on the status of the development of regulations pertaining to Remotely Piloted Aircraft Systems (RPAS). The acronyms UAS (Unmanned Aircraft System), UAV (Unmanned Aerial Vehicle), and Remotely Piloted Aircraft Systems are phrases and terms often used interchangeably but generally they describe the same sector of aviation. These acronyms refer to an aircraft which does not have a pilot on board as well as its associated systems that enable the aircraft to fly. The term Remotely Piloted Aircraft Systems will be utilised by the South African Civil Aviation Authority (SACAA) in referring to this particular sector of aviation.

The outcomes of the 1944 Convention on International Civil Aviation (“the Convention”) were ratified by the Republic of South Africa and incorporated into the Civil Aviation Act, 2009 (Act No. 13 of 2009) (“the Act”). The Republic of South Africa as a member State and signatory to the Convention is bound by the outcomes of the Convention and related International Civil Aviation Organisation (ICAO) prescripts. Article 8 of the aforesaid Convention declares as follows:

- **‘Pilotless Aircraft** - no aircraft capable of being flown without a pilot shall be flown without a pilot over the territory of a Contracting State without special authorisation by that State and in accordance with the terms of such authorisation. Each Contracting State undertakes to ensure that the flight of such aircraft without a pilot in regions open to civil aircraft shall be controlled as to obviate danger to civil aircraft.’

In terms of section 72 of the Act, the SACAA is required, amongst others, to:

- control and regulate civil aviation safety and security;
- oversee the functioning and development of the civil aviation industry;
- develop any regulations that are required in terms of this Act; and
- monitor and ensure compliance with this Act and the Chicago Convention.

In simpler terms, the SACAA has to regulate civil aviation activities in order to ensure acceptable levels of aviation safety and security within South Africa and amongst operators.

In relation to RPAS operations in South Africa, it should be noted that the SACAA has not granted any approval to any entity or individual, due to the significant and real safety and security risks presented by this new sector of aviation. As such, whilst it is a fact that currently there are no

specific regulations which govern RPAS authorisations; regulation 91.01.10 of the Civil Aviation Regulations, 2011, prohibits any person through an act or omission to endanger the safety of an aircraft, any person or property.

Notwithstanding, the SACAA has made considerable progress in terms of the drafting of an Interim Guiding Document earmarked to help with RPAS authorisations. This Interim Guiding Document will provide certain standards for compliance by all prospective RPAS operators in order to be authorised to operate their RPAS in the South African airspace. Further research relating to these standards will commence soon and will be done in collaboration with a State-owned entity. The purpose of the research is to, among others, determine the feasibility and ease of use of these standards. Whilst this collaborative research work is being conducted, the SACAA will also be turning the contents of the Interim Guiding Document into proposed RPAS Regulations, Technical Standards and Technical Guidance Material. On completion of the conversion process, the SACAA will make the draft Regulations available for public comments and follow the existing regulation development processes to promulgate the new regulations as part of the Civil Aviation Regulations. It is envisaged that the new regulations will be available soon after the end of the current financial year, i.e. 31 March 2015.

Any contribution towards the envisaged new regulations should be emailed to rpasInbox@caa.co.za.