

10 August 2017

Operators granted exemption from compliance with Part 93

The Director of Civil Aviation, Ms Poppy Khoza, has taken a decision to grant operators an exemption from complying with certain requirements of Part 93 of the Civil Aviation Regulations (CARs), following extensive engagements with the industry. The exemption applies to CAR 93.03.8(3), 93.07.1(5) and 93.08.4(1)(a) and (b).

“This means operators are exempt or allowed to deviate from the provisions of CAR 93.03.8(3), 93.07.1(5) and 93.08.4(1)(a) and (b) for a period of 180 days, but subject to specified conditions,” explains Mr Simon Segwabe, Executive: Aviation Safety Operations at the South African Civil Aviation Authority (SACAA).

According to Mr Segwabe, operators will be able to deviate from compliance with certain aspects of Part 93, including CAR 93.08.4(1) (a) and (b), provided that:

- in relation to CAR 93.03.8(3), an approved simulator course shall be completed for an initial type rating as prescribed in CAR 93.03.8, and that the six-monthly pilot proficiency checks are completed on the aircraft;
- in relation to CAR 93.07.1 (5), that rescue and fire-fighting equipment will still be arranged to the maximum extent possible when available at aerodromes managed by municipalities; and
- in relation to 93.08.4(1)(a) and (b), landing calculations are to be done and compiled in accordance with POH and Manufacturers’ specifications.

“This exemption is effective retrospectively from 31 July 2017 until such time that the SACAA and the industry find common ground on the current difference of opinion on how best to give effect to safety standards applicable to Part 93. The decision is also in line with the SACAA’s new philosophy and approach to regulation development and compliance, which puts emphasis on ensuring that due regard and relevant consideration is given to the financial implications of regulations for those that must comply. Most importantly, this has to be carefully balanced with the need to uphold acceptable safety standards at all times,” Ms Khoza elaborates.

The decision to grant an exemption comes a few weeks after the release of the preliminary results of the audit by the International Civil Aviation Organization (ICAO) on South Africa’s capability in administering aviation safety and security oversight. The preliminary results indicate an increase from

above 83% in 2013 to 86,71% in 2017 in South Africa's level of Effective Implementation (EI). Most importantly, South Africa did not attract any significant safety concern during the recent audit. This outcome is by far the best outcome for South Africa since ICAO started using its new audit methodology. With this new audit methodology, other countries have either maintained or dropped their ICAO Critical Elements Effective Implementation levels. Moreover, the ICAO auditors also picked up several best practices from South Africa, which they intend to propose to ICAO to share with other countries for implementation. Notwithstanding, these are preliminary results, and South Africa is still awaiting the final audit report, which will also include the outcome of two audit areas which will be assessed off-site.

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About the SACAA:

The South African Civil Aviation Authority ("SACAA") is a juristic body established in terms of the Civil Aviation Act, 2009 (Act No. 13 of 2009) ("the Act"). SACAA is governed and controlled by the Civil Aviation Authority Board ("the Board"). In terms of mandate, the SACAA is tasked with promoting and maintaining a safe, secure and sustainable civil aviation environment, by regulating and overseeing the functioning and development of the industry in an efficient, cost-effective, and customer-friendly manner according to international standards.

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