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GENERAL

LEGISLATION MATTERS

NOTIFICATION OF SUSPENSION OF OPERATION OF TERMS / CONDITIONS ATTACHED TO THE GENERAL EXEMPTION PUBLISHED IN AIC 18.23 (02-11-15), TO WIT REGULATION 96.01.1 (3) READ TOGETHER WITH REGULATION 96.06.1 (7).

1. DETAILS OF EXEMPTION PUBLISHED IN AIC 18.23 (02-11-15)

In October 2002, the Commissioner granted all operators of aircraft that do not qualify for the issue of a certificate of airworthiness (Non Type Certificated Aircraft - NTCA), an exemption from the provisions of regulation 11.04.6, in so far as the aforementioned regulation authorised the operation of aircraft that were unable to comply with Regulation 21.08.1 A, on condition that the requirements of Document LS/1, were complied with.

2. *The effect of the previous exemption was to nullify the afore-mentioned regulation thereby enabling the Commissioner to withdraw Document L/S 1 and impose the requirements contained in proposed Parts 24, 94 and 96 (and associated technical standards) as conditions for the operation of aircraft that do not qualify for the issue of a certificate of airworthiness. Part 24 relates to 'Airworthiness Standards: Non-type Certificated Aircraft', Part 94, provides for the 'Operation of Non-type Certificated Aircraft', and Part 96 establishes requirements for the 'Commercial Operation of Non-type Certificated Aircraft'.*
3. *Part 96 contains regulation 96.01.1(3) read with regulation 96.01.1 (7) which authorises the commercial operation of NTCA for "flipping" subject to the operator being in possession of a Class III-type G16 air service license.*

4. CURRENT SITUATION

Since the granting of the afore-mentioned exemption, the CAA has encountered certain difficulties in overseeing and obtaining compliance from some of those operators involved in "flipping". The Civil Aviation Authority has therefore decided to re-examine it's policy position on permitting NTCA to carry passengers for reward. Whilst this process of re-examination and consultation with relevant stakeholders is taking place, the Civil Aviation Authority decided to request the Commissioner, with effect from 12 March 2004, not to allow any additional NTCA operators to carry passengers for reward.

5. NOTIFICATION

Notice is hereby given that the legal operation of regulation 96.01.1 (3) read together with regulation 96.01.1(7) is suspended with effect from 12 March 2004. The impact of this suspension is that no further flipping operations conducted in terms of regulation 96.01.1 (3) read together with regulation 96.01.1 (7) will be permitted by the Commissioner after 12 March 2004. Those operators of NTCA who have been issued with a Class III-type G16 air service license during the period October 2002 to 12 March 2004 will however be permitted to continue with flipping operations subject to full compliance with Parts 24, 94 and 96.

6. STRICT ENFORCEMENT OF PARTS 94 AND 96

The Commissioner hereby gives notice that strict adherence to the regulations of Part 94 and 96 will be enforced.

COMMISSIONER FOR CIVIL AVIATION