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**GENERAL**

**LEGISLATION MATTERS**

**PUBLICATION IN TERMS OF REGULATION 11.04.4(2) OF THE FULL PARTICULARS OF AN EXEMPTION GRANTED BY THE COMMISSIONER FOR CIVIL AVIATION FROM THE REQUIREMENTS OF REGULATION 43.04.7(2)(b) OF THE CIVIL AVIATION REGULATIONS 1997, READ TOGETHER WITH SA-CATS-GMR PART 43.02.8, SECTION D PART 1 PARAGRAPH 12**

**1. APPLICANT**

The South African Civil Aviation Authority  
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**2. DETAILS OF EXEMPTION**

The Commissioner for Civil Aviation, acting in terms of Regulation Part 11.04.1; read together with Part 11.04.1(1), has granted an exemption to approved maintenance organizations from the provisions of Regulation Part 43.04.7(2)(b), read together with SA-CARS-GMR Part 43.02.8, Section D Part 1 paragraph 12 in so far as the afore-mentioned Regulations stipulate certain criteria for release to service for aircraft with a maximum certified mass (MCM) of 5700 KG and below, as well as helicopters with a MCM of 3175 KG and below.

This exemption will nullify the requirements of the aforementioned Regulations and temporarily replace the requirements of those Regulations with other more practical and less ambiguous requirements as an alternate means of compliance.

**3. BACKGROUND**

1. The requirements of the Regulations referred to in paragraph 2 above, deals primarily with the duplicate inspection of all engine and flying controls after work/maintenance have been carried out. A duplicate inspection (second) carried out by a person who is referred to in Regulation Part 43.04.1. This regulation deals with a person to certify release to service of the complete aircraft and does not cater for the release of specific maintenance.

In terms of SA-CATS-GMR Part 43.02.8 Section D, Part 1, paragraph 12, (aircraft with a MCM in excess of 5700 KG as well as helicopters with a MCM of 3175 KG and below), relief from this requirement (duplicate inspection) is provided as the requirements are less stringent and state:

**"Duplicate inspections**

- (1) A duplicate inspection of all engine and flight control systems shall be carried out after initial assembly and at any time the systems have been disturbed in any way. The purpose of the duplicate inspection is to verify that the manufacturer's specifications and requirements have been met in full.
- (2) An initial inspection of the control system shall be made and certified by a person in possession of a valid Aircraft Maintenance Engineer's (AME) licence, or who has been approved by the Commissioner as an Inspector in an organization, or holds company certification as prescribed in Part 145 of the Civil Aviation Regulations of 1997, as amended, immediately after the maintenance is completed and before the aircraft is flown. Persons qualified to perform and certify duplicate inspections are:
  - (a) A type-rated AME or person holding valid company certification in terms of Part 145 of the Civil Aviation Regulations of 1997, as amended.
  - (b) An AME, holding a valid licence for the particular category, but not type-rated.

- (c) The holder of valid company certification on a similar type.
  - (d) The holder of a valid airline transport pilot licence rated on the type concerned, if the persons referred to in subparagraphs (a), (b) or (c) are not available.”
2. Currently the Regulations reads as follows for aircraft with a MCM of 5700 KG or below, as well as helicopters with a MCM of 3175 KG and below: SA CAR Part 43.04.7(2)(b)

“(2) A duplicate safety inspection authorised in terms of sub-regulation (1), shall consist of-

- (a) an inspection by a person referred to in regulation 43.04.1 to certify the release to service of the control system after maintenance; and
- (b) a second inspection carried out by another person who is a person referred to in regulation 43.04.1.”

Regulation Part 43.04.1 deals with persons to certify release to service and reads as follows:

“43.04.1 (1) No person shall certify an aircraft or aircraft component for release to service after maintenance unless such person -

- (a) is the holder of an aircraft maintenance engineer licence with an appropriate rating issued in terms of Part 66;
- (b) is authorised by the holder of an aircraft maintenance organization approval with an appropriate rating issued in terms of Part 145, to certify maintenance within the scope of such approval;
- (c) is authorised by the Commissioner to certify an aircraft or aircraft component for release to service; or in the case of an amateur built or production built aircraft issued with an Authority to Fly in terms of Part 24 by the organisation designated for the purpose, in terms of Part 149;
- (d) for maintenance carried out outside the Republic, holds a licence or equivalent authorisation issued by an appropriate authority acceptable to the Commissioner, for the type of aircraft or aircraft component.”

[Editorial note: The Commissioner has exempted Class II products from the provisions of paragraph (d); see AIC 18.16.]

3. It can be argued that the above-mentioned conditions are not conducive for Aircraft Maintenance Organizations (AMO's), whose main core of business is Part 91/135 aircraft. The current system implies that the AMO's involved in maintenance on the aforementioned type aircraft must employ persons that are fully licensed on type (extra expenditure), or find people on the same airfield, who are suitably rated.

The possibility also exists that under certain conditions, a duplicate inspection would be signed off by a person that is not type rated, in order to get the aircraft back into service.

The CAA therefore motivated the granting of this exemption as an interim measure to allow AMO's to fulfill their obligations in terms of Part 43 in a proper manner.

It is thus recommended that Regulation Part 43.04.7 (2)(b) should in the interim and as an alternate means of compliance until such time as one or all of regulation 43.04.7(2)(b) have been amended or repealed read as follows:

### **Duplicate inspections**

- (1) A duplicate inspection of all engine and flight control systems shall be carried out after initial assembly and at any time the systems have been disturbed in any way. The purpose of the duplicate inspection is to verify that the manufacturer's specifications and requirements have been met in full and the system meets the requirements.
- (2) An initial inspection of the control system shall be made and certified by a person in possession of a valid Aircraft Maintenance Engineer's (AME) license, or who has been approved by the Commissioner as an Inspector in an organization, or holds company certification as prescribed in Part 145 of the Civil Aviation Regulations of 1997, as amended, immediately after the maintenance is completed and before the aircraft is flown. Persons qualified to perform and certify duplicate inspections are:
  - (a) A type-rated AME or person holding valid company certification in terms of Part 145 of the Civil Aviation Regulations of 1997, as amended.
  - (b) An AME, holding a valid license for the particular category, but not type-rated.
  - (c) The holder of valid company certification on a similar type of aircraft falling within the group.
  - (d) The holder of a valid airline transport pilot license/Commercial Pilot License rated on the type concerned, if the persons referred to in subparagraphs (a), (b) or (c) are not available.

The AMO should define in its Manual of Procedure the criteria it will follow to ensure that the duplicate inspection is satisfactory conducted.

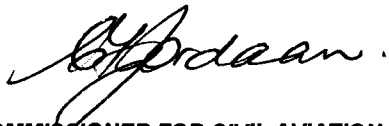
*Prior to the permanent introduction of any regulatory amendments, the CAA will conduct proper consultations with the relevant stakeholders. The granting of this exemption with its associated terms and conditions will remain in force until such time as the aforementioned research and consultations are complete and one or all of the Regulations referred to in paragraph 2 above have been amended or repealed. The terms and conditions contained in this document, will therefore only serve as an interim measure.*

**4. SAFETY IMPLICATIONS**

*The CAA applied for this exemption to render ineffective those regulations relating to duplicate inspections for aircraft with a MCM of 5700 KG and below, as well as helicopters with a MCM of 3175 KG and below, which cannot practically be implemented and simultaneously introduce other requirements which are possible to implement. The granting of this exemption will not jeopardize aviation safety.*

**5. PERIOD OF EXEMPTION**

*The Commissioner for Civil Aviation has granted this exemption from the requirements of the Regulations referred to in paragraph 2, until such time as one or all of Regulation 43.04.7(2)(b) have been amended or repealed.*



**COMMISSIONER FOR CIVIL AVIATION**