

DEPARTMENT OF TRANSPORT

No R _____

March 2009

AVIATION ACT, 1962 (ACT NO 74 OF 1962)

THIRTY-SIXTH AMENDMENT OF THE CIVIL AVIATION REGULATIONS, 1997

The Minister of Transport has under section 22(1) of the Aviation Act, 1962 (Act No 74 of 1962) made the regulations in the Schedule hereto.

SCHEDULE

Definition

1. In these regulations unless the context otherwise indicates “the Regulations” means the Civil Aviation Regulations, 1997, published by Government Notice No R.1219 of 26 September 1997 and R.1255 of 17 October 1997, as amended by Government Notice No R.1735 of 24 December 1997, Government Notice No R.1041 of 14 August 1998, Government Notice No R. 1148 of 18 September 1998, Government Notice No R. 1664 of 14 December 1998, and Government Notice No R.1701 of 31 December 1998, Government Notice No R.1702 of 31 December 1998, Government Notice No R.639 of 21 May 1999, Government Notice No R. 170 of 17 February 2000, Government Notice No R. 171 of 18 February 2000, Government Notice No R. 558 of 22 June 2001, Government Notice No R.559 of 30 August 2002, Government Notice No R.1367 of 15 November 2002, Government Notice No R.1368 of 15 November 2002, Government Notice No R.1369 of 15 November 2002, Government Notice No R.1370 of 15 November 2002, Government Notice No R.1371 of 15 November 2002, Government Notice No R.1372 of 15 November 2002, Government Notice No R.434 of 28 March 2003, Government Gazette No R.435 of 28 March 2003, Government Gazette No R.1375 of 1 October 2003, Government Gazette No R.1340 of 31 March 2004, Government Notice No R.807 dated 4 August 2006, Government Notice No R.1371 dated 28 December 2006, Government Notice No R.364 dated 26 April 2006, Government Notice No R.571 dated 13 July 2007, Government Notice No R.572 dated 13 July 2007, Government Notice No R.573 dated 13 July 2007, Government Notice No R.574 dated 13 July 2007, Government Notice No R. 1233 dated 20 December 2007, Government No R.601 dated 30 May 2008, Government Notice No R.700 dated 30 June 2008, Government Notice No R.936 dated 05 September 2008 and Government Notice No R.181 dated 20 February 2009.

Amendment of heading of Division Four of Part 91 of the Regulations

1. The heading of Division Four of Part 91 of the Regulations is herewith amended by the substitution of the said heading of the following heading –

“Division Four: Specific Provisions Regarding Aircraft”

Amendment of Regulation 91.06.29 of the Regulations

2. Regulation 91.06.29 is herewith substituted for the following regulation: -

“Identification and Interception of Aircraft

(1) No person shall institute in-flight surveillance against, give an interception signal in connection with or give an instruction to land to a civilian aircraft suspected to be in contravention of the Act except -

- (a) on instruction by the Minister, the Commissioner, an authorized officer or authorized person designated in terms of section 5(4) of the Act, or
- (b) if the person is a member of the South African Police Services or South African National Defence Force, acting within the course and scope of his or her duties; and
- (c) the in-flight surveillance, interception signal or instruction to land is in the public interest.

(2) The in-flight surveillance, interception signal or instruction to land must be executed in a manner that does not unduly affect aviation safety.

(3) The intercepted aircraft must follow out the instructions of the intercepting aircraft as prescribed in the Regulations.

(4) When the aircraft is intercepted, the pilot-in command must immediately establish radio contact with the intercepting aircraft on 121,5 MHz.

(5) If the intercepting aircraft cannot establish radio contact with or contact in any other practical way the intercepted aircraft, visual signals as prescribed in Document SA-CATS-OPS 91 must be used.

(6) The visual signals must be used as follows:

- (a) the intercepting aircraft shall use the second series to indicate that the intercepted aircraft may proceed if it had been intercepted for identification purposes only;
- (b) the appropriate part of the first series must be used if the aircraft is to be led away from the prohibited or restricted area, and the second series must be used to indicate that the purpose has been achieved and the aircraft is released;
- (c) if the aircraft is required to land, the appropriate part of the first series must initially be used, followed by the third series if in the vicinity of a designated landing area;
- (d) if the pilot of the intercepted aircraft considers the designated landing area to be unsuitable for the aircraft type, he or she must use the fourth series to indicate that fact;
- (e) upon the use of the fourth series by the intercepted aircraft as prescribed in paragraph (d), the intercepting aircraft must give new instructions; and
- (f) if the intercepted aircraft is in distress, the distress signals must be used, where practical”.

Short title and commencement

21. This Amendment is called the Thirty Sixth Amendment of the Civil Aviation Regulations, 1997, and comes into operation on the date of publication.