

AVIATION ACT, 1962 (ACT NO 74 of 1962)**TWENTY-SEVENTH AMENDMENT TO 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 Nos 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, Government Notice No R. 1701 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 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 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 435 of 28 March 2003, Government Gazette No R.1375 of 1 October 2003, Government Gazette No 1340 of 31 March 2004, Government Gazette No 29091 of 4 August 2006 and Government Gazette No R. 29511 of 28 December 2006.

Amendment of regulation 1.00.1 of Part 1 of the Regulations**2. Regulation 1.001 of the Regulations is herewith amended by-**

(a) the insertion of the following definition after the definition of “assistant service”:

“**authority to fly**” means the authority to fly issued in terms of Subpart 2 of Part 24 of these Regulations as a restricted certificate of airworthiness;”;

(b) the insertion of the following definition after the definition of “break”:

“**build standard**’ means the document package that defines the dimensions, materials and processes to be used in the construction of an aircraft, together with associated documents that show that the design complies with an established design criteria;”;

(c) the insertion of the following definition after the definition of “control system”:

“**conventional microlight aeroplane**’ means an aeroplane of which the maximum take off mass and other classification parameters are defined in Document SA-CATS-NTCA as Technical Standard 24.01.2 E 2;”;

(d) the insertion of the following definition after the definition of “designated aviation medical officer”:

“**design criteria basis**’ means the design criteria chosen by the constructor of an amateur-built or production-built aircraft, based on a set of airworthiness standards acceptable to the Commissioner;”;

(e) the insertion of the following definition after the definition of “examiner”:

“**ex-military aircraft**’ means an aircraft which-

- (a) has been in use by the military;
- (b) was not designed, constructed or maintained according to internationally recognised civil airworthiness standards; and
- (c) has been decommissioned from military service;”;

(f) the insertion of the following definition after the definition of “facility”:

“**factor of safety**’ means a design factor, used to provide for the possibility of loads greater than those assumed and for uncertainties in design and manufacture;”;

(g) the insertion of the following definition after the definition of “heliport operating minima”:

“**imported**’ in the context of Part 24 means brought into the Republic by any means for the purpose of having the aircraft put on the South African Civil Aircraft Register;”

(h) the insertion of the following definition after the definition of “investigator in charge”;

“**kite**’ means a non-power-driven, heavier-than-air aircraft, other than a glider or hang-glider, deriving its lift in flight mainly from aerodynamic reactions on the surfaces which remain fixed under given conditions of flight, and for the purpose of these Regulations also means a line-controlled kite;”;

(i) the insertion of the following definition after the definition of “lighter-than-air aircraft”:

“**limit loads**’ means the maximum loads assumed to occur in the anticipated aircraft operating conditions;”;

(j) the insertion of the following definition after the definition of “line flight”:

“**load**’ means the design strength requirements, prescribed for an aircraft in terms of its limit load and ultimate load;”;

(k) the insertion of the following definition after the definition of “night duty”:

“**non-type certificated aircraft**’ means any aircraft that does not qualify for the issue of a certificate of airworthiness in terms of Part 21 and shall include any type certificated aircraft that has been scrapped, of which the original identification plate should have to be removed and returned to the applicable aviation authority and is rebuilt as a full-scale replica;”;

(l) the insertion of the following definition after the definition of “preliminary report”:

“**prescribed loads**’ in respect of an aircraft means limit loads, unless otherwise stated;”;

(m) the substitution for the definition of “production-built aircraft” of the following definition:

“**production-built aircraft**’ means an amateur-built aircraft, of which the prototype has been constructed and approved in terms of Part 24, and which is made available by the constructor to others either as a fully-assembled non-type certificated aircraft, in kit form, or of which the build standard has been approved to be made available for its construction by others and for the purpose of these Regulations includes its components;”;

(n) the insertion of the following definitions after the definition of “pro-tem investigator”:

“**proving flight**’ means any flight conducted in terms of a Proving Flight Authority for the purpose of qualifying for the consideration and issuance of an Authority to Fly;”;

“**proving flight authority**’ means the authorisation to commence flight trials as are necessary for development purposes, for the compilation of handling and operational data and, generally, for the preparation of the aircraft for the tests necessary for the issue of an Authority to Fly;”;

- (o) the insertion of the following definition after the definition of “public air transport service”:

“**radio site**’ means a site for the location of communication, navigation, surveillance or meteorological ground equipment, or a collection thereof, for the purpose of aviation safety;”;

- (p) the insertion of the following definition after the definition of “receptable”:

“**recreational pilot licence**’ means a pilot licence issued in terms of Part 62 of these Regulations;”;

- (q) the insertion of the following definition after the definition of “restricted category”:

“**rocket**’ means an airborne vehicle propelled by ejected expanding gases generated in its engines from self contained propellants and not dependent on the intake of outside substances and it includes any part that becomes separated during operation;”;

- (r) the insertion of the following definition after the definition of “selcal watch and selcal call sign”:

“**self-launching glider**’ means a glider with a maximum all-up mass of not more than 850 kilograms, fitted with an engine that is used solely for the purpose of launch and climb and not for the sustenance of free flight;”;

- (s) the insertion of the following definition after the definition of “self-launching glider”:

“**serious incident**’ means an incident involving circumstances indicating that an accident nearly occurred;”;

- (t) the insertion of the following definition after the definition of “special purposes operations”:

“**special rules area**’ means airspace other than restricted airspace where special non-standard rules are applied in order to promote safety, efficiency and orderliness outside of controlled airspace;”;

- (u) the insertion of the following definition after the definition of “state of manufacture”:

“**state of occurrence**’ means the state in the territory of which an accident or incident occurs;”;

(v) the insertion of the following definition after the definition of “type of aircraft”:

“**ultimate load**’ means the limit load, multiplied by the appropriate factor of safety;”;

(w) the insertion of the following definition after the definition of “variable –pitch propeller”:

“**veteran aircraft**’ means a previously type-certificated aircraft of which the airworthiness is no longer supported by the holder of the type certificate, or for which a valid type certificate is no longer held by any person;”;

(x) the insertion of the following definition after the definition of “visual meteorological conditions”:

“**weight-shift controlled microlight aeroplane**’ means an aeroplane that is primarily controlled by physically exerting force on the wing.”

Insertion of Part 24 into the Regulations

3. The following Part is herewith inserted into the Regulations

“LIST OF REGULATIONS”

Airworthiness Standards:

Non-Type Certificated Aircraft

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SUBPART 1: GENERAL

Applicability

24.01.1 (1) This Part applies to -

- (a) Amateur-built aircraft;
- (b) Production-built aircraft;
- (c) Veteran aircraft;
- (d) Ex-military aircraft; and
- (e) Any other aircraft not qualifying or no longer qualifying for the issue of a certificate of airworthiness in terms of Part 21 of these Regulations.

The aircraft referred to in sub-regulation (1) are classified in the following sub-groups:

- Aeroplanes, including microlight aeroplanes;
- Helicopters;
- Gyroplanes and gyrogliders;
- Gliders, including self-launching gliders and touring gliders;
- Manned captive and manned free balloons;
- Airships;
- Unmanned aerial vehicles;
- (h) Hang-gliders, including powered hang-gliders;

- (i) Paragliders, including powered paragliders and paratrikes;
 - (j) Parachutes;
 - (k) Model aircraft; and
 - (l) Rockets.
- (3) This Part does not apply to any aircraft that, for the purpose of flight –
- (a) is to be attached to and towed by a vehicle or vessel travelling on the surface;
 - (b) other than a manned captive balloon, is to be moored to the surface or any construction on the surface; and
 - (c) is to be flown line-controlled by a person on the surface:
- Provided that such aircraft shall not be operated in contravention of these Regulations, or cause to be an obstruction to aviation.
- (4) The airworthiness design standards for each sub-group of aircraft referred to in sub-regulation (2) are those referred to in regulation 24.01.2(5)(a).

Airworthiness

- 24.01.2** (1) Before a non-type certificated aircraft, other than an aircraft classified in sub-groups (h) to (l) in regulation 24.01.1(2), is considered to be airworthy it shall–
- (a) have been issued with –
 - (i) an Authority to Fly or a Proving Flight Authority, as the case may be, in terms of this Part; and
 - (ii) a valid certificate of Release to Service;
 - (b) have been maintained in accordance with the provisions of this Part and of Part 43, as applicable to the type of aircraft; and
 - (c) have no known condition, which could make the aircraft unsafe for flight.
- (2) Only those aircraft, of which the type, the local or foreign manufacturing organization, the local assembling organization or agent, or the build standard has been approved by the Commissioner, may be built or imported and flown within the Republic.
- (3) The Commissioner may consider a foreign manufacturing organization as being approved by the Commissioner if that facility was approved by an appropriate authority.

- (4) (a) Before any person commences with the construction of an aircraft, which is intended to be put on the South African Civil Aircraft Register, such person shall apply for a build number.
- (b) The application shall be made to the Authority in the format prescribed in Document SA-CATS-NTCA, and shall be accompanied by a copy of the design criteria for the aircraft.
- (c) The Authority referred to in Paragraph (b) must on receipt of the prescribed documentation issue the build number to the applicant.
- (d) The Authority must retain a register of build numbers issued and make relevant information available to any authorized officer, inspector or authorised person who needs such information for the purpose of oversight and inspection.
- (e) The applicant, on being issued with the build number, shall enter a record of the build number in the aircraft's logbook or any other document associated with the construction of the aircraft.
- (5) The design criteria and the build standard for an amateur- or production-built aircraft must --
- comply with the appropriate design criteria as prescribed in Document SA-CATS-NTCA;
- comply with any special conditions prescribed in terms of regulation 24.02.4 by the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of these Regulations., as the case may be; and
- incorporate no feature or characteristic that makes the aircraft type unsafe for its intended use.
- (6) Production-built aircraft may not be delivered to the public by a manufacturer or agent unless the aircraft has been registered in the name of the new owner; Provided that this restriction shall not apply in the case of the sale of a plan according to an approved build standard, in which case the provisions of sub-regulation (4)(a) applies.
- (7) The airworthiness of the aircraft, classified in sub-groups (h) to (l) in regulation 24.01.1(2), shall be the sole responsibility of the owner or operator in accordance with generally accepted practices for such aircraft or as laid down by the organization, approved for the purpose in terms of Part 149.

Registration

24.01.3 No non-type certificated aircraft specified under regulation 24.01.1(1) and classified in paragraphs (a) to (g) of sub-regulation 24.01.1(2) shall be flown unless it has been registered and marked in accordance with the provisions of Part 47.

Aircraft documentation

24.01.4 (1) The owner of a non-type certificated aircraft specified under regulation 24.01.1 (1) and classified in paragraphs (a) to (g) of sub-regulation 24.01.1(2) shall submit to the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of these Regulations, as the case may be, for approval, the documentation prescribed in SA-CATS-NTCA.

(2) In the case of a production-built aircraft, a copy of the approved manuals, together with the aircraft logbook/s, shall accompany the aircraft, the kit, or (and except for the logbooks:) the approved build standards on its delivery to a customer.

(3) In the case where proving flights for the purpose of the consideration and issue of an Authority to Fly are carried out, the owner of the non-type certificated aircraft shall retain all documents and records, generated in the process, for the duration of the life of the aircraft.

Maintenance and Inspection

24.01.5 (1) The owner of a non-type certificated aircraft for which an Authority to Fly is required in terms of these Regulations shall-

submit to the Commissioner or, if applicable, to the organization designated for the purpose in terms of Part 149 of these Regulations , as the case may be, for approval an Approved Maintenance Schedule or similar document for the aircraft;

ensure that the non-type certificated aircraft is maintained in compliance with-

its Approved Maintenance Schedule or similar document; and

to the extent applicable, the requirements of Part 43; and

take such action as is necessary to ensure the continued airworthiness of the aircraft.

- (2) The format and minimum requirements for the Approved Maintenance Schedule shall be as prescribed in regulation 24.03.1.

Instruments, Equipment and Placards

- 24.01.6** (1) Any flight instrument, required to be installed in terms of these Regulations, shall be calibrated before first flight, and be checked for calibration annually thereafter.
- (2) The minimum instrumentation and equipment and the placards to be installed in non-type certificated aircraft shall be as prescribed in Document SA-CATS-NTCA.

Issuing of Airworthiness Directives

- 24.01.7** (1) The Commissioner may issue appropriate airworthiness directives in respect of design changes that are necessary to correct the unsafe condition of a non-type certificated aircraft.

If the Commissioner issues an airworthiness directive in terms of sub-regulation (1), the holder of any certificate, issued in terms of this Part for the aircraft or its component, shall –

upon the request of the Commissioner, submit appropriate design changes to the Commissioner for approval; and

upon approval of the design changes, if applicable, make the descriptive data covering the changes available to all operators of the product.

Safety Inspections and Audits

- 24.01.8** (1) An applicant, for the issuing of any certificate, approval or authorization in terms of this Part, shall permit an authorized officer, inspector or authorized person to carry out such safety inspections and flight and ground tests which may be necessary to verify the validity of any application made in terms of this Part.
- (2) The holder, of any certificate, approval or authorization issued under this Part, shall permit an authorized officer, inspector or authorized person to carry out such safety inspections and audits, including safety inspections and audits of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.
- (3) Any inspection carried out on a non-type certificated aircraft in terms of sub-regulation (1) is of a conditional nature, in that the inspector shall not be required to guarantee the airworthiness of the aircraft. The owner or operator of the aircraft shall at all times be responsible for the airworthiness status of the aircraft and, if called

upon, shall prove to an inspector that the aircraft is in an airworthy condition.

Suspension, cancellation and appeal

24.01.9 (1) An authorized officer, inspector or authorized person may suspend, for a period of 30 days or more, any certificate, approval or authorization issued under this Part, if –

after a safety inspection and audit carried out in terms of regulation 24.01.8, it is evident that the holder of the certificate, approval or authorization, does not comply with the requirements prescribed in these Regulations, and such holder fails to remedy such non-compliance within 30 days after receiving notice in writing from the authorized officer, inspector or authorized person to do so; or

the authorized officer, inspector or authorized person is prevented by the holder of the certificate, approval or authorization, or its partners or subcontractors, to carry out a safety inspection and audit in terms of regulation 24.01.8; or

the suspension is necessary in the interests of aviation safety.

The authorised officer, inspector or authorised person who has suspended a certificate, approval or authorization in terms of sub-regulation (1), shall –

- (a) enter a note to that effect in the aircraft's logbook or other applicable documentation file; and
- (b) deliver a report in writing to the Commissioner, stating the reasons why, in his or her opinion, the suspended certificate, approval or authorization should be cancelled.

The authorised officer, inspector or authorised person concerned shall submit a copy of the report referred to in sub-regulation (2), to the holder of the certificate, approval or authorization that has been suspended, and shall furnish proof of such submission for the information of the Commissioner.

The holder of a certificate, approval or authorization who feels aggrieved by the suspension of the certificate, approval or authorization may appeal against such suspension to the Commissioner, within 30 days after such holder has been notified of such suspension.

The appeal, referred to in sub-regulation (4), shall be in writing, stating the reasons why, in the appellant's opinion, the suspension should be varied or set aside.

The appellant shall submit a copy of the appeal and any documents or records supporting such appeal, to the authorised officer, inspector

or authorised person concerned and shall furnish proof of such submission for the information of the Commissioner.

The authorised officer, inspector or authorised person concerned may, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (6), deliver his or her written reply to such appeal to the Commissioner.

The Commissioner may –

either adjudicate the appeal on the basis of the documents submitted to him or her; or

order the appellant and the authorised officer, inspector or authorised person concerned to appear before him or her to give evidence, either in person or through a representative, at a time and place determined by him or her; and

at any time –

- (i) extend the period of suspension , if necessary, to deal fairly with the appeal;
- (ii) either confirm, vary or set aside the suspension referred to in sub-regulation (1); or
- (iii) cancel the certificate, approval or authorization concerned.

Before the Commissioner confirms the suspension in terms of sub-regulation (8)(ii), he or she shall permit the holder of the certificate, approval or authorisation, if such holder so wishes, to remedy any non-compliance.

The Commissioner shall –

- (a) if he or she confirms the suspension in terms of sub-regulation (8) (c) (ii); or
- (b) if a certificate, approval or authorization is suspended in terms of sub-regulation (1) and the holder thereof does not appeal against such suspension in terms of sub-regulation (4),

Cancel the certificate, approval or authorization concerned.

Register of certificates

- 24.01.10** (1) The Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of these Regulations, as the case may be, shall maintain a register of all certificates, approvals or authorizations issued in terms of the regulations in this Part.
- (2) The register shall contain the following particulars:
- the full name of the holder of the certificate, approval or authorization;
 - the postal address of the holder of the certificate, approval or authorization;
 - the date on which the certificate, approval or authorization was issued; and
 - a true, certified copy of the issued certificate, approval or authorisation.
- (3) The particulars referred to in sub-regulation (2) shall be recorded in the register within thirty days from the date on which the certificate, approval or authorization is issued.
- (4) The register shall be kept in a safe place at the office of the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of these Regulations, as the case may be.
- (5) A copy of the register shall be furnished by the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of the Regulations, as the case may be, on payment of the appropriate fee as prescribed in Part 187, to any person who requests the copy thereof.

Transitional provision

- 24.01.11** For the purposes of this Part, and until such time that an organisation has been approved in terms of Part 149 of these Regulations, any person building or maintaining a non-type certificated aircraft for aviation recreational purposes shall comply with the airworthiness standards and procedures prescribed for its members by the national body representative of the particular aviation sport, provided that these standards and procedures include those prescribed in, and are not in conflict with, the provisions of this Part.

SUBPART 2: AUTHORITY TO FLY AND PROVING FLIGHT AUTHORITY

Application

- 24.02.1** (1) (a) Any owner of a non-type certificated aircraft, classified in paragraphs (a) to (g) of regulation 24.01.1(2), or his, her or its authorised representative, may apply for the issuing of an Authority to Fly for the aircraft, or for an amendment thereof.
- (b) In respect of an aircraft, classified in paragraphs (h) to (l) of regulation 24.01.1(2), no Authority to Fly or Proving Flight Authority is required.

An application for the issuing of an Authority to Fly, or an amendment thereof, shall be –

made to the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of these Regulations, as the case may be, on the form prescribed in Document SA-CATS-NTCA;

- (b) accompanied by –
- the appropriate fee as prescribed in Part 187;
 - proof of compliance with the provisions of regulation 24.01.2(5);
 - the aircraft logbook/s or similar document, or certified true copies of all entries;
 - certified true copies of all documents and records in the construction or testing file;
 - a certified true copy of the flight manual, if applicable;
 - and
 - a certified true copy of the approved maintenance schedule, referred to in regulation 24.03.1.

Requirements

- 24.02.2** (1) An applicant for the issuing of an Authority to Fly for a non-type certificated aircraft, or an amendment thereof, shall provide the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of these Regulations, as the case may be, with proof that, in the case of–
- (a) a non-type certificated aircraft, built in the Republic, -

the provisions of Document SA-CATS-NTCA in respect of proving flights and of performance, handling and strength tests have been complied with; and the aircraft, other than an amateur-built aircraft, was manufactured or assembled by an organization approved by the Commissioner in terms of regulation 24.04.1

- (b) an imported non-type certificated aircraft, where the owner requests the aircraft to be registered in the South African Civil Aircraft Register, the aircraft-

has been de-registered in the country of export or was never registered;

had been issued with a Certificate of Airworthiness, an Authority to Fly, or similar certificate by the military or civil aviation authority of the country of de-registration; and

complies with all the applicable provisions of this Part; or

where it is a production-built one which has not been previously issued with an Authority to Fly or similar certificate by a civil aviation authority, it was manufactured or assembled by an organization approved by the Commissioner in terms of regulation 24.04.1.

- (2) Prospective owners of an aircraft referred to in paragraph (b) of sub-regulation (1) shall first consult the Commissioner and obtain approval before importing such an aircraft.
- (3) Examples of documentation, required to show compliance with the provisions of sub-regulation (1), are outlined in Document SA-CATS-NTCA.
- (4) Except for the production-built aircraft referred to in sub-regulation (1) (b) (iv), only aircraft which previously have been registered and issued with a Certificate of Airworthiness, an Authority to Fly, or similar document by the appropriate military or civil aviation authority of the country of deregistration may be imported into the Republic.
- (5) The applicant shall, in addition to the provisions of sub-regulation (1), provide the Commissioner with proof that-

any modification to the aircraft conforms to the design changes approved for the type;

the aircraft complies with all appropriate airworthiness directives issued in terms of regulation 24.01.7;

the aircraft is issued with the appropriate flight manual, and any logbooks, repair and alteration forms and documents which the Commissioner may require;

an annual inspection has been carried out in accordance with the requirements of regulation 24.03.2; and

the aircraft is in a safe operating condition.

(6) Where the application is in respect of a previously type-certificated aircraft, other than a veteran aircraft, the applicant shall provide proof that the original identification plate has been removed and handed to the appropriate authority and the aircraft re-registered as a different make and type of aircraft. The Commissioner shall inform the original manufacturer of the fact that the aircraft no longer meets its type certificate.

(7) In addition to the provisions of sub-regulations (1), (5) and (6), these applicant shall provide the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of these Regulations, as the case may be, with—

any other airworthiness data which the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of these Regulations, as the case may be, may require; and

any document relating to the operation of the aircraft which the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of the Regulations, as the case may be, may require.

(8) An application referred to in sub-regulation (1) shall be accompanied by the appropriate fee as prescribed in Part 187.

Issuing

24.02.3 (1) An application in terms of regulation 24.02.1 shall be granted and an Authority to Fly issued if the applicant complies with the provisions of regulation 24.02.2;

(2) An Authority to Fly is issued subject to such conditions and limitations, which may be determined by the Commissioner or, if

applicable, the organization designated for the purpose in terms of Part 149 of these Regulations, as the case may be.

- (3) Whether the Authority to Fly will include permission to operate the aircraft at night, under IMC, or in commercial air transport operations or to conduct semi-acrobatic or acrobatic flights, depends on the results of the proving flights and the installed equipment.
- (4) In the case of a locally built amateur-built aircraft, or in the case of any aircraft that previously has been issued with a Certificate of Airworthiness in terms of Part 21 or a similar document issued by another State in accordance with Annex 8 to the International Convention on Civil Aviation, 1944, or of which the Certificate of Airworthiness or Authority to Fly has become invalid as a result of a proposed major modification, the Authority to Fly may normally be granted, or re-issued as the case may be, in two stages, viz. a Proving Flight Authority and, thereafter, where appropriate, the Authority to Fly.
- (5) Before a Proving Flight Authority or an Authority to Fly is issued, the Commissioner may require the aircraft to be inspected by an authorised officer, inspector or authorised person, and the owner shall be advised accordingly. The owner shall make the aircraft available for such inspection, where and when required by the Commissioner.

Proving Flight Authority

- (6) A Proving Flight Authority shall show the base from which the proving flights are to be carried out.

A Proving Flight Authority may be extended for further periods at the discretion of the Commissioner or, if applicable, the organisation designated for the purpose in terms of Part 149 of these Regulations, as the case may be, on the submission of an inspection report equivalent to an annual inspection.

The constructor, as required, may effect modifications and repairs during the periods of validity of the Proving Flight Authority. However, should a major modification or repair be required, the Commissioner or the organisation designated in terms of Part 149 of these Regulations, may require that the proving flights be commenced anew.

Proving flights shall be carried out as prescribed in document SA-CATS-NTCA.

Flights conducted in terms of a Proving Flight Authority-

- (a) are limited to an area not exceeding 100 km radius from the specified base from which such flights are to be undertaken, unless stated otherwise on the Proving Flight Authority;
- (b) may only be conducted under VMC by day;
- (c) are forbidden over open-air assemblies of persons; and
- (d) are forbidden over built-up areas, except where necessary for take-off and landing.

Only essential crew members, including those persons assigned to carry out in-flight inspections, may be carried on board the aircraft during flights conducted in terms of a Proving Flight Authority.

Where a Proving Flight Authority is issued in respect of an aircraft of a new design, or of which the originally approved design has undergone major modification, the first flight or flights shall be conducted by an appropriately rated test pilot.

With the approval of the Commissioner the flight or flights referred to in sub-regulation (12), the owner of the aircraft, if suitably qualified, may carry out additional proving flights. For the purpose of this sub-regulation, where the 'owner' consists of more than one natural person, one of these persons shall be designated by the test pilot to carry out the proving flights.

- (14) The owner, referred to in sub-regulation (13), shall be a licensed pilot, holding the appropriate category and class rating, and having been converted on type by an appropriately rated flight instructor.
- (15) Apart from any conversion training, which may be required in terms of sub-regulation (14), no flight training may be conducted on an aircraft, operated in terms of a Proving Flight Authority.
- (16) Where the limitations for flight still have to be established, such proving flight or flights shall be carried out by an appropriately rated test pilot.
- (17) The final proving flight, prior to the issuing of an Authority to Fly, shall be carried out by an appropriately rated test pilot who, if

applicable, shall be the pilot who carried out the proving flights referred to in sub-regulation (16).

Special Conditions

The Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of these Regulations, as the case may be, may prescribe special conditions for a Proving Flight Authority or an Authority to Fly, in order to establish a level of safety equivalent to the appropriate airworthiness design standards referred to in regulation 24.01.2(5)(a), if the aircraft has novel or unusual design features which deviate from accepted airworthiness design standards appropriate to the type of aircraft.

Form

24.02.5 An Authority to Fly and a Proving Flight Authority shall be issued on the appropriate form as prescribed in Document SA-CATS-NTCA.

Period of validity

24.02.6 (1) An Authority to Fly and a Proving Flight Authority shall be valid until –

in the case of a Proving Flight Authority, if an expiry date has been determined by the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of these Regulations, as the case may be, it expires;

it is surrendered by the holder thereof, or is suspended by an authorized officer, inspector or authorised person, or cancelled by the Commissioner in terms of regulation 24.01.9;

a major modification is effected to the aircraft; or

the aircraft is involved in an incident or accident that results in major damage to its primary structure.

(2) Subject to the provisions of sub-regulation (1), an Authority to Fly or Proving Flight Authority shall remain valid for as long as –

(a) the aircraft remains registered on the South African Civil Aircraft Register; and

(b) the aircraft is maintained in accordance with the Regulations.

- (3) The holder of an Authority to Fly or Proving Flight Authority, which expired, shall forthwith surrender the Authority to Fly or Proving Flight Authority to the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of these Regulations, as the case may be,
- (4) The holder of an Authority to Fly or Proving Flight Authority which is suspended shall forthwith produce the Authority to Fly or Proving Flight Authority, upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement thereon.
- (5) The holder of an Authority to Fly or Proving Flight Authority which is cancelled shall, within 30 days from the date on which the Authority to Fly or Proving Flight Authority is cancelled, surrender such certificate to the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of the Regulations, as the case may be.
- (6) An Authority to Fly or a Proving Flight Authority, which has been suspended, shall be reinstated when the cause for the suspension has been corrected to the satisfaction of the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of these Regulations, as the case may be.

International operations

- 24.02.7** (1) An Authority to Fly is only valid for flight in South African airspace.
- (2) Notwithstanding the provision of sub-regulation (1), a non-type certificated aircraft, issued with a South African Authority to Fly, may be flown outside the Republic's borders if the appropriate authority with jurisdiction over the relevant airspace has given prior permission for the aircraft to be flown in such airspace, in the full knowledge that the Authority to Fly is not equivalent to a Certificate of Airworthiness issued in terms of ICAO's Annex 8 to the International Convention on Civil Aviation, 1944.

Currency fee

- 24.02.8** (1) A currency fee, as prescribed in Part 187, shall be payable by the holder of an Authority to Fly, on the anniversary date of such Authority to Fly. Should the Authority to Fly not be valid at the time for any of the reasons stated in regulation 24.02.6, the currency fee will be waived until such time that the Authority to

Fly is reinstated and the relevant fee for reinstatement becomes payable.

- (2) The reinstatement date shall become the new anniversary date.

Transferability

24.02.9 (1) Although a Proving Flight Authority or an Authority to Fly may be transferred to a new owner, the aircraft can be re-registered in the new owner's name only --

- (a) if all documents related to the airworthiness of the aircraft, including reports related to proving flights and the aircraft's logbooks, have been handed over to the new owner; or
- (b) if the provisions of paragraph (a) have not been met or cannot be met, an inspection equivalent to an annual inspection has been carried out by a suitably qualified person other than the original owner, and the aircraft has been certified to be airworthy.

- (2) After the transfer of a Proving Flight Authority the provisions of regulations 24.02.3 (6) to (17) shall *mutatis mutandis* apply. The Commissioner or, if applicable, the organisation designated for the purpose in terms of Part 149, as the case may be, shall determine the conditions for the continuation of the proving flights by or on behalf of the new owner, which conditions may include the instruction that the proving flights shall be commenced anew.

- (3) The provisions of Part 47 of the Regulations shall apply *mutatis mutandis* in respect of an application for the re-registration of an aircraft following a change of ownership.

Aircraft type approval

24.02.10 (1) An applicant, who requires an aircraft type approval for an amateur-built aircraft to qualify as a production-built aircraft, shall make the application to the Commissioner on the form prescribed in Document SA-CATS-NTCA, accompanied by --

- (a) the appropriate fee as prescribed in Part 187;
- (b) proof of compliance with the provisions of regulation 24.01.2, and in particular technical standard 24.01.2.B.2;
- (c) a copy of the Authority to Fly issued for the prototype aircraft; and
- (d) proof that the applicant meets the requirements of regulation 24.04.1.

- (2) When the Commissioner is satisfied that --

(a) the applicant has been or may be approved as a manufacturing organisation in terms of regulation 24.04.1; and

(b) the aircraft will be manufactured according to the approved build standard,

he or she shall issue a production-built aircraft type certificate on the form prescribed in Document SA-CATS-NTCA.

SUBPART 3: MAINTENANCE

Approved Maintenance Schedule

24.03.1 (1) A non-type certificated aircraft, specified in sub-regulation 24.01.1 (1) and classified in the paragraphs (a) to (g) of sub-regulation 24.01.1(2), shall be maintained in accordance with its Approved Maintenance Schedule in such a manner that it is airworthy at the commencement of any flight.

The Approved Maintenance Schedule, referred to in sub-regulation (1), shall-

(a) prescribe which Approved Person(s) with the appropriate repair rating, which licensed AMEs and which approved AMOs may carry out maintenance on the aircraft;

(b) specify the conditions under which maintenance shall be carried out, including environmental conditions and equipment and tools to be used; and

(c) be in the format as prescribed in Document SA-CATS-NTCA.

(3) Any non-type certificated aircraft, other than those referred to in sub-regulation (1) above, shall be maintained by or on behalf of its owner in such a manner that it is airworthy at the commencement of any flight. Where the aircraft manufacturer or any approved organisation has issued maintenance instructions or guidelines, such instructions or guidelines shall be adhered to.

Annual inspections

24.03.2 (1) A non-type certificated aircraft, specified in sub-regulation 24.01.1 (1) and classified in paragraphs (a) to (g) of sub-regulation 24.01.1(2), shall undergo an annual inspection not later than 365 days since the previous annual inspection, or an inspection equivalent to an annual inspection, was carried out.

- (2) The items to be inspected as part of an annual inspection are those listed in Document SA-CATS- NTCA for the particular type of aircraft, and shall be incorporated in the Approved Maintenance Schedule.
- (3) The annual inspection shall be recorded in the aircraft logbook and certified by the organization or person by whom, or under whose direct supervision, the annual inspection was carried out.
- (4) Within fourteen days from the date that the annual inspection is completed, the annual inspection form , as prescribed in Document SA-CATS-NTCA, shall be completed and forwarded to the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 , as the case may be, together with the currency fee referred to in regulation 24.02.8.
- (5) The inspection, prior to the issue of a Proving Flight Authority and the inspection prior to the issue of an Authority to Fly of an amateur-built or production-built aircraft, referred to in regulation 24.02.2(5)(d), shall be carried out by an appropriately rated Approved Person who may not be the owner of the aircraft, even if the owner is also an appropriately rated Approved Person.

Periodic and other inspections

- 24.03.3** (1) In addition to the annual inspection, referred to in regulation 24.03.2, the Commissioner may prescribe additional periodic inspections for non-type certificated aircraft, depending on the type of aircraft and its intended use.
- (2) A schedule, reflecting the periodic inspections prescribed in sub-regulation (1), shall be incorporated in the Approved Maintenance Schedule, referred to in regulation 24.03.1.
 - (3) In addition to the periodic inspections, referred to in sub-regulation (1), the Commissioner may prescribe any additional inspection of a non-type certificated aircraft if considered necessary in the interest of safety.

Mandatory maintenance

- 24.03.4** All special inspections and modifications prescribed by the Commissioner to detect and correct an unsafe condition of a non-type certificated aircraft shall be considered mandatory.

Release to Service

- 24.03.5** Further to the provisions of regulation 43.04.1, the owner, who is also the builder of an amateur-built or a production-built aircraft,

may issue a release to service, as prescribed in Part 43 of the Regulations, for his or her aircraft after it has been issued with an Authority to Fly: Provided that the provisions of this Part have been met in respect of the aircraft's airworthiness.

Record keeping and audits

- 24.03.6** (1) Unless specifically exempted in terms of Part 94 of these Regulations, the owner of a non-type certificated aircraft, classified in paragraphs (a) to (g) of regulation 24.01.1(2), shall maintain proper maintenance records in accordance with Part 43 of the Regulations and as prescribed in Document SA-CATS-NTCA.
- (2) The Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of these Regulations, as the case may be, may from time to time carry out audits of the equipment, records and procedures to ascertain whether the aircraft continues to be maintained in a safe and satisfactory manner, and the owner shall allow unrestricted access thereto.

SUBPART 4: APPROVAL OF ORGANIZATION

Application

- 24.04.1** An applicant for the approval of a manufacturing or assembling organization shall meet those provisions of Part 148 of these Regulations, which the Commissioner deems to be applicable.

Cost recovery

- 24.04.2** The cost incurred by the CAA for approving a local or foreign organization, i.e. travel, accommodation and subsistence, shall be at the expense of the applicant, manufacturer or agent, as the case may be.

Approved Organisations

- 24.04.3** A list of approved organisations, if any, shall be provided in Document SA- CATS- NTCA.”

Amendment of regulation 47.00.5(2) of Part 47 of the Regulations

- 4.** Regulation 47.00.5 of the Regulations is herewith amended by the substitution for the said regulation of the following regulation:

“(2) An application referred to in sub-regulation (1) shall be accompanied by aircraft operation requirements as prescribed in Document SA-CATS-ARM and shall include the following-”.

Insertion of Part 62 into the Regulations

5. The following Part is herewith inserted into the Regulations after Part 61:

PART 62

NATIONAL PILOT LICENSING

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- 62.12.1 **General**

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- 62.13.1 General
- 62.13.2 Experience
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- 62.14.1 Background
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- 62.14.11 Maintenance of competency

SUBPART 15: REQUIREMENTS FOR THE DESIGNATION OF EXAMINERS

[Under development]

SUBPART 1

GENERAL

Applicability

62.01.1 (1) This Part shall apply to –

- (a) the issuing of pilot licences and ratings for South African recreational pilots, the privileges and limitations of such licences and ratings, and matters related thereto; and
 - (b) the issuing of a validation to the holders of foreign pilots licences and ratings with similar privileges and the privileges and limitations of such validations.
- (2) The privileges of a recreational pilot licence or a validation issued in terms of this Subpart may only be exercised within the Republic, unless specifically authorised by the appropriate authority of another State to exercise some or all of such privileges within its airspace.

Authority to act as pilot

62.01.2 (1) No person shall act as the pilot of an aircraft whilst in or over any part of the Republic or the territorial waters thereof unless such person–

- (a) holds a valid appropriate pilot licence and rating issued by the Commissioner in terms of this Part or Part 61; or
- (b) holds a valid pilot licence and rating issued by an appropriate authority and validated by the Commissioner in terms of this Part or Part 61; or
- (c) if the aircraft is of a foreign nationality, either –

- (i) holds a valid pilot licence and rating issued by the appropriate authority of the State of Registry, provided such State is a Contracting State; or
 - (ii) has obtained the permission of the Commissioner, if the State of Registry is not a Contracting State.
- (2) The holder of a recreational pilot licence shall not exercise any privileges other than the privileges granted by the appropriate licence and rating or validation held by such holder.
- (3) The holder of a validation of a foreign pilot licence shall adhere to all the requirements and limitations prescribed by this Part in respect of the holder of a recreational pilot licence when exercising the privileges of his or her validation as a recreational pilot.

Recreational Pilot Licences

62.01.3 The recreational pilot licences are –

- (a) a recreational pilot learner's certificate; and
- (b) a recreational pilot licence.

Ratings for recreational pilots and recreational flight instructors

62.01.4 The ratings for recreational pilots and recreational flight instructors are –

- (a) a category rating;
- (b) a class rating;
- (c) a type rating by name; and
- (d) a rating for special purposes.

Category ratings

62.01.5 The category ratings comprise –

- (a) conventional microlight aeroplanes;
- (b) weight-shift controlled microlight aeroplanes
- (c) gyroplanes and gyrogliders with a maximum all-up mass of 2 000 kg or less;
- (d) hang-gliders, including powered hang-gliders; and

- (e) paragliders, including powered paragliders and powered parachutes.

Class ratings

62.01.6 The class ratings comprise –

- (a) in the case of conventional microlight aeroplanes –
 - (i) conventional microlight aeroplanes, land;
 - (ii) conventional microlight aeroplanes, amphibian and sea;
- (b) in the case of weight-shift controlled microlight aeroplanes: a single weight-shift controlled microlight aeroplane, land;
- (c) in the case of hang-gliders –
 - (i) Novice;
 - (ii) Class A;
 - (iii) Class B;
 - (iv) Class C, and
- (d) in the case of paragliders –
 - (i) Basic;
 - (ii) Sport.
- (e) in the case of gyroplanes –
 - (i) gyroplanes, land
 - (ii) gyroplanes, amphibian and sea
 - (iii) gyrogliders

Type ratings

62.01.7 (1) The type ratings for conventional microlight aeroplanes comprise type ratings by name for conventional microlight aeroplanes.

- (2) Type ratings for hang-gliders and paragliders comprise –
 - (a) *Type 1*, a hang-glider having a rigid primary structure with pilot weight-shift as the method of primary control;
 - (b) *Type 2*, a hang-glider having a rigid primary structure with moveable aerodynamic surfaces as the method of control in at least two axis;
 - (c) *Type 3*, a hang-glider having no rigid primary structure, a paraglider;
 - (d) *Type 4*, a hang-glider unable to demonstrate the ability to safely take-off or land in no-wind conditions but that is

- capable of being launched and landed safely by the use of the pilot's legs;
 - (e) *Type 5*, a hang-glider or a paraglider capable of being foot-launched, and being flown with an engine; a powered hang-glider or powered paraglider; and
 - (f) *Type 6*, a powered paraglider fitted with a three-wheel undercarriage and steerable nose wheel.
- (3) Type ratings for gyroplanes and gyrogliders comprise a rating by name for each type of gyroplane or gyroglider.

Rating for special purposes

62.01.8 (1) The ratings for special purposes in respect of the appropriate licence comprise -

- (a) a tandem rating;
 - (b) a recreational flight instructor rating;
 - (c) an aero-tow rating for conventional microlight aeroplanes;
 - (d) an aero-tow rating for hang-gliders;
 - (e) an agricultural pilot rating; and
 - (f) a Part 96 authorisation.
- (2) Recreational flight instructor ratings comprise –
- (a) In the category microlight aeroplanes (conventional or weight-shift controlled) –
 - (i) a Grade C recreational flight instructor rating (conventional/weight-shift controlled microlight aeroplane);
 - (ii) a Grade B recreational flight instructor rating (conventional/weight-shift controlled microlight aeroplane); and
 - (iii) a Grade A recreational flight instructor rating (conventional/weight-shift controlled microlight aeroplane);
 - (b) In the category gyroplanes and gyrogliders –
 - (i) a recreational assistant flight instructor rating (gyroplane/gyroglider);
 - (ii) a recreational flight instructor rating (gyroplane/gyroglider); and
 - (iii) a recreational chief flight instructor rating (gyroplane/gyroglider).
 - (c) In the categories hang-gliders and paragliders --

- (i) a recreational assistant flight instructor rating (hang-gliding/paragliding); and
- (ii) a recreational flight instructor rating (hang-gliding/paragliding).

Competency

- 62.01.9 (1) No holder of a recreational pilot licence or rating shall exercise the privileges granted by the licence or rating unless such holder maintains competency by complying with the appropriate requirements prescribed in these Regulations.
- (2) The holder of a recreational pilot licence shall undergo a general proficiency check not later than 24 months since the issue of the licence or a previous proficiency check, as the case may be. In the case of hang-gliders and paragliders, the annual revalidation of the category rating shall be sufficient to confirm proficiency. The proficiency check, or the annual revalidation procedure, as the case may be, shall include a review of applicable regulations, NOTAMs and AICs. The provisions of sub-regulations (5) and (6) shall apply *mutatis mutandis* in respect of the annual revalidation procedure.
- (3) The proficiency check, referred to in sub-regulation (2), may be conducted by a recreational flight instructor who is the holder of the appropriate category, class or type rating.
- (4) The proficiency check shall consist of a flight check, to be conducted in an aircraft of the category for which he or she is licensed: Provided that in the case of hang-gliders and paragliders the flight check shall not be a requirement, unless the pilot has not met the annually required number of flights or hours.
- (5) (a) The person, conducting the proficiency check, shall enter the outcome of the proficiency check in the pilot's logbook and sign it accordingly, and submit the relevant test report to the Commissioner, or to the organisation designated for the purpose in terms of Part 149, as the case may be.
- (b) The test report, referred to in paragraph (a), shall be countersigned by the pilot, and the pilot concerned shall be provided with a copy thereof.
- (6) Where a pilot fails a proficiency check –

- (a) the pilot shall undergo corrective training with a flight instructor, other than the person who conducted the failed proficiency check, before submitting himself or herself for a retest;
 - (b) no retest shall be conducted without a letter of recommendation by the flight instructor referred to in paragraph (a).
- (7)
 - (a) The holder of a recreational pilot licence shall pay annually on the anniversary date of his or her licence the applicable currency fee as prescribed in Part 187. The fee shall be paid to the Commissioner, or to the organisation designated for the purpose in terms of Part 149, as the case may, and shall be accompanied by a summary of his or her logbook for the previous 12 months. The summary shall be in the format prescribed in Document SA-CATS-FCL 62 and be signed, certifying it to be a true reflection of his or her flying experience during the period summarised.
 - (b) Notwithstanding the provision of paragraph (a), no summary shall be required to accompany the currency fee if during the preceding 12 months a six-monthly or annual summary was submitted as part of an application for the issue, renewal or reissue of a rating.
- (8) If the Commissioner, or the organisation designated for the purpose in terms of Part 149, as the case may be, suspects that a person, licensed in terms of this Part, has failed to maintain the minimum standard required to exercise the privileges of the recreational pilot licence or any of the ratings that he or she holds, the Commissioner or the said organisation may, after having afforded the licensee an opportunity to respond, give in writing the licensee reasonable notice of such suspicion. The Commissioner or the said organisation may then require the person to undergo, by a date specified by the Commissioner or the said organisation, the skill test or all or some of theoretical knowledge examinations prescribed in this Part in respect of such licence or rating.
- (9) Should the tests or examinations, referred in sub-regulation (8), show that the standard of the licence or rating holder is below that required for the licence or rating concerned, the Commissioner or the organisation designated for the purpose in terms of Part 149, as the case may be, shall suspend the holder from exercising all or any of the privileges of that licence or rating until such time as the holder can show that he or she is again able to meet the skill or theoretical knowledge requirements for that licence or rating.

- (10) If the person, who has been duly notified in terms of sub-regulation (8), fails without reasonable cause to present himself or herself by the specified date to undergo the test or examination prescribed, his or her standard shall be deemed to be below that required for the license or rating concerned and the provisions of sub-regulation (9) shall *mutatis mutandis* apply.

Medical fitness

- 62.01.10 (1) An applicant for, or holder of, a recreational pilot licence shall hold an appropriate valid medical certificate issued in terms of Part 67 of these Regulations, a certified copy of which he or she shall submit to the Commissioner or the organisation designated for the purpose in terms of Part 149, as the case may be.
- (2) Notwithstanding the provisions of sub-regulation (1), where a recreational pilot licence is (to be) endorsed only for the category hang-glider or paraglider, its holder shall complete and submit in stead a medical fitness certificate, as prescribed in Document SA-CATS-FCL 62.
- (3) The medical fitness certificate, prescribed in sub-regulation (2), shall not be older than three months when submitted.
- (4) A new medical fitness certificate, as prescribed in sub-regulation (2), shall be submitted annually together with the annual currency fee as prescribed in regulation 62.01.19.
- (5) The provisions of sub-regulations (2) to (4) shall not apply in the case of the applicant or the licence holder being the holder of any valid medical certificate issued in terms of Part 67.
- (6) The holder of a recreational pilot licence issued in terms of this Part shall –
 - (a) not exercise the privileges of that licence –
 - (i) unless that person –
 - (aa) holds an appropriate valid medical certificate or medical fitness certificate, as the case may be; and
 - (bb) complies with all medical endorsements on that medical certificate or medical fitness certificate;
 - (ii) while he or she is aware of having a medical deficiency that would make him or her unable to meet the medical standards for his or her medical

certificate or medical fitness certificate, until he or she has been assessed medically fit again by an aviation medical examiner designated in terms of Part 67 (in the case of the holder of a medical certificate, referred to in sub-regulation (1), or by a general medical practitioner (in the case of the holder of a medical fitness certificate, referred to in sub-regulation (2)).

Language

62.01.11 The applicant for a recreational pilot licence, to be issued under this Part, shall have demonstrated his or her ability to use the English language as set out in Document SA-CATS-FCL 62.

Logging of flight time

62.01.12 (1) The holder of a recreational pilot licence shall maintain a record of all his or her flight time and instruction time. Electronic logbooks may be used, provided that the electronic data is printed onto paper at least every 90 days and the printed pages are filed sequentially in a binder.

(2) The form and information to be contained in the logbook, referred to in sub-regulation (1), and the manner in which such logbook shall be maintained, shall be as prescribed in Document SA-CATS-FCL 62.

(3) (a) Entries in pilot logbooks shall be made within seven days after the completion of the flight to be recorded.

(b) Where a pilot is engaged in flight operations away from the base where the pilot logbook is kept normally, the periods specified in paragraph (a) may be extended to 48 hours after return to base.

(4) Pilot logbooks shall be retained by their holders for at least 60 months from the date of the last flight recorded therein.

(5) Flight time during which the holder of a recreational pilot licence is –

(a) receiving dual instruction shall be logged as dual flight time, and shall include a record of the air exercises undertaken;

(b) the designated pilot-in-command, shall be logged as pilot-in-command time.

- (6) The holder of a recreational learner's certificate may log as solo flight time only the flight time when the learner is the sole occupant of the aircraft.
- (7) A recreational flight instructor shall log the time spent in an aircraft occupying a pilot seat with access to the controls, whilst acting as a flight instructor, as flight instructor time, and may log all flight time whilst acting as such as pilot-in-command time.
- (8) A recreational flight instructor, acting as an examiner while occupying a pilot seat with access to the flight controls, may log all flight time whilst acting as such as pilot-in-command, and shall make the entry EXAMINER in the remarks column. Such time shall not be logged as flight instructor time.

Crediting of flight time and theoretical knowledge

- 62.01.13 (1) Flight time, entered in a logbook that has been lost or destroyed, shall only be accepted for crediting purposes by the Commissioner or the organisation designated for the purpose in terms of Part 149, as the case may be, if the flight time can be substantiated by means acceptable to the Commissioner or the said organisation.
- (2) A person acting as pilot of an aircraft for which he or she does not hold the prescribed qualifications shall not credit that flight time for any purpose, unless he or she is under approved flight instruction.
 - (3) An applicant for a recreational pilot licence or any rating thereto may be credited with any previously acquired flight time in any category of aircraft to the extent recommended by the flight instructor, signing out the skill test report prescribed for the issue of the licence or rating, to the Commissioner or the organisation designated for the purpose in terms of Part 149, as the case may be.
 - (4) An applicant for a recreational pilot licence or any rating thereto, who is or who during the five years immediately preceding the application, has been the holder of a pilot licence issued in terms of Part 61 or by the South African Air Force may be exempted from any cross-country requirement prescribed in this Part, if any, at the discretion of the flight instructor signing out the skill test report prescribed for the issue of the licence or rating.
 - (5) A learner pilot shall be entitled to be credited in full with all solo and dual instruction flight time towards the total flight time requirement for the initial issue of a recreational pilot licence.

- (6) A recreational flight instructor is entitled to be credited with all instruction time acquired while giving flight instruction for the purpose of initial flight training, instructor training, conversion to type training, safety training as defined in Part 141 of the Regulations, and training towards various ratings, towards a higher grade flight instructor rating, or towards the revalidation or reissue of any existing rating, provided he or she holds the appropriate category, class or type rating.
- (7) Where the holder of a recreational pilot licence applies for an additional category, class or type rating, he or she may be credited with any theoretical knowledge previously acquired in obtaining the licence or any rating, at the discretion of the Commissioner or the organisation designated for the purpose in terms of Part 149, as the case may be.
- (8) Notwithstanding the provisions of sub-regulations (3), (4) and (7), no other flight experience shall be credited towards the flight time requirements for the issue of a gyroplane category rating, while the crediting of theoretical knowledge shall be limited to acquired knowledge in air law, meteorology and navigation.

Suspension and withdrawal of privileges and appeal

- 62.01.14 (1) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, a person from exercising all or any of the privileges of his or her recreational pilot licence, ratings or validation if –
- (a) immediate suspension is necessary in the interests of aviation safety;
 - (b) the authorised officer, inspector or authorised person is prevented by the holder of the licence from carrying out any safety inspection or audit; or
 - (c) it is evident that the holder of the licence, rating or validation does not comply with the requirements prescribed in this Part.
- (2) The notice of suspension shall be given in writing, stating the reasons for the suspension.
- (3) A person who has been suspended from exercising all or any of the privileges of his or her pilot licence in terms of sub-regulation (1) shall be afforded an opportunity to make representations against such suspension within a maximum period of seven days after such suspension, which representations shall be considered by the authorised officer, inspector or authorised

person making the suspension, who may either confirm, vary or set aside the suspension.

- (4) Should no representations be received in terms of sub-regulation (3), or should the authorised officer, inspector or authorised person making the suspension, either confirm or vary the suspension, after receipt of representations, such authorised officer, inspector or authorised person shall within a period of seven days after the period referred to in sub-regulation (3), deliver a report in writing to the Commissioner, or to the organisation designated for the purpose in terms of Part 149, as the case may be, stating the reasons why, in his or her opinion, the suspended privileges should be withdrawn.
- (5) The authorised officer, inspector or authorised person concerned shall within seven days submit a copy of the report, referred to in sub-regulation (4), to the holder of the licence, rating or validation of which all or some of the privileges have been suspended, and shall furnish proof of such submission for the information of the Commissioner or the designated organisation, as the case may be.
- (6) The holder of a licence, rating or validation, who feels aggrieved by the suspension in terms of sub-regulation (1) or (3), may appeal against such suspension to the Commissioner or the designated organisation, as the case may be, within 30 days after such holder has been notified in terms of sub-regulation (2) of the suspension.
- (7) The appeal, referred to in sub-regulation (6), shall be in writing, stating the reasons why, in the appellant's opinion, the suspension should be varied or set aside.
- (8) The appellant shall submit a copy of the appeal, and any documents or records supporting such appeal, to the authorised officer, inspector or authorised person concerned, and shall furnish proof of such submission to the Commissioner or the designated organisation, as the case may be.
- (9) The authorised officer, inspector or authorised person concerned shall, within seven days of receipt of the copy of the appeal referred to in sub-regulation (8), deliver his or her written reply to such appeal to the Commissioner or the designated organisation, as the case may be.
- (10) The Commissioner or the designated organisation, as the case may be, may -
 - (a) at any time –

- (i) extend the period of suspension for a further period of 30 days, should the interests of fairness or aviation safety so require; and
 - (ii) either confirm, vary or set aside the suspension referred to in sub-regulation (1) and impose any conditions necessary for the varying or setting aside of such suspension; or
 - (b) either adjudicate the appeal on the basis of the documents submitted to him, her or it; or
 - (c) order the appellant and the authorised officer, inspector or authorised person concerned to appear before him, her or it to give evidence, either in person or through a representative, at a time and place determined by him, her or it.
- (11) Before the Commissioner or the designated organisation, as the case may be, withdraws any privileges in terms of sub-regulation (10), he, she or it shall permit the holder, if he or she so wishes, to meet the relevant requirements for the issue, revalidation or re-issue of the said licence, rating or validation in order to restore the privileges thereof.
- (12) With due respect for the provisions of sub-regulation (11), the Commissioner or the designated organisation, as the case may be, shall withdraw the privileges of the licence, rating or validation concerned if –
- (a) he, she or it confirms the suspension in terms of subparagraph (10)(a)(ii); or
 - (b) the holder does not appeal against such submission in terms of sub-regulation (6).

Recognition and validation of pilot licences and ratings issued by an appropriate authority of a Contracting State

- 62.01.15 (1) (a) The Commissioner or the organisation designated for the purpose in terms of Part 149, as the case may be, may recognise through validation pilot licences and ratings issued by or on behalf of an appropriate authority of a Contracting State where the standard of such foreign licences or ratings is deemed to be equivalent to, or

higher than, the South African qualification being sought, and on the basis of competence by the holder.

- (b) Document SA-CATS-FCL 62 contains a list of Contracting States of which the licences and ratings issued by or on behalf of the appropriate authority are deemed to be of a standard equal to, or higher than, those issued by or on behalf of the South African Civil Aviation Authority.
- (2) (a) Validation of such foreign licences shall apply for flights in South African aircraft, where such privileges are required for a limited period, not to exceed one year.
- (b) Purposes for which a Certificate of Validation may be issued include:
- (i) to exercise the privileges of a recreational pilot licence in a South African registered aircraft;
 - (ii) to conduct demonstration flights in a South African registered aircraft;
 - (iii) to conduct endorsement training of South African flight crew; or
 - (iv) to participate in sporting or competition events, organised by or under the auspices of sections of the recognised national aero sport body.
- (c) The privileges of the validated foreign licence may not be exercised in commercial air transport operations.
- (3) The Commissioner or the organisation designated for the purpose in terms of Part 149, as the case may be, may deem it necessary for an applicant for a validation to undergo additional theoretical or practical assessments to ensure compatibility with the relevant South African licensing standards.

Application for, and issuing of a validation of a foreign pilot licence and ratings

62.01.16 (1) The holder of a licence or rating, similar to, or higher than, a recreational pilot licence issued in terms of this Part, issued by or on behalf of the appropriate authority of a Contracting State, who desires to exercise the privileges of such licence or rating as pilot-in-command of a South African registered aircraft, may apply to the Commissioner or the organisation designated for the purpose in terms of Part 149, as the case may be, in the appropriate form as prescribed in Document SA-CATS-FCL 62, for a validation of such pilot licence or rating.

- (2) No validation will be considered by the Commissioner if the applicant has –
- (a) been refused a South African pilot licence or validation before; or
 - (b) had a South African pilot licence or validation revoked in the past;

for reasons other than failing a skill test, a proficiency test, or a theoretical knowledge test.

- (3) Where, in the opinion of the Commissioner or the designated organisation, the requirements for the issue of a pilot licence by a particular Contracting State are lower than those set by the Republic, the Commissioner or the designated organisation may direct that the applicant meets the higher requirement before granting a validation.
- (4) A pilot licence and rating issued by or on behalf of an appropriate authority of a Contracting State may be validated by the Commissioner or the designated organisation –
- (a) subject to the same restrictions which apply to such pilot licence and rating;
 - (b) subject to such conditions and limitations as the Commissioner or the designated organisation may deem necessary in the interest of aviation safety;
 - (c) in accordance with and subject to the requirements and conditions as prescribed in Document SA-CATS-FCL 62; and
 - (d) in the appropriate form as prescribed in Document SA-CATS-FCL 62; but
 - (e) shall not permit privileges in excess of the equivalent South African recreational pilot licence or rating.

- (5) The application for a validation referred to in sub-regulation (1) shall be accompanied by –
- (a) the appropriate fee as prescribed in Part 187;
 - (b) a certified true copy of the pilot licence and rating to which the validation refers;
 - (c) a certified true copy of a valid medical certificate or valid medical fitness certificate;
 - (d) a certified true copy of the radiotelephony certificate (if applicable), or, in the case where the Contracting State does not prescribe such certificate for its licence holders, certified proof that the applicant has passed a practical skill test with an approved radio licence examiner;
 - (e) a summary of the applicant's logbook, certified by the applicant to be a true reflection of the hours flown; and
 - (f) any other document that may have been prescribed in Document SA-CATS-FCL 62.
- (6) The minimum knowledge, experience and skill requirements for the issue of a Certificate of Validation for the various pilot licences and ratings are those prescribed in Document SA-CATS-FCL 62 for the South African recreational pilot licence and associated ratings.
- (7) Where a practical flight test is required, such test shall be undertaken in an aircraft of the class or type, appropriate to the recreational pilot licence category for which a Certificate of Validation is sought.
- (8) The holder of a validation issued by the Commissioner or the designated organisation shall comply with all the applicable provisions prescribed in these Regulations.
- (9) None of the privileges of an additional rating may be exercised in term of the Certificate of Validation before the appropriate authority as applicable has endorsed such privileges on the applicant's foreign pilot's license. However, due regard shall be given to the provision of regulation 62.01.15(2)(c).
- (10) The period of validity of a Certificate of Validation issued by the Commissioner or the designated organisation shall be the lesser of -
- (a) twelve months calculated from the date of issue of such Certificate of Validation by the Commissioner or the designated organisation; or
 - (b) the period of validity of the pilot licence and rating to which the validation applies;

- (11) In exceptional cases, such as demonstration flights or specific instruction on aircraft new for the Republic, the Commissioner or the designated organisation may consider the validation of a foreign licence to meet short-term operational requirements by exempting the applicant from all or some of the requirements of this Part, subject to conditions set by him, her or it for the particular situation.

Documentation

- 62.01.17 The Commissioner or the organisation designated for the purpose in terms of Part 149, as the case may be, shall ensure that a recreational pilot licence and rating is issued in such a manner that the validity thereof may readily be determined by any appropriate authority.

Register of licences

- 62.01.18 (1) The Commissioner, or the organisation designated for the purpose in terms of Part 149, as the case may be, shall maintain a register of all recreational pilot licences and ratings issued or validated in terms of this Part.
- (2) The register shall contain the following particulars:
 - (a) the full name of the holder of the licence;
 - (b) date of birth;
 - (c) the postal and residential address of the holder of the licence;
 - (d) the number of the licence;
 - (e) the date on which the licence was issued or validated;
 - (f) particulars of the ratings held by the holder of the licence;
 - (g) the nationality of the holder of the licence; and
 - (h) in the case of a validation, the authority that issued the validated licence or rating.
 - (3) The particulars referred to in sub-regulation (2) shall be recorded in the register within seven days from the date on which the licence or rating is issued or validated.
 - (4) The register shall be kept in a safe place at the office of the Commissioner or of the designated organisation.
 - (5) A copy of the register shall be furnished by the Commissioner or the designated organisation on payment of the appropriate fee as prescribed in Part 187 to any person who requests the copy: Provided that postal and residential addresses may not be divulged to third parties, except to law enforcement officers or on instruction of the Courts.

Aviation training providers

62.01.19 Any *ab initio* training required by this Part shall be provided only by the holder of an aviation training organisation approval issued in terms of Part 141.

Payment of currency fee

62.01.20 The holder of a recreational pilot licence shall pay the annual currency fee as prescribed in Part 187, applicable to the type of licence, on the anniversary date of the licence to either the Civil Aviation Authority or to the organisation approved for the purpose in terms of Part 149, as the case may be. Where applicable, the payment shall be accompanied by the annual summary as prescribed by regulation 62.01.9(7).

Radiotelephony certificates

62.01.21 The requirement for certain holders of a recreational pilot licence to be also the holder of a radiotelephony certificate is regulated by section 30 of the Telecommunications Act of 1996 (Act 103/1996). The requirements for their issue are prescribed in Document SA-CATS-FCL 62.

SUBPART 2 RECREATIONAL PILOT LEARNER'S CERTIFICATE

Requirements for the recreational pilot learner's certificate

62.02.1 (1) An applicant for the issuing of a recreational pilot learner's certificate shall –

- (a) be not less than 16 years of age, except as provided for in sub-regulation (2);
 - (b)
 - (i) hold a valid medical certificate appropriate to the category of licence ultimately being trained for issued in terms of Part 67; or
 - (ii) in the case of hang-gliding or paragliding, hold a medical fitness certificate, dated not less than three months before the date of application;
 - (c) have successfully completed the training referred to in regulation 62.02.2; and
 - (d) have passed the theoretical knowledge examination referred to in regulation 62.02.3.
- (2) Notwithstanding the provisions of sub-regulation (1), an applicant for the issuing of a recreational pilot learner's certificate in the category paraglider shall be not less than 14 years of age.

Training

62.02.2 An applicant for the issuing of a recreational pilot learner's certificate shall have successfully completed the appropriate training as prescribed in Document SA-CATS-FCL 62.

Theoretical knowledge examination

62.02.3 An applicant for the issuing of a recreational pilot learner's certificate shall have passed the appropriate written examination as prescribed in Document SA-CATS- FCL 62, within the 90 days immediately preceding the date of application.

Certificate of competency

62.02.4 (1) If the recreational pilot learner, in terms of these Regulations, is required to operate radio apparatus while flying solo, a recreational pilot learner's certificate may be issued to the applicant who is not in the possession of a certificate of proficiency (aeronautical), provided that he or she is the holder of a certificate of competency issued by the holder of a flight instructor rating, wherein it is certified that –

- (a) the applicant has undergone basic training in the use of the radio apparatus installed in the aircraft in which he or she is being trained; and
- (b) the applicant is considered capable of operating such radio apparatus satisfactorily to undertake solo flights -
 - (i) within the circuit area of the aerodrome or approved site where the training flights originate and terminate;
 - (ii) within the associated general flying area of such aerodrome of approved site;
 - (iii) on cross-country flights; and
 - (iv) outside controlled airspace, except for the control zone or aerodrome traffic zone of the aerodrome referred to in subparagraph (i).

(2) The basic training and knowledge requirements to be met shall be based on the communication syllabus prescribed in document SA-CATS-FCL62

(3) The certificate of competency referred to in sub-regulation (1) shall be valid for a period of three months calculated from the last day of the calendar month in which such certificate is issued.

Application for recreational pilot learner's certificate

62.02.5 (1) An application for the issuing of a recreational pilot learner's certificate in a category, other than hang-glider or paraglider, shall –

- (a) be made to the Commissioner or the organisation, designated for the purpose in terms of Part 149, as the case may be, in the appropriate form as prescribed in Document SA-CATS-FCL 62; and
- (b) be accompanied by -

- (i) original or certified proof of -

- (aa) the identity of the applicant; and

- (bb) the age of the applicant;

- (ii) a valid medical certificate appropriate to the category of licence ultimately being trained for issued in terms of Part 67;

- (iii) if applicable, the valid restricted or higher grade radiotelephony operator's certificate or the certificate of competency referred to in regulation 62.02.4;

- (iv) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 62.02.3;

- (v) an application for the appropriate category and type rating;

- (vi) two recent passport size photographs of the applicant; and

- (vii) the appropriate fee prescribed in Part 187.

(2) An applicant for the issuing of a recreational pilot learner's certificate in the category hang-glider or paraglider shall be made to the holder of a recreational flight instructor rating under whose supervision the training will take place on the appropriate form, as prescribed in Document SA-CATS-FCL 62, accompanied by:

- (a) a completed medical fitness certificate in which the applicant confirms that he or she is medically fit for the intended training; and

- (b) the applicable fee as prescribed in Part 187.

Issuing of recreational pilot learner's certificate

62.02.6 (1) (a) The Commissioner or the organisation, designated for the purpose in terms of Part 149, as the case may be, shall issue a recreational pilot learner's certificate if the applicant complies with the requirements referred to in regulation 62.02.1.

- (b) Notwithstanding the provisions of paragraph (a), a learner's certificate may be issued by the flight instructor, referred to in regulation 62.02.5(2), if the applicant has complied with the provisions of that sub-regulation.
- (2) A recreational pilot learner's certificate shall be issued in the format, as prescribed in Document SA-CATS-FCL 62.
- (3) Upon the issuing of a recreational pilot learner's certificate the holder thereof shall forthwith affix his or her signature in ink in the space on the certificate provided for such purpose.

Period of validity

62.02.7 A recreational pilot learner's certificate shall be valid for the period for which the holder thereof is the holder of a valid medical certificate, appropriate to the category of licence ultimately being trained for, issued in terms of Part 67: Provided that in the case of a learner's certificate in the categories hang-gliding or paragliding the validity of the learner's certificate depends on its holder having completed the medical fitness certificate, referred to in regulation 62.02.5(2), within the preceding 12 months.

Privileges and limitations of recreational pilot learner's certificate

- 62.02.8 (1) The holder of a valid recreational pilot learner's certificate shall be entitled to fly solo only for the purpose of training for the applicable recreational pilot licence or rating –
- (a) in the type of aircraft in which he or she is undergoing training;
 - (b) after being authorised thereto and while under supervision, as prescribed in sub-regulation (2);
 - (c) without carrying any passengers;
 - (d) in VMC by day.
- (2) A learner recreational pilot shall not fly solo unless authority is granted for a flight, or for a sequence of flights, as prescribed in the relevant practical training course syllabus in Document SA-CATS-FCL 62, by the holder of a flight instructor rating who is to supervise the solo flight. The authority shall be in writing and be issued in his or her presence at the time when such flight or sequence of flights is about to commence.
- (3) In the case of the holder of a recreational pilot learner's certificate in the category hang-glider or paraglider, the provisions of sub-regulation (2) shall be deemed to have been met when the learner has reported to the flight instructor on site

to undergo training under the latter's direct supervision in accordance with an approved training manual.

- (4) (a) Except in an emergency, no learner recreational pilot shall land or take-off in an aircraft from an area other than an aerodrome or an approved site.
- (b) If a learner recreational pilot does execute an emergency landing in an aircraft in an area other than an aerodrome or an approved site, only the holder of a recreational pilot licence with the appropriate category and class rating, or another pilot approved for the purpose by the Commissioner or the designated organisation, may fly the aircraft from the area.

SUBPART 3 RECREATIONAL PILOT LICENCE

Requirements for recreational pilot licence

62.03.1 (1) An applicant for the issuing of a recreational pilot licence shall -

- (a) be not less than 17 years of age, except as provided for in sub-regulation (2);
 - (b) either hold a valid Class 4 or higher class medical certificate issued in terms of Part 67, or in the case of an application in the category hang-glider or paraglider a valid medical fitness certificate;
 - (c) hold a valid recreational pilot learner's certificate, or a valid pilot licence issued in terms of Part 61;
 - (d) qualify for the issue of at least one of the category ratings, referred to in regulation 62.01.5; and
 - (e) be a *bona fide* member of an aviation recreational organisation approved for the purpose in terms of Part 149.
- (2) Notwithstanding the provisions of sub-regulation (1), an applicant for the issuing of a recreational pilot license in the category paraglider shall be not less than 16 years of age.

Application for recreational pilot licence

62.03.2 An application for the issuing of a recreational pilot licence shall -

- (a) be made to the Commissioner or to the organisation, designated for the purpose in terms of Part 149, as the case may be, on the

appropriate form as prescribed in Document SA-CATS-FCL 62;
and

- (b) be accompanied by -
- (i) either a valid Class 4 or higher class medical certificate, issued in terms of Part 67, or in the case of an application in the category hang-glider or paraglider a valid medical fitness certificate;
 - (ii) a certified true copy of the applicant's recreational pilot learner's certificate or of a valid pilot licence issued in terms of Part 61;
 - (iii) original or certified proof that the applicant meets the requirements for the issue of at least one of the category ratings, referred to in regulation 62.01.5;
 - (v) one passport-sized photograph; and
 - (vi) the appropriate fee as prescribed in terms of Part 187 or by the organisation designated for the purpose in terms of Part 149, as the case may be, provided that any fee set by the latter may not exceed those prescribed in Part 187.

Issuing of recreational pilot licence

- 62.03.3 (1) The Commissioner, or the organisation designated for the purpose in terms of Part 149, as the case may be, shall issue a recreational pilot licence if the applicant complies with the requirements referred to in regulation 62.03.1.
- (2) A recreational pilot licence shall be issued in the format prescribed in Document SA-CATS-FCL 62.

Period of validity

- 62.03.4 A recreational pilot licence shall be valid for an indefinite period: Provided that the privileges of the licence shall not be exercised by the holder thereof unless he or she –
- (a) either holds a valid Class 4 or higher class medical certificate issued in terms of Part 67, or in the case of a licence endorsed for the category hang-glider or paraglider only, a valid medical fitness certificate;
 - (b) complies with the provisions of regulation 62.03.6;
 - (c) holds an appropriate valid category, class or type rating; and
 - (d) holds valid membership of a *bona fide* aviation recreation organisation approved in terms of Parts 149.

Privileges of the recreational pilot licence

- 62.03.5 (1) The holder of a recreational pilot licence shall be entitled to act as pilot-in-command of a non-type certificated aircraft for which

he or she holds the appropriate valid category, class or type rating and which is not engaged in the provision of an air service, but not for reward or remuneration –

- (a) under VMC;
 - (b) by day; and
 - (c) in accordance with the provisions of Part 94.
- (2) The holder of a recreational pilot licence shall be entitled to exercise the privileges of the licence for any of the special purposes referred to in regulation 62.01.8.
- (3) Notwithstanding the provisions of sub-regulation (1) –
- (a) the holder of a recreational pilot licence may exercise the privileges of his or her licence for reward or remuneration in an aircraft operated in terms of Part 96, provided he or she is the holder of a valid Part 96 authorisation issued in terms of Subpart 14 of this Part; and
 - (b) the holder of a valid recreational flight instructor rating may

conduct flight training for remuneration under the auspices of an appropriately rated, approved aviation training organisation.

Maintenance of competency

- 62.03.6 The holder of a recreational pilot licence shall not act as pilot-in-command of a non-type certificated aircraft, unless he or she –

- (a) meets the maintenance of competency requirements prescribed in this Part for the type of aircraft for which he or she holds a valid category, class or type rating; and
- (b) has passed a written examination on the subject of air law if he or she has not exercised the privileges of any pilot licence for a period in excess of 60 months.

Requirements for the issue of a category rating

62.03.7 For the applicant for, or the holder of a recreational pilot licence to be issued with a first or an additional category rating, he or she shall meet the requirements for the issue of a class or type rating in that particular category. When issued with a category rating, a class or type rating in that category is automatically included.

Requirements for the issue of an additional class rating

62.03.8 For the holder of a recreational pilot licence to be issued with an additional class rating, he or she shall meet the relevant requirements as prescribed in this Part for that particular category and class of aircraft.

Requirements for the issue of an additional type rating

62.03.9 For the holder of a recreational pilot licence to be issued with an additional type rating, he or she shall meet the requirements for the issue of the particular type rating.

Requirements for the issue of a special purpose rating

62.03.10 For the holder of a recreational pilot licence to be issued with a special purpose rating, he or she shall meet the requirements for the issue of the particular special purpose rating.

SUBPART 4 REQUIREMENTS FOR THE ISSUE OF A CLASS RATING OR TYPE RATING BY NAME FOR CONVENTIONAL MICROLIGHT AEROPLANES

General

- 62.04.1 For an applicant for, or the holder of, a recreational pilot licence to be issued with a type rating by name for conventional microlight aeroplanes, he or she shall –
- (a) hold a valid restricted or general radiotelephony operator's certificate;
 - (b) have acquired the experience referred to in regulation 62.04.2;
 - (c) have successfully completed the training referred to in regulation 62.04.3;
 - (d) have passed the theoretical knowledge examination referred to in regulation 62.04.4; and
 - (e) have successfully passed the skill test referred to in regulation 62.04.5.

Experience

- 62.04.2 (1) An applicant for the issuing of a type rating by name for conventional microlight aeroplanes shall have completed not less than 20 hours flight time as a pilot of a conventional microlight aeroplane, of which at least 10 hours shall be solo flight time, and which shall include –
- (a) one dual cross-country flight and one solo cross-country flight, each of a duration of not less than 90 minutes flown at normal cruising speed; and
 - (b) one dual cross-country flight of a duration of not less than 90 minutes flown at normal cruising speed and which includes a full stop landing at a point other than the point of departure.

The cross-country flights shall have at least three legs.

- (2) Notwithstanding the provisions of sub-regulation (1), in the case of an applicant with extensive experience as the holder of a pilot licence, issued in terms of Part 61, or the holder of a class or type rating for weight-shift controlled microlight aeroplanes, the hour requirements and the cross-country requirements may be relaxed at the discretion of the flight instructor who conducts the skill test, referred to in regulation 62.04.5.
- (3) An applicant for the issuing of a class rating for conventional microlight aeroplanes shall have completed not less than 100 hours flight time as a pilot of a conventional microlight aeroplane, and hold at least five type ratings by name for conventional microlight aeroplanes
- (4) The cross-country flights referred to in sub regulation ii, shall have at least three legs

Training

62.04.3 An applicant for the issuing of a type rating by name for conventional microlight aeroplanes shall have successfully completed the appropriate training as prescribed in Document SA-CATS-FCL 62.

Theoretical knowledge examination

62.04.4 An applicant for the issuing of a type rating by name for conventional microlight aeroplanes shall have passed the appropriate written examination as prescribed in Document SA-CATS-FCL 62.

Skill test

62.04.5 (1) An applicant for the issuing of a type rating by name for conventional microlight aeroplanes shall have demonstrated to the holder of a Grade B or Grade A conventional microlight aeroplane flight instructor rating, or a flight instructor appropriately rated in terms of Part 61, the ability to perform, as pilot-in-command of a conventional microlight aeroplane, the procedures and manoeuvres as prescribed in Document SA-CATS-FCL 62, with a degree of competency appropriate to the privileges granted to the holder of a recreational pilot licence.

(2) The applicant shall undergo the skill test referred to in sub-regulation (1) within the 12 months of passing the theoretical knowledge examination referred to in regulation 62.04.4 and within the 60 days immediately preceding the date of application.

Application

62.04.6 An application for the issuing of a class rating or type rating by name for conventional microlight aeroplanes shall -

(a) be made to the Commissioner or to the organisation, designated for the purpose in terms of Part 149, as the case may be, on the appropriate form as prescribed in Document SA-CATS-FCL 62; and

(b) be accompanied by -

- (i) a certified true copy of the applicant's recreational pilot licence or a valid application for the issue of such licence;
- (ii) certified proof that the requirements prescribed in regulation 62.04.1 have been complied with; and
- (iii) the appropriate fee as prescribed in terms of Part 187 or by the organisation designated for the purpose in terms of Part 149, as the case may be, provided that the fees set

by the latter may not exceed those prescribed in Part 187.

Issuing of class rating or type rating

- 62.04.7 (1) The Commissioner, or the organisation designated for the purpose in terms of Part 149, as the case may be, shall issue a class rating or type rating by name for conventional microlight aeroplanes if the applicant complies with the requirements referred to in regulation 62.04.6.
- (2) A class rating or type rating by name for conventional microlight aeroplanes shall be issued in the format prescribed in Document SA-CATS-FCL 62.

Period of validity

- 62.04.8 A class rating or type rating by name for conventional microlight aeroplanes shall be valid for as long as the recreational pilot licence itself remains valid, with the proviso that the privileges of the class rating or type rating shall not be exercised by the holder thereof unless he or she complies with the provisions of regulation 62.04.10.

Privileges and limitations of the class rating or type rating for conventional microlight aeroplanes

- 62.04.9 (1) The holder of a class rating or type rating by name for conventional microlight aeroplanes shall be entitled to act as pilot-in-command of the conventional microlight aeroplane for which he or she is rated by name, or of any conventional microlight aeroplane for which he or she holds the appropriate class rating, provided it is not operated for the provision of an air service, –
- (a) within Class F and Class G airspace;
 - (b) within controlled airspace if -
 - (i) prior permission has been obtained from the responsible air traffic service unit to enter such airspace;
 - (ii) such two-way radio communication as the said unit may require, is established;
 - (iii) continuous radio watch is maintained; and
 - (iv) while within an aerodrome traffic zone, the appropriate radio position reporting procedure is

complied with while such microlight aeroplane is within such aerodrome traffic zone.

- (2) Notwithstanding the provisions of sub-regulation (1) –
- (a) the holder of a class rating for conventional microlight aeroplanes shall familiarise him- or herself with any type of conventional microlight aeroplane that he or she has not flown previously, before undertaking a flight in such aeroplane; and
 - (b) the holder of a class rating or type rating by name for conventional microlight aeroplanes may exercise the privileges of his or her rating for remuneration in an aircraft operated in terms of Part 96, provided he or she is the holder of a valid Part 96 authorisation issued in terms of Subpart 14 of this Part.

Maintenance of competency

62.04.10 The holder of a class rating or type rating by name for conventional microlight aeroplanes shall not act as pilot-in-command of a conventional microlight aeroplane:

- (a) unless he or she –
 - (i) has acted as pilot-in-command of a conventional microlight aeroplane for a minimum of 5 hours in the 12 months immediately preceding the intended flight. Such minimum flight time may include flights undertaken by the pilot whilst receiving training appropriate to the type of conventional microlight aeroplane; or
 - (ii) has passed a practical flight test with an appropriately rated flight instructor within the three months immediately preceding the intended flight; and
 - (b) if transporting a passenger, unless he or she has, within the 90 days immediately preceding the flight on which such passenger is to be transported, executed not less than three take-offs and three landings in a conventional microlight aeroplane.
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**SUBPART 5 REQUIREMENTS FOR THE ISSUE OF A CLASS
RATING FOR WEIGHT-SHIFT CONTROLLED
MICROLIGHT AEROPLANES**

General

- 62.05.1 For the applicant for, or the holder of, a recreational pilot licence to be issued with a class rating for weight-shift controlled microlight aeroplanes, he or she shall –
- (a) hold a valid restricted or general radiotelephony operator's certificate;
 - (b) have acquired the experience referred to in regulation 62.05.2;
 - (c) have successfully completed the training referred to in regulation 62.05.3;
 - (d) have passed the theoretical knowledge examination referred to in regulation 62.05.4; and
 - (e) have successfully passed the skill test referred to in regulation 62.05.5.

Experience

- 62.05.2 (1) An applicant for the issuing of a class rating for weight-shift controlled microlight aeroplanes shall have completed not less than 20 hours flight time as a pilot of a weight-shift controlled microlight aeroplane, of which at least 10 hours shall be solo flight time, and which shall include –
- (a) one dual cross-country flight and one solo cross-country flight, each of a duration of not less than 90 minutes flown at normal cruising speed; and
 - (b) one dual cross-country flight of a duration of not less than 90 minutes flown at normal cruising speed and which includes a full stop landing at a point other than the point of departure.

The cross-country flights shall have at least three legs.

- (2) Notwithstanding the provisions of sub-regulation (1), in the case of an applicant with extensive experience as the holder of a pilot licence, issued in terms of Part 61, or the holder of a class rating or type rating by name for conventional microlight aeroplanes, the hour requirements and the cross-country requirements may be relaxed at the discretion of the flight instructor who conducts the skill test, referred to in regulation 62.05.5. The hour requirement may also be reduced in the case of an applicant with extensive experience of hang-gliding.

- (3) The cross-country flights referred to in such-regulation (1) shall have at least three legs.

Training

62.05.3 An applicant for the issuing of a class rating for weight-shift controlled microlight aeroplanes shall have successfully completed the appropriate training as prescribed in Document SA-CATS-FCL 62.

Theoretical knowledge examination

62.05.4 An applicant for the issuing of a class rating for weight-shift controlled microlight aeroplanes shall have passed the appropriate written examination as prescribed in Document SA-CATS-FCL 62.

Skill test

62.05.5 (1) An applicant for the issuing of a class rating for weight-shift controlled microlight aeroplanes shall have demonstrated to the holder of a Grade B or Grade A weight-shift controlled microlight aeroplane flight instructor rating the ability to perform, as pilot-in-command of a weight-shift controlled microlight aeroplane, the procedures and manoeuvres as prescribed in Document SA-CATS-FCL 62, with a degree of competency appropriate to the privileges granted to the holder of a recreational pilot licence.

- (2) The applicant shall undergo the skill test referred to in sub-regulation (1) within the 12 months of passing the theoretical knowledge examination referred to in regulation 62.05.4 and within the 60 days immediately preceding the date of application.

Application

62.05.6 An application for the issuing of a class rating for weight-shift controlled microlight aeroplanes shall -

- (a) be made to the Commissioner or to the organisation, designated for the purpose in terms of Part 149, as the case may be, on the appropriate form as prescribed in Document SA-CATS-FCL 62; and
- (b) be accompanied by -
 - (i) a certified true copy of the applicant's recreational pilot licence or a valid application for the issue of such licence;
 - (ii) certified proof that the requirements prescribed in regulation 62.05.1 have been complied with; and

- (iii) the appropriate fee as prescribed in terms of Part 187 or by the organisation designated for the purpose in terms of Part 149, as the case may be, provided that the fees set by the latter shall not exceed those prescribed in Part 187.

Issuing of class rating

- 62.05.7 (1) The Commissioner, or the organisation designated for the purpose in terms of Part 149, as the case may be, shall issue a class rating for weight-shift controlled microlight aeroplanes if the applicant complies with the requirements referred to in regulation 62.05.6.
- (2) A class rating for weight-shift controlled microlight aeroplanes shall be issued in the format prescribed in Document SA-CATS-FCL 62.

Period of validity

- 62.05.8 A class rating for weight-shift controlled microlight aeroplanes shall be valid for as long as the recreational pilot licence itself remains valid, with the proviso that the privileges of the class rating shall not be exercised by the holder thereof unless he or she complies with the provisions of regulation 62.05.10.

Privileges and limitations of the class rating for weight-shift controlled microlight aeroplanes

- 62.05.9 (1) The holder of a class rating for weight-shift controlled microlight aeroplanes shall be entitled to act as pilot-in-command of any weight-shift controlled microlight aeroplane, provided it is not operated for the provision of an air service –
- (a) within Class F and Class G airspace;
 - (b) within controlled airspace if -
 - (i) prior permission has been obtained from the responsible air traffic service unit to enter such airspace;
 - (ii) such two-way radio communication as the said unit may require, is established;
 - (iii) continuous radio watch is maintained; and
 - (iv) while within an aerodrome traffic zone, the appropriate radio position reporting procedure is

complied with while such microlight aeroplane is within such aerodrome traffic zone.

- (2) Notwithstanding the provisions of sub-regulation (1), the holder of a class rating for weight-shift microlight aeroplanes –
- (a) shall familiarise him- or herself with any weight-shift microlight aeroplane that he or she has not flown previously, before undertaking a flight in such microlight aeroplane; and
 - (b) may exercise the privileges of his or her rating for remuneration in an aircraft operated in terms of Part 96, provided he or she is the holder of a valid Part 96 authorisation issued in terms of Subpart 14 of this Part.

Maintenance of competency

62.05.10 The holder of a class rating for weight-shift controlled microlight aeroplanes shall not act as pilot-in-command of a weight-shift controlled microlight aeroplane:

- (a) unless he or she –
 - (i) has acted as pilot-in-command of a weight-shift controlled microlight aeroplane for a minimum of 5 hours in the 12 months immediately preceding the intended flight. Such minimum flight time may include flights undertaken by the pilot whilst receiving training appropriate to the type of weight-shift controlled microlight aeroplane; or
 - (ii) has passed a practical flight test with an appropriately rated flying instructor within the three months immediately preceding the intended flight; and
 - (b) if transporting a passenger, unless he or she has, within the 90 days immediately preceding the flight on which such passenger is to be transported, executed not less than three take-offs and three landings in a weight-shift controlled microlight aeroplane.
-

**SUBPART 6 REQUIREMENTS FOR THE ISSUE OF A CATEGORY,
CLASS OR TYPE RATING FOR GYROPLANES**

General

62.06.1 (1) For the applicant for, or the holder of, a recreational pilot licence to be issued with a category rating for gyroplanes and a first class rating and first type rating by name for gyroplanes, he or she shall –

- (a) hold at least a valid restricted certificate of proficiency (aeronautical);
- (b) have acquired the experience referred to in regulation 62.06.2;
- (c) have successfully completed the training referred to in regulation 62.06.3;
- (d) have passed the theoretical knowledge examination referred to in regulation 62.06.4; and
- (e) have passed the skill test referred to in regulation 62.06.5.

(2) An applicant for an additional type rating by name in the category gyroplanes shall –

- (a) be the holder of a valid recreational pilot licence endorsed for the category gyroplane;
- (b) have successfully completed the appropriate training referred to in regulation 62.06.3
- (c) have passed the theoretical knowledge examination referred to in regulation 62.06.4; and
- (d) have passed the skill test referred to in regulation 62.06.5 in the type of gyroplane for which the additional type rating is sought.

(3) An applicant for an additional class rating in the category gyroplanes shall meet the requirements for a gyroplane type rating by name in the class for which the rating is sought.

Experience

62.06.2 (1) An applicant for the issuing of a first type rating in the category gyroplane shall have completed not less than 30 hours flight time as a pilot of a gyroplane, of which at least 15 hours shall be solo flight time, and which flight time shall include: --

- (a) one cross-country flight, whether dual or under supervision, and one solo cross-country flight, each of a duration of not less than 90 minutes, flown at normal cruising speed; and
- (b) one cross-country flight, whether dual or under supervision, of a duration of not less than 90 minutes, flown at normal cruising speed, and which includes a full-stop landing at a point other than the point of departure:

Provided that the cross-country requirement shall not apply in the case of a type rating to be endorsed 'tethered flight only'.

- (2) The cross-country flights, referred to in sub-regulation (1), shall consist of at least three legs.
- (3) Notwithstanding the provisions of sub-regulation (1), in the case of an applicant with extensive cross-country experience as the holder of a pilot licence, issued in terms of this Part or of Part 61, or as a pilot in the South African Air Force, the cross-country requirements may be relaxed at the discretion of the flight instructor who conducts the skill test, referred to in regulation 62.06.5.

Training

62.06.3 An applicant for the issuing of a type rating by name in the category gyroplane shall have successfully completed the appropriate training as prescribed in Document SA-CATS-FCL 62.

Theoretical knowledge examination

62.06.4 An applicant for the issuing of a type rating by name in the category gyroplane shall have passed the appropriate written examination as prescribed in Document SA-CATS-FCL.

Skill test

62.06.5 (1) An applicant for the issuing of a type rating by name in the category gyroplane shall have demonstrated to the holder of a gyroplane flight instructor rating, the ability to perform as pilot-in-command of the gyroplane the procedures and manoeuvres as prescribed in Document SA-CATS-FCL 62, with a degree of competency appropriate to the privileges granted to the holder of a recreational licence.

- (2) The applicant shall undergo the skill test referred to in sub-regulation (1) within 90 days of passing the theoretical knowledge examination referred to in regulation 62.06.3 and

within the 60 days immediately preceding the date of application.

Application

- 62.06.6 An application for the issuing of a type rating by name in the category gyroplanes shall -
- (a) be made to the Commissioner or to the organisation, designated for the purpose in terms of Part 149, as the case may be, on the appropriate form as prescribed in Document SA-CATS-FCL 62; and
 - (b) be accompanied by -
 - (i) a certified true copy of the applicant's recreational pilot licence or a valid application for the issue of such licence;
 - (ii) certified proof that the requirements prescribed in regulation 62.06.1 have been complied with; and
 - (iii) the appropriate fee as prescribed in terms of Part 187 or by the organisation designated for the purpose in terms of Part 149, as the case may be, provided that the fees set by the latter shall not exceed the fees prescribed in Part 187.

Issuing of gyroplane type rating

- 62.06.7 (1) The Commissioner, or the organisation designated for the purpose in terms of Part 149, as the case may be, shall issue a gyroplane type rating by name if the applicant complies with the requirements referred to in regulation 62.06.6.
- (2) A gyroplane type rating by name shall be issued in the format prescribed in Document SA-CATS-FCL 62.

Period of validity

- 62.06.8 A gyroplane type rating by name shall be valid for as long as the recreational pilot licence itself remains valid, with the proviso that the privileges of the type rating shall not be exercised by the holder thereof unless he or she complies with the provisions of regulation 62.06.10.

Privileges and limitations

- 62.06.9** (1) The holder of a gyroplane type rating by name shall be entitled to act as pilot-in-command of any gyroplane for which he or she holds a type rating by name, provided it is not operated for the provision of an air service –

- (a) within Class F and Class G airspace;
 - (b) within controlled airspace if --
 - (i) prior permission to enter such airspace has been obtained from the responsible air traffic service unit;
 - (ii) such two-way radio communication is established, as the said unit may require;
 - (iii) a continuous radio watch is maintained; and
 - (iv) while in an aerodrome traffic zone, the appropriate radio position reporting procedures is complied with, while such gyroplane is within such airspace.
- (2) Where a gyroplane rating was issued with the restriction 'tethered flight only', its holder shall not exercise its privileges in free flight.

Maintenance of competency

62.06.10 The holder of a type rating by name in the category gyroplanes, shall not act as pilot in command of a gyroplane unless he or she -

- (a) has acted as pilot-in-command of a gyroplane for a minimum of 10 hours in the 12 months immediately preceding the intended flight. Such minimum flight time may include flights undertaken by the pilot whilst receiving training appropriate to the gyroplane; or
- (b) has passed a practical flight test with an appropriately rated flying instructor within the three months immediately preceding the intended flight; and
- (c) if transporting a passenger, he or she has, within the 90 days immediately preceding the flight on which such passenger is to be transported, has spent not less than one hour in the circuit exercising take-offs and landings in a gyroplane.

SUBPART 7 REQUIREMENTS FOR THE ISSUE OF A CATEGORY, CLASS OR ADD-ON RATING FOR HANG-GLIDERS

General

62.07.1 (1) A hang-glider rating may be issued in four classes:

- (a) Novice;
- (b) Class A;
- (c) Class B;
- (d) Class C, and

with the following add-on ratings:

- (e) tandem rating;
 - (f) aero-tow rating.
- (2) For the applicant for, or the holder of a recreational pilot licence to be issued with a category rating and the Novice Class rating for hang-gliders he or she shall –
- (a) have acquired the applicable experience referred to in regulation 62.07.2;
 - (b) have successfully completed the applicable training referred to in regulation 62.07.3;
 - (c) have passed the applicable theoretical knowledge examination referred to in regulation 62.07.4; and
 - (d) have passed the applicable skill test referred to in regulation 62.07.5.
- (3) The requirements for the upgrading from Novice to Class A, from Class A to Class B, and from Class B to Class C, are those prescribed in this Subpart for the issue of the relevant ratings.

Experience

62.07.2 An applicant for the issuing of any of the class ratings or add-on ratings, referred to in sub-regulation 62.07.1(1) in the category hang-glider shall have the experience as prescribed in Document SA-CATS-FCL 62. In the case of an applicant with extensive experience in weight-shift controlled microlight aeroplanes, the testing officer may at his or her discretion reduce the prescribed flight-time requirements.

Training

62.07.3 An applicant for the issuing of any of the class ratings or add-on ratings, referred to in sub-regulation 62.07.1(1), in the category hang-glider, shall have successfully completed the appropriate training as prescribed in Document SA-CATS-FCL 62.

Theoretical knowledge examination

62.07.4 An applicant for the issuing of any of the class ratings or add-on ratings, referred to in sub-regulation 62.07.1(1), in the category hang-glider, shall have passed the appropriate technical knowledge examination as prescribed in Document SA CATS-FCL 62.

Skill test

- 62.07.5** (1) An applicant for the issuing of any of the class ratings or add-on ratings, referred to in sub-regulation 62.07.1(1) in the category hang-glider, shall have demonstrated to the holder of a hang-glider flight instructor rating, the ability to perform as pilot-in-command of the hang-glider the procedures and manoeuvres as prescribed in Document SA-CATS-FCL 62, with a degree of competency appropriate to the privileges granted to the holder of a recreational licence who is the holder of the respective class or add-on rating
- (2) The applicant shall undergo the skill test referred to in sub-regulation (1) within 90 days of passing the theoretical knowledge examination referred to in regulation 62.07.3 and within the 60 days immediately preceding the date of application.

Application for hang-glider class or add-on rating

- 62.07.6** (1) An application for the issuing of a hang-glider class or add-on rating shall –
- (a) be made to the Commissioner or the organisation designated for the purpose in terms of Part 149, as the case may be, on the appropriate form as prescribed in Document SA-CATS-FCL 62;
- (b) be accompanied by –
- (i) certified summary of the applicant's pilot logbook;
 - (ii) application for, or certified copy of the applicant's recreational pilot licence;
 - (iii) a valid medical fitness certificate as prescribed in Document SA-CATS-FCL 62;
 - (iv) the completed training proficiency card as prescribed in Document SA-CATS-FCL 62;
 - (v) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 62.07.3;
 - (vi) original or certified proof that the applicant has passed the skill test referred to in regulation 62.07.4;
 - (vii) the appropriate fee as prescribed in Part 187; and
 - (viii) any additional information requested by the Commissioner or the organisation designated for the purpose in terms of Part 149, as the case may be.

- (2) An applicant for the Class B hang-glider rating shall have been the holder of a Class A rating for at least three months.
- (3) An applicant for the Class C hang-glider rating shall have been the holder of a Class B rating for at least six months.
- (3) An applicant for the tandem rating shall be the holder of a valid Class C hang-glider rating.

Issuing of hang-glider class or add-on rating

62.07.7 The Commissioner or the organisation designated for the purpose in terms of Part 149, as the case may be, shall endorse the applicant's recreational pilot licence with the appropriate hang-glider class or add-on rating, if the applicant complies with the requirements prescribed in regulation 62.07.6.

Period of validity

62.07.8 A hang-glider class or add-on rating shall be valid for an indefinite period, provided its holder is the holder of a valid recreational pilot licence and maintains competency as prescribed in regulation 62.07.10.

Privileges and limitations

- 62.07.9 (1) The holder of a hang-glider Novice class rating shall be permitted to act as pilot-in-command of a hang-glider under the supervision of an appropriately rated flight instructor or the holder of a valid hang-glider class C rating –
- (a) in smooth winds of 28 km/hr or less, or gusty winds of no more than 20 km/hr; and
 - (b) while launching on slopes of 2:1 to 7:1 where the wind is not more than 25° off being straight up the slope.
- (2) The holder of a recreational pilot licence endorsed for the category hang-gliders and a Class A, B, or C rating, shall be entitled to act as pilot-in-command of a hang-glider for which he or she holds the appropriate class rating and add-on rating within Class F and Class G airspace, provided it is not operated for the provision of an air service.

Maintenance of competency

62.07.1(1) The holder of a hang-glider class or add-on rating shall not act as pilot-in-command of a hang-glider for which he or she holds the appropriate rating unless he or she -

- (a) has in the 12 months immediately preceding the intended flight acted as pilot-in-command of a hang-glider for a minimum of –
 - (i) 10 flights and 1 hour, in the case of a Class A rating;
 - (ii) 10 flights and 5 hours, in the case of a Class B rating; and
 - (iii) 20 flights, 15 hours and 50 km total cross-country flight distance, in the case of a Class C rating.
- (2). Such minimum flight time referred to in sub-regulation (1) (a) may include flights undertaken by the pilot whilst receiving training appropriate to the type of hang-glider; or
- (b) has passed a practical flight test with an appropriately rated flying instructor within the 3 months immediately preceding the intended flight.

Type ratings

- 62.07.11 The listing in sub-regulation 62.01.7(2) prescribes the various types of hang-gliders in use that may be flown by the holder of any of the class ratings, referred to in sub-regulation 62.07.1(1). These are not endorsed in the pilot's licence. However, before attempting to fly a new type, the pilot must undergo the familiarisation training prescribed in Document SA-CATS-FCL 62. The details of such familiarisation training must be endorsed in the pilot's logbook by the instructor who had conducted the training with the pilot.

SUBPART 8 REQUIREMENTS FOR THE ISSUE OF A CATEGORY, CLASS OR ADD-ON RATING FOR PARAGLIDERS

General

- 62.08.1 (1) A paraglider rating may be issued in two classes:
- (a) Basic; and
 - (b) Sport.
- with the following add-on rating:
- (c) Tandem rating
- (2) For the applicant for, or the holder of, a recreational pilot licence to be issued with a category rating and the Basic Class rating for paragliders, he or she shall –
- (a) have acquired the applicable experience referred to in regulation 62.08.2;
 - (b) have successfully completed the applicable training referred to in regulation 62.08.3;

- (c) have passed the applicable theoretical knowledge examination referred to in regulation 62.08.4;and
 - (d) have passed the applicable skill test referred to in regulation 62.08.5.
- (3) The applicant for the upgrading from the Basic Class to the Sport Class paraglider rating shall have held the Basic Class rating for at least six months and have acquired the experience prescribed in regulation 62.08.2.
- (4) The applicant for the paraglider tandem rating shall have held a paraglider rating for at least 24 months and the sport class rating for at least 12 months and have acquired the experience prescribed in regulation 62.08. 2.

Experience

62.08.2 An applicant for the issuing of any of the class or add-on ratings, referred to in sub-regulation 62.08.1(1), in the category paraglider, shall have the experience as prescribed in Document SA-CATS-FCL 62.

Training

62.08.3 An applicant for the issuing of any of the class or add-on ratings referred to in sub-regulation 62.08.1(1) in the category paraglider, shall have successfully completed the appropriate training as prescribed in Document SA-CATS-FCL 62.

Theoretical knowledge examination

62.08.4 An applicant for the issuing of any of the class or add-on ratings, referred to in sub-regulation 62.08.1(1), in the category paraglider shall have passed the appropriate theoretical knowledge examination as prescribed in Document SA CATS-FCL.

Skill test

62.08.5 (1) An applicant for the issuing of any of the class or add-on ratings, referred to in sub-regulation 62.08.1(1) in the category paraglider shall have demonstrated to the holder of a paraglider flight instructor rating, the ability to perform as pilot-in-command of the paraglider, the procedures and manoeuvres as prescribed in Document SA-CATS-FCL 62, with a degree of competency appropriate to the privileges granted to the holder of a recreational licence who is the holder of the respective class rating.

- (2) The applicant shall undergo the skill test referred to in sub-regulation (1) within 90 days of passing the theoretical knowledge examination referred to in regulation 62.08.3 and within the 60 days immediately preceding the date of application.

Application for paraglider class or add-on rating

62.08.6 An applicant for the issuing of a paraglider class or add-on rating shall –

- (a) be made to the Commissioner or the organisation designated for the purpose in terms of Part 149, as the case may be, on the appropriate form as prescribed in Document SA-CATS-FCL 62;
- (b) be accompanied by –
- (i) certified summary of the applicant's pilot logbook;
 - (ii) application for, or certified copy of the applicant's recreational pilot licence;
 - (iii) a valid medical fitness certificate as prescribed in Document SA-CATS-FCL 62;
 - (iv) the completed training proficiency card as prescribed in Document SA-CATS-FCL 62;
 - (v) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 62.08.3;
 - (vi) original or certified proof that the applicant has passed the skill test referred to in regulation 62.08.4;
 - (vii) the appropriate fee as prescribed in Part 187; and
 - (viii) any additional information as requested by the Commissioner or the organisation designated for the purpose in terms of Part 149, as the case may be.

Issuing of paraglider rating

62.08.7 The Commissioner or the organisation designated for the purpose in terms of Part 149, as the case may be, shall endorse the applicant's recreational pilot licence with the appropriate paraglider class or add-on rating, if the applicant complies with the requirements prescribed in regulation 62.08.6.

Period of validity

62.08.8 A paraglider class or add-on rating shall be valid for an indefinite period, provided its holder is the holder of a valid recreational pilot licence and maintains competency as prescribed in regulation 62.08.10.

Privileges and limitations

- 62.08.9** (1) The holder of a valid recreational pilot licence, endorsed for the category paragliders, shall be permitted within Class F and Class G airspace to act as pilot-in-command of a paraglider for which he or she holds the appropriate class rating, provided it is not operated for the provision of an air service.
- (2) The holder of a paraglider basic rating shall be permitted to fly --
- (a) unassisted at basic-graded sites;
 - (b) under supervision of a the holder of valid paraglider Sport Class rating when flying at a site requiring additional supervision according to the rules governing the site; and
 - (c) for the first 80 flights, only basic- and intermediate-rated paragliders without trim-tabs or multiple-trim setting facilities.
- (3) The holder of a paraglider Sport Class rating shall be permitted to –
- (a) to fly any paraglider, other than a tandem-class paraglider: Provided that heavy pilots may fly approved tandem gliders solo provided that they meet the minimum specified mass range;
 - (b) to fly at all sites after local site requirements have been met; and
 - (c) to conduct training as a recreational assistant flight instructor (paraglider) under the supervision of an appropriately rated recreational flight instructor (paraglider).
- (4) The holder of a paraglider tandem rating shall be permitted to –
- (a) for the first 20 flights to act as pilot-in-command of a paraglider while carrying as passenger the holder of a valid recreational pilot licence endorsed for the category paraglider; and thereafter
 - (b) to act as pilot-in-command of a paraglider while carrying a passenger.
- (5) Notwithstanding the provisions of sub-regulations (2), (3) and (4), the organisation approved for the purpose in terms of Part 149 may set minimum experience requirements for specific

types and models of paragliders, to be published as an addendum in that organisation's approved operations manual.

- (6) The grading of sites, referred to in sub-regulations (2) and (3), and the setting of the rules governing such sites, shall be the responsibility of the organisation approved for the purpose in terms of Part 149.

Maintenance of competency

62.08.10 (1) The holder of a recreational pilot licence, endorsed for the category paraglider shall not act as pilot in command of a paraglider for which he or she holds the appropriate class rating unless he or she –

has in the 12 months immediately preceding the intended flight acted as pilot-in-command of a paraglider for a minimum of –

- (a) 20 flights and 5 hours, in the case of a Basic Class rating;
- (b) 40 flights and 10 hours, in the case of a Sport Class rating; and
- (c) 20 flights and 5 hours on tandem gliders, in the case of a tandem rating, in addition to having met the competency requirements for a Sport Class rating.

2. Such minimum flight time referred to in sub-regulation (1) may include flights undertaken by the pilot whilst receiving training appropriate to the type of paraglider; or

- (b) has passed a practical flight test with an appropriately rated recreational flying instructor within the 3 months immediately preceding the intended flight.

SUBPART 9 REQUIREMENTS FOR THE ISSUE OF A RECREATIONAL FLIGHT INSTRUCTOR RATING

General

62.09.1 (1) The applicant for the issue of a recreational flight instructor rating shall –

- (a) be the holder of a valid recreational pilot licence, or a valid pilot licence issued in terms of Part 61 of these Regulations;
- (b) hold at least a valid Class 2 medical certificate issued in terms of Part 67;
- (c) have acquired the experience referred to in regulation 62.09.2;

- (d) have successfully completed the training referred to in regulation 62.09.3;
 - (e) have passed the theoretical knowledge examination referred to in regulation 62.09.4;
 - (f) have undergone the skill test referred to in regulation 62.09.5; and
 - (g) in the case of a recreational flight instructor rating (hang-glider) or (paraglider) shall be the holder of a valid recognised certificate of competency in first aid.
- (2) The applicant for the issue of a recreational assistant flight instructor (paraglider) shall in addition to the requirements of sub-regulation (1) be the holder of a valid Sport Class rating.
 - (3) The applicant for the issue of a recreational flight instructor (paraglider) shall in addition to the requirements of sub-regulation (1) have been the holder of a valid Sport Class rating for at least 12 months.

Experience

62.09.2 The applicant for the issuing of a recreational flight instructor rating shall have the following experience –

- (a) in the case of the holder of a class rating for conventional microlight aeroplanes or a category rating for weight-shift controlled microlight aeroplanes -
 - (i) for a Grade C recreational flight instructor rating (microlight aeroplane): 10 hours of practical instruction pattern and not less than 200 hours of flight time of which at least 100 hours shall be on a microlight aeroplane in the applicable category;
 - (ii) for a Grade B recreational flight instructor rating (microlight aeroplane): at least six months experience as a Grade C microlight aeroplane flight instructor and not less than 200 hours of flight instruction;
 - (iii) for a Grade A recreational flight instructor rating (microlight aeroplane): at least three years experience as a Grade B recreational flight instructor (microlight aeroplane) and not less than 500 hours of flight instruction, of which not less than 300 hours shall have been on microlight aeroplanes;
- (b) in the case of the holder of a category rating for hang-gliders --
 - (i) for an assistant recreational flight instructor rating (hang-glider):
 - (aa) hold at least a Class B hang-glider rating;

- (bb) have held a hang-glider rating, including a learner's certificate, for at least one year;
- (ii) for an recreational flight instructor rating (hang-glider) -
 - (aa) have held a Class C hang-glider rating for at least 12 months;
 - (bb) have logged at least 200 flights or 100 hours air time; and
 - (cc) have gained practical experience in flight instruction by either –
 - (1). attending an official hang-glider instructor course; or
 - (2). observing and assisting an appropriated rated recreational flight instructor (hang-glider) on training slopes for at least ten days.
- (c) in the case of the holder of a category rating for paragliders -
 - (i) for a recreational assistant flight instructor (paragliding) have at least one year paragliding experience.
 - (ii) for a recreational flight instructor (paragliding) –
 - (aa) have paraglider flight experience for at least two years;
 - (bb) have been the holder of the Sport Class rating for at least twelve months;
 - (cc) have logged at least 300 flights and 100 hours flight time; and
 - (bb) either have gained practical experience by observing and assisting at least three approved paraglider training schools on training slopes for at least 20 days; or
 - (cc) have attended an approved paraglider flight instructor course and observing and assisting an appropriately rated paraglider flight on training slopes for at least 10 days;
- (d) in the case of the holder of category rating for gyroplanes –
 - (i) in the case of a recreational flight instructor (gyroplane) –
 - (aa) have not less than 200 hours of flight time as pilot-in-command of a gyroplane; and
 - (bb) 10 hours of instructor patter;

- (ii) in the case of a recreational chief flight instructor (gyroplane), have not less than 200 hours of flight instruction on gyroplanes, which experience was obtained over a minimum period of 24 months.

Training

62.09.3 The applicant for the issuing of a recreational flight instructor rating shall have successfully completed the appropriate training as prescribed in Document SA-CATS-FCL 62.

Theoretical knowledge examination

62.09.4 The applicant for the issuing of a recreational flight instructor rating shall have passed the appropriate written examination as prescribed in Document SA-CATS-FCL 62.

Skill test

62.09.5 (1) The applicant for the issuing of a recreational flight instructor rating shall have demonstrated to an appropriately rated flight instructor the ability to perform as a flight instructor the procedures and manoeuvres as prescribed in Document SA-CATS-FCL 62 for the category of aircraft for which the instructor rating is sought, with a degree of competency appropriate to the privileges granted to the holder of a recreational flight instructor rating.

(2) For the purpose of sub-regulation (1), an appropriately rated flight instructor shall mean:

(a) in the case of a recreational flight instructor (microlight aeroplane):

- (i) for a Grade C rating, the holder of a Grade A recreational flight instructor rating (microlight-aeroplane);
- (ii) for a Grade B rating, the holder of a Grade A recreational flight instructor rating (microlight-aeroplane);
- (iii) for a Grade A rating, a designated examiner with a microlight aeroplane rating;

(b) in the case of a recreational flight instructor (gyroplane):

- (i) a recreational chief flight instructor (gyroplane);

(c) in the case of a recreational chief flight instructor (gyroplane); a

person approved for the purpose by the Commissioner or, if applicable, the organisation designated for the purpose in terms of Part 149 of the CAR of 1997, as the case may be

- (d) in the case of a recreational assistant flight instructor (hang-glider), the chief flying instructor of an approved hang-gliding training organisation;
 - (e) in the case of a recreational flight instructor (hang-glider):
 - (i) the holders of a recreational flight instructor rating (hang-glider); or
 - (ii) the National Safety & Training Officer of SAHPA;
 - (f) in the case of a recreational assistant flight instructor (paraglider), the chief flying instructor of an approved paragliding training organisation;
 - (g) in the case of a recreational flight instructor (paraglider), two holders of a recreational flight instructor rating (paraglider);
- (3) The skill test, referred to in sub-regulation (1), shall be demonstrated in an aircraft of the category for which the recreational flight instructor rating is sought.
 - (4) The applicant shall undergo the skill test, referred to in sub-regulation (1), within 12 months of passing the theoretical knowledge examination, referred to in regulation 62.09.4, and within the 90 days immediately preceding the date of application.

Application

62.09.6 An application for the issue of a recreational flight instructor rating shall be made to the Commissioner or – if applicable – the organisation designated for the purpose in terms of Part 149 of the CAR of 1997, as the case may be, on the appropriate form, as prescribed in document SA-CATS-FCL 62, and be accompanied by –

- (a) a certified true copy of the applicable pilot licence, held by the applicant;
- (b) the original or certified proof that the applicant has passed the theoretical knowledge examination, referred to in regulation 62.09.4;
- (c) the skill test report as prescribed in Document SA-CATS-FCL 62; and
- (d) the appropriate fee as prescribed in Part 187 of the Regulations.

Issuing of the recreational flight instructor rating

62.09.7 The Commissioner, or, if applicable, the organisation designated for the purpose in terms of Part 149 of the Regulations, as the case may be, shall issue the appropriate recreational flight instructor rating if the applicant complies with the requirements referred to in regulation 62.09.1, on the appropriate form as prescribed in Document SA-CATS-FCL 62.

Privileges and limitations

62.09.8 The holder of a valid recreational flight instructor rating shall be entitled to conduct flight instruction for reward under the auspices of an appropriately rated aviation training organisation, approved in terms of Part 141 of these Regulations, in a non-type certificated aircraft for which he or she holds a valid category rating and class rating or type rating by name, as the case may be, to the extent of the privileges of the particular recreational flight instructor rating held as follows -

- (a) in the case of a Grade C recreational flight instructor (microlight aeroplane), to conduct *ab initio* training with the holder of a learner's certificate;
- (b) in the case of a Grade B recreational flight instructor (microlight aeroplane) –
 - (i) to exercise the privileges of a Grade C recreational flight instructor (microlight aeroplane);
 - (ii) to authorise the holder of a microlight aeroplane learner's certificate for his or her first solo flight; and
 - (iii) to conduct flight tests for the issuing of a class rating for which he or she holds the appropriate category and class rating.
- (c) in the case of a Grade A recreational flight instructor (microlight aeroplane) –
 - (i) to exercise the privileges of a Grade B recreational flight instructor (microlight aeroplane);
 - (ii) to conduct the training required for a Grade A, Grade B or Grade C recreational flight instructor (microlight aeroplane);
 - (iii) to undertake the duties of a designated examiner in conducting flight tests for the purpose of issuing a Grade A, Grade B or Grade C recreational flight instructor rating (microlight aeroplane); and
 - (iv) to undertake the duties in conducting the skills test as prescribed in regulation 62.14.06.
- (d) in the case of a recreational flight instructor (gyroplane) –
 - (i) to conduct *ab initio* flight training on gyroplanes;

- (ii) to conduct the theoretical knowledge examinations for the issue of the category rating: gyroplanes;
 - (iii) to lecture in gyroplane subjects;
 - (iv) to issue certificates of competency;
 - (v) to send the holder of a recreational pilot learner's certificate on his or her first solo flight;
 - (vi) to conduct in single-engine non-type certificated gyroplanes the skill tests and complete the skill tests reports for the issue of the category rating: gyroplanes for a recreational pilot licence, and of type ratings by name for gyroplanes with a maximum all-up mass of 2 000 kg or less, provided he or she is the holder of the appropriate ratings; and
 - (vii) to conduct theoretical examinations for the issue of the category rating: gyroplanes.
- (f) in the case of a recreational chief flight instructor (gyroplane) –
- (i) to exercise all the privileges of a recreational flight instructor (gyroplane); and,
 - (ii) to conduct disciplinary enquiries on conduct in respect of any misdemeanour brought about by any gyroplane or gyroglider recreational learner pilot, pilot or flight instructor,
 - (iii) to conduct instructor patten, theoretical training and skills test for the issue of a recreational flight instructor rating (gyroplane);
 - (iv) to issue certificates of competency for a recreational chief instructor rating (gyroplane).
- (g) in the case of a recreational assistant flight instructor (hang-glider):
- (i) assist with ab initio training conducted by an approved hang-gliding training organisation, such as ground-handling exercises, ground-skimming flight.;
 - (ii) assist in presenting theoretical lectures; and
 - (iii) supervise flights by the holders of a Novice Class rating;
- (h) in the case of a recreational flight instructor (hang-glider):
- (i) exercise all the privileges of a recreational assistant flight instructor (hang-glider);
 - (ii) conduct flight training in hang-gliders;
 - (iii) issue certificates of competence;
 - (iv) send the holder of a recreational pilot learner's certificate on his or her fist solo flight;
 - (v) supervise recreational assistant flight instructors (hang-gliding); and
 - (vi) conduct theoretical technical examinations for the issue of the category rating hang-gliding;

- (i) in the case of a recreational assistant flight instructor (paraglider):
 - (i) assist with ab initio training conducted by an approved paragliding training organisation, such as ground-handling exercises, ground-skimming flight, etc.;
 - (ii) assist in presenting theoretical lectures; and
 - (iii) supervise flights by the holders of a Sport Class rating;
- (j) in the case of a recreational flight instructor (paraglider):
 - (i) exercise all the privileges of a recreational assistant flight instructor (paraglider);
 - (ii) conduct flight training in paragliders;
 - (iii) issue certificates of competence;
 - (iv) send the holder of a recreational pilot learner's certificate on his or her first solo flight;
 - (v) supervise recreational assistant flight instructors (paragliding); and
 - (vi) conduct theoretical technical examinations for the issue of the category rating paragliding;

Period of validity

62.09.9 A recreational flight instructor rating shall be valid for a period of three years, calculated from the end of the month following the date of issue or reissue, or from the date of expiry of the rating if such rating is revalidated in accordance with the provisions of regulation 62.09.10.

Renewal

62.09.10 To renew a recreational flight instructor rating –

- (a) in the case of either a Grade A, Grade B or Grade C recreational flight instructor (microlight aeroplane) the holder of the rating shall –
 - (i) have attended a flight instructor's seminar as prescribed in Document SA-CATS-FCL 62 within the two years immediately preceding the date of expiring of such rating; and
 - (ii) **either-**
 - (aa) have given not less than 50 hours of flight instruction within the three years preceding the date of expiry, of which not less than 25 hours

shall have been within the 12 months immediately preceding the date of expiry of such rating; or

(bb) have undergone the skill test referred to in regulation 62.09.5 within 90 days prior to date of expiry.

- (b) in the case of a recreational flight instructor (gyroplane), the holder shall -
 - (i) have attended a flight instructor refresher seminar, as prescribed in Document SA-CATS-FCL 62, within the two years immediately preceding the date of expiring of such rating; and
 - (ii) either –
 - (aa) have given not less than 30 hours of flight instruction within the three years preceding the date of expiry, of which not less than 25 hours shall have been given within the 12 months immediately preceding the date of expiry of such rating; or
 - (bb) within the 90 days immediately preceding the date of expiry of the rating have undergone the skill test referred to in regulation 62.09.5.
- (c) in the case of a recreational assistant flight instructor (hang-glider) within the 90 days immediately preceding the date of expiry of the rating have undergone the skill test referred to in regulation 62.09.5.
- (d) in the case of a recreational flight instructor (hang-glider) –
 - (i) have attended a flight instructor refresher seminar, as prescribed in Document SA-CATS-FCL 62, within the two years immediately preceding the date of expiring of such rating;
 - (ii) have logged a minimum of 20 flights, 15 hours, and 50 km total cross-country flight distance during the previous 12 months; and
 - (iii) either –
 - (aa) have given not less than 30 hours of flight instruction within the three years preceding the date of expiry, of which not less than 25 hours shall have been given within the 12 months

- immediately preceding the date of expiry of such rating; or
 - (bb) within the 90 days immediately preceding the date of expiry of the rating have undergone the skill test referred to in regulation 62.09.5,
 - (iv) be in possession of a First Aid certificate valid for the period of the rating.
- (e) in the case of a recreational flight instructor (paraglider) –
 - (i) have attended a flight instructor refresher seminar, as prescribed in Document SA-CATS-FCL 62, within the two years immediately preceding the date of expiring of such rating;
 - (ii) have logged a minimum of 40 flights and 10 hours within the 12 months immediately preceding the date of expiry of such rating; and
 - (ii) either –
 - (aa) have given not less than 30 hours of flight instruction within the three years preceding the date of expiry, of which not less than 25 hours shall have been given within the 12 months immediately preceding the date of expiry of such rating; or
 - (bb) within the 90 days immediately preceding the date of expiry of the rating have undergone the skill test referred to in regulation 62.09.5,
 - (iv) be in possession of a First Aid certificate valid for the period of the rating.

Reissue

- 62.09.11 (1) The holder of a recreational flight instructor rating which has expired due to the lapse of the period referred to in regulation 62.09.9, may, before a further period of 60 months, calculated from the date of expiry of the rating, has lapsed, apply for the reissuing of the expired rating.
- (2) The Commissioner, or, if applicable, the organisation designated for the purpose in terms of Part 149 of the CAR of 1997, as the case may be, shall reissue the expired rating if the applicant has –
- (a) within the twelve months immediately preceding the application attended a flight instructor refresher seminar as prescribed in Document SA-CATS-FCL 62; and
 - (b) within the 90 days immediately preceding the application undergone the skill test referred to in regulation 62.09.5.

- (3) If a period of 60 months has lapsed after the date of expiry of the rating the holder of the expired rating may apply to the Commissioner, or, if applicable, the organisation designated for the purpose in terms of Part 149 of the CAR of 1997, as the case may be, for the reissue of the rating if the applicant complies with the requirements for the applicable recreational flight instructor rating.
- (4) The provisions of regulation 62.09.6 shall apply *mutatis mutandis* to an application referred to in this regulation.

SUBPART 10 REQUIREMENTS FOR THE ISSUE OF A TEST PILOT RATING

General

- 62.10.1 (1) The requirements for the issue of a test pilot rating shall *mutatis mutandis* be the requirements prescribed for the test ratings provided for in Subparts 27, 28, and 29 respectively of Part 61 of the regulations.
- (2) Notwithstanding the provision of sub-regulation (1) –
- (a) a test pilot rating may be issued to the holder of a valid recreational pilot licence, provided all other requirements for the issuing of the test pilot rating are met; and
- (b) in the case of Class III test pilot rating, if the applicant is the holder of a recreational pilot licence, the requirements for a medical certificate shall be as prescribed in regulation 62.01.10.

Privileges and limitations

- 62.10.2 (1) Where a Class I test pilot rating has been issued to the holder of a recreational pilot licence, the privileges of the rating may be exercised only in a non-type certificated aircraft for which he or she holds a valid category rating,
- (2) Where a Class II or Class III test pilot rating has been issued to the holder of a recreation pilot licence, the privileges may be exercised only in a non-type certificated aircraft for which he or she holds a valid category rating, class rating or type rating.

SUBPART 11 REQUIREMENTS FOR THE ISSUE OF A MICROLIGHT AEROPLANE AERO-TOW RATING

General

- 62.11.1 An applicant for the issuing of a microlight aeroplane aero-tow rating shall --
- (a) be the holder of a valid aeroplane pilot licence, or a recreational pilot licence issued in terms of this Part, endorsed for the category conventional microlight aeroplanes and with the appropriate class rating or type rating for the aero-tow aeroplane to be used;
 - (b) have acquired the experience referred to in regulation 62.11.2;
 - (c) have successfully completed the training referred to in regulation 62.11.3;
 - (d) have passed the theoretical knowledge examination referred to in regulation 62.11.4; and
 - (e) have successfully passed the skill test referred to in regulation 62.11.5.

Experience

- 62.11.2 (1) An applicant for a microlight aeroplane aero-tow rating shall have acquired on conventional microlight aeroplanes at least 100 hours as pilot-in-command.
- (2) Notwithstanding the provisions of sub-regulation (1), the hour requirement may be reduced to 50 hours as pilot-in-command of a microlight aeroplane if the applicant is the holder of –
 - (a) a valid recreational pilot licence, endorsed for a Class C hang-glider rating; or
 - (b) a valid tug pilot rating issued in terms of Part 61 and is the holder of a valid pilot licence with the applicable microlight aeroplane class rating or type rating.

Training

- 62.11.3 An applicant for a microlight aeroplane aero-tow rating shall complete successfully under supervision of an appropriately rated flight instructor or a person designated for the purpose in writing by the Commissioner or an organisation designated for the purpose in terms of Part 149, as the case may be a

minimum of 10 aero-tows, of which 5 aero-tows shall be in moderate thermic conditions.

Theoretical knowledge examination

62.11.4 An applicant for a microlight aeroplane aero-tow rating shall have passed the appropriate written examination as prescribed in Document SA-CATS-FCL 62.

Skill test

62.11.5 An applicant for a microlight aeroplane aero-tow rating shall within the 30 days immediately preceding the date of application have demonstrated to an appropriately rated flight instructor the ability to satisfactorily execute the skills as prescribed in Document SA-CATS-FCL 62.

Application

62.11.6 An applicant for a microlight aeroplane aero-tow rating shall submit together with his or her application a certificate, signed by an appropriately rated flight instructor, confirming that the applicant has passed the theoretical knowledge examination and skill test, referred to in regulations 62.11.4 and 62.11.5 respectively, and is considered to be fit to act as pilot-in-command of a microlight aeroplane while towing a hang-glider.

Issuing

62.11.7 The Commissioner or the organisation designated for the purpose in terms of Part 149, as the case may be, shall endorse the applicant's pilot licence with the aero-tow rating if the applicant complies with the requirements prescribed regulation in 62.11.1.

Privileges and limitations

62.11.8 The holder of a pilot licence in the category microlight aeroplanes endorsed with the aero-tow rating shall be entitled to act as pilot-in-command of a conventional microlight aeroplane of the appropriate type by name or in the appropriate class while towing a hang-glider, provided the pilot of the hang-glider is the holder of a valid recreational pilot licence in the category hang-gliders with a valid aero-tow rating.

SUBPART 12 REQUIREMENTS FOR THE ISSUE OF AN AGRICULTURAL PILOT RATING

General

- 621.12.1 (1) The requirements for the issue of an agricultural pilot rating shall *mutatis mutandis* be the requirements for the issue of an agricultural pilot rating prescribed in Part 61 of the Regulations.
- (2) Notwithstanding the provisions of sub-regulation (1), any reference to the Commissioner shall be deemed to include a reference to an organisation designated for the purpose in terms of Part 149, if applicable.

SUBPART 13 REQUIREMENTS FOR THE ISSUE OF A HANG- GLIDER AERO-TOW RATING

General

- 62.13.1 An applicant for the issuing of a hang-glider aero-tow rating shall –
- (a) be the holder of a valid recreational pilot licence, endorsed for the category hang-gliding;
- (b) have acquired the experience referred to in regulation 62.13.2; and
- (c) have successfully passed the written theoretical knowledge examination referred to in regulation 62.13.3.

Experience

62.13.2 An applicant for the issuing of a hang-glider aero-tow rating shall have satisfactorily completed under the supervision of an appropriately rated flight instructor 10 aero-tows, of which at least 5 were completed in moderately thermal conditions.

Theoretical knowledge examination

62.13.3 An applicant for the issuing of a hang-glider aero-tow rating shall have passed the appropriate written examination as prescribed in Document SA-CATS-FCL 62.

Application

62.13.4 An applicant for the issuing of a hang-glider aero-tow rating shall –

- (a) be made to the Commissioner or, if applicable, the organisation designated for the purpose in terms of Part 149, as the case may be, on the appropriate form as prescribed in Document SA-CATS-FCL 62; and
- (b) be accompanied by –
 - (i) the original or certified copy of the applicant's valid pilot licence, endorsed for the category hang-glider;
 - (ii) a certificate of competency signed by a suitably licensed and rated flight instructor stating that the applicant has met the requirements of regulations 62.13.2 and 62.13.3; and
 - (iii) the applicable fee as prescribed in Part 187 of the regulations.

Issuing

62.13.5 The Commissioner or, if applicable, the organisation designated for the

purpose in terms of Part 149, as the case may be, shall issue on the form prescribed in Document SA-CATS- FCL 62 a hang-glider aero-tow rating if the applicant complies with the requirements of regulation 62.13.1.

Privileges and limitations

62.13.6 The holder of a valid hang-glider aero-tow rating shall be entitled to act as

pilot-in-command of a hang-glider for which he or she holds the appropriate rating whilst under tow from an amateur-built or production-built aircraft, including a microlight aeroplane, certified for tug operations.

Period of validity

62.13.7 A hang-glider aero-tow rating shall be valid for the period for which the

holder thereof is the holder of a valid recreational pilot licence.

Maintenance of competency

62.13.8 The holder of a hang-glider aero-tow rating shall not exercise the privileges

thereof unless

- (a) he or she during the six months immediately preceding the flight has carried out at least 5 aero-tows; or
- (b) under the supervision of an appropriately rated flight instructor.

SUBPART 14 REQUIREMENTS FOR THE ISSUE OF A PART 96 AUTHORISATION

Background

- 62.14.1** (1) Part 96 of the Regulations regulates the commercial operation of non-type certificated aircraft. Non-type certificated aircraft, issued with an Authority to Fly in terms of Part 24 do not meet ICAO standards and, therefore, may only be operated within the borders of the Republic, unless specifically authorised by the responsible authority for the foreign airspace.
- (2) As non-type certificated aircraft may not be operated in international commercial air transport, ICAO requirements in respect of pilot licensing do not apply. National authorities may regulate such operations for domestic operations.
- (3) In accordance with paragraphs (1) and (2) above, the Commissioner may authorise the holder of a valid appropriate private or recreational pilot licence to conduct commercial operations with non-type certificate aircraft in terms of Part 96 on conditions prescribed by the Commissioner.
- (4) The requirements for a Part 96 authorisation as applicable to the aircraft types which may be operated by a pilot licensed in terms of Part 62 are set out in this Subpart.

Requirements for a Part 96 authorisation

- 62.14.2** An applicant for the issuing of a Part 96 authorisation shall -
- (a) be not less than 18 years of age;
 - (b) hold at least a valid Class 2 medical certificate issued in terms of Part 67;
 - (c) hold at least a valid restricted radiotelephony operator's certificate;
 - (d) hold a valid recreational pilot licence issued in terms of Part 62;
 - (e) have acquired the experience referred to in regulation 62.14.3;
 - (f) have successfully completed the training referred to in regulation 62.14.4;
 - (g) have passed the theoretical knowledge examination referred to in regulation 62.14.5; and
 - (h) have undergone the skill test referred to in regulation 62.14.6.

Experience

- 62.14.3** An applicant for the issuing of a Part 96 authorisation shall -
- (a) in the case of the category microlight aeroplanes –

- (i) have 200 hours flight time as pilot of a microlight aeroplane of which not less than 150 hours shall be as pilot-in-command; or
 - (ii) have 100 hours as pilot-in-command of an aeroplane with a maximum certificated mass of 5 700 kg or less and 100 hours as pilot-in-command of microlight aircraft; or
 - (iii) if the holder of a valid private pilot licence (aeroplane), have acted as pilot-in-command of microlight aeroplanes for a minimum of 50 hours, or at the discretion of the testing officer.
- (b) in the case of the category gyroplanes have 200 hours of flight time as pilot-in-command of a gyroplane.

Training

62.14.4 An applicant for the issuing of a Part 96 authorisation shall have successfully completed the appropriate training as prescribed in Document SA-CATS-FCL 62.

Theoretical knowledge examination

62.14.5 applicant for the issuing of a Part 96 authorisation shall have passed the appropriate written examination as prescribed in Document SA-CATS-FCL 62.

Skill test

- 62.14.6 (1) An applicant for the issuing of a Part 96 authorisation shall have demonstrated to an appropriately qualified flight instructor the ability to perform, as pilot-in-command of an aircraft in the category for which the authorisation is sought, the procedures and manoeuvres prescribed in Document SA-CATS-FCL 62 with a degree of competency appropriate to the privileges granted to the holder of a Part 96 authorisation.
- (2) The applicant shall undergo the skill test referred to in sub-regulation (1) within six months of passing the theoretical knowledge examination referred to in regulation 62.14.5 and within the 90 days immediately preceding the date of application.

Application for a Part 96 authorisation

62.14.7 **An application for the issuing of a Part 96 authorisation shall -**

- (a) be made to the Commissioner on the appropriate form as prescribed in Document SA-CATS-FCL 62; and

- (b) be accompanied by -
 - (i) the original or certified true copy of a valid Class 2 or Class 1 medical certificate issued in terms of Part 67;
 - (ii) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 62.14.5;
 - (iii) original or certified proof that the applicant has the practical experience referred to in regulation 62.14.3;
 - (iv) the skill test report as prescribed in Document SA-CATS-FCL 62; and
 - (vi) the appropriate fee as prescribed in Part 187.

Issuing of Part 96 authorisation

- 62.14.8 (1) The Commissioner shall issue a Part 96 authorisation to the applicant if he or she complies with the requirements referred to in regulation 62.14.2.
- (2) The Part 96 authorisation shall be issued in the appropriate format as prescribed in Document SA-CATS-FCL 62.

Period of validity

- 62.14.9 A Part 96 authorisation shall be valid for an indefinite period, provided that the privileges of the authorisation may not be exercised by the holder thereof unless he or she -
- (a) holds a valid Class 2 or Class 1 medical certificate issued in terms of Part 67;
 - (b) holds an appropriate valid category, class or type rating; and
 - (c) complies with the provision of regulation 62.14.11.

Privileges of a Part 96 authorisation

- 62.14.10 (1) The holder of a Part 96 authorisation shall be entitled to -
- (a) exercise all the privileges of his or her pilot licence; and
 - (b) act as pilot-in-command for remuneration in Part 96 operations in any production-built aircraft, including a microlight aeroplane, or any gyroplane with a maximum all-up mass of 2 000 kg, for which he or she holds a valid category rating, class rating, or type rating.
- (2) The holder of the licence shall be entitled to exercise the privileges of the authorisation for any of the special purposes for which he or she holds the appropriate valid rating.

Maintenance of competency

62.14.11 The holder of a Part 96 authorisation shall not act as pilot-in-command in commercial air transport operations unless he or she complies with the currency requirements prescribed for is or her pilot licence and the category rating, class rating, or type rating of which he or she is the holder.

SUBPART 15 REQUIREMENTS FOR THE DESIGNATION OF EXAMINERS

(under development)

Amendment of regulation 64.02.2 of Part 64 of the Regulations

6. Regulation 64. 02.2 of the Regulations is herewith amended by the insertion of the following sub-regulation after sub-regulation (1):

“(2) The Commissioner may designate Cabin Crew Aviation Medical Examiners for the purpose of medical training for cabin crew members. The procedures and requirements will be as stipulated in Document SA-CATS-FCL 64.”.

Amendment of regulation 65. 15.1 of Part 65 of the Regulations

7. Regulation 65.15.1 of the Regulations is herewith amended by the substitution for the said regulation of the following regulation:

“Requirements for Grade One air traffic service instructor (training organisation) certification.

65.15.1 An applicant for the issuing of a Grade One air traffic service instructor (training organisation) certificate shall –

- at
- (a)
 - (b)
 - (c) Hold or have held all, and have validated
least one, of the air traffic service ratings prescribed in this Part, and ***in the case of approach, a validated aerodrome rating shall also be required;***
 - (d)

Amendment of regulation 65. 16.1 of Part 65 of the Regulations

8. Regulation 65.15.1 of the Regulations is herewith amended by the substitution for the said regulation of the following regulation:

“ Requirements for Grade Two air traffic service instructor (training organisation) certification.

65.16.1 An applicant for the issuing of a Grade Two air traffic service instructor (training organisation) certificate shall –

- (a)
- (b)
- (c) Hold or have held the appropriate validated air traffic service ratings relevant to the instruction discipline prescribed in this Part, and in the case of approach, a validated aerodrome rating shall also be required;
- (d)
- (e)

Insertion of Subpart 10 into Part 66 of the Regulations

9. The following Subpart is herewith inserted after Subpart 9 of the Regulations

SUBPART 10: APPROVED PERSON CERTIFICATE

Applicability

66.10.1 This subpart shall apply to the issuing of approvals to natural persons, other than licensed aircraft maintenance engineers, licensed pilots and persons authorised by the holder of an aircraft maintenance organisation approval, to carry out maintenance on South African registered non-type certificated aircraft, their engines, components and equipment.

Authority to act as approved person

66.10.2 (1) No person shall act as an approved person on non-type certificated aircraft referred to in sub-regulation (3), unless such person is the holder of a valid approved person certificate with the appropriate rating issued by the Commissioner or, if applicable, the organisation approved for the purpose in terms of Part 149, as the case may be.

- (2) The holder of an approved person certificate shall not exercise privileges other than those granted by the approval and the appropriate rating held by such holder.

Categories of aircraft

66.10.3 An approved person certificate may be issued in respect of any of the following categories of non-type certificated aircraft --

- (a) Aeroplanes, including microlight aeroplanes
- (b) Helicopters
- (c) Gyroplanes
- (d) Gliders, including power assisted and touring gliders
- (e) Manned captive and manned free balloons

Categories and classes of ratings

66.10.4 (1) The categories of ratings for an approved person certificate are-

- (a) inspection rating; and
 - (b) repair rating.
- (2) The ratings referred to in sub-regulation (1) may be issued in one or more of the following classes:
- (a) Airframes, for the airframes of any of the categories of non-type certificated aircraft registered in the Republic referred to in regulation 66.10.3, as listed in Document SA-CATS-AMEL.

The approved person certificate shall indicate the particular category, class and type or group of types of aircraft airframes for which the holder of the certificate holds authorisation. A

- (b) Engines, for the engines listed in the Document SA-CATS-AMEL, installed in non-type certificated aircraft registered in the Republic. The approved person certificate shall indicate the particular type or types of engines for which the holder of the certificate holds authorisation.
- (c) Equipment, for –
 - (i) avionics equipment;
 - (ii) electrical equipment;
 - (iii) instrument equipment;
 - (iv) combination of such equipment;

The approved person certificate shall indicate the particular type of avionics, electrical, instrument or a combination of such equipment for which the holder of the certificate holds authorisation

- (d) Welding.

Competency

66.10.5 The holder of an approved person certificate shall not exercise the privileges

granted by the approval and rating unless such holder maintains competency by complying with the appropriate requirements prescribed in this Part.

Consumption of alcohol and drugs

66.10.6 No approved person shall --

- (a) carry out any maintenance on an aircraft, its components or equipment while the concentration of alcohol in any specimen of blood taken from any part of his or her body is more than 0.02 gram per 100 millilitres, or when under the influence of any drug having a narcotic effect; or
- (b) consume alcohol or take any drug having a narcotic effect whilst carrying out maintenance on an aircraft, its components or equipment.

Language

66.10.7 An approved person shall have sufficient ability in reading, speaking and

understanding the English language to enable him or her to adequately carry out his or her responsibilities as an approved person.

Requirements for approval and rating

66.10.8 An applicant for the issuing of an approved person certificate with the appropriate category and rating shall --

- (a) be not less than 18 years of age;
- (b) have successfully passed the theoretical knowledge examination referred to in regulation 66.10.9; and
- (c) have acquired the experience referred to in regulation 66.10.10.

Theoretical knowledge examination

66.10.9 (1) An applicant for the issuing of an approved person certificate shall have successfully passed the written examination set by the Commissioner or, if applicable, the organisation approved

for the purpose in terms of Part 149, as the case may, prescribed in Document SA-CATS-AMEL.

- (2) A candidate who fails the written examinations referred to in sub-regulation (1), may within 30 days from the date of notification of the examination results apply in writing for a remark.
- (3) The application shall be made on form CA66.10.3 and be accompanied by the appropriate fee prescribed in Part 187.
- (4) If the remark is successful, the fee will be refunded.
- (5) An applicant, who fails the written examinations referred to in sub-regulation (1), may apply for re-testing after the appropriate period specified in Document SA-CATS-AMEL.

Experience

66.10.10 (1) An applicant for the issuing of an approved person certificate shall either --

- (a) be the primary builder of, and have obtained an Authority to Fly for his or her own aircraft; or
- (b) have obtained proven aircraft maintenance experience, compatible with the particular rating.

Application for approval or amendment

66.10.11 An application for the issuing of an approved person certificate or for an amendment thereof, shall --

- (a) be made to the Commissioner or if applicable, the organisation approved for the purpose in terms of Part 149, as the case may be, on the appropriate form as prescribed in Document SA-CATS-AMEL; and
- (b) be accompanied by --
 - (i) original or certified proof of --
 - (aa) the identity of the applicant;
 - (bb) the age of the applicant;
 - (cc) the maintenance experience of the applicant; and
 - (dd) if applicable: the build number, issued in terms of regulation 24.01.2 (4) (c), and the Authority to Fly, issued in terms of Subpart 24.02.

- (ii) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in Regulation 66.10.9;
 - (iii) two recent passport-size photographs of the applicant;
- and
- (iv) the appropriate fee as prescribed in Part 187.

Issuing of approval certificate

- 66.10.12** (1) The Commissioner or if applicable, the organisation approved for the purpose in terms of Part 149, as the case may be, shall issue an approved person certificate with the appropriate rating if the applicant complies with the requirements referred to in Regulation 66.10.11.
- (2) The certificate shall be issued on the appropriate form as prescribed in Document SA-CATS-AMEL.
 - (3) The certificate shall specify the categories of aircraft, categories and classes of ratings, and where applicable the type by name of non-type certificated aircraft, its components or equipment in respect of which the holder of such certificate is entitled to exercise the privileges thereof.
 - (4) Upon issuing of an approved person certificate, the applicant shall forthwith affix his or her signature in ink in the space on the certificate provided for such purpose.

Period of validity

- 66.10.13** (1) An approved person certificate issued in accordance with this subpart shall be valid for a period of 24 months, calculated from the date on which the approval is issued or from the date of renewal of the approval if such approval is renewed in accordance with the provisions of regulation 66.10.14.
- (2) Any amendment of an approval person certificate shall be valid for the period for which the certificate is valid.

Renewal of approved person certificate

- 66.10.14** (1) To renew an approved person certificate, the holder thereof shall --
- (a) within the 24 months preceding the date of expiry of the certificate, have carried out an inspection or maintenance on at least two aircraft or engines that the holder is rated on;
 - (b) within 30 days immediately preceding the date of expiry of such certificate, submit an application for renewal of an

approved person certificate to the Commissioner, or if applicable, the organisation approved for the purpose in terms of Part 149, as the case may be; accompanied by –

- (i) a certified true copy of the certificate held by the applicant;
 - (ii) original or certified proof of compliance with the provisions of sub-regulation (1)(a).
- (2) The application for the renewal of the certificate shall be made on the form prescribed in Document SA-CATS-AMEL.
- (3) The Commissioner or if applicable, the organisation approved for the purpose in terms of Part 149, as the case may be, shall renew the certificate if the applicant complies with the requirements referred to in subregulation (1).
- (4) The certificate shall be renewed on the appropriate form as prescribed in Document SA-CATS-AMEL.

Reissue

- 66.10.15** (1) The holder of an approved person certificate that has expired due to the lapse of the period referred to in regulation 66.10.13 may apply to the Commissioner or, if applicable, the organisation approved for the purpose in terms of Part 149, as the case may be, for the re-issue of the expired certificate. To qualify for the reissuing of the certificate the person needs to comply anew with the requirements prescribed in regulation 66.10.8.
- (2) Upon application for the re-issue of the expired certificate, the Commissioner or, if applicable, the organisation approved for the purpose in terms of Part 149, as the case may be, shall re-issue such certificate if the applicant complies with the requirements prescribed in sub-regulation (1).
- (3) The provisions of regulations 66.10.11 and 66.10.12 shall apply *mutatis mutandis* to an application referred to in subregulation (1).

Privileges and limitations

- 66.10.16** (1) Subject to the provisions of regulations 66.10.5 and 66.10.6, the holder of an approved person certificate shall be entitled –
- (a) if he or she is the holder of inspection rating –
 - (i) to exercise in respect of a non-type certificated aircraft, the privileges of an authorised officer,

inspector or authorised person provided for in regulations 24.01.8 and 24.01.9 in Part 24 of these Regulations; and

- (ii) to carry out inspections on a non-type certificated aircraft in accordance with the requirements prescribed in Part 24 as may be called for from time to time by the constructor or owner of the non-type certificated aircraft;
- (b) if he or she is the holder of the repair rating –
- (i) to carry out, in accordance with the requirements prescribed in Part 24, such maintenance, excluding the inspections referred to in sub-regulation (a)(ii), on a non-type certificated aircraft, its components and equipment as may be called for from time to time by the constructor or owner of the non-type certificated owner;
 - (ii) certify in the aircraft's logbook/s –
 - (aa) all maintenance carried out on the aircraft; and
 - (bb) all modifications incorporated on the aircraft; and
 - (iii) certify, in accordance with the regulations in Part 24, the release to service of the non-type certificated aircraft.
- (2) The holder of an approved person certificate is not authorised to grant permission to the constructor to fly his or her aircraft for the purposes of carrying out proving test flights unless he or she is the holder of the appropriate flight test rating.
- (3) Any inspection carried out on a non-type certificated aircraft in terms of regulation 24.01.8 shall be of a conditional nature in that the approved person carrying out the inspection shall not be required to guarantee the airworthiness of the aircraft.
- (4) Whenever an authorised person issues a release of service for a non-type certificated aircraft he or she thereby certifies that he or she is satisfied that the aircraft and all its equipment are in every way serviceable for flight and that all maintenance has been carried out in accordance with the Civil Aviation Regulations of 1997, as amended, and with the aircraft's approved maintenance schedule.

- (5) The holder of an authorised person certificate who wishes to carry out welding on a non-type certificated aircraft shall be the holder, or have been the holder of any kind of welding certificate.

Register of approved persons

66.10.17 (1) The Commissioner or, if applicable, the organisation approved for the purpose in terms of Part 149, as the case may be, shall maintain a register of all approved person certificates issued, renewed or reissued in terms of this part.

- (2) The register shall contain the following particulars --
 - (a) the full name of the holder of the certificate;
 - (b) the postal address of the holder of the certificate;
 - (c) the date on which the certificate was issued, renewed or reissued;
 - (d) particulars of the ratings held by the certificate holder; and
 - (e) the nationality of the holder of the certificate.
- (3) The particulars referred to in sub-regulation (2) shall be recorded in the register within seven days from the date on which the certificate is issued, renewed or reissued.
- (4) The register shall be kept at a safe place at the office of the Commissioner or, if applicable, the organisation approved for the purpose in terms of Part 149, as the case may be.

Responsibilities of certificate holder

66.10.18 The holder of an approved person certificate shall maintain an logbook up to date in which he or she shall record details of all inspections and maintenance carried out. The format of the logbook and the manner in which it will be kept shall be as prescribed in Part 43.

Suspension and cancellation of certificate and appeal

66.10.19 (1) The procedure for the suspension and cancellation of approved person certificate and appeal shall be as prescribed in regulation 66.01.12.

- (2) For the purposes of this subpart, the meaning of the expression 'the Commissioner' in Regulation 66.01.12 shall be extended to mean 'the Commissioner or, if applicable, the organisation approved for the purpose in terms of Part 149, as the case may be'.

Amendment of regulation 67.00.1 of Part 67 of the Regulations

10. Regulation 67.00.1 of the Regulations is herewith amended by the insertion of the following sub-regulations after sub-regulation (1):

“(2) The Commissioner may designate medical officers to perform in terms of this Part any functions or duties on his her behalf.

“(3) The reference to the Commissioner in this Part shall be deemed to include medical officers designated by the Commissioner to undertake any such duties as the Commissioner sees fit”.

Amendment of regulation 67.00.10 of Part 67 of the Regulations

11. Regulation 67.00.10 of the Regulations is herewith amended by-
- (a) renumbering it as regulation 67.00.10A (Validations); and
 - (b) the insertion of the following regulation as regulation 67.00.10B:

“Foreign medical examinations

67.00.10B

- (1) The Commissioner may recognize any foreign medical report, history and examination form and investigations issued by an appropriate authority for the purposes of renewing a flight crew member’s licence.
- (2) This law shall apply to flight crew members who already hold a South African licence, are based outside the borders of the Republic, and are unable, for whatever reason, to come to South Africa to undergo a medical examination.
- (3) In case (2) above, it is the responsibility of the flight crew member to submit to the Commissioner all the medical records, which may include, but is not limited to, a history and examination form signed by the both the licence holder and the examining doctor registered with the appropriate authority, and all relevant investigations.
- (4) The Commissioner will then confirm that all the South African standards have been met by the licence holder.
- (5) All medical records submitted should be in English, or, if originally in a foreign language, translated into English by an appropriate person who will then sign.
- (6) The Commissioner reserves the right not to recognize any medical records if any doubt exists as to their authenticity.
- (7) Flight crew members who have undergone an examination by a South African registered AME based in a foreign country, and have been

issued with the appropriate medical certificate, will be deemed to have undergone a South African medical examination.”.

Amendment of regulation 91.04.6 of Part 91 of the Regulations

12. Regulation 91.04.6 of the Regulations is herewith amended by the insertion of the following Sub-regulation after Sub-regulation 1.

“(2) Nothing in this regulation shall be construed as meaning that a flight under IFR or at night for the purpose of flight instruction conducted by an appropriately rated flight instructor would be a single-pilot operation, or that such a training flight, if conducted in terms of any of the Parts 121, 127 or 135 would be required to be operated by two qualified pilots.”

Insertion of Part 94 into the Regulations

13. The following Part is herewith inserted, after Part 92, into the Regulations

“LIST OF REGULATIONS

OPERATION OF NON-TYPE CERTIFICATED AIRCRAFT

SUBPART 1: GENERAL PROVISIONS

- 94.01.1 Applicability
- 94.01.2 Authority to Fly

SUBPART 2: FLIGHT CREW

- 94.02.1 Ex-military aircraft

SUBPART 3: DOCUMENTATION AND RECORDS

- 94.03.1 Operations Manual
- 94.03.2 Logbooks

SUBPART 4: COMMUNICATION AND NAVIGATION EQUIPMENT

- 94.04.1 Communication equipment

SUBPART 5: RULES OF THE AIR

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SUBPART 6: FLIGHT OPERATIONS

- 94.06.1 Standards and procedures
- 94.06.2 Operation of paragliders, including powered paragliders and paratrikes
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- 94.06.11 Operation of model aircraft
- 94.06.12 Operation of parachutes
- 94.06.13 Operation of ex-military aircraft
- 94.06.14 Display Authorisation

SUBPART 7: MAINTENANCE

- 94.07.1 General
Maintenance Control Manual

SUBPART 1: GENERAL PROVISIONS

Applicability

94.01.1 (1) This Part shall apply to –

- (a) non-type certificated aircraft operated within the Republic;
 - (b) non-type certificated aircraft registered in the Republic and operated outside the borders of the Republic;
 - (c) persons acting as flight crew members of non-type certificated aircraft registered in the Republic; and
 - (d) persons who are on board a non-type certificated aircraft operated in terms of this Part.
- (2) This Part provides for operating and flight rules which are additional to those contained in Part 91.
- (3) The provisions of the various other Parts of these Regulations shall apply *mutatis mutandis* to any non-type certificated aircraft unless specifically exempted by the provisions of this Part.
- (4) Non-type certificated aircraft operated in terms of this Part are prohibited from providing a commercial air transport operation, as defined in Part 1 of the Regulations. Although flying training is not considered to be a commercial air transport operation, any non-type certificate aircraft used in flight training shall be operated in terms of Part 96.

- (5) A non-type certificated aircraft, owned or made available to a voluntary association of people, may only be used by the members of such association - whether for free, for hire, or for remuneration - if such association operates in accordance with Part 96, even if the operation is not considered to be an air service as defined in the Air Services Licensing Act of 1990 (Act 115/1990).
- (2) Notwithstanding the provision of sub-regulation (4), non-type certificated aircraft operated in terms of this Part may be used for the training of its registered owner: Provided that the training is provided by an approved ATO and the airworthiness requirements in respect of a non-type certificated aircraft used in training are met. This proviso does not apply in respect of the conversion training, contemplated in regulations 24.02.3(14) and (15).

Authority to Fly

94.01.2 (1) No person shall operate a non-type certificated aircraft unless-

- (a) In the case of aircraft classified in paragraphs (a) to (g) of regulation 24.01.1(2), for such aircraft an Authority to Fly or Proving Flight Authority has been issued in terms of Part 24 of these Regulations;
- (b) the aircraft is in an airworthy condition; and
- (c) the pilot-in-command is the holder of a valid pilot licence with the appropriate rating for the particular category and type of non-type certificated aircraft.

In the case of a foreign-registered non-type certificated aircraft, prior written permission by the Commissioner is required before such aircraft may enter the Republic.

The permission referred to in sub-regulation (2) shall normally be granted only –

- (a) for a limited period of time;
- (b) for the purpose of participation in international events within the Republic, for record-breaking purposes or demonstration flights, or at the discretion of the Commissioner if an acceptable level of safety can be shown and public safety is not jeopardized; —
- (c) if proof is submitted that for the aircraft an Authority to Fly or similar certificate was issued by the foreign civil

aviation authority or an organization designated for the purpose by such authority; and

- (d) if the aircraft is made available for inspection by a licensed AME or AMO or an Approved Person with the relevant rating or approval, or by any other person designated for the purpose by the Commissioner, as soon as possible after its arrival in the Republic, and an inspection report has been submitted to the Commissioner.

SUBPART 2: FLIGHT CREW

Ex-military aircraft

94.02.1 (1) Pilot *Licensing – General Requirements*

- (a) No person shall act as pilot of a South African registered ex-military aircraft unless such person is the holder of a private pilot licence or higher category pilot licence with the appropriate category and type rating, issued or validated in terms of Part 61.
- (b) A type-rating shall be issued by the Commissioner once the licence holder has completed the required training as detailed in Document SA-CATS-FCL or Document SA-CATS-OPS 94, as applicable, and has submitted the required type rating forms, logbook copies, technical examination and payment as specified in these Regulations to the Commissioner. The currency of the type rating shall be in accordance with the provisions of Part 61 of these Regulations.
- (c) Before performing acrobatic flight in an aircraft that has been certificated for, or is capable of performing acrobatic flight, the pilot-in-command shall also be the holder of an acrobatic rating issued by the Commissioner or by an organization approved for the purpose in terms of Part 149, as the case may be.
- (d) The Commissioner may exempt a candidate from undergoing all or part of the prescribed training if he or she is satisfied that the candidate –
 - (i) has sufficient flying experience on similar types of aircraft; or

- (ii) is the holder of a foreign type rating for the aircraft type and the Commissioner is satisfied that the training was of an acceptable standard.

(2) Pilot Training on Ex-Military Jet Aircraft

- (a) Pilots wishing to be rated to fly ex-military jet aircraft shall have the appropriate flying experience. Conversion, refresher and technical training requirements for these aircraft will be assessed on an individual basis by the Commissioner, after receiving the relevant documentation.
- (b) Flying training is not allowed prior to the approval of the applicable syllabus.
- (c) Pilots who have little or no military jet or high-performance piston-engine or turbo-prop aircraft experience shall be required to undergo rigorous and detailed conversion training according to the syllabus prescribed in Document SA-CATS-OPS 94.
- (d) Guidelines for the establishment of training and acrobatic training criteria for individual applicants are provided in Document SA-CATS-OPS 94.
- (e) The applicant shall supply the information as detailed in Document SA-CATS-OPS 94 when applying for approval of the training criteria referred to in paragraph (a).
- (f) The Commissioner may allow a Grade II or Grade I flight instructor with the appropriate category and type rating to determine how many hours of acrobatic training may be counted towards the conversion training prescribed by paragraph (c).
- (g) In the case of an ex-military aircraft that is available in a single-seat version only, the Commissioner may accept the training requirements for single-seat aircraft of the air force of the country of origin or, – where not available, training may be simulated in a similar aircraft. The Commissioner will treat each application for a type rating on a single-seat type on its merits.
- (h) For training purposes, the Commissioner may permit the candidate to enter into an arrangement with an owner of a similar aircraft type that has a valid Authority to Fly, e.g. a dual-seat training variant or dual-seat aircraft of similar performance: Provided that:

- (i) the candidate has obtained permission from the Commissioner to place the aircraft type for which the training is required on the South African Civil Aircraft Register;
- (ii) the candidate and the owner of the training variant submit to the Commissioner for approval the commercial agreement for the use of the aircraft;
- (iii) the owner submits to the Commissioner the insurance documentation stating that the candidate may undergo training on the aircraft; and
- (iv) the Commissioner issues a revised Authority to Fly for the aircraft stipulating that it may be used for the training of the candidate.

SUBPART 3: DOCUMENTATION AND RECORDS

Operations Manual

94.03.1 (1) The owner or operator of

- (a) a veteran aeroplane with a maximum all-up mass in excess of 5 700 kg or with more than 9 passenger seats;
- (b) a veteran helicopter with a maximum all-up mass in excess of 3 175 kg;
- (c) an ex-military jet aircraft; or
- (d) any non-type certificated aircraft, classified in any of paragraphs (a) to (f) in regulation 24.01.1(2) of these Regulations and operated by an aviation training organisation approved in terms of Part 141 for the purpose of providing flying training,

shall draw up an operations manual containing all information required under this Part, and if applicable, required under Part 96 of the Regulations, whether the aircraft is to be operated in commercial air transport operations or not. The operations manual shall set out the manner in which the owner will operate and maintain the aircraft.

- (2) The owner shall submit the operations manual in duplicate for approval to the Commissioner.
- (3) If the Commissioner is satisfied that the owner will comply with the provisions of the relevant Parts of the Regulations, he or she

shall certify in writing on both copies of the operations manual that such manual has been approved and shall return one copy of the approved operations manual to the owner.

- (4) The owner shall submit any amendment to an approved operations manual in duplicate for approval to the Commissioner.
- (5) If the Commissioner is satisfied that the owner will comply with the provisions of the relevant Parts of the Regulations, he or she shall certify in writing on both copies of the amendment to the approved operations manual that such amendment has been approved and shall return one copy of the approved amendment to the owner.
- (6) The owner shall at all times operate the aircraft, referred to in sub-regulation (1), in accordance with the approved operations manual or an approved amendment thereto.
- (7) The owner shall –
 - (a) ensure that all operations personnel are able to understand the technical language used in those sections of the operations manual which pertain to their duties;
 - (b) ensure that every flight is conducted in accordance with the operations manual and that those parts of the operations manual, which are required for the conduct of a flight, are easily accessible to the flight crew members on board;
 - (c) make the operations manual available for the use and guidance of operations personnel;
 - (d) provide the flight crew members with their own personal copy of the sections of the operations manual which are relevant to the duties assigned to them;
 - (e) keep the operations manual up to date; and
 - (f) keep the operations manual in a safe place.
- (8) The contents of the operations manual shall not contravene the conditions contained in the Authority to Fly issued to the owner in terms of Subpart 2 of Part 24 of these Regulations.
- (9) The structure and contents of the operations manual referred to in sub-regulation (1) shall be as prescribed in Document SA-CATS-OPS 96.

Logbooks

- 94.03.2** (1) For any veteran or ex-military aircraft, and for any non-type certificated aircraft used in a commercial air transport operation or for the provision of flight training, appropriate airframe, engine and propeller logbooks, as applicable, shall be maintained in accordance with the provisions of Part 43 of these Regulations.
- (2) Notwithstanding the provisions of sub-regulation (1), the owner or operator of an ex-military aircraft may continue to use the equivalent document or documents used by the previous military operator for the recording of flight times and maintenance carried out.
- (3) Notwithstanding the provisions of sub-regulation 24.03.6(1) of these Regulations, the following non-type certificated aircraft are exempted from keeping the logbooks, prescribed by Part 43, to the extent stated:
- (a) balloons: record of maintenance to be kept in accordance with the approved maintenance schedule;
 - (b) parachutes: record of assembly packing to be kept in a logbook or a separate log page approved by the Commissioner or the organisation approved for the purpose in terms of Part 149, as the case may be; and
 - (c) model aircraft.

SUBPART 4: COMMUNICATION AND NAVIGATION EQUIPMENT

Communication equipment

- 94.04.1** (1) Notwithstanding the provisions of Regulation 91.05.1 of these Regulations, the prescribed communication equipment is not required for aircraft operated in Class G airspace under visual flight rules.
- (2) Unmanned free balloons and unmanned aerial vehicles shall carry the equipment as prescribed by the Commissioner in the Authority to Fly or in terms of regulation 94.06.6.
- (3) Notwithstanding the provisions of sub-regulation (1), at sites where and when paragliding, hang-gliding, or parachute descents take place, the persons involved shall preferably arrange for the automatic transmission on the applicable flight information frequency of a warning that such activity takes place, or alternatively make use of a hand-held transceiver to warn other aircraft in the vicinity.

- (4) Notwithstanding the provisions of sub-regulations (1) and (3), at sites where aero-towing of hang-gliders takes place, the use of the appropriate communication equipment, either airborne or ground-based, to warn other air traffic in the vicinity that aero-towing is in progress, is mandatory.
- (5) The Commissioner may authorise in writing the Central Airspace Management Unit (CAMU) to allocate a temporary segregated airspace (TSA) to separate aircraft operating without radio from other air traffic.

SUBPART 5: RULES OF THE AIR

Conditions for Flight

- 94.05.1** (1) Except when stated otherwise on the Authority to Fly, a non-type certificated aircraft may not be flown –
- (a) by night;
 - (b) in meteorological conditions less than those prescribed as suitable for flight under VFR;
 - (c) within controlled airspace, unless cleared by and on conditions prescribed by ATC; or
 - (d) within 5 NM from the aerodrome reference point of an aerodrome, licensed or approved in terms of Part 139 of these Regulations and situated in Class G airspace, unless established unmanned aerodrome procedures for the particular aerodrome can be adhered to.

Aircraft speed

- 94.05.2** Notwithstanding the provisions of regulation 91.06.9, the Commissioner may authorise in writing the Central Airspace Management Unit (CAMU) to allocate a temporary segregated airspace (TSA) in which aircraft may be flown at -
- (a) Mach 0.90 if below 5 000 feet AGL;
 - (b) Mach 0.95 if between 5 000 feet AGL and FL 300; and
 - (c) supersonic speeds if at or above FL 300.

SUBPART 6: FLIGHT OPERATIONS

Standards and procedures

- 94.06.1** (1) Any person operating a non-type certificated aircraft for aviation recreational purposes or in air displays, shall comply with the standards and procedures determined by the organization approved for the purpose in terms of Part 149, if any, and if applicable.
- (2) Any person operating a non-type certificated aircraft for aviation recreational purposes shall be a *bona fide* member of an applicable aviation recreation organization approved by the Commissioner in terms of Part 149 and abide by its constitution and code of conduct, if any.
- (3) For the purposes of this Subpart, and until such time that an organisation has been approved in terms of Part 149, any person, operating a non-type certificated aircraft for aviation recreational purposes or in air displays, shall comply with the flight operation standards and procedures prescribed for its members by the national body representative of the particular aviation sport, provided that these standards and procedures include those prescribed in, and are not in conflict with, the provisions of this Part.

Operation of paragliders, including powered paragliders and paratrikes

94.06.2 (1) Exemptions

Notwithstanding the provisions of –

- (a) Regulation 91.03.2 and regulation 91.03.5, a person may operate a paraglider without carrying on board a current, approved flight manual or flight folio;
- (b) Regulation 91.03.7, a person may operate a paraglider without a certificate of release to service;
- (c) Subpart 4 of Part 91, a person may operate a paraglider if the paraglider has been equipped with –
- (i) a safety harness or safety belt for each person on board the paraglider;
 - (ii) in the case of flights above 500 feet AGL, an altimeter that is accurate to within approximately 100 feet; and
 - (iii) in the case of flight over water beyond gliding distance from shore, one lifejacket or individual

flotation device for each person on board, worn by such persons.

- (d) Regulation 91.06.7(5), the pilot-in-command of a paraglider, overtaking another paraglider or hang-glider soaring on a ridge, shall pass on the ridge side of the overtaken paraglider or hang-glider;
- (e) Regulation 91.06.21, a person may operate a paraglider to 500 feet vertically below cloud –
 - (i) up to a maximum altitude of 19 500 feet above MSL in class G airspace; and
 - (ii) up to a maximum altitude of 19 500 feet above MSL in Class E airspace, other than transponder-mandatory airspace;
- (f) Regulation 91.07.2, the pilot-in-command of a paraglider may fly the paraglider below 500 feet AGL for the purpose of ridge soaring if such paraglider is flown in a manner that does not endanger persons or property on the ground;
- (g) Regulation 139.01.1(2)(b), the pilot in-command of a paraglider may use any suitable area to launch the paraglider: Provided that permission has been obtained from the owner of the site or the local authority having jurisdiction; and provided furthermore that in the case of flight training or tandem operations, only launch sites approved by the Commissioner or by the organization designated for the purpose in terms of Part 149, as the case may be, shall be used.

(2) **Helmets**

Each person on board a paraglider shall wear a serviceable, rigid, protective helmet of a type approved by the Commissioner or by the organization designated for the purpose in terms of Part 149.

(3) **Conditions for flight**

In addition to the restrictions imposed by Regulation 94.05.1, no paraglider operation shall be conducted –

- (a) over a built-up area; or
- (b) higher than 19 500 feet above MSL.

(4) **Paraglider launching winches**

On every winch, used for the launching of paragliders, a means shall be provided for the severing of the launching cable.

The means referred to in paragraph (a) shall be subject to the approval of the Commissioner or the organization, approved for the purpose in terms of Part 149, as the case may be, and shall be so positioned that it can be easily and readily operated by the winch operator.

(5) **Tandem operations**

- (a) No person may operate a paraglider with a passenger, unless that person holds a valid tandem rating.
- (b) Tandem operations shall be limited to two persons, including the pilot.
- (c) For tandem operations, the carriage of a back-up parachute is compulsory.

Operation of gyroplanes

94.06.3 (1) Exemptions

Notwithstanding the provisions of –

- (a) Regulation 91.03.2 and regulation 91.03.5, a person may operate a non-type certificated gyroplane or gyroglider without carrying on board a current, approved flight manual or flight folio;
- (b) Regulation 91.03.7, a person may operate a non-type certificated gyroplane or gyroglider if the gyroplane or gyroglider has been issued with a certificate of release to service by an appropriately rated Approved Person;
- (c) Subpart 4 of Part 91, a person may operate a non-type certificated gyroplane or gyroglider if the gyroplane or gyroglider has been equipped with –
 - (i) a seat with an approved safety harness or safety belt for each person on board the gyroplane or gyroglider;
 - (ii) a map which covers the complete route of the proposed flight;
 - (iv) in the case of flights above 500 feet AGL, an altimeter that is accurate to within approximately 100 feet;

- (v) a rotor brake; and
- (vi) in the case of flight over water beyond autorotative distance from shore, one lifejacket or individual flotation device for each person on board, stored in a position easily accessible for such persons, or alternatively worn by such persons.

(2) Conditions for flight

In addition to the restrictions imposed by regulation 94.05.1, no gyroplane or gyroglider operation shall be conducted above 1 000 feet AGL unless fitted with an approved, serviceable compass.

Operation of manned free balloons

94.06.4 (1) Exemptions

Notwithstanding the provisions of –

- (a) Regulation 91.03.7, a person may operate a non-type certificated manned free balloon if the balloon has been issued with a certificate of release to service by an appropriately rated Approved Person;
- (b) Subpart 4 of Part 91, a person may operate a non-type certificated manned free balloon if the balloon has been equipped with –
 - (i) a map which covers the complete route of the proposed flight;
 - (ii) an approved sensitive altimeter;
 - (iii) a rate-of-climb indicator;
 - (iv) a fire extinguisher;
 - (v) gloves;
 - (vi) a handling line;
 - (vii) in the case of a hot-air balloon:
 - (aa) two alternate methods of ignition;
 - (bb) a fuel quantity gauge; and
 - (cc) envelope temperature indicator; and
 - (viii) in the case of flight over water, one lifejacket or individual flotation device for each person on board, stored in a position easily accessible for such persons, or alternatively worn by such persons.

(2) Conditions for flight

In addition to the restrictions imposed by regulation 94.05.1, no manned free balloon operation shall be conducted over any built-up areas below 3 000 feet.

Operation of captive balloons

94.06.5 Exemptions

- (1) Captive balloons are exempted from these Regulations –
 - (a) except from regulation 94.05.1; and
 - (b) provided that no captive balloon operation shall be conducted –
 - (i) higher than 150 feet above the surface; or
 - (ii) from or above a public road;unless with the prior approval of the Commissioner and on conditions determined by him or her.
- (2) In the event of a captive balloon breaking free from its moorings, the operator thereof shall immediately report the occurrence to the nearest air traffic service unit, indicating the direction in which the balloon is drifting.

Operation of unmanned free balloons

94.06.6 Exemptions

- (1) Unmanned free balloons are exempted from these Regulations, except that no unmanned free balloon operations shall take place without the prior permission of the Commissioner and on the conditions determined by him or her.
- (2) For purposes of this regulation, the mass release of toy balloons shall be considered to be the launch of an unmanned free balloon.

Operation of amateur-built or production-built aircraft, including microlight aeroplanes

94.06.7 Exemptions

- (1) Notwithstanding the provisions of –
 - (a) Regulation 91.03.2 and regulation 91.03.5, a person may operate an amateur-built or production-built aircraft, including a microlight aeroplane, without carrying on

board a current, approved flight manual or flight folio should such carriage not be safely possible;

- (b) Regulation 91.03.7, a person may operate an amateur-built or production-built aircraft, including a microlight aeroplane, if the aircraft has been issued with a certificate of release to service by an appropriately rated Approved Person;
- (c) Subpart 4 of Part 91, a person may operate an amateur-built or production-built aircraft, including a microlight aeroplane, if the aircraft has been equipped with –
 - (i) a seat with an approved safety harness or safety belt for each person on board the aircraft;
 - (ii) a map which covers the complete route of the proposed flight; and
 - (iii) in the case of flight over water beyond gliding or autorotative distance from shore, one lifejacket or individual flotation device for each person on board, stored in a position easily accessible for such persons, or alternatively worn by such persons

(2) Conditions for flight

In addition to the restrictions imposed by Regulation 94.05.1, no microlight aeroplane shall be operated above 500 feet AGL unless fitted with –

- (a) an approved, serviceable compass; and
- (b) an altimeter that is accurate to within approximately 100 feet.

Operation of gliders

94.06.8 Exemptions

- (1) Notwithstanding the provisions of –
 - (a) Regulation 91.03.2 and regulation 91.03.5, a person may operate a non-type certificated glider without carrying on board a current, approved flight manual or flight folio should such carriage not be safely possible;
 - (b) Regulation 91.03.7, a person may operate a non-type certificated glider if the glider has been issued with a certificate of release to service by an appropriately rated Approved Person;

- (c) Subpart 4 of Part 91, a person may operate a non-type certificated glider if the glider has been equipped with –
 - (i) a seat with an approved safety harness or safety belt for each person on board the glider;
 - (ii) a map which covers the complete route of the proposed flight;
 - (iii) in the case of flights above 500 feet, an altimeter that is accurate to within approximately 100 feet; and
 - (iv) in the case of flight over water beyond gliding distance from shore, one lifejacket or individual flotation device for each person on board, stored in a position easily accessible for such persons, or alternatively worn by such persons;
- (d) Regulation 139.01.1(2)(b), a person may land a glider, operated in training, at suitable sites other than a licensed aerodrome: Provided that this exemption shall not override a landowner's rights in respect of trespassing.

(2) Conditions for flight

In addition to the restrictions imposed by Regulation 94.05.1, no glider operation shall be conducted over a built-up area.

(3) Glider launching winches

- (a) On every winch, used for the launching of gliders, a means shall be provided for the severing of the launching cable.
- (b) The means referred to in paragraph (a) shall be subject to the approval of the Commissioner or the organization, approved for the purpose in terms of Part 149, as the case may be, and shall be so positioned that it can be easily and readily operated by the winch operator.

Operation of hang-glidors

94.06.9 Exemptions

- (1) Notwithstanding the provisions of –
 - (a) Regulation 91.03.2 and regulation 91.03.5, a person may operate a hang-glider without carrying on board a current, approved flight manual or flight folio;

- (b) Regulation 91.03.7, a person may operate a hang-glider without a certificate of release to service;
- (c) Subpart 4 of Part 91, a person may operate a hang-glider if the hang-glider has been equipped with –
 - (i) an approved safety harness or safety belt for each person on board the hang-glider;
 - (ii) in the case of flights above 500 feet AGL, an altimeter that is accurate to within approximately 100 feet; and
 - (iii) in the case of flight over water one lifejacket for each person on board and worn by such persons;
- (d) Regulation 91.06.7(5), the person operating a hang-glider overtaking another hang-glider or paraglider soaring on a ridge shall pass on the ridge side of the overtaken hang-glider or paraglider;
- (e) Regulation 91.06.21, a person may operate a hang-glider to 500 feet vertically below cloud –
 - (i) up to a maximum altitude of 19 500 feet above MSL in class G airspace; and
 - (ii) up to a maximum altitude of 19 500 feet above MSL in Class E airspace, other than transponder-mandatory airspace;
- (f) Regulation 91.06.32, a person may operate a hang-glider below 500 feet AGL for the purpose of ridge soaring: Provided that such hang-glider is flown in a manner that does not endanger persons or property on the surface;

Regulation 139.01.1(2)(b), the pilot in-command of a hang-glider may use any suitable area to launch the hang-glider: Provided that permission has been obtained from the owner of the site or the local authority having jurisdiction; and Provided furthermore that in the case of flight training or tandem operations, only launch sites approved by the Commissioner or by the organization designated for the purpose in terms of Part 149, as the case may be, shall be used.

(2) **Helmets**

Each pilot and passenger of a hang-glider shall wear a serviceable, rigid, protective helmet of a type approved by the Commissioner or by the organization designated for the purpose in terms of Part 149.

(3) **Conditions for flight**

In addition to the restrictions imposed by Regulation 94.05.1, no hang-glider operation shall be conducted –

- (a) over a built-up area; or
- (b) higher than 19 500 feet above MSL.

(4) **Hang-glider launching winches**

- (a) On every winch, used for the launching of hang-gliders, a means shall be provided for the severing of the launching cable.
- (b) The means referred to in paragraph (a) shall be subject to the approval of the Commissioner or the organization, approved for the purpose in terms of Part 149, as the case may be, and shall be so positioned that it can be easily and readily operated by the winch operator.

(5) **Tandem operations**

- (a) No person may operate a hang-glider with a passenger, unless that person holds a valid tandem rating.
- (b) Tandem operations shall be limited to two persons, including the pilot.
- (c) The pilot-in-command shall carry a tandem-rated reserve parachute during tandem operations.

(6) ***Aero-towing***

- (a) No person may operate a hang-glider in an aerotow operation unless such person is the holder of an appropriately endorsed licence.
- (b) The requirements for the issue of an aerotow endorsement are those prescribed in Part 62.

Operation of line-controlled kites

94.06.10 Exemptions

Line-controlled kites are exempted from these Regulations –

- (a) except from the provisions of regulation 94.05.1; and

- (b) provided that no line-controlled kite shall be flown –
 - (i) higher than 150 feet above the surface;
 - (ii) from or above a public road; or
 - (iii) on the approaches to any aerodrome licensed or approved in terms of Part 139 of these Regulations;unless with the prior approval of the Commissioner and on conditions determined by him or her.

Operation of model aircraft

94.06.11 Exemptions

Model aircraft are exempted from these Regulations –

- (a) except from the provisions of regulation 94.05.1; and
- (b) provided that no model aircraft shall be flown –
 - (i) higher than 150 feet above the surface; or
 - (ii) from or above a public road;

unless –

- (iii) with the prior approval of the Commissioner and on conditions determined by him or her; or
- (iv) in airspace specifically approved for the purpose by the Commissioner and on conditions set by him or her for the use of such airspace.

Operation of parachutes

94.06.12 The regulations governing parachuting operations are those prescribed in Part 105 of these Regulations.

Operation of ex-military jet aircraft

94.06.13 (1) Minimum fuel

In addition to the provisions of Regulation 91.07.12, an ex-military jet aircraft shall carry sufficient fuel –

- (a) to divert from its destination aerodrome to an alternate aerodrome that is at least 100 km distant from its destination aerodrome; and

- (b) to allow for at least 10 minutes of flight at cruise-power settings when arriving over the alternate aerodrome referred to in sub-regulation (a).

(2) **Passenger seating**

- (a) Only if the Commissioner, on the Authority to Fly, has approved the carriage of passengers may passengers be carried in an ex-military jet aircraft.
- (b) Where applicable, the owner of an ex-military jet aircraft shall ensure that the medical and physical condition of the passenger complies with the conditions prescribed by the manufacturer of the ejection seat of the aircraft.
- (c) It is the responsibility of the owner of an ex-military jet aircraft to provide the passenger with suitable and serviceable flying equipment, protection gear and clothing.

(3) **Passenger briefing**

The owner of an ex-military jet aircraft shall ensure that the passenger is thoroughly briefed on --

- (a) all the dangers associated with the flying in an ex-military jet aircraft, including the possible injuries following ejection; and
- (b) actions during flight; including
 - (i) the operation of switches and handles, if applicable;
 - (ii) the actions and execution of commands during emergency situations;
 - (iii) the actions should the pilot-in-command become incapacitated during flight; and
 - (iv) any other information as seen fit by the owner or the pilot-in-command.

(4) **Minimum equipment list**

(a) **Oxygen Systems**

Oxygen system shall be fully serviceable, unless specifically exempted, whether or not it is intended to fly the aircraft above FL 100.

(b) **Aircraft Pressurisation**

Aircraft pressurisation systems shall be fully serviceable, unless specifically exempted, irrespective of the altitudes it is intended that the aircraft be flown.

(c) **Ejection Seats**

Where ejection seats are an integral part of the aircrew escape system, as specified in the relevant Flight Manual or Aircrew Notes, they shall be fully serviceable for all flights unless specifically exempted, and all occupants shall have been suitably instructed in their use.

(d) **Flying Clothing and equipment**

(i) Certain items of flying clothing and personal equipment are an integral part of the aircraft safety equipment, such as life-saving jackets with dinghy connections or personal equipment connectors with oxygen connections. Where the appropriate clothing, equipment or systems are required for flight, these additional items shall be made available and be fully serviceable.

(ii) Unless specifically exempted, all occupants of an ex-military jet or turbo-prop aircraft shall wear protective helmets, equipped with suitable visors and facilitating communication.

(iii) Aircraft that are to be operated over large water masses beyond gliding distance from shore shall be equipped with suitable survival equipment, and the occupants shall wear suitable survival clothing and equipment.

(e) **Emergency and Backup System**

Systems under this heading are invariably an integral part of the aircraft build standard and will have been installed with certain emergencies in mind (i.e. emergency undercarriage lowering, or hood opening or jettison). All such systems shall be serviceable for flight, unless specifically exempted.

(f) **Instrumentation for flight under IFR and Standby Instrumentation**

Where permission has been granted to operate the aircraft in instrument meteorological conditions (IMC), all instrumentation and equipment normally required for operation in IMC according to Instrument Flight Rules (IFR) shall have been fitted and be serviceable in accordance with the provisions of Part 91 of the Regulations.

(g) **Weaponry**

(i) Where weaponry are an integral part of the aircraft, such weaponry shall be permanently deactivated, or be removed and replaced by ballast to ensure that the correct mass and center of gravity of the aircraft is maintained.

(ii) The carriage of external weaponry is prohibited

(h) **External Equipment**

Where aircraft are capable of carrying external fuel tanks, whether jettisonable or not, such fuel tanks may be used: Provided that all systems applicable to the fuel tanks are serviceable. The pilot must also be fully qualified in the handling of the aircraft with and without the external fuel tanks (including asymmetric flight) and conversant with the jettison restrictions, limits and implications.

Display Authorization

94.06.14 (1) When a non-type certificated aircraft, classified in paragraphs (a) to (g) of regulation 24.01.1(2), is to participate in a public flying demonstration, the pilot-in-command shall be the holder of an appropriate Display Authorization.

(2) The Display Authorization may be issued by the Commissioner or by an organization approved for the purpose in terms of Part 149, as the case may be, in writing if he, she or it is satisfied that

–
the pilot has the required experience; and

the proposed display sequence can be executed safely with the particular aircraft.

(3) The Display Authority shall be issued on the form prescribed in SA-CATS-OPS 94, and shall detail the aircraft to be used, its configuration, the sequence to be flown, and any other condition that may be imposed by the Commissioner or by the

organization approved for the purpose in terms of Part 149, as the case may be, at his, her or its discretion in the interest of flight and public safety.

- (4) The following information shall be submitted to the Commissioner or the organization approved for the purpose in terms of Part 149, as the case may be, when applying for a Display Authorization:
 - (a) a summary of the pilot's total flying experience and details of experience on the type of aircraft to be flown in the display;
 - (b) a detailed list of previous air display experience, to include events, dates, duration, aircraft types, and sequences flown;
 - (c) the details of the sequence for which Display Authorization is sought, including:
 - (i) good weather sequence; and
 - (ii) bad weather sequence, where the weather conditions, such as cloud ceiling, impose a restriction on the good weather display sequence.

The sequences shall be submitted in textual and graphical form, with the minimum meteorological conditions for each sequence specified;

 - (d) The specific procedures to be followed for possible emergencies that may arise during the display, including the listing of diversion aerodromes; and
 - (e) Details of the aircraft in the configuration to be used in the display, including take-off mass, take-off fuel and landing fuel.
- (5) The application shall be made in the form prescribed in SA-CATS-OPS 94.
- (6) The application shall be accompanied by the appropriate fee prescribed in Part 187.

SUBPART 7: MAINTENANCE

General

- 94.07.1** (1) No owner, operator or pilot-in-command of a non-type certificated aircraft, classified in paragraphs (a) to (g) of regulation 24.01.1(2), shall operate the aircraft unless such aircraft is maintained and released to service in accordance with the provisions of Part 24.
- (2) No owner, operator or pilot-in-command of a non-type certificated aircraft, classified in paragraphs (h) to (l) in regulation 24.01.1(2), shall operate the aircraft unless such aircraft has been properly maintained and is in an airworthy condition.

Maintenance Control Manual

- 94.07.2** Where an owner or operator is required in terms of Part 94 to maintain an operations manual, the latter shall include a maintenance control manual in the format as prescribed in technical standard 43.02.2 in Document SA-CATS-GMR.

Insertion of part 96 into the Regulations

- 14.** The following Part is herewith inserted, after Part 94, into the Regulations

PART 96

COMMERCIAL OPERATION OF NON-TYPE CERTIFICATED AIRCRAFT

LIST OF REGULATIONS

COMMERCIAL OPERATION OF NON-TYPE CERTIFICATED AIRCRAFT

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SUBPART 1: GENERAL PROVISIONS

Applicability

96.01.1(1) This Part shall apply to –

- (a) non-type certificated aircraft engaged in flying training or commercial air transport operations within the Republic;
- (b) persons acting as flight crew members of non-type certificated aircraft registered in the Republic and engaged in flying training or commercial air transport operations; and

persons on board a non-type certificated aircraft engaged in flying training or commercial air transport operations.

- (2) No non-type certificated aircraft shall be used in commercial air transport operations unless the operator is the holder of the appropriate air service licence issued in terms of the Air Services Licensing Act, 1990 (Act No 115 of 1990) or International Air Services Act, 1993 (Act No 60 of 1993): Provided that no amateur-built, production-built or ex-military aircraft shall be issued with a Class I or a Class II domestic air service licence, nor with any international air service licence.

- (3) An amateur-built, production-built or ex-military aircraft may be issued with a Class III – type G16 domestic air service licence for the purpose of flipping, as defined in sub-regulation (7).
- (4) No non-type certificated aircraft shall be used for flight training unless the operator is the holder of the appropriate aviation training organization approval, issued in terms of Part 141 of these Regulations.
- (5) The provisions of Part 24, Part 91 and Part 94 of these Regulations shall *mutatis mutandis* apply to any non-type certificated aircraft unless specifically exempted by the provisions of this Part.
- (6) For the purpose of sub-regulation (2), tandem operations with hang-gliders, paragliders or parachutes, even if carried out for remuneration or reward, shall not be considered to be the providing of an air service as defined in the Air Services Licensing Act, 1990, or International Air Services Act, 1993, nor to be a commercial air transport operation, as defined in Part 1 of the Regulations.
- (7) For the purpose of sub-regulation (3), flipping is defined as the carrying of fare-paying passengers for the purpose of sight-seeing, and such operations shall be restricted as follows:
 - (a) flights shall commence and end at the same aerodrome or helicopter landing site without any intermediate landing, and without any disembarking taking place by any means while the aircraft is in flight (parachute, rappeling,etc.);
 - (b) the duration of flights shall not exceed one hour of flight time; and
 - (c) the number of passengers carried, whether fare-paying or carried for free, shall not exceed nine.

SUBPART 2 FLIGHT CREW

In-flight relief of flight crew members

In the case of a large non-type certificated aircraft engaged in commercial air transport operations, the provisions of regulation 121.02.2 shall apply *mutatis mutandis*.

Cabin crew member compliment

In the case of a large non-type certificated aircraft engaged in commercial air transport operations, the provisions of regulations 121.02.5 to 121.02.9 (both inclusive) of Part 121 shall apply *mutatis mutandis*.

Flight time and duty periods

- (1) The operator of a non-type certificated aircraft engaged in commercial air transport operations shall –
 - (a) establish a scheme for the regulation of flight time and duty periods for each flight crew member;
 - (b) include the scheme referred to in paragraph (a) in the operations manual referred to in regulation 96.03.1;
 - (c) ensure that each flight crew member complies with the provisions of the scheme referred to in paragraph (a);
 - (d) not cause or permit any flight crew member to fly in the aircraft if such operator knows or has been made aware that such flight crew member –
 - (i) will exceed the flight time and duty periods referred to in sub-regulation (1)(a) while on flight duty; or
 - (ii) is suffering from or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from fatigue which may endanger the safety of the aircraft or its flight crew members and passengers; and
 - (e) not schedule a flight crew member for active flight duty for a period exceeding eight consecutive hours during any given flight time and duty period unless authorised in the scheme referred to in paragraph (a).
- (2) Except with the approval of the Commissioner, the flight time and duty scheme of the operator shall not be in conflict with the provisions of regulation 91.02.3(3).
- (3) The provisions to be included in a flight time and duty scheme referred to in sub-regulation (1) shall be as prescribed in Document SA-CATS-OPS 96.

Training and Checking

- (1) The owner of a non-type certificated aircraft engaged in commercial air transport operations shall establish and maintain a ground and

Commissioner shall certify in writing on both copies of the amendment to the approved operations manual that such amendment has been approved, and shall return one copy of the approved amendment to the operator.

- (6) The operator shall at all times operate the non-type certificated aircraft, when operated in terms of this Part, in accordance with the approved operations manual or an approved amendment thereto.
- (7) The operator shall –
 - (a) ensure that all operations personnel are able to understand the technical language used in those sections of the operations manual which pertain to their duties;
 - (b) ensure that every flight is conducted in accordance with the operations manual and that those parts of the operations manual, which are required for the conduct of a flight, are easily accessible to the flight crew members on board;
 - (c) make the operations manual available for the use and guidance of operations personnel;
 - (d) provide the flight crew members with their own personal copy of the sections of the operations manual which are relevant to the duties assigned to them;
 - (e) keep the operations manual up to date; and
 - (f) keep the operations manual in a safe place.
- (8) The contents of the operations manual shall not contravene the conditions contained in the operating certificate issued to the operator in terms of regulation 96.04.3.
- (9) The structure and contents of the operations manual referred to in sub-regulation (1) shall be as prescribed in Document SA-CATS-OPS 96.

Exemptions

- 96.03.2** Notwithstanding the provisions of regulation 91.03.1, a person may operate an amateur-built or production-built aircraft, including a microlight aeroplane, while conducting flight training or a commercial air transport operation without carrying on board any of the documents prescribed in the foregoing

regulation, should such carriage not be safely or practically possible.

Disclosure

- 96.03.3** (1) A provider of flight training using, or a commercial air transport operator of, a non-type certificated aircraft shall disclose to any student or any fare-paying passenger to be carried on board the aircraft, as applicable, the warning that the aircraft is an aircraft not required to comply with all the regulations for type-certificated aircraft and that boarding the aircraft is at one's own risk.
- (2) The disclosure referred to in sub-regulation (1) shall be made to any potential student before commencing flight training, or to any passenger before a ticket is purchased by means suitable to the kind of operation and shall be repeated in the flight training agreement or on the passenger ticket or similar contract of carriage, as applicable.

SUBPART 4 OPERATING CERTIFICATE

Operating certificate

- 96.04.1** The operator of a non-type certificated aircraft used for the provision of flight training or commercial air transport operations, as the case may be, shall not operate the aircraft unless such operator is the holder of a valid –
- (a) aviation training organization approval, issued in terms of Part 141; or
 - (b) licence issued in terms of the Air Services Licensing Act, 1990; and
 - (c) operating certificate issued in terms of regulation 96.04.3.

Application for operating certificate

- 96.04.2** An application for an operating certificate shall be made to the Commissioner in the appropriate form as prescribed in Document SA-CATS-OPS 96 and shall be accompanied by the appropriate fee as prescribed in Part 187.

Adjudication of application for operating certificate

- 96.04.3** (1) In considering an application referred to in Regulation 96.04.2, the Commissioner may conduct the investigation he or she deems necessary.
- (2) An application shall be granted and the operating certificate issued if the Commissioner is satisfied that –
- (a) the applicant will comply with the provisions of regulation 96.04.7; and
 - (b) the applicant will not conduct flight training contrary to the aviation training organization approval held, or operate the air service concerned contrary to any provision of the Act, the Civil Aviation Offences Act, 1972, or the Air Services Licensing Act, 1990, as applicable.
- (3) If the Commissioner is not so satisfied, he or she shall notify the operator thereof, stating the reasons in the notification, and grant the operator the opportunity to rectify or supplement any defect within the period determined by the Commissioner, after which period the Commissioner shall grant or refuse the application concerned.
- (4) An operating certificate shall be issued on the appropriate form as prescribed in Document SA-CATS-OPS 96, under such conditions that the Commissioner may determine.

Period of validity of operating certificate

- 96.04.4** (1) An operating certificate shall be valid for such period as may be determined by the Commissioner: Provided that such period shall not exceed a period of 12 months from the date of issuing thereof.
- (2) If the holder of an operating certificate applies at least 30 days prior to the expiry thereof for a new operating certificate, that first-mentioned operating certificate shall, notwithstanding the provisions of sub-regulation (1), remain in force until such holder is notified by the Commissioner of the result of the application for the issuing of a new operating certificate.

Safety inspections and audits

- 96.04.5** (1) An applicant for the issuing of an operating certificate shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits which may be necessary to verify the validity of an application made in terms of regulation 96.04.2.

- (2) The holder of an operating certificate shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits, which may be necessary to determine compliance with the appropriate requirements prescribed in this part.

Suspension and cancellation of operating certificate and appeal

- 96.04.6** (1) An authorised officer, inspector or authorised person may suspend for a period of 30 days or more, an operating certificate issued under this subpart, if –
- (a) after a safety inspection and audit carried out in terms of regulation 96.04.5, it is evident that the holder of the operating certificate does not comply with the requirements prescribed in this Part, and such holder fails to remedy such non-compliance within 30 days after receiving notice in writing from the authorised officer, inspector or authorised person to do so; or
 - (b) the authorised officer, inspector or authorised person is prevented by the holder of the operating certificate to carry out a safety inspection and audit in terms of regulation 96.04.5; or
 - (c) the suspension is necessary in the interests of aviation safety.
- (2) The authorised officer, inspector or authorised person who has suspended an operating certificate in terms of sub-regulation (1), shall deliver a report in writing to the Commissioner, stating the reasons why, in his or her opinion, the suspended operating certificate should be cancelled.
 - (3) The authorised officer, inspector or authorised person concerned shall submit a copy of the report referred to in sub-regulation (2), to the holder of the operating certificate which has been suspended, and shall furnish proof of such submission for the information of the Commissioner.
 - (4) The holder of an operating certificate who feels aggrieved by the suspension of the operating certificate may appeal against such suspension to the Commissioner, within 30 days, after such holder has been notified of such suspension.
 - (5) The appeal, referred to in sub-regulation (4), shall be in writing, stating the reasons why, in the appellant's opinion, the suspension should be varied or set aside.

- (6) The appellant shall submit a copy of the appeal and any documents or records supporting such appeal, to the authorised officer, inspector or authorised person concerned and shall furnish proof of such submission for the information of the Commissioner.
- (7) The authorised officer, inspector or authorised person concerned may, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (6), deliver his or her written reply to such appeal to the Commissioner.
- (8) The Commissioner may –
 - (a) either adjudicate the appeal on the basis of the documents submitted to him or her; or
 - (b) order the appellant and the authorised officer, inspector or authorised person concerned to appear before him or her to give evidence, either in person or through a representative, at a time and place determined by him or her; and
 - (c) at any time –
 - (i) extend the period of suspension , if necessary, to deal fairly with the appeal;
 - (ii) either confirm, vary or set aside the suspension referred to in sub-regulation (1); or
 - (iii) cancel the operating certificate concerned.
- (9) Before the Commissioner confirms the suspension in terms of sub-regulation (8)(c)(ii), he or she shall permit the holder of the operating certificate to remedy any non-compliance, if the holder so wishes.
- (10) The Commissioner shall –
 - (a) if he or she confirms the suspension in terms of sub-regulation (8) (c) (ii); or
 - (b) if an operating certificate is suspended in terms of sub-regulation (1) and the holder thereof does not appeal against such suspension in terms of sub-regulation (4),

Cancel the operating certificate concerned.

Duties of holder of operating certificate

96.04.7 The holder of an operating certificate shall –

- (a) notify the Commissioner in the manner as prescribed in Document SA-CATS-OPS 96, before any change is effected to the particulars on the operating certificate;
- (b) keep the operating certificate in a safe place and produce such operating certificate to an authorised officer, inspector or authorised person for inspection if so requested by such officer, inspector or person authorised person; and
- (c) not commence or continue with the air service concerned unless such holder is the holder of a valid operating certificate.

Register of operating certificates

96.04.8 (1) The Commissioner shall maintain a register of all operating certificates issued in terms of this Part.

- (2) The register shall contain the following particulars:
 - (a) The full name and, if any, the trade name of the holder of the operating certificate;
 - (b) the postal address of the holder of the operating certificate;
 - (c) the number of the operating certificate issued to the holder;
 - (d) particulars of the type of air service for which the operating certificate was issued;
 - (e) particulars of the category of aircraft for which the operating certificate was issued; and
 - (f) the date on which the operating certificate was issued.
- (3) The particulars referred to in sub-regulation (2) shall be recorded in the register within 30 days from the date on which the operating certificate is issued by the Commissioner.
- (4) The register shall be kept in a safe place at the office of the Commissioner.
- (5) A copy of the register shall be furnished by the Commissioner, on payment of the appropriate fee as prescribed in Part 187, to any person who requests the copy.

SUBPART 5 MAINTENANCE

General

- 96.05.1** (1) A non-type certificated aircraft used for the provision of flight training or commercial air transport operations shall be maintained by a licensed AME or AMO with the appropriate rating or by a person approved for the purpose by the Commissioner, as the case may be, in accordance with the provisions of Part 24 and Part 43 of the Regulations, as they *mutatis mutandis* apply, and as has been specified in the approved Maintenance Control Manual.
- (2) The Maintenance Control Manual shall –
- (i) be drawn up in the format as prescribed in technical standard 43.02.2 in Document SA-CATS-GMR;
 - (ii) prescribe who may carry out maintenance on the aircraft, and incorporate the terms of the contract between the operator and any outside maintenance personnel or organisation responsible for all or part of the maintenance, if any; and
 - (iii) prescribe the environmental conditions under which maintenance may be carried out and, if applicable, the special tools and equipment that are to be used in maintenance.
- (3) Any microlight aeroplane operated in terms of this Part shall undergo an inspection at intervals not exceeding 25 hours of flight time, utilising the checklist contained in Annex A to Document SA-CATS-NTCA.
- (4) Notwithstanding the provisions of sub-regulation (1) and regulation 96.01.1(4), the privilege extended by regulation 24.03.5 shall apply only in respect of an owner who is the holder of the valid applicable AME licence and ratings issued in terms of Part 66.

Certificate of Airworthiness

- 96.05.2** The Authority to Fly for a non-type certificated aircraft approved to be operated for the provision of flight training or commercial air transport operations is issued in the form of a certificate of airworthiness for non-type certificated aircraft as prescribed in technical standard 24.02.5 in Document SA-CATS-NTCA.

Repeal of Parts 98, 100, 101, 102, 103, 104, and 106 of the Regulations

15. Parts 98 (Operation of Powered Paragliders), 100 (Operation of Gyroplanes), 101 (Operation of Unmanned Free Balloons, Kites and Remotely Piloted Aircraft), 102 (Operation of Free Balloons and Airships), 103 (Operation of Microlight Aeroplanes), 104 (Operation of Gliders) and 106 (Operation of Hang Gliders) are herewith repealed.

Amendment of regulation 121.04.10 of Part 121 of the Regulations

16. Regulation 121.04.10 of the Regulations is herewith amended by the substitution for the said regulation of the following regulation:

“121.04.10 The operator of a large commercial air transport operator aeroplane shall, in addition to the aircraft checklist referred to in Regulation 91.03.3, compile and make available to the flight crew and other personnel members in such operator’s employ, a checklist of the procedures to be followed by such flight crew and personnel members when searching for concealed weapons, explosives or other dangerous devices. This checklist is required to be completed when the aircraft is brought into service or when left open and unattended. This completed checklist must be made available for security audit purposes.”

Amendment of regulation 121.06.5 of Part 121 of the Regulations

17. Regulation 121.05.6 of the Regulations is herewith amended by the substitution for sub-regulations (1) and (2) thereof of the following sub-regulations:

“Safety and security inspections and audits

- 121.06.5** (1) An applicant for the issuing of an operating certificate shall permit an authorised officer, inspector or authorised person to carry out such safety and/or security inspections and audits which may be necessary to verify the validity of an application made in terms of regulation 121.06.2.
- (2) The holder of an operating certificate shall permit an authorised officer, inspector or authorised person to carry out such safety and security inspections, and audits which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.”

Amendment of regulation 121.06.6 of Part 121 of the Regulations

18. Regulation 121.06.6 of the Regulations is herewith amended by the substitution for sub-regulation (1) of the following sub-regulation:

“121.06.6 (1) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, an operating certificate issued under this subpart, if-

(a) after a safety and/or security inspection and audit carried out in terms of Regulation 121.06.5, it is evident that the holder of the operating certificate does not comply with the requirements prescribed in this part, and such holder fails to remedy such non-compliance within 30 days after receiving notice in writing from the authorised officer, inspector or authorised person to do so; or

(b) the authorised officer, inspector or authorised person is prevented by the holder of the operating certificate to carry out a safety and/or security inspection and audit in terms of regulation 121.06.5; or

(c) the suspension is necessary in the interests of aviation safety and/or security.”

Insertion of regulation 121.07.18A into Part 121 of the Regulations

19. The following regulation is herewith inserted after regulation 121.07.18 into the Regulations:

“Hold Baggage Screening”

121.07.18 A (1) The operator of a large commercial air transport aeroplane, engaged in international civil aviation operations, shall not carry any originating hold baggage unless such baggage has been screened prior to being loaded into the aircraft.

(2) The minimum requirements for the procedures referred to in sub-regulation (1) shall be as prescribed in Document SA-CATS- OPS 121.

(3) As from 1 January 2009, the operator of a commercial air transport aeroplane engaged in a scheduled commercial air service shall not carry any originating hold baggage

unless such baggage has been screened prior to being loaded into the aircraft.

- (4) The minimum requirements for the procedures referred to in sub-regulation (3) shall be as prescribed in Document SA-CATS-OPS 121.”

Amendment of regulation 139.01.7 of Part 139 of the Regulations

20. Regulation 139.01.7 is herewith amended by the substitution for Sub-regulations (1) and (2) thereof of the following sub-regulations:

“Safety and security inspections and audits

- 139.01.7**
- (1) An applicant for the issuing of an aerodrome or heliport licence shall permit an authorised officer, inspector or authorised person to carry out such safety and/or security inspections and audits which may be necessary to verify the validity of the application concerned.
 - (2) The holder of an aerodrome licence shall permit an authorised officer, inspector or authorised person to carry out such safety and/or security inspections and audits of such holder’s aerodrome, documents and records which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

Amendment of regulation 139.01.8 of Part 139 of the Regulations

21. Regulation 139.01.8 is herewith amended by the substitution for Sub-regulation (1) of the following sub-regulation:

“Suspension and cancellation of license and appeal”

- 139.01.8**
- (1) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, an aerodrome or heliport licence issued under this subpart, if-
 - (a) after a safety and/or security inspection and audit carried out in terms of Regulation 139.01.7, it is evident that the holder of the licence does not comply with the requirements prescribed in this part, and such holder fails to remedy such non-compliance within 30 days after receiving notice in writing from the authorised officer, inspector or authorised person to do so; or
 - (b) the authorised officer, inspector or authorised person is prevented by the holder of the licence to carry out a safety and/or security inspection and audit in terms of Regulation 139.01.7; or

(c) the suspension is necessary in the interests of aviation safety and/or security.”.

Amendment of regulation 139.01.28 of Part 139 of the Regulations

22. Regulation 139.01.28 of the Regulations is herewith amended by the substitution for the said regulation of the following regulation:

“Regulation of vehicular or other traffic on a licensed aerodrome or heliport

The National Road Traffic Act, 1996 (Act No 93 of 1996), and the Occupational Health and Safety Act, 1993 (Act No 85 of 1993) shall apply to all roads on a licensed aerodrome or heliport.”

Amendment of regulation 139.02.19 of Part 139 of the Regulations

23. Regulation 139.02.19 of the Regulations is herewith amended by-

by the substitution for paragraph (f) of the following paragraph:

“ (f)- VHF Direction Finding (VDF) equipment is installed where an ATSU is present on the aerodrome and that it functions satisfactorily to the requirements and specifications as per Document SA-CATS-AH. This requirement may be omitted if the ATSU is serviced by surveillance radar.”

the consequential renumbering of existing paragraphs (f) to (m) to paragraphs (g) to (n); and

(c) the insertion of the following sub-regulation after sub-regulation (3):

“ (4) The holder of the licence shall ensure that:

(a) All originating hold baggage to be carried on a commercial air transport aeroplane engaged in international civil aviation operations shall be screened prior to being loaded onto the aircraft;

(b) As from 1 January 2009, the operator of a commercial air transport aeroplane engaged in a scheduled commercial air service shall not carry any originating hold baggage unless such baggage has been screened prior to being loaded into the aircraft.

(c) The minimum requirements for the procedures referred to in paragraphs (a) and (b) above shall be as prescribed in Document SA-CATS-OPS 121.”

INSERTION OF PART 171 INTO THE REGULATIONS

24. The following Part is herewith inserted after Part 149 of the Regulations

“PART 171

Aeronautical Telecommunication Service and Radio-navigation Service Providers (Electronic Services Organisations)

List of Regulations.

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171.01.2	Requirement for approval
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SUBPART 2 : APPROVAL OF ELECTRONIC SERVICES ORGANISATION

(Category A Rating)

To be developed

SUBPART 3 : APPROVAL OF ELECTRONIC SERVICES ORGANISATION

(Category B Rating)

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SUBPART 4 : APPROVAL OF ELECTRONIC SERVICES ORGANISATION

(Category F Rating)

171.04.1	Manual of procedure
171.04.2	Safety Management system
171.04.3	Accommodation and facilities
171.04.4	Human resources

171.04.5	Equipment, tools and material
171.04.6	Application for approval or amendment thereof
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SUBPART 1: GENERAL

Applicability

171.01.1

This part prescribes the:-

- (1) the regulatory requirements and standards for the approval of organisations that provide, operate, and maintain aeronautical telecommunications used for air traffic services, and radio-navigation services used for air navigation; and
- (2) operating and technical standards for aeronautical telecommunication services used for air traffic services, and aeronautical radio-navigation services used for air navigation.

Requirement for approval

171.01.2

No person or organisation shall install, maintain, repair, modify or calibrate:-

- a) equipment for the use of aeronautical telecommunication services used for air traffic services; or
- b) equipment for the use for aeronautical radio-navigation services, used for air navigation.

except, under the authority of, and in accordance with the provisions of, an electronic services organisation approval with the appropriate rating issued under this Part.

Display of electronic services organisation approval

171.01.3

The holder of an electronic services organisation approval shall display the approval in a prominent place, generally accessible to the public at such

holder's principal place of business and, if a copy of the approval is displayed, shall produce the original approval to an authorised officer, inspector or authorised person if so requested by such officer, inspector or person.

Advertisements

171.01.4

Any advertisement by an organisation indicating that it is an electronic services organisation, shall –

- a) reflect the number of the electronic services organisation approvals issued by the Commissioner; and
- b) contain a reference to the category for which the organisation is rated.

Safety inspections and audits

171.01.5

- (1) An applicant for the issuing of an electronic services organisation approval shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits, which may be necessary to verify the validity of any application made in terms of this Part.
- (2) The holder of an electronic services organisation approval shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits, including safety inspections and audits of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

Suspension and cancellation of electronic services organisation approval and appeal

171.01.6

- (1) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, an electronic services organisation approval issued under this Part, if -
 - a) after a safety inspection and audit carried out in terms of regulation 171.01.5, it is evident that the holder of the approval does not comply with the requirements prescribed in this Part, and such holder fails to remedy such non-compliance within 30 days after receiving notice in writing, from the authorised officer, inspector or authorised person to do so; or

- b) the authorised officer, inspector or authorised person is prevented by the holder of the approval, or any of its partners or subcontractors, to carry out a safety inspection and audit in terms of regulation 171.01.5; or
 - c) the suspension is necessary in the interests of aviation safety.
- (2) The authorised officer, inspector or authorised person who has suspended an approval in terms of sub-regulation (1), shall deliver a report in writing to the Commissioner, stating the reasons why, in his or her opinion, the suspended approval should be cancelled.
- (3) The authorised officer, inspector or authorised person concerned shall submit a copy of the report referred to in sub-regulation (2), to the holder of the approval which has been suspended, and shall furnish proof of such submission for the information of the Commissioner.
- (4) The holder of an approval who feels aggrieved by the suspension of the approval may appeal against such suspension to the Commissioner, within 30 days after such holder becomes aware of such suspension.
- (5) An appellant shall deliver an appeal in writing, stating the reasons why, in its opinion, the suspension should be varied or set aside.
- (6) The appellant shall submit a copy of the appeal and any documents or records supporting such appeal, to the authorised officer, inspector or authorised person concerned and shall furnish proof of such submission for the information of the Commissioner.
- (7) The authorised officer, inspector or authorised person concerned may, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (6), deliver his or her written reply to such appeal to the Commissioner.
- (8) The Commissioner may -
 - a) adjudicate the appeal on the basis of the documents submitted to him or her;
or
 - b) order the appellant and the authorised officer, inspector or authorised person concerned to appear before him or her, either in person or through a representative, at a time and place determined by him or her, to give evidence.
- (9) The Commissioner may confirm, vary or set aside the suspension referred to in sub-regulation (1).
- (10) The Commissioner shall -

- a) if he or she confirms the suspension in terms of sub-regulation (9); or
- b) if an approval is suspended in terms of sub-regulation (1) and the holder thereof does not appeal against such suspension in terms of sub-regulation (4), cancel the approval concerned. The holder of the approval shall be informed accordingly.

Categories of ratings

171.01.7

The categories of ratings for an electronic services organisation approval are -

- a) **Category A** - To be developed
- b) **Category B** rating allows for the supply and installation of any electronic equipment used for air traffic, and for air navigation services that form part of a service approved under Part 172 and level 3 maintenance, including commissioning, decommissioning, refurbishing and upgrading of telecommunication, surveillance and navigation systems to the standard prescribed in the document SA-CATS-ESO.
- c) **Category F** rating allows for the flight inspection of any electronic equipment used for air traffic, surveillance and for air navigation services to which the Commissioner may have a requirement, to the standard prescribed in the document SA-CATS-ESO.

Privileges of approved electronic services organisation

171.01.8

- (1) The holder of an electronic services organisation approval with the appropriate rating shall ensure that the privileges of such rating are not exercised unless the electronic services organisation has the necessary facilities, current technical data, tools, equipment, materials and qualified personnel to perform the work in accordance with all current requirements regarding the maintenance of the particular type of equipment.

Limitations on approved electronic services organisation

171.01.9

- (1) The holder of an electronic services organisation approval may only maintain equipment for which it is approved.
- (2) The holder of an approval shall not maintain equipment for which it is approved unless such holder has available all the facilities, equipment, tooling, technical data and qualified personnel necessary to maintain the equipment in accordance with its manual of procedure and the requirements prescribed in this Part.

Register of approvals

171.01.10

- (1) The Commissioner shall maintain a register of all electronic services organisation approvals issued in terms of the regulations in this Part.
- (2) The register shall contain the following particulars:
 - a) The full name of the holder of the approval;
 - b) the postal address and physical address of the holder of the approval;
 - c) the date on which the approval was issued or renewed;
 - d) particulars of the rating issued to the holder of the approval; and
- (3) The particulars referred to in sub-regulation (2) shall be recorded in the register within seven days from the date on which the approval is issued by the Commissioner.
- (4) The register shall be kept in a safe place at the office of the Commissioner.
- (5) A copy of the register shall be furnished by the Commissioner, on payment of the appropriate fee as prescribed in Part 187, to any person who requests the copy.

SUBPART 2

APPROVAL OF ELECTRONIC SERVICES ORGANISATION

(Category A Rating)

To be developed

SUBPART 3

APPROVAL OF ELECTRONIC SERVICES ORGANISATION

(Category B Rating)

Manual of procedure

171.03.1

An applicant for the issuing of an electronic services organisation approval shall provide the Commissioner with its manual of procedure, which shall -

- a) comply with the requirements prescribed in this Subpart;
- and
- b) contain the information as prescribed in Document SA-CATS-ESO

Safety management system

171.03.2

- (1) The applicant shall establish a safety management system for the control and supervision of the management of electronic equipment, covered by the application.
- (2) The minimum standards for a safety management system shall be as prescribed in Document SA-CATS-ESO.

Accommodation and facilities

171.03.3 The applicant shall satisfy the Commissioner that -

- a) it has adequate facilities for all services to be performed by the electronic services organisation;

- b) the working environment is appropriate for each task carried out and, in particular, complies with any special requirements specified in the applicable equipment specification;
- c) appropriate office accommodation is provided for the administration of the services performed and, in particular, for the administration of the organisation's safety, planning and technical records;
- d) storage facilities are provided for parts, equipment, tools and materials required by the organisation;

Human resources

171.03.4

- (1) The applicant shall engage, employ or contract -
 - a) a senior person identified as the accountable manager and compliance officer of the organisation concerned, to whom contractual authority has been granted to ensure that all activities undertaken by the organisation are carried out in accordance with the applicable requirements prescribed in this Subpart, and who shall in addition be vested with the following powers and duties in respect of the compliance with such requirements:
 - (i) unrestricted access to work performed or activities undertaken by all other persons as employees of, and other persons rendering service under contract with, the organisation;
 - (ii) full rights of consultation with any such person in respect of such compliance by him or her;
 - (iii) powers to order cessation of any activity where such compliance is not effected;
 - (iv) a duty to establish liaison mechanisms with the Commissioner with a view to ascertain correct manners of compliance with the said requirements, and interpretations of such requirements by the Commissioner, and to facilitate liaison between the Commissioner and the organisation concerned; and
 - (v) powers to report directly to the management of the organisation on his or her investigations and consultations generally, and in cases contemplated in subparagraph (iii), and with regard to the results of the liaison contemplated in subparagraph (iv);
 - (b) a competent person who is responsible for safety management, and who has direct access to the accountable manager and

compliance officer referred to in paragraph (a) on matters affecting aviation safety; and

- (c) adequate personnel to plan, perform, supervise, inspect and certify all services undertaken by such organisation.
- (2) The applicant shall establish a procedure for initially assessing, and a procedure for maintaining, the competence of those personnel involved in planning, performing, supervising, inspecting or certifying the maintenance undertaken by the organisation.
- (3) The applicant shall ensure that -
 - (a) the personnel in all technical departments are of sufficient numbers and experience and have been given appropriate written authority to be able to discharge their allocated responsibilities; and
 - b) there is full and efficient coordination between departments and within departments.

Equipment, tools and material

171.03.5

The applicant shall satisfy the Commissioner that it has -

- a) the equipment, tools and material necessary to perform adequately the approved scope of work as required by the applicable equipment specification, its manual of procedure and the regulations in this Part; and
- b) established a procedure to control and, where necessary, calibrate test equipment at a frequency and to a standard to ensure serviceability, accuracy and trace-ability.

Application for approval or amendment thereof

171.03.6

An application for the issuing of an electronic services organisation approval, or an amendment thereof, shall be -

- a) made to the Commissioner in the appropriate form as prescribed in Document SA-CATS-ESO; and
- b) accompanied by -

- (i) the appropriate fee as prescribed in Part 187; and
- (ii) the manual of procedure referred to in regulation 171.03.1.

Issuing of approval

171.03.7

- (1) The Commissioner shall issue an electronic services organisation approval, if the applicant complies with the requirements prescribed in regulations 171.03.1 to 171.03.5 inclusive.
- (2) The Commissioner shall issue the approval on the appropriate form as prescribed in Document SA-CATS-ESO.

Privileges

171.03.8

The privileges of an electronic services organisation approval shall be limited to services authorised by the approval and the appropriate specifications as prescribed in Document SA-CATS-ESO

Period of validity

171.03.9

- (1) An electronic services organisation approval shall be valid for the period determined by the Commissioner, which period shall not exceed five years, calculated from the date of issuing or renewal thereof.
- (2) The approval shall remain in force until it expires or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Commissioner, in terms of regulation 171.01.5.
- (3) The holder of an approval, which expires, shall forthwith surrender the approval to the Commissioner.
- (4) The holder of an approval, which is suspended, shall forthwith produce the approval upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.
- (5) The holder of an approval, which is cancelled, shall, within 30 days from the date on which the approval is cancelled, surrender such approval to the Commissioner.

Transferability

171.03.10

- (1) Subject to the provisions of sub-regulation (3), an electronic services organisation approval shall not be transferable.
- (2) A change in ownership of the holder of an approval shall be deemed to be a change of significance referred to in regulation 171.03.12.

Renewal of approval

171.03.11

- (1) An application for the renewal of an electronic services organisation approval, shall be -
 - (a) made to the Commissioner in the appropriate form as prescribed in Document SA-CATS-ESO;
and
 - (b) be accompanied by -
 - (i) the appropriate fee as prescribed in Part 187; and
 - (ii) the manual of procedure referred to in regulation 171.03.1.
- (2) The holder of the approval shall at least 60 days immediately preceding the date on which such approval expires, apply for the renewal of such approval.

Changes in safety management system

171.03.12

- (1) If the holder of an electronic services organisation approval desires to make any change in the safety management system referred to in regulation 171.03.2, which is significant to the showing of compliance with the appropriate requirements prescribed in this Part, such holder shall apply to the Commissioner for the approval of such change.
- (2) The provisions of regulation 171.03.6 shall apply *mutates mutandis* to an application for the approval of a change in the safety management system.
- (3) An application for the approval of a change in the safety management system shall be granted by the Commissioner if the applicant satisfies the Commissioner, upon submission of appropriate proposed changes to its manual of procedure, that it will continue to comply with the

provisions of regulations 171.03.1 to 171.03.5 inclusive, after the implementation of such approved change.

Duties of holder of approval

171.03.13

- (1) The holder of an electronic services organisation approval shall -
 - (a) hold at least one complete and current copy of its manual of procedure referred to in regulation 171.03.1, at each workplace specified in the manual of procedure;
 - (b) comply with all procedures detailed in the manual of procedure;
 - (c) make each applicable part of the manual of procedure available to the who require those parts to carry out their duties; and
 - (d) continue to comply with the appropriate requirements prescribed in this Part.
- (2) The holder of an approval shall ensure that all persons who will be directly in charge of any maintenance, inspection or commissioning performed on behalf of the electronic services organisation are appropriately authorised and rated.

Record of authorised personnel

171.03.14

- (1) The holder of an electronic services organisation shall maintain a record of all authorised personnel, which record shall include particulars of the scope of their authorisation.
- (2) The holder of an approval to provide its authorised personnel with evidence of the scope of their authorisation.
- (3) The record referred to in sub-regulation (1) shall be retained by the holder of the approval for a period of five years from the date on which the personnel member ceases to be an employee.

Services records

171.03.15

- (1) The holder of an electronic services organisation approval shall keep adequate records of all services performed by such organisation.

- (2) The records referred to in sub-regulation (1) shall -
 - (a) indicate the name of each person who performed the work;
 - (b) indicate the name of each person who inspected the work; and
 - (c) be retained for at least five years from the date on which the electronic or electronic component to which the work relates, was released to service.
- (3) The holder of an approval provide a copy of each certificate of release to service to the operator of the electronic, together with a copy of any specific equipment specification used for repairs or modifications carried out.
- (4) The holder of an approval shall establish a procedure for recording maintenance details and for the retention of such maintenance records.

Equipment specification

171.03.16

- (1) The holder of an electronic services organisation approval shall -
 - (a) keep all equipment specification and documentation necessary to support the services to be performed by the organisation; and
 - (b) make the equipment specification and documentation available to all personnel who need access to such data to discharge their allocated responsibilities.

SUBPART 4

APPROVAL OF ELECTRONIC SERVICES ORGANISATION

(Category F Rating)

Manual of procedure

171.04.1

An applicant for the issuing of an electronic services organisation approval shall provide the Commissioner with its manual of procedure, which shall -

- a) comply with the requirements prescribed in this Subpart;
and
- b) contain the information as prescribed in Document SA-CATS-ESO

Safety management system

171.04.2

- (1) The applicant shall establish a safety management system for the control and supervision of the management of electronic equipment, covered by the application.
- (2) The minimum standards for a safety management system shall be as prescribed in Document SA-CATS-ESO.

Accommodation and facilities

171.04.3 The applicant shall satisfy the Commissioner that -

- a) it has adequate facilities for all services to be performed by the electronic services organisation;
- b) the working environment is appropriate for each task carried out and, in particular, complies with any special requirements specified in the applicable equipment specification;
- c) appropriate office accommodation is provided for the administration of the services performed and, in particular, for the administration of the organisation's safety, planning and technical records;
- d) storage facilities are provided for parts, equipment, tools and materials required by the organisation;

Human resources

171.04.4

- (1) The applicant shall engage, employ or contract -
 - a) a senior person identified as the accountable manager and compliance officer of the organisation concerned, to whom contractual authority has been granted to ensure that all activities undertaken by the organisation are carried out in accordance with the applicable requirements prescribed in this Subpart, and who shall in addition be vested with the following powers and duties in respect of the compliance with such requirements:
 - (i) unrestricted access to work performed or activities undertaken by all other persons as employees of, and other persons rendering service under contract with, the organisation;

- (ii) full rights of consultation with any such person in respect of such compliance by him or her;
 - (iii) powers to order cessation of any activity where such compliance is not effected;
 - (iv) a duty to establish liaison mechanisms with the Commissioner with a view to ascertain correct manners of compliance with the said requirements, and interpretations of such requirements by the Commissioner, and to facilitate liaison between the Commissioner and the organisation concerned; and
 - (v) powers to report directly to the management of the organisation on his or her investigations and consultations generally, and in cases contemplated in subparagraph (iii), and with regard to the results of the liaison contemplated in subparagraph (iv);
 - (b) a competent person who is responsible for safety management, and who has direct access to the accountable manager and compliance officer referred to in paragraph (a) on matters affecting aviation safety; and
 - (c) adequate personnel to plan, perform, supervise, inspect and certify all services undertaken by such organisation.
- (2) The applicant shall establish a procedure for initially assessing, and a procedure for maintaining, the competence of those personnel involved in planning, performing, supervising, inspecting or certifying the maintenance undertaken by the organisation.
- (3) The applicant shall ensure that -
- (a) the personnel in all technical departments are of sufficient numbers and experience and have been given appropriate written authority to be able to discharge their allocated responsibilities; and
 - b) there is full and efficient coordination between departments and within departments.

Equipment, tools and material

171.04.5

The applicant shall satisfy the Commissioner that it has -

- a) the equipment, tools and material necessary to perform adequately the approved scope of work as required by the applicable equipment specification, its manual of procedure and the regulations in this Part; and
- b) established a procedure to control and, where necessary, calibrate test equipment at a frequency and to a standard to ensure serviceability, accuracy and trace-ability.

Application for approval or amendment thereof

171.04.6

An application for the issuing of an electronic services organisation approval, or an amendment thereof, shall be -

- a) made to the Commissioner in the appropriate form as prescribed in Document SA-CATS-ESO; and
- b) accompanied by -
 - (i) the appropriate fee as prescribed in Part 187; and
 - (ii) the manual of procedure referred to in regulation 171.04.1.

Issuing of approval

171.04.7

- (1) The Commissioner shall issue an electronic services organisation approval, if the applicant complies with the requirements prescribed in regulations 171.04.1 to 171.04.5 inclusive.
- (2) The Commissioner shall issue the approval on the appropriate form as prescribed in Document SA-CATS-ESO.

Privileges

171.04.8

The privileges of an electronic services organisation approval shall be limited to services authorised by the approval and the appropriate specifications as prescribed in Document SA-CATS-ESO

Period of validity

171.04.9

- (1) An electronic services organisation approval shall be valid for the period determined by the Commissioner, which period shall not exceed five years, calculated from the date of issuing or renewal thereof.
- (2) The approval shall remain in force until it expires or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Commissioner, in terms of regulation 171.01.5.
- (3) The holder of an approval, which expires, shall forthwith surrender the approval to the Commissioner.
- (4) The holder of an approval, which is suspended, shall forthwith produce the approval upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.
- (5) The holder of an approval, which is cancelled, shall, within 30 days from the date on which the approval is cancelled, surrender such approval to the Commissioner.

Transferability

171.04.10

- (1) Subject to the provisions of sub-regulation (4), an electronic services organisation approval, shall not be transferable.
- (2) A change in ownership of the holder of an approval shall be deemed to be a change of significance referred to in regulation 171.04.12.

Renewal of approval

171.04.11

- (1) An application for the renewal of an electronic services organisation approval, shall be -
 - (a) made to the Commissioner in the appropriate form as prescribed in Document SA-CATS-ESO;
 - and
 - (b) be accompanied by -
 - (i) the appropriate fee as prescribed in Part 187; and

- (ii) the manual of procedure referred to in regulation 171.04.1.
- (2) The holder of the approval shall at least 60 days immediately preceding the date on which such approval expires, apply for the renewal of such approval.

Changes in safety management system

171.04.12

- (1) If the holder of an electronic services organisation approval desires to make any change in the safety management system referred to in regulation 171.04.2, which is significant to the showing of compliance with the appropriate requirements prescribed in this Part, such holder shall apply to the Commissioner for the approval of such change.
- (2) The provisions of regulation 171.04.6 shall apply *mutates mutandis* to an application for the approval of a change in the safety management system.
- (3) An application for the approval of a change in the safety management system shall be granted by the Commissioner if the applicant satisfies the Commissioner, upon submission of appropriate proposed changes to its manual of procedure, that it will continue to comply with the provisions of regulations 171.04.1 to 171.04.5 inclusive, after the implementation of such approved change.

Duties of holder of approval

171.04.13

- (1) The holder of an electronic services organisation approval shall -
 - (a) hold at least one complete and current copy of its manual of procedure referred to in regulation 171.04.1, at each workplace specified in the manual of procedure;
 - (b) comply with all procedures detailed in the manual of procedure;
 - (c) make each applicable part of the manual of procedure available to the holder who require those parts to carry out their duties; and
 - (d) continue to comply with the appropriate requirements prescribed in this Part

- (2) The holder of an approval shall ensure that all persons who will be directly in charge of any maintenance, inspection or commissioning performed on behalf of the electronic services organisation are appropriately authorised and rated.

Record of authorised personnel

171.04.14

- (1) The holder of an electronic services organisation shall maintain a record of all authorised personnel, which record shall include particulars of the scope of their authorisation.
- (2) The holder of an approval to provide its authorised personnel with evidence of the scope of their authorisation.
- (3) The record referred to in sub-regulation (1) shall be retained by the holder of the approval for a period of five years from the date on which the personnel member ceases to be an employee.

Services records

171.04.15

- (1) The holder of an electronic services organisation approval shall keep adequate records of all services performed by such organisation.
- (2) The records referred to in sub-regulation (1) shall -
 - (a) indicate the name of each person who performed the work;
 - (b) indicate the name of each person who inspected the work; and
 - (c) be retained for at least five years from the date on which the electronic or electronic component to which the work relates, was released to service.
- (3) The holder of an approval provide a copy of each certificate of release to service to the operator of the electronic, together with a copy of any specific equipment specification used for repairs or modifications carried out.
- (4) The holder of an approval shall establish a procedure for recording maintenance details and for the retention of such maintenance records.

Equipment specification

171.04.16

- (1) The holder of an electronic services organisation approval shall -
 - (a) keep all equipment specification and documentation necessary to support the services to be performed by the organisation; and
 - (b) make the equipment specification and documentation available to all personnel who need access to such data to discharge their allocated responsibilities.

SUBPART 5:

Communication, Navigation, Surveillance and Meteorological Equipment.

Radio site approval

171.05.1

- (1) No radio site shall be allowed to come into existence without the prior approval of the Commissioner.
- (2) An approval shall be granted pursuant to paragraph (1) upon the Commissioner being satisfied:
 - (a) as to the intended purpose of the equipment; and
 - (b) that the person or organisation is competent to operate the equipment and that the equipment is fit for its intended purpose.
- (3) The Commissioner shall be notified to the type and availability of operation, of any service, which is available for use by any aircraft.
- (4) The Commissioner may approve a person or organisation to provide particular services in connection with approved equipment.
- (5) The Commissioner may require the flight calibration and/or commissioning of such equipment by an authorised person or organisation.
- (6) The Commissioner may require that the information in (3) be published.

Frequencies, identification codes and call signs

171.05.2

- (1) No person shall operate-
 - a) a radio navigation aid, unless it has been allocated an operating frequency and identification code by the Commissioner.
 - b) a radio communication transmitter on an aeronautical radio frequency, unless it has been allocated an operating frequency and call sign by the Commissioner.
 - c) a radio apparatus licence has been granted in terms of the Telecommunication Act (Act No 103 of 1996) as amended.
- (2) The Commissioner shall allocate an identification code for a navigation aid or call sign for a aeronautical radio communication facility if he or she is satisfied that the allocation of a code or call sign is not contrary to the interest of aviation safety.

Protection of radio sites

171.05.3

No structure or object, whether natural or artificial, which have the potential of interfering or degrading radio signals for the purpose of aviation safety, shall be allowed to come in existence or to move or be moved within the surfaces and slopes as defined in the Document SA-CATS—ESO.

Interference

171.05.4

- (1) The Commissioner shall be notified of any electromagnetic interference to any facility providing radio signals for the purpose of aviation safety, or any source of interference degrading radio signals for the purpose of aviation safety.
- (2) The Commissioner shall investigate, or cause to be investigated, all reports of interference and may require further action to be taken.

Information provided by an aeronautical facility

171.05.5

No facility providing radio signals for the purpose of aviation safety shall be allowed to continue in operation, if there is a suspicion or any cause to suspect that the information being provided by that facility is erroneous.

Test Transmissions

171.05.6

- (1) No test transmission for the purpose of evaluating a radio site, or the operational viability of a facility or equipment, for the purpose of aviation safety, shall be done without the prior approval of the Commissioner.
- (2) The Commissioner shall be notified as to the purpose and duration of such test transmissions.
- (3) Test transmissions shall contain information indicating that it is a test transmission.
- (4) Frequencies allocated for the purpose of testing shall be valid for the duration of the test only and shall not be deemed to negate the requirement in 171.05.2
- (5) The operation of a temporary facility shall not cause any interference with any other operational facility.

Specifications regarding Navigation Aids

171.05.7

Navigation Aids shall comply with the Telecommunication Act (Act No 103 of 1996) as amended and the technical standards defined in the document SA-CATS- ESO.

Specifications regarding Communication procedures

171.05.8

Communication procedures shall comply to the standards defined in the document SA-CATS- ESO.

Specifications DATA and Voice Communication systems

171.05.9

Data and voice communication systems shall comply with the Telecommunication Act (Act No 103 of 1996) as amended and the technical standards defined in the document SA-CATS- ESO.

Specifications regarding RADAR and collision avoidance systems

171.05.10

Radar and collision avoidance systems shall comply with the Telecommunication Act (Act No 103 of 1996) as amended and the technical standards defined in the document SA-CATS- ESO.

Specifications regarding Radio Frequency spectrum utilisation

171.05.11

Radio Frequency spectrum utilisation shall comply with the Telecommunication Act (Act No 103 of 1996) as amended and the standards defined in the document SA-CATS- ESO.

Specifications regarding Meteorological Equipment

171.05.12

Meteorological equipment shall comply with the standards defined in the document SA-CATS- ESO.

Flight inspection of Navigation Equipment.

171.05.13

Navigation equipment is subject to commissioning and periodic flight inspection as defined in the document SA-CATS-ESO.

Station (Site) Logs

171.05.14

Site logs shall be kept for all facilities used to provide an aeronautical telecommunication service or a radio navigation service as defined in the document SA-CATS-ESO.

Amendment of regulation 172.02.1 of Part 172 of the Regulations

25. Regulation **172.02.1** is herewith amended by the substitution of sub-regulation 1
of the following sub-regulation

172.02.1(1) The Commissioner may designate a particular portion of the airspace as a –

- (a) flight information region;
- (b) advisory area;
- (c) control area;
- (d) control zone;
- (e) special rules area;
- (f) aerodrome traffic area;
- (g) aerodrome traffic zone.

Amendment of Regulation 183.00.4 of Part 187 of the Regulations

26. Regulation 183.00.4 of the Regulations is herewith amended by-

(a) the substitution for paragraph (a) of sub-regulation (4) of the following paragraph:

“(a) Notwithstanding the provisions of sub-regulations (1), (2) and (3), regulation 66.01.9 of Part 66 and Part 105 shall come into operation on a date to be determined by the Minister.”.

Short title and commencement

27. This Amendment is called the Twenty Seventh Amendment of the Civil Aviation Regulations, 1997, and come into operation on 01 January 2008.