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CONTENTS • INHOUD

<i>No.</i>	<i>Page No.</i>	<i>Gazette No.</i>
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GOVERNMENT NOTICE

Transport, Department of

Government Notice

R. 1008 Aviation Act (74/1962): Proposed amendment to the Civil Aviation Regulations, 1997	3	28133
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GOVERNMENT NOTICE

DEPARTMENT OF TRANSPORT

No. R. 1008

14 October 2005

AVIATION ACT, 1962(ACT NO 74 OF 1962)**PROPOSED AMENDMENT TO THE CIVIL AVIATION REGULATIONS, 1997**

Under regulation 11.03.2 (1)(a) of the Civil aviation Regulations, the Chairperson of the Civil Aviation Regulations Committee, hereby publishes comment the proposed amendments to the Civil Aviation Regulations, 1997, as set out in the schedules. Any comments or representations on the proposed amendments should be lodged in writing with the Chairperson of the Regulations Committee, for attention Mr Jabulani Mashinini or Mr. Herman Wildenboer, Private Bag X73, Half way House, 1685. Fax number: (011) 545-1452, and e-mail-addresses: mashinini@caa.co.za or wildenboerh@caa.co.za, before or on 14 November 2005.

SCHEDULE 1**PROPOSER**

Civil Aviation Authority
Private Bag X73,
Halfway House
1685

(The proposals contained in Schedules 1 and 2 emanate from the said Authority)

Explanation of Interest of the Proposer

The proposer administers the Aviation Act, 1962, (Act No 74 of 1962) and Regulations and Technical Standards issued in terms thereof

1.0 PROPOSAL FOR THE AMENDMENT OF REGULATION 1.00.1 OF PART 1 OF THE REGULATIONS**1.1 Proposed amendment of regulation 1.00.1 of the Regulations by the insertion of the following definition:
"Safety Directive**

An instruction other than an AD or technical standard, issued under provisions of Section 22A of the Aviation Act, that the Commissioner may issue to ensure that an identified unsafe condition or practice is remedied."

1.2 Motivation

In the light of the proposed insertion of regulation 183.00.2, it is necessary to define the expression "safety directive."

1.3 Current regulation

No current definition exists.

SCHEDULE 2

2.0 PROPOSAL FOR THE AMENDMENT OF REGULATION 47.00.5 OF PART 47 OF THE REGULATIONS

2.1 Proposed amendment of regulation 47.00.5(2) of Part 47 by the replacement of it by the following regulation 47.00.5(2).

"(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-".

(The wording of the relevant part of the CATS will be drafted to take account of the issues that have arisen in the recent months and changes in National Legislation that owners should be compliant with, before the aircraft is put on the register.)

2.2 Motivation

The current regulation does not provide the Commissioner with sufficient information regarding the aircraft being imported prior to the act of registration of the aircraft on to the South African Register. This has led to the situation where aircraft arrive in South Africa and the expectation of the applicant is that he can register the aircraft with very little effort on his part to provide information complying with the existing requirements. The Commissioner wishes to be informed prior to importation of the owners expectations with regard to a particular aircraft and that the condition and the safety record of that aircraft is obtained prior to importation.

2.3 Current regulation

"47.00.5(2)

- (a) An application referred to in sub-regulation (1) shall be accompanied by-".

SCHEDULE 3

PROPOSER

Air Traffic and Navigation Services Company Limited
Private Bag X15
Johannesburg International |Airport
1627

EXPLANATION OF INTEREST OF PROPOSER

The said Company administers the Air Traffic and Navigation Services Company Act, 1993(Act No 45 of 1993) as well as regulations issued in terms thereof.

(The proposals contained in Schedules 3 and 4 emanate from the said Company)

3.0 PROPOSAL FOR THE AMENDMENT OF REGULATION 65. 15.1 OF PART 65 OF THE REGULATION

3.1 Proposed amendment of regulation 65. 15.1 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 –

- (a)
- (b)
- (c) Hold or have held all and have validated at 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)

3.2 Motivation

The present regulation stipulates that all the ratings need to have been held by an instructor i.e. aerodrome, approach and area control. Service providers e.g. ATNS has found it appropriate for controllers to specialise in the various disciplines i.e. aerodrome/approach or area. With specialisation it will be difficult for an instructor to have held and validated all of the ratings. A Grade 1 instructor will only give instruction on the discipline in which he/she has specialised in. In the case of

providing instruction on either aerodrome/approach or area control, the holder of a validated approach rating will need to have held an area control rating and vice versa as a prerequisite due to the close interrelated activity and joint responsibility associated with the two disciplines.

3.3 Current regulation

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

- (e) Be not less than 21 years of age;
- (f) Hold an air traffic service license;
- (g) Hold or have held all and have validated at least one of the air traffic service ratings prescribed in this Part;
- (h) Have at least two years practical experience on the air traffic service rating which has been validated; and
- (i) Have successfully completed the training referred 65.15.2.”

SCHEDULE 4

4.0 PROPOSAL FOR THE AMENDMENT OF REGULATION 65.16.1 OF PART 65 OF THE REGULATIONS

4.1 Proposed amendment of regulation 65. 15.1 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)

4.2 Motivation

The present regulation stipulates that all the ratings need to have been held by an instructor i.e. aerodrome, approach and area. Service providers e.g. ATNS has found it appropriate for controllers to specialise in the various disciplines i.e. aerodrome/approach or area control. With Grade 2 instructor will only give instruction on the discipline in which he/she has specialised in. In the case of providing instruction on approach, an aerodrome validation is a prerequisite due to the close interrelated activity and joint responsibility associated with the two disciplines. The present regulation stipulates that all the ratings need to have been held by an instructor i.e. aerodrome, approach and area control. Service providers e.g. ATNS has found it appropriate for controllers to specialise in the various disciplines i.e. aerodrome/approach or area. With specialisation it will be difficult for an instructor to have held and validated all of the ratings. A Grade 1 instructor will only give instruction on the discipline in which he/she has specialised in. In the case of providing instruction on aerodrome/approach or area control, the holder of a validated approach rating will need to have held an area control rating and vice versa as a prerequisite due to the close interrelated activity and joint responsibility associated with the two disciplines.

4.3 Current regulation

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

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

- (a) Be not less than 21 years of age;
- (b) Hold an air traffic service license;
- (c) Hold or have held validated air traffic service ratings prescribed in this part, and;
- (d) have at least two years practical experience on the air traffic service rating which has been validated; and
- (e) Have successfully completed the training referred to in Regulation 65.16.2.”.

SCHEDULE 5

5.0 PROPOSAL FOR THE AMENDMENT OF REGULATION 139.01.28 OF PART 139 OF THE REGULATIONS

PROPOSER

The Airports Company of South Africa Limited

P O Box 754
Gardenview
2047

EXPLANATION OF INTEREST OF THE PROPOSER

The proposer administers the Airports Company Act, 1993(Act No 44 of 1993) and regulations issued in terms thereof

5.1 Proposed amendment of regulation 139.01.28 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.”

5.2 Motivation

The Road Traffic Act, 1993, (Act No 93 of 1996) has been repealed (except for certain provisions) by the National Road Traffic Act, 1996. An amendment to the said provision is therefore required. As the Occupational Health and Safety Act, 1993, also deals with traffic issues, it was considered prudent to include a reference to the particular Act in the particular provision,

5.3 Current regulation

“Regulation of vehicular or other traffic in restricted area

139.01.28 Chapter VII of the Road Traffic Act, 1989, (Act No 29 of 1989), shall apply *mutatis mutandis* to all roads inside the restricted area of a licensed aerodrome or heliport

SCHEDULE 6

6.0 PROPOSAL TO INSERT REGULATION 172.03.21 INTO PART 172 OF THE REGULATIONS

PROPOSER

Air Traffic and navigation Services Company Limited
Private Bag X15
Johannesburg International |Airport

1627

EXPLANATION OF INTEREST OF PROPOSER

The said Company administers the Air Traffic and Navigation Services Company Act, 1993(Act No 45 of 1993) as well as regulations issued in terms thereof.

6.1 Proposed insertion of the following regulation after regulation 172.03.20 of the Regulations

"Air Traffic Service Standards and Procedures

172.03.21(1) A person or organisation shall not provide an air traffic service at any place within the Republic of South Africa unless the service is provided in accordance with the standards and procedures specified in CATS-ATS and the approved station standing instruction manual in respect of that specific place;

(2) The CATS-ATS standards and procedures which shall be approved, authorised, published and amended by the CAA within a reasonable time after a request or an ICAO amendment requirement."

6.2 Motivation

To bring South Africa into alignment with the future ATM Operational Concept. A requirement for collaborative decision making within the ATM community also exists. To ensure that the ATM community understands the standards and practices that the ATS provider(s) subscribes to in support of the ICAO SARPS, the document, Air Traffic Control Instruction Manual (ATCI) that was originally published by the DCA is required to become a public document in the form of a technical standard (CAT). The requirement to have this document published is to ensure consistency of any air traffic service that may be provided within South Africa. This requirement was endorsed by the DOT with the attendance of the SA-CAA and ATNS at a meeting on the 20th October 2004 at Isando.

A provision has already been made in CATS 172.03.13 1(4) stipulating that the CAA will be responsible for the publication and amendments thereof. ATNS has undertaken the task of converting the ATCI Manual into a Technical Standard, after which the CAA will take ownership in accordance with its regulatory role.

ATNS proposes that the ATCI Manual appropriately converted and amended should be renamed as the CATS-ATSSP (CATS- Air Traffic Services Standards and Procedures) which is in line with the methodology used by other service provision regulators e.g. the U.K. CAA

6.3 Current regulation

Does not exist

SCHEDULE 7

7.0 PROPOSAL FOR THE AMENDMENT OF PART 183 OF THE REGULATIONS

PROPOSER

Civil Aviation Authority
Private Bag X73,
Halfway House
1685

Explanation of Interest of the Proposer

The proposer administers the Aviation Act, 1962, (Act No 74 of 1962) and Regulations and Technical Standards issued in terms thereof

7.1 Proposed amendment of Part 183 by the insertion of the following regulation after regulation Part 183.00.1

"Safety Directives 183.00.1A

The Commissioner may issue "safety directives" to address immediate safety issues not otherwise addressed by Regulations. Such safety directives shall remain in force for a period not exceeding 12 months under the terms and conditions as provided for in SA-CATS-ADMIN."

7.2 Motivation

The Commissioner sees the need to have the equivalent powers as for the issuing of an Airworthiness Directive under CAR Part 21 for continued airworthiness concerns of a product. When there are issues governing any of the operational Parts there is no provision for the Commissioner to act in the interests of safety and the protection of the public, without taking such far reaching measures as suspension, grounding, etc. The above is offered to provide the Commissioner with a procedure to act to prevent a determined unsafe practice to be stopped or to align it to an acceptable standard of

practice while development of regulations, where necessary, is under way. This will be in line with Federal Aviation Administration processes.

7.3 Current regulation

No such regulation exists

NOTE:

Proposed Amendments to SA-CATS Documents which relate to certain of the above mentioned proposals, are published on the CAA website, www.caa.co.za for comments to reach the CARCom Secretariat by no later than 14th November 2005
