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GENERAL NOTICE

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GENERAL NOTICE

NOTICE 388 OF 2009

AVIATION ACT 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 (CARCOM) hereby publishes for 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. Jabulane Mashinini or Mr. Herman Wildenboer, Private Bag 73 Halfway House, 1685, fax: (011) 545-1201, or e-mail at mashininij@caa.co.za or wildenboerh@caa.co.za, before or on 17 May 2009.

Schedule 1

PROPOSAL TO INSERT NEW SUB-PARTS 6 AND 7 INTO PART 11 TO ESTABLISH A CONSULTATIVE COMMITTEE TO ADVISE ON THE IMPLEMENTATION OF ANY PROPOSED NEW FEE AND/OR PROPOSED INCREASE OF AN EXISTING FEE.

PROPOSER:

The Commercial Aviation Association of Southern Africa (CAASA)
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Explanation of interest of the Proposer:

The Proposer is a professional Association, whose membership includes persons engaged in commercial aviation, persons who have a commercial interest in aviation, and enterprises allied to commercial aviation.

The main objectives of the Association are to serve, promote, watch over, advance and mutually protect the interests of persons engaged in aviation and to act as a connecting link between such persons and the South African Government and other public bodies within or outside the Republic of South Africa.

1. PROPOSAL TO AMEND PART 1.00.1 OF THE REGULATIONS

- 1.1 It is hereby proposed to amend Part 1 by the insertion of the following new definition:

“**fee**” means any financial consideration payable to the South African Civil Aviation Authority for the purpose of funding the Authority.”.

1.2 MOTIVATION

This proposed amendment is necessary to create one defined term for the various types of fees, charges and levies payable to the Authority.

1.3 CURRENT DEFINITION

No definition of the word “fee” currently exists in the Regulations

2. PROPOSAL TO AMEND PART 11 BY THE INSERTION OF TWO NEW SUBPARTS INTO PART 11.

- 2.1 It is hereby proposed to amend Part 11 by the insertion of the following new Subparts 6 and 7 into Part 11 of the Regulations:

“SUBPART 6: CIVIL AVIATION FEES COMMITTEE

Institution of the committee

11.06.1 (1) The Commissioner shall institute a Civil Aviation Fees Committee to be called FEECOM to advise the Commissioner on proposals by the South African Civil Aviation Authority (the Authority) or others with respect to –

- (a) the introduction or amendment of any fee payable in terms of Parts 185 and 187;
- (b) the introduction or amendment of any fee payable in terms of section 22 of the Act;

(2) The committee, in advising the Commissioner on any proposal made in terms of sub-regulation (1), shall be entitled in its recommendations to the Commissioner to approve, disapprove or suggest a revision in the amount of any fee contained in a proposal referred to in sub-regulation (1).

(3) The members of the committee shall consist of –

- (a) one person representing the Authority and designated by the Commissioner as chairperson;
 - (a) persons designated by those stakeholders representing the various participants in civil aviation as recognised by the Commissioner;
 - (b) one member of the Board of the South African Civil Authority (the Board) designated by the Board;
 - (c) one official designated by the Director-General: Transport.
- (4) Each person, designated in pursuance of sub-regulation (2), must be authorised to bind his or her designator with respect to decisions made by the committee.
- (5) Subject to the provisions of this Subpart, the committee shall in consultation with the Commissioner determine the procedures to be followed in the performance of its functions.
- (6) Any proposal, submitted to the committee in terms of sub-regulation 11.06.1(1), shall not be required to follow the process prescribed in terms of regulation 11.02.1(1) or any other consultative process.

Meetings of the committee

- 11.06.2** (1) The committee shall hold meetings at such times and places as may from time to time be determined by the chairperson, but at least once every calendar year.
- (2) The chairperson shall normally preside at every meeting of the committee.
 - (3) If the chairperson is absent from a meeting of the committee, the members present shall from their number elect a person to preside at that meeting.
 - (4) The procedures to be followed at the meetings of the committee shall be determined by the chairperson.
 - (5) The quorum for each meeting shall be fifty percent of its members rounded off to the nearest higher full number.
 - (6) The committee shall cause minutes to be kept of each of its meetings.
 - (7) The minutes, referred to in sub-regulation (5), shall be kept at the office of the Authority.

Remuneration of members

11.06.3 (1) A member of the committee, referred to in Regulation 11.06.1, shall not receive any remuneration or allowance from the Authority in respect of the functions performed by such member of the committee.

Administration

11.06.4 All administrative work as well as all secretarial work, in connection with the performance of the functions of the committee, shall be carried out by officers and employees of the Authority designated for such purpose by the Commissioner.

SUBPART 7: PROCEDURES FOR INTRODUCING OR AMENDING FEES

Submission of proposals

11.07.1 (1) Prior to the Authority introducing or amending any fee, the Authority shall submit to the committee a proposal for the introduction or amendment of such fee.

(2) The proposal shall be submitted in writing and shall –

- (a) stipulate the initial amount or amended amount of any fee that the Authority wishes to charge;
- (b) motivate why such initial amount or amended amount of the fee is necessary, which motivation shall contain:
 - (i) with respect to any fee charged for a service in terms of Part 187, a detailed explanation of the cost to and average time taken by the Authority to provide such a service as well as full details of the current financial position of the Authority;
 - (ii) with respect to any fee charged as an administrative monetary penalty in terms of Part 185, a detailed explanation of how the enforcement of aviation safety will be advanced by initiating or amending the amount of the administrative penalty;
 - (iii) with respect to any other fee, a detailed explanation as to why it is necessary to charge such fee as well as the potential

economic impact that such fee will have on the South African civil aviation industry.

Submissions to be published for comment

11.07.2 (1) The committee shall, within 14 days of receipt of a proposal, publish the proposal by notice in the Gazette.

(2) After publication of the notice, referred to in sub-regulation (1), any interested party may in writing, and within a period stated in the notice, but not less than 30 days from the date of publication of the notice, submit comments regarding the proposal to the chairperson of the committee.

(3) As soon as practicable, after the expiry of the notice period, the committee shall consider the proposal together with all comments received and, where necessary, obtain additional information and advice prior to taking a position on the proposal.

(4) After having taken a position on the proposal the committee shall make a recommendation to the Commissioner as provided for in terms of sub-regulation 11.06.1(2).

(5) Where the committee decides to make a recommendation to disapprove or suggest a revision in the amount of any fee contained in a proposal, the committee shall furnish the Commissioner with reasons for its decision.

Procedure for processing recommendations

11.07.3 (1) Where the Commissioner, after considering the recommendation made by the committee in terms of sub-regulation 11.07.2(4), -

- (a) is satisfied that giving effect to the recommendation of the committee would be in the interests of both the Authority and the South African civil aviation industry, he or she shall submit the proposal together with the committee's recommendation to the Minister for approval;
- (b) is not satisfied that giving effect to the recommendation of the committee would be in the interests of both the Authority and the South African civil aviation industry, he or she shall submit to the Minister the proposal, the committee's recommendation and his or her reasons why the recommendation of the committee should not be approved;

(2) The Commissioner shall decide on any recommendation made by the committee and submit the proposal to the Minister in terms of either sub-regulation 11.07.2 (a) or (b) within 30 days of receipt of the recommendation by the committee

(3) As soon as practical after receiving from the Commissioner in terms of sub-regulation 11.07.3(1) a proposal together with the committee's recommendation, the Minister shall consult with the Minister of Finance in terms of the Act on the proposal and recommendations, and shall as soon as practicable, but within 120 days of receipt of the proposal, either approve, disapprove or amend the recommendation of the committee: Provided that where the Minister disapproves or amends the recommendation of the committee he or she shall supply in writing the committee with reasons for such decision."

2.2 Motivation

In 1998, it was agreed between the Department of Transport and the aviation sector that the operating costs of the South African Civil Aviation Authority (SACAA) would be financed on the basis of the "user pay" principle. Unfortunately, when the SACAA was established, no structure was created to regulate the fees, charges and levies that the SACAA could charge the industry, as is the case with the regulation of the charges of the Air Traffic and Navigation Services Company (ATNS) and the Airports Company of South Africa (ACSA).

However, at the time, the Department of Transport undertook that whenever any fee or charge was introduced or amended, the aviation sector would be provided with information as to how much it actually cost the SACAA to provide a particular service. For the most part, this information has never been provided by the SACAA to the aviation sector, prior to any fee or charge being imposed or amended.

The SACAA is currently funding itself by way of various administration charges.

In terms of Part 185 of the Civil Aviation Regulations (CAR) of 1997, the SACAA is also entitled to levy administrative penalties against those who contravene certain requirements of the CAR, and these penalties also find their way into the coffers of SACAA.

From time to time these charges, administrative penalties and levies are amended or new ones are added.

There is currently no consultative forum in existence whereby the aviation sector can consult with the SACAA, the Department of Transport or the Department of Finance regarding the reasonableness or otherwise of any new fee, charge or penalty or amendments to an established fee, charge or penalty to be charged by the SACAA.

While amendments to the CAR are normally discussed by the Civil Aviation Regulations Committee (CARCom) its members have indicated to the SACAA and the Department of Transport that they do not wish to use CARCom to deal with fees, administrative penalties and related levies as, from the private sector's point of view, the industry would always like to object to any (level of)

charge, fee, or penalty proposed, especially as CARCom is not provide with financial background information.

The proposer therefore recommends the establishment of a separate committee that will enable all relevant stakeholders to properly consult with the SACAA and other relevant Government departments prior to the SACAA introducing any new or amended fee, charge or penalty.

2.3 Current regulation

No regulation currently exists that deals with consultation by the SACAA with aviation sector stakeholders regarding the reasonableness or otherwise of any proposed new fee, charge or penalty or increase in an established fee, charge or penalty.

Schedule 2

PROPOSAL FOR THE AMENDMENT OF PART 62 OF THE CIVIL AVIATION REGULATIONS, 1997

A PROPOSER

The Aeroclub of South Africa
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B. EXPLANATION OF INTEREST OF THE PROPOSER

The Proposer is responsible for the controlling and co-ordination of sporting aviation in the Republic of South Africa.

1. PROPOSAL FOR THE AMENDMENT OF REGULATION 1.00.1 OF THE REGULATIONS

1.1 It is hereby proposed to amend Regulation 1.00.1 by the substitution for the definition of "conventional microlight aeroplane" of the following definition:

"Conventional Controlled Microlight Aeroplane' means an aeroplane that is primarily controlled by manipulating its primary flight control surfaces by conventional methods excluding weight-shift control and of which these maximum take-off mass and other classification parameters are defined in document SA-CATS-NTCA as Technical Standard 24.01.2.E.2."

1.2 Current Regulation

“Conventional Microlight Aircraft” 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.

1.3 Motivation

The amendment is necessary to clearly differentiate this category of aeroplane from Weight Shift Controlled Microlight Aeroplane.

2. PROPOSAL FOR THE AMENDMENT OF THE CIVIL AVIATION REGULATIONS, 1997

2.1 The Civil Aviation Regulations, 1997, are hereby amended by –

- (a) the substitution for the expression “conventional microlight aeroplane” of the expression “conventional controlled microlight aeroplane” whenever it occurs;
- (b) the substitution for the expression “microlight aeroplane” of the expression “weight shift controlled microlight aeroplane and conventional controlled microlight aeroplane” whenever it occurs.

2.2 Motivation

To provide consistency in terminology and to create clear understanding thereof.

3. PROPOSAL FOR THE SUBSTITUTION OF HEADING TO SUBPART 4 OF PART 62 OF THE REGULATIONS

3.1 It is hereby proposed to substitute the heading to Subpart 4 of Part 62 of the Regulations with the following heading:

“SUBPART 4: REQUIREMENTS FOR THE ISSUE OF A CATEGORY, CLASS OR TYPE RATING BY NAME FOR CONVENTIONAL CONTROLLED MICROLIGHT AEROPLANES”

3.2 Current Regulation

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

3.2 Motivation

The amendment is effected to provide consistency within Part 62 and to create clear understanding of terminology.

4. PROPOSAL FOR THE AMENDMENT OF REGULATION 62.01.6 OF THE REGULATIONS

4.1 It is hereby proposed to amend Regulation 62.01.6 by the substitution for paragraph (g) of the following paragraph:

- “(g) in the case of light sport aeroplanes –
(i) light sport aeroplanes, land;
(ii) light sport aeroplanes, amphibian and sea.”.

4.2 Current Regulation

- (g) light sport aircraft.

4.3 Motivation

The amendment is necessary to allow for two classes of light sport aeroplanes and to correct the terminology by replacing the word “aircraft” with “aeroplanes”.

4. PROPOSAL FOR THE AMENDMENT OF REGULATION 62.01.9 OF THE REGULATIONS

4.1 It is hereby proposed to amend Regulation 62.01.9 by the substitution for sub-regulation (2) of the following sub-regulation:

“(2)(a) The holder of a national 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.

(b) In the case of weight shift controlled microlight aeroplanes, conventional controlled microlight aeroplanes, light sport aeroplanes and gyroplanes the first proficiency check shall be conducted not later than 12 months after initial issue.

(c) In the case of hang-gliders and paragliders, the annual revalidation of the category rating shall be sufficient to confirm proficiency.

(d) The proficiency check, or the annual revalidation procedure, as the case may be, shall include a review of applicable regulations, NOTAMs and AICs.

(e) The provisions of sub-regulations (5) and (6) shall apply *mutatis mutandis* in respect of the annual revalidation procedure.”.

4.2 Current Regulation

(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.

4.3 Motivation

To bring Part 62 in line with Part 61 and increase safety standards by adding the words “In the case of weight shift controlled microlight aeroplanes, conventional controlled microlight aeroplanes, light sport aeroplanes and gyroplanes the first proficiency check shall be conducted not later than 12 months after initial issue.”

5. PROPOSAL FOR THE AMENDMENT OF REGULATION 62.01.13 OF THE REGULATIONS

5.1 It is hereby proposed to amend Regulation 62.01.13 by the substitution for sub-regulation (9) and (10) of the following sub-regulations:

“(9) Notwithstanding the provisions of this regulation, the holder of a recreational pilot licence endorsed for the category weight-shift microlight aeroplane or gyroplane, shall –

- (a) be entitled to be credited with not more than 15 hours flight time acquired in a weight-shift microlight aeroplane or gyroplane, as the case may be, towards the total flight time experience prescribed for the endorsement of a recreational pilot licence endorsed for the category light sport aeroplane.
- (b) have acquired knowledge in the subjects meteorology and navigation towards the theoretical knowledge requirements prescribed for the endorsement of a recreational flight instructor rating endorsed for the category light sport aeroplane.

(10) Notwithstanding the provisions of this regulation, the holder of a recreational pilot licence endorsed for the category conventional microlight aeroplane, shall –

- (a) be entitled to be credited with not more than 20 hours flight time acquired in a conventional microlight aeroplane towards the total flight time experience prescribed for the endorsement of a recreational pilot licence for the category light sport aeroplane;
- (b) have acquired knowledge in the subjects meteorology, engines and air frames and navigation towards the theoretical knowledge requirements prescribed for the endorsement of a recreational flight instructor rating for the category light sport aeroplane.”.

5.2 Current Regulation

(9) Notwithstanding the provisions of this regulation, the holder of a recreational pilot licence endorsed for the category weight-shift microlight aeroplane or gyroplane, shall –

- (a) be entitled to be credited with not more than 20 hours flight time acquired in a weight-shift microlight aeroplane or gyroplane, as the case may be, towards the total flight time experience prescribed for the endorsement of a recreational pilot licence endorsed for the category light sport aeroplane.
- (b) have acquired knowledge in the subject’s meteorology and navigation towards the theoretical knowledge requirements prescribed for the endorsement of a recreational flight instructor rating endorsed for the category light sport aeroplane.

(10) Notwithstanding the provisions of this regulation, the holder of a recreational pilot licence endorsed for the category conventional microlight aeroplane, shall –

- (a) be entitled to be credited with not more than 30 hours flight time acquired in a conventional microlight aeroplane towards the total flight time experience prescribed for the endorsement of a recreational pilot licence for the category light sport aeroplane;
- (b) have acquired knowledge in the subjects meteorology, engines and air frames and navigation towards the theoretical knowledge requirements prescribed for the endorsement of a recreational flight instructor rating for the category light sport aeroplane.

5.3 Motivation

The amendment is required to change to the number of hours credited to provide consistency in Part 62 especially together with part 62.16.6 as well as to bring Part 62 closer to Part 61 requirements.

6. PROPOSAL FOR THE AMENDMENT OF REGULATION 62.02.8 OF THE REGULATIONS

6.1 It is hereby proposed to amend Regulation 62.02.8 by the addition in sub- regulation (1) after paragraph (d) of the following paragraph:

“(e) on a flight other than an international flight.”.

6.2 Current Regulation

Does not exist.

6.3 Motivation

To bring Part 62 in line with Part 61. This was omitted when drafting Part 62.

7. PROPOSAL FOR THE AMENDMENT OF REGULATION 62.03.2 OF THE REGULATIONS

7.1 It is hereby proposed to amend Regulation 62.03.2 by the substitution in sub- paragraph (b) for sub-paragraphs (iv) and (v) of the following sub-paragraphs:

“(iv) one passport-sized photograph; and
(v) 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.”.

7.2 Current Regulation

(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.

7.3 Motivation

To correct the numbering of the sub-paragraphs.

8. PROPOSAL FOR THE AMENDMENT OF REGULATION 62.03.5 OF THE REGULATIONS

8.1 It is hereby proposed to amend Regulation 62.03.5 by the substitution for sub-regulation (3) of the following sub-regulation:

“(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 aeroplane 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/or

(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.”.

8.2 Current Regulation

(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 aeroplane 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 a an appropriately rated, approved aviation training organisation.

8.3 Motivation

The addition of the word “/or” at the end of paragraph (a) to enable a pilot to have either the option of having a Part 96 authorisation or a flight instructor rating to fly for remuneration. The previous version stated that a pilot had to have both and this is incorrect.

The removal of the word “a” in paragraph (b) to correct the grammar.

9. PROPOSAL FOR THE SUBSTITUTION OF REGULATION 62.04.4 OF THE REGULATIONS

9.1 It is hereby proposed to substitute Regulation 62.04.4 with the following Regulation:

“Theoretical knowledge examination

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

(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 category, class or type rating for weight-shift controlled microlight aeroplanes, light sport aeroplanes, or gyroplanes, the applicant may be given credit for any theory at the discretion of the testing instructor.

(3) Notwithstanding the provisions of sub-regulation (2), the theoretical knowledge examination “Principles of Flight” for conventional controlled microlight aeroplanes has to be written by both weight-shift controlled microlight pilots and gyroplane pilots seeking endorsement for a conventional controlled microlight aeroplane.”.

9.2 Current Regulation

Theoretical knowledge examination

62.04.4 (1) 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.

(2) 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.

(3) 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, light sport aeroplanes, or gyroplanes, the applicant may be given credit for any theory at the discretion of the testing instructor.

(4) Notwithstanding the provisions of sub-regulation (2), the theoretical knowledge examination "Principles of Flight" for conventional Microlight aeroplanes has to be written by both weight-shift controlled microlight pilots and gyroplane pilots seeking endorsement for a conventional microlight aeroplane.

9.3 Motivation

Addition of the word "controlled" in paragraphs (1) and (3) to correct the terminology. Deletion of paragraph (2) to avoid duplication of a paragraph. Renumbering of "(3)" to "(2)" and "(4)" to "(3)" because of the deletion of the above paragraph. To correct the incorrect spelling of "aeroplanes" in paragraph (4).

10. PROPOSAL FOR THE AMENDMENT OF REGULATION 62.05.4 OF THE REGULATIONS

10.1 It is hereby proposed to amend Regulation 62.05.4 by the substitution for sub-regulations (2) and (3) of the following sub-regulations:

"(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 category, class or type rating for conventional controlled microlight aeroplanes, light sport aeroplanes or gyroplanes, the applicant may be given credit for any theory at the discretion of the testing instructor.

(3) Notwithstanding the provisions of sub-regulation (2), the theoretical knowledge examination, "Principles of Flight" for weight-shift microlight aeroplanes must be written by aeroplane pilots licensed in terms of Part 61, pilots of conventionally controlled microlight aeroplanes, pilots of light sport aeroplanes and gyroplane pilots seeking endorsement for weight-shift microlight aeroplanes."

10.2 Current Regulation

(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 category, class or type rating for conventional controlled microlight aeroplanes or gyroplanes, the applicant may be given credit for any theory at the discretion of the testing instructor.

(3) Notwithstanding the provisions of sub-regulation (2), the theoretical knowledge examination, "Principles of Flight" for weight-shift microlight aeroplanes must be written by aeroplane pilots licensed in terms of Part 61, pilots of conventionally controlled microlight aeroplanes and gyroplane pilots seeking endorsement for weight-shift microlight aeroplanes.

10.3 Motivation

Addition of the following words in paragraph (2) to include the new light sport aeroplane category: "light sport aeroplanes" Addition of the following words in paragraph (3) to include the new light sport aeroplane category: "pilots of light sport aeroplanes".

11. PROPOSAL FOR THE AMENDMENT OF REGULATION 62.09.9 OF THE REGULATIONS

11.1 It is hereby proposed to amend Regulation 62.09.5 by the substitution in sub-regulation (2) for paragraph (a) of the following paragraph:

- "(a) in the case of a recreational flight instructor (weight shift controlled microlight aeroplanes or conventional controlled microlight aeroplanes):
- (i) For Grade C, the holder of a Grade A recreational flight instructor rating (weight shift controlled microlight aeroplanes or conventional controlled microlight aeroplanes, as the case may be);
 - (ii) for a Grade B rating, the holder of a Grade A recreational flight instructor rating (weight shift controlled microlight aeroplanes or conventional controlled microlight aeroplanes, as the case may be);
 - (iii) for a Grade A rating, a designated examiner with a weight shift controlled microlight aeroplane or conventional controlled microlight aeroplane rating;

11.2 Current Regulation

- (a) in the case of a recreational flight instructor (microlight aeroplane):
- (i) For Grade C, Grade B or Grade A, 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;

11.3 Motivation

Removal of the words below from paragraph (a) (i) in order to raise the standard of instruction
"Grade B or Grade A,"

Replacement of the words “microlight aeroplane” with “weight shift controlled microlight aeroplanes or conventional controlled microlight aeroplanes” to allow for the separate categories.

12. PROPOSAL FOR THE AMENDMENT OF REGULATION 62.09.8 OF THE REGULATIONS

12.1 It is hereby proposed to amend Regulation 62.09.8 by –

(a) the substitution for paragraph (a) of the following paragraph:

“(a) in the case of a Grade C recreational flight instructor (weight shift controlled microlight aeroplanes or conventional controlled microlight aeroplanes or light sport aeroplane), under direct supervision by a Grade B or Grade A instructor –

- (i) to conduct *ab initio* training on only those aeroplanes for which he or she holds an instructor conversion on type as per Document SA-CATS-FCL 62;
- (ii) give lectures.”;

(b) the substitution for paragraph (b) of the following paragraph

“(b) in the case of a Grade B recreational flight instructor (weight shift controlled microlight aeroplanes or conventional controlled microlight aeroplanes or light sport aeroplane) –

- (i) to exercise the privileges of a Grade C recreational flight instructor (weight shift controlled microlight aeroplanes or conventional controlled microlight aeroplanes or light sport aeroplane);
- (ii) to authorise the holder of a recreational pilot learner’s certificate for his or her first solo flight;
- (iii) to conduct flight tests for the issuing of a type or class rating for which he or she holds the appropriate category and type or class rating;
- (iv) sign application forms and certificates of competency;
- (v) supervise Grade C instructors;
- (vi) in the case of weight shift controlled microlight aeroplanes or conventional controlled microlight aeroplanes: may apply for a class rating (weight shift controlled microlight aeroplanes or conventional controlled microlight aeroplanes) for instruction on obtaining a B-grade rating if he or she is the holder of instructor type ratings on at least 5 microlight types and has a minimum of 200 hours of instruction on weight shift controlled

- microlight aeroplanes or conventional controlled microlight aeroplanes; and
- (vii) to conduct additional type conversion training for the holder of a recreational pilots licence or instructor rating; and”.

12.2 Current Regulation

- (a) in the case of a Grade C recreational flight instructor (microlight aeroplane or light sport aeroplane), under direct supervision by a Grade B or Grade A instructor –
- (i) to conduct *ab initio* training on only those aeroplanes for which he or she holds an instructor conversion on type as per Document SA-CATS-FCL 62;
 - (ii) to conduct additional type conversion training for the holder of a recreational pilots licence or instructor rating; and
 - (iii) give lectures.
- (b) in the case of a Grade B recreational flight instructor (microlight aeroplane or light sport aeroplane) –
- (i) to exercise the privileges of a Grade C recreational flight instructor (microlight aeroplane or light sport aeroplane);
 - (ii) to authorise the holder of a microlight aeroplane learner's certificate for his or her first solo flight;
 - (iii) to conduct flight tests for the issuing of a type or class rating for which he or she holds the appropriate category and type or class rating;
 - (iv) mark exams;
 - (v) sign application forms and certificates of competency;
 - (vi) supervise Grade C instructors; and
 - (vii) in the case of microlight aeroplanes: may apply for a class rating (microlight aeroplane) for instruction on obtaining a B-grade rating if he or she is the holder of instructor type ratings on at least 5 microlight types and has a minimum of 300 hours of instruction on microlights aeroplanes.

12.3 Motivation

Replacement of the words “microlight aeroplane” with “weight shift controlled microlight aeroplanes or conventional controlled microlight aeroplanes” to allow for the separate categories.

Removal of the words “(ii) to conduct additional type conversion training for the holder of a recreational pilots licence or instructor rating; and”. This privilege has been moved to a Grade B instructor privilege to bring Part 62 in line with Part 61

and to attempt to improve the level of instruction and hopefully increase the safety standards of the sector.

The addition of the following privilege taken from the Grade C instructor: "to conduct additional type conversion training for the holder of a recreational pilots licence or instructor rating;"

Replacement of the words "microlight aeroplane" with "weight shift controlled microlight aeroplanes or conventional controlled microlight aeroplanes" to allow for separate categories.

Replacement of the words "microlight aeroplane" from paragraph (ii) with "recreational pilot" to improve the clarity and Part 62 continuity.

Removal of the privilege "(iv) mark exams;". This privilege is not necessary any longer as the examinations are written online.

Correction of the paragraph numbering.

13. PROPOSAL FOR THE AMENDMENT OF REGULATION 62.09.10 OF THE REGULATIONS

13.1 It is hereby proposed to amend Regulation 62.09.10 by the substitution for paragraph (a) of the following paragraph:

- "(a) in the case of either a Grade A, Grade B or Grade C recreational flight instructor (weight shift controlled microlight aeroplanes or conventional controlled microlight aeroplanes or light sport aeroplanes) the holder of the rating 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 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."

13.2 Current Regulation

- (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 refresher course 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.

13.3 Motivation

Replacement of the words “microlight aeroplane” with “weight shift controlled microlight aeroplanes or conventional controlled microlight aeroplanes or light sport aeroplanes” to allow for the separate categories and microlight aeroplanes and the new light sport aeroplane.

Replacement of the word “course” with the word “seminar” to fall in line with the rest of the section and the technical standards.

14. PROPOSAL FOR THE AMENDMENT OF REGULATION 62.14.3 OF THE REGULATIONS

14.1 It is hereby proposed to amend Regulation 62.14.3 by the substitution in paragraph (a) for the words preceding sub-paragraph (i) and sub-paragraph (i) of the following words and sub-paragraph:

- “(a) in the case of the category weight shift controlled microlight aeroplanes, conventional controlled microlight aeroplanes and light sport aeroplanes –
- (i) have 200 hours flight time as pilot of a weight shift controlled microlight aeroplane, conventional controlled microlight aeroplane or light sport aeroplane, as the case may be, of which not less than 150 hours shall be as pilot-in-command; or”.

14.2 Current Regulation

- (a) in the case of the category microlight aeroplanes and light sport aeroplanes –

- (i) have 200 hours flight time as pilot of a microlight or light sport aeroplane, as the case may be, of which not less than 150 hours shall be as pilot-in-command; or.

14.3 Motivation

Replacement, in paragraph (a), of the words “microlight aeroplanes” with the words “weight shift controlled microlight aeroplanes, conventional controlled microlight aeroplanes”. This is to allow for the separate categories of microlight aeroplanes and the new light sport aeroplane.

Replacement, in the paragraph (i), of the word “microlight” with the words “weight shift controlled microlight aeroplane, conventional controlled microlight aeroplane”. This amendment is made to fall in line with the rest of the section and the technical standards and allow for the separate categories of microlight aeroplanes.

15. PROPOSAL FOR THE AMENDMENT OF REGULATION 62.16.4 OF THE REGULATIONS

- 15.1 It is hereby proposed to amend Regulation 62.16.4 by the substitution for sub-regulation (3) of the following sub-regulation:

“(3) Notwithstanding the provisions of sub-regulation (1), in the case of an applicant who is the holder of a recreational pilot licence endorsed for the category weight shift controlled microlight aeroplanes or gyrocopters the applicant may be given credit for any theory at the discretion of the testing instructor; provided that the “Principles of Flight” and “Engines and Airframes” theoretical knowledge examinations must be written.”.

15.2 Current Regulation

(3) Notwithstanding the provisions of sub-regulation (1), in the case of an applicant who is the holder of a recreational pilot licence endorsed for the category microlight aeroplanes or gyrocopters the applicant may be given credit for any theory at the discretion of the testing instructor; provided that the “Principles of Flight” and “Air Law” theoretical knowledge examinations must be written.

15.3 Motivation

Replacement of the words “microlight aeroplanes” with the words “weight shift controlled microlight aeroplane”. This is due to the split of microlight aeroplanes into two categories.

Replacement of the words "air law" with the words "Engines and Airframes" as these principles are different between 3 axis aeroplanes and weight shift controlled aeroplane and gyroplanes.

16. PROPOSAL FOR THE SUBSTITUTION OF REGULATION 62.16.6 OF THE REGULATIONS

16.1 It is hereby proposed to substitute Regulation 62.16.6 with the following Regulation:

"Crediting of flight time

62.16.6 The holder of a glider pilot licence, or of a recreational pilot licence endorsed for the category weight shift controlled microlight aeroplane, conventional controlled microlight aeroplane or gyroplane, may be entitled to be credited with:

- (a) in the case of weight shift controlled microlight aeroplanes and gyroplanes not more than 15 hours flight time acquired towards the total flight time experience prescribed for the issuing of a recreational pilot licence endorsed for the category light sport aeroplane;
- (b) in the case of conventional controlled microlight aeroplanes and gliders not more than 20 hours flight time acquired towards the total flight time experience prescribed for the issuing of a recreational pilot licence endorsed for the category light sport aeroplane.

16.2 Current Regulation

Crediting of flight time

62.16.6 The holder of a glider pilot licence, or of a recreational pilot licence endorsed for the category microlight aeroplane or gyroplane, shall be entitled to be credited with not more than 25 hours flight time acquired in a glider, microlight aeroplane or gyroplane, as the case may be, towards the total flight time experience prescribed for the issuing of a recreational pilot licence endorsed for the category light sport aeroplane.

16.3 Motivation

To differentiate between the hours allocated for both weight shift controlled microlight aeroplanes and conventional controlled microlight aeroplanes.

To allow sufficient hours for additional training to learn the skills required to operate the different categories of aeroplanes.

Schedule 3**PROPOSAL FOR THE AMENDMENT OF PART 121 OF THE CIVIL AVIATION REGULATIONS****PROPOSER:**

The Commercial Aviation Association of Southern Africa (CAASA)
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Explanation of interest of the Proposer:

The Proposer is a professional Association, whose membership includes persons engaged in commercial aviation, persons who have a commercial interest in aviation, and enterprises allied to commercial aviation.

The main objectives of the Association are to serve, promote, watch over, advance and mutually protect the interests of persons engaged in aviation and to act as a connecting link between such persons and the South African Government and other public bodies within or outside the Republic of South Africa.

1. PROPOSAL TO INSERT REGULATION 121.06.3A IN THE REGULATIONS

- 1.1 It is hereby proposed to insert Regulation 121.03.6A after Regulation 121.03.6 as follows:

“Use of FSTD for proficiency checks

121.03.6A An operator of an aeroplane with a maximum approved passenger seating configuration in excess of 19 passengers, shall, at least once a year, carry out one of the proficiency checks referred to in paragraph (e) of sub-regulation 121.03.6(1) in accordance with the requirements prescribed in Document SA-CATS-OPS 121, in a flight simulation training device (FSTD) approved for the purpose.”.

1.2 Current regulation

No regulation currently exists in Part 121 that directly stipulate the requirements for the conducting of proficiency checks in flight simulators.

1.3 Motivation

This proposal needs to be considered in conjunction with a proposal to amend technical standard 121.03.6 by the deletion of paragraph 2 thereof in its entirety and the creation of a new technical standard 121.03.6A out of the requirements of the old technical standard 121.03.6 paragraph 2 but with the deletion of sub-paragraph (1) thereof. It is submitted that this proposal is required for the following reasons –

- (a) The proposed regulation contains a slightly modified requirement to one that was previously contained in Technical Standard 121.03.6, paragraph 2. The removal of the requirement in Technical Standard 121.03.6 paragraph 2 and the repositioning of this requirement in the body of the regulations is necessary because the content of this requirement is peremptory in nature, rather than descriptive in content and therefore belongs in a regulation rather than a technical standard.
- (b) The change to Technical Standard 121.03.6 *vis a vis* regulation 121.03.6A relates to a deletion of the 5 700kg MCM weight category. The proposer believes that this deletion is necessary because there are currently no FSTD's situated in the Republic which can be utilised for proficiency training for lower-weight category aircraft such as Citation, Bombardier, and Dassault. The costs involved in introducing and installing FSTD's, locally, for these aircraft types are prohibitive when considering the large number of small turbo-jet aircraft types in relation to the small pool of rated crew. This leaves South African operators of small commercial aeroplanes, with no option but to incur substantial costs in sending their flight crew to locations in Europe, North America, the Middle East or Malaysia for the required proficiency training.
- (c) The cost implication involved in sending flight crew overseas for proficiency training places South African operators of small commercial aeroplanes at a distinct disadvantage when competing for contracts against other countries that do not have similar proficiency requirements, while gaps result in crew availability and rotation where crew travel for proficiency training and are unavailable to the operator during this time.
- (d) Countries such as Canada only require proficiency checks for flight crew that operate large aircraft with an MCM in excess of 22,680 kg. It is submitted that South Africa should follow a similar approach to Canada, but rather than use the weight category in excess of 22,680kg, it is deemed more appropriate to use only a seating requirement of 19 seats. The im-

pact of this would be that the scheduled airlines operating large aeroplanes would be required to comply with the FSTD training requirement, while smaller operators need only conduct training on the aircraft itself.

- (e) This amendment will not be contrary to any ICAO requirement as Annex 6 only requires proficiency training to be conducted at regular intervals with no mention of this as compulsory simulator training and in fact notes simulator use as a *Recommendation*.

ICAO Annex 6 is quoted below in this regard:

Part II 3.9.2 Recommendation – Flight simulators should be used to the maximum extent practicable for initial and annual recurrent training.

Part II 3.9.4.4 Pilot Proficiency checks – An operator shall ensure that piloting techniques and the ability to execute emergency procedures is checked periodically in such a way as to demonstrate the pilot's competence. Where the operation may be conducted under the instrument flight rules, the operator shall ensure that the pilot's competence to comply with such rules is demonstrated to either a check pilot of the operator or a representative of the State issuing the pilot licence.
