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General Notice

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GENERAL NOTICE

NOTICE 959 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 sonjanim@caa.co.za or wildenboerh@caa.co.za, before or on 14 August 2009.

PROPOSAL FOR THE AMENDMENT OF PART 47 OF THE CIVIL AVIATION REGULATIONS, 1997

A PROPOSER

South African Civil Aviation Authority
Private Bag X73
Halfway House
1685

B PROPOSER'S INTEREST

The proposer has been established in terms of the South African Civil Aviation Act, 1998, (Act No. 40 of 1998), to control and regulate civil aviation in South Africa and to oversee the functioning and development of the civil aviation industry, and, in particular, to control, regulate and promote civil aviation safety and security.

1. PROPOSAL TO AMEND REGULATION 47.00.5 OF THE REGULATIONS

1.1 It is hereby proposed to amend regulation 47.00.5 by the substitution in sub-regulation (2) for paragraph (a) of the following paragraph:

“(a) in the case of an aircraft which is imported into the Republic for the first time or returns to the Republic and has to be re-registered on the register in terms of Part 21 –

- (i) a certificate or notification of cancellation from the appropriate authority of the State or territory in which the aircraft was last registered; or
- (ii) a certificate or notification of non-registration from the appropriate authority of the State or territory from which the aircraft is imported; and
- (iii) a certified copy of the valid certificate of airworthiness issued by the appropriate authority of the last State or territory from which the aircraft is imported; or
- (iv) the original of the export certificate of airworthiness issued by the appropriate authority of the State or territory from which the aircraft is imported; and
- (v) confirmation that a type acceptance certificate has been issued by the Commissioner; and
- (vi) the supporting documents from the South African Revenue Service issued in terms of section 38, 39 or 44 of the Customs and Excise Act, 1964, as prescribed in Document SA-CATS;”.

1.2 Current Regulation:

47.00.5 (1) An application for the registration of an aircraft and the issuing of a certificate of registration shall be made to the Commissioner in the appropriate form as prescribed in Document SA-CATS-ARM.

- (2) An application referred to in sub-regulation (1) shall be accompanied by –
- (a) in the case of an aircraft which is imported into the Republic for the first time or returns to the Republic and has to be re-registered on the register in terms of Part 21 –
 - (i) a certificate or notification of cancellation from the appropriate authority of the State or territory in which the aircraft was last registered; or
 - (ii) a certificate or notification of non-registration from the appropriate authority of the State or territory from which the aircraft is imported; and
 - (iii) the original of –
 - (aa) the valid certificate of airworthiness issued by the appropriate authority of the last State or territory from which the aircraft is imported; or

- (bb) the export certificate of airworthiness issued by the appropriate authority of the State or territory from which the aircraft is imported; and.

1.3 Motivation

This proposed amendment allows an applicant for registration of an aircraft to produce a certified copy of certificate of airworthiness for registration purposes.

In most States including South Africa, when an aircraft is deregistered, the owner is required to hand back to the Civil Aviation Authority the originals of both the certificate of registration and certificate of airworthiness.

Therefore the requirement to submit an original certificate of airworthiness to the Commissioner puts burden on applicant's shoulders. This has therefore led to high volume of applications for exemption when the applicant can not comply with this requirement.
