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CONTENTS • INHOUD

No.

Page
No. Gazette
 No.

GOVERNMENT NOTICE

Transport, Department of

Government Notice

R. 895 Aviation Act (74/1962): Thirty Eight Amendment of the Civil Aviation Regulations, 1997 3 32550

GOVERNMENT NOTICE

DEPARTMENT OF TRANSPORT

No. R. 895

4 September 2009

AVIATION ACT, 1962 (ACT NO 74 OF 1962)

THIRTY EIGHT AMENDMENT OF THE CIVIL AVIATION REGULATIONS, 1997

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

SCHEDULE

Definition

1. In these Regulations, unless the context otherwise indicates, "the Regulations" means the Civil Aviation Regulations, 1997, published by Government Notice No R.1219 of 26 September 1997 and R.1255 of 17 October 1997, as amended by Government Notice No R. 1735 of 24 December 1997, Government Notice No R. 1041 of 14 August 1998, Government Notice No R. 1148 of 18 September 1998, Government Notice No R. 1664 of 14 December 1998, and Government Notice No R. 1701 of 31 December 1998, Government Notice No 1702 of 31 December 1998, Government Notice No R.639 of 21 May 1999, Government Notice No R. 170 of 17 February 2000, Government Notice No R. 171 of 18 February 2000, Government Notice No R. 558 of 22 June 2001 Government Notice No R. 559 of 30 August 2002, Government Notice No R. 1367 of 15 November 2002, Government Notice No R. 1368 of 15 November 2002, Government Notice No 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 Notice No 435 of 28 March 2003 Government Gazette No R.1375 of 1 October 2003 and Government Gazette No R.1340 of 31 March 2004, Government Notice No R.807 dated 4 August 2006, Government Notice No R. 1371 dated 28 December 2006, Government Notice No R. 364 dated 26 April 2006, Government Notice No R. 571 dated 13 July 2007, Government Notice No R. 572 dated 13 July 2007, Government Notice No R. 573 dated 13 July 2007, Government Notice No R. 574 dated 13 July 2007, Government Notice No R. 572 dated 13 July 2007, Government Notice No R. 573 dated 13 July 2007, Government Notice No R. 574 dated 13 July 2007, Government Notice No R.1233 dated 20 December 2007, Government Notice No R. 1234 dated 20 December 2007, Government Notice No R. 601 dated 30 May 2008, Government Notice No R.700 dated 30 June 2008, Government Notice No R. 936 dated 5 September 2008, Government Notice No R. 181 of 20 February 2009, Government Notice No R.666 of 20 March 2009 and Government Notice No R. 674 of 12 June 2009.

Amendment of Regulation 1.00.1 of the Regulations

2. Regulation 1.00.1 is hereby amended by –

- (a) the insertion of the following definition after the definition of “accelerate-stop distance available”:

“**access control**’ means the security procedure applied to ensure that only persons authorised, authorised vehicles and authorised items carried by such persons or transported in such vehicles are allowed access into the premises or zone being controlled;”;

- (b) the insertion after the definition of “AIP Supplement” of the following definition:

“**air ambulance**’ means an aircraft used for the purposes of transporting a patient, or a person for whom there can be reasonable expectations that they will require medical attention during the transportation, and equipped in accordance with the provisions of Part 138 of the Regulations;”;

- (c) the substitution for the definition of “air ambulance operation” of the following definition:

“**air ambulance operation**’ means air transportation of a patient, or a person for whom there can be a reasonable expectation that they will require medical attention during the transportation which is operated in terms of Part 138 of the Regulations;”;

- (d) the insertion of the following definition after the definition of “aircraft”:

“**aircraft security search**’ means an inspection of the exterior and interior of an aircraft to which passengers or cargo may have had access and an inspection of the cargo and baggage hold for the purposes of searching for suspicious objects, weapons, explosives or other dangerous devices, articles and substances;”;

- (e) the substitution for the definition of “area navigation” of the following definition:

“**area navigation (RNAV)**’ means a method of navigation which permits aircraft operation on any desired flight path within the coverage of ground or space based navigation aids or within the limits of the capability of self contained aids, or a combination of these;”;

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

“**aviation security training organisation**’ any organisation registered in terms of the Companies Act, 1973 (Act No 61 of 1963) or Close Corporations Act, 1984 (Act No 69 of 1984) and approved to conduct aviation security training by the appropriate authority;”;

- (g) the insertion of the following definition after the definition of “cabin crew member”:

“**cargo**’ means any property carried on an aircraft other than mail, stores, unaccompanied or mishandled baggage;”;

- (h) the insertion after the definition of “certificate of proficiency” of the following definition:

“**certification**’ means formal evaluation and confirmation by or on behalf of the appropriate authority for aviation security that a person possesses the necessary competencies to perform assigned functions to an acceptable level as defined by the appropriate authority;”;

- (i) the substitution for the definition of “consignee” of the following definition:

“**consignee**’ means the person whose name appears on the air waybill as the party to whom the goods are to be delivered by the air carrier;”;

- (j) the substitution for the definition of “consignment” of the following definition:

“**consignment**’ means one or more pieces of goods accepted by the air carrier from one consignor at one time and at one address, receipted for in one lot and moving on one air waybill to one consignee at one destination;”;

- (k) the substitution for the definition of consignor of the following definition:

“**consignor**’ means the person whose name appears on the air waybill as the party contracting with the air carrier(s) for carriage of goods;”;

- (l) the substitution for the definition of “courier service” of the following definition:

“**courier service**’ means an operation whereby cargo tendered by one or more consignors are transported as the baggage of a courier passenger on board a scheduled air transport service under normal passenger hold baggage documentation;”;

- (m) the deletion of definition of “express air cargo and mail”;

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

“**express air cargo**’ means particular time-sensitive shipments, requiring reliable, time-measured transport;”;

- (o) the substitution for the definition of “known cargo” of the following definition:

“**known cargo**’ means a consignment to which the appropriate security controls, prescribed by Part 108, have been applied;”;

- (p) the substitution for the definition of “mail” of the following definition:

“**mail**’ means dispatches of correspondence and other objects tendered by or intended for delivery to a postal company;”;

- (q) the insertion after the definition of “medical personnel” of the following definition:

“**medical service provider**’ means the person, associated with an air ambulance operator for the purposes of taking responsibility for the medical aspects of the operation and who is subject to the legislation administered by the Department of Health;”;

- (r) the insertion after the definition of “nautical mile” of the following definition:

“**navigation specification**’ means a set of aircraft and flight crew requirements needed to support performance-based navigation operations within a defined airspace;”;

- (s) the deletion of the definition of “postal authority”;

- (t) the insertion of the following definition after the definition of “pilot in command under supervision”:

“**Postal Company**” means the company incorporated in terms of section 3 (1) of the Postal Office Act, (Act No 44 of 1958), or an equivalent authority of a Contracting State to the Chicago Convention;”;

- (u) the deletion of the definition of “proficiency”;

- (v) the insertion after the definition of “quality systems” of the following definition:

“**radio navigation service**’ means a service providing guidance information or position data for the efficient and safe operation of aircraft supported by one or more radio navigational aids;”;

- (w) the insertion after the definition of “RNAV/BARO VNAV procedures” of the following definitions:

“**RNAV specification**’ means a navigation specification based on area navigation that does not include the requirement for performance monitoring and alerting, designated by the prefix RNAV, e.g. RNAV 5, RNAV 1;

“**RNP specification**’ means a navigation specification based on area navigation that includes the requirements for performance monitoring and alerting, designated by the prefix RNP, e.g. RNP 4, RNP APCH;”;

- (x) the insertion of the following definitions after the definition of “security control”:

“**security inspection**’ means an examination of the implementation of or compliance with the relevant security requirements by an airline, airport, or other entity involved in security;

‘**security restricted area**’ means those areas of the airside of an airport, which are identified as priority risk areas where in addition to access control, other security controls are applied. Such areas will normally include, inter alia, all commercial aviation passenger departure areas between the screening checkpoint and the aircraft, the ramp, baggage make-up areas, including those where aircraft are being brought into service and screened baggage and cargo are present, cargo sheds, mail centres, airside catering and aircraft cleaning premises;

‘**security survey**’ means an evaluation of security needs including the identification of vulnerabilities which could be exploited to carry out an act of unlawful interference, and the recommendation of corrective actions;

‘**security test**’ means a covert or overt trial of an aviation security measure which simulates an attempt to commit an unlawful act;”;

- (y) the insertion of the following definition after the definition of “unaccompanied baggage”:

“**shipper**” means any person who prepares or offers a package or overpack of goods for conveyance by air;”;

- (z) the substitution for the definition of “transshipment cargo and mail” of the following definition:

“**transshipment cargo and mail**’ means cargo or mail is destined for onward carriage by air;”;

- (aa) the substitution for the definition of “unaccompanied baggage” of the following definition:

“**unaccompanied baggage**’ means baggage which is transported as cargo and may or may not be carried on the same aircraft with the person to whom it belongs;” and

- (bb) the insertion of the following definition after the definition of “unaccompanied baggage”:

“**unidentified baggage**’ means baggage at an airport, with or without a baggage tag, which is not picked up by or identified with a passenger;”.

Insertion of Regulation 43.03.5 in the Regulations

3. The following Regulation is hereby inserted after Regulation 43.03.4 of the Regulations:

“Annual review of maintenance

43.03.5 Any person who carries out and certifies an annual review of maintenance for an aircraft shall enter –

- (a) the statement as prescribed in Document SA-CATS-GMR, in the aircraft logbook or other technical record approved by the Commissioner;
- (b) his or her signature, licence or authorised number, and the date on the entry; and
- (c) in the appropriate section of the aircraft technical log, the date of the review.”.

Amendment of Regulation 47.00.3 of the Regulations

4. Regulation 47.00.3 is hereby amended by the substitution for sub-regulation (2) of the following sub-regulation:

“(2) Upon the registration of an aircraft in terms of regulation 47.00.6(1), the Commissioner may, –

- (a) if the aircraft was previously registered in the Republic, allocate the same registration marks as was originally borne by such aircraft, if the registration marks are still available; or
- (b) allocate special registration marks as requested by the applicant,

Provided that the application for the registration is –

- (i) accompanied by the appropriate fee as prescribed in Part 187; and
- (ii) is made in the appropriate form prescribed for such by the Commissioner.”.

Amendment of Regulation 47.00.7 of the Regulations

5. Regulation 47.00.7 is hereby amended by –

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

- “(c) on an annual basis, confirm to the Commissioner in the appropriate form as prescribed in Document SA-CATS-ARM –
- (i) that he, she or it is still the owner of the aircraft;
 - (ii) his, her or its postal and physical address.”.

Amendment of Regulation 47.00.8 of the Regulations

6. Regulation 47.00.8 is hereby amended by the addition after sub-regulation (4) of the following sub-regulation:

“(5) The Commissioner shall issue the amended certificate in the appropriate form as prescribed in Document SA-CATS-ARM.”.

Amendment of Regulation 47.00.10 of the Regulations

7. Regulation 47.00.10 is hereby amended by –

- (a) the substitution for sub-regulation (1) of the following sub-regulation:

“(1) If the holder of a certificate of registration transfers to another person the right of possession of the aircraft specified in the certificate, such holder shall, within 30 days from the date of transfer notify the Commissioner on the appropriate form as prescribed in Document SA-CATS-ARM.”;

- (b) the substitution for sub-regulation (3) of the following sub-regulation:

“(3) An application for registration by the person to whom the right of possession of the aircraft referred to in sub-regulation (1) is transferred, shall be made in terms of Regulation 47.00.5 within 30 days from the date of transfer.”;

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

“(4) A certificate of registration shall no longer be valid from the thirty first day after the date on which the holder of the certificate of registration has transferred to another person the permanent and unconditional right of possession of the aircraft.”.

Amendment of Regulation 47.00.11 of the Regulations

8. Regulation 47.00.11 is hereby amended by the substitution for sub-regulation (2) of the following sub-regulation:

“(2) An application referred to in sub-regulation (1), shall be made on the appropriate form as prescribed in Document SA-CATS-ARM, and accompanied by –

- (a) the original of the last certificate of registration;
- (b) in the case of an aircraft other than an amateur-built or production- built, the original of the last certificate of airworthiness issued in terms of Part 21;
- (c) in the case of an amateur-built or production-built aircraft, the original of the last authority to fly issued by the Commissioner in terms of Part 24;
- (d) if the holder in whose name the aircraft is registered –
 - (i) is an individual and has died, and an executor has been appointed, a certified true copy of the letter of executorship issued by the Master in terms of the Administration of Estates Act, 1965 (Act No 66 of 1965);
 - (ii) is an individual and the estate of such holder is sequestrated and a trustee has been appointed, a certified true copy of the certificate of appointment issued by the Master in terms of the Insolvency Act, 1936 (Act No 24 of 1936); or
 - (iii) is a company or a close corporation and such holder is liquidated and a liquidator has been appointed, a certified true copy of the certificate of appointment issued by the Master in terms of the Companies Act, 1973 (Act No 61 of 1973), or the Close Corporations Act, 1984 (Act No 69 of 1984), as the case may be; and
- (e) the appropriate fee as prescribed in Part 187.”.

Amendment of Regulation 47.00.12 of the Regulations

9. Regulation 47.00.12 is hereby amended by –

- (a) the substitution for sub-regulation (2) of the following sub-regulation:

“(2) The Commissioner shall cancel the registration of an aircraft, amend the register and issue a certificate of cancellation if the Commissioner is satisfied of the occurrence of any of the events referred to in regulation 47.00.11(1) and (3).”;
- (b) the insertion after sub-regulation (2) of the following sub-regulation:

“(2A) The Commissioner may cancel the registration of an aircraft, amend the register and issue a certificate of cancellation if the holder of a certificate of registration –

- (a) has not submitted the maintenance records of the aircraft for a period of three months;
- (b) has not paid the currency fees for a period of three months;
- (c) has submitted an application for registration which does not comply with these Regulations, and the registration was erroneously placed in the register; or
- (d) has not complied with the duties of the holder of the certificate prescribed in Regulation 47.00.7 (d) (i).".

Amendment of Regulation 47.00.13 of the Regulations

10. Regulation 47.00.13 is hereby amended by the substitution for sub-regulation (2) of the following sub-regulation:

"(2) The holder of a certificate of registration which has become invalid in terms of this Part, shall surrender the certificate of registration to the Commissioner within thirty days from the date on which the certificate became invalid."

Amendment of Regulation 62.01.7 of Part 62 of the Regulations

11. Regulation 62.01.7 is herewith amended by the insertion in sub-regulation (2) after paragraph (f) of the following paragraph:

"(g) Type 7, a powered hang-glider fitted with a three-wheel undercarriage and steerable nose wheel, of which the wing must be a certified hang-gliding wing."

Amendment of Regulation 62.01.8 of the Regulations

12. Regulation 62.01.8 is herewith amended by -

- (a) the deletion in sub-regulation (1) of paragraph (d);
- (b) the substitution in sub-regulation (2) for paragraph (c) of the following paragraph:

"(c) in the hang-gliders and paragliders category -

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

- (iii) a Grade B recreational flight instructor rating (hang-gliding / paragliding); and
- (iv) a Grade A recreational flight instructor rating (hang-gliding/ paragliding); and”.

Amendment of Regulation 62.02.8 of the Regulations

13. Regulation 62.02.8 is herewith amended by the addition after sub-regulation (4) of the following sub-regulation:

“(5) In the case of the holder of a recreational pilot learner's certificate in the category hang-glider, powered hang-glider, paraglider or powered 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 Instructor's direct supervision in direct line of site in accordance with an approved training manual as contemplated in Document SA-CATS-FCL 62.”.

Amendment of Regulation 62.07.1 of the Regulations

14. Regulation 62.07.1 is herewith amended by the substitution for sub-regulation (1) of the following sub-regulation:

“(1) (a) A hang-glider rating may be issued in the following four classes:

- (i) Novice;
- (ii) Class A;
- (iii) Class B; and
- (iv) Class C.

(b) The classes of the hang-glider rating referred to in paragraph (a) may be issued with the tandem add on rating.”.

Substitution of Regulation 62.07.2 of the Regulations

15. Regulation 62.07.2 is herewith substituted by the following regulation:

“Experience

62.07.2 (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 the experience prescribed in Document SA-CATS-FCL 62.

(2) 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.

(3) In the case of an applicant with a foreign licence from a similar internationally recognised body for hang-gliding and paragliding, the testing officer may at his or her discretion reduce the prescribed flight time requirements.”.

Amendment of Regulation 62.07.9 of the Regulations

16. Regulation 62.07.9 is herewith amended by the substitution for sub-regulation (1) of the following sub-regulation:

“(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 under the conditions as prescribed in Document SA-CATS-FCL 62.”.

Amendment of Regulation 62.08.9 of the Regulations

17. Regulation 62.08.9 is herewith amended by:

(a) the substitution in sub-regulation (2) for paragraph (c) of the following paragraph:

“(c) for the first 80 flights, only basic- and intermediate-rated paragliders.”; and

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

“(4) The holder of a paraglider tandem rating shall be permitted to act as pilot-in-command of a paraglider while carrying a passenger, provided that, for the first 20 flights any passenger shall be the holder of a valid recreational pilot licence endorsed for the paraglider category.”.

Amendment of Regulation 62.09.2 of the Regulations

18. Regulation 62.09.2 is herewith amended by the substitution for paragraphs (b) and (c) of the following paragraphs:

“(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; and

- (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) Grade A or Grade B –
 - (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 –
 - (aA) attending an official hang-glider instructor course; or
 - (aB) observing and assisting an appropriately rated recreational flight instructor (hang-glider) on training slopes for at least ten days.
 - (iii) for an recreational flight instructor rating (hang-glider) Grade C –
 - (aa) have held a Class C hang-glider rating for at least 12 months;
 - (bb) have attended a instructor Grade C course; and
 - (cc) have completed the practical requirements as prescribed in Document SA-CATS- FCL 62.
- (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; and
 - (ii) for a recreational flight instructor (paragliding) grade A or Grade B –
 - (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; and
 - (cc) have logged at least 300 flights and 100 hours flight time, and have either –
 - (aA) gained practical experience by observing and assisting at least three approved paraglider training schools on training slopes for at least 20 days; or

- (aB) 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.
- (iii) for a recreational flight instructor rating (paraglider) Grade C –
 - (aa) have held a sport class paraglider rating for at least 12 months;
 - (bb) have attended an instructor Grade C course; and
 - (cc) have completed the practical requirements as prescribed in Document SA-CATS- FCL 62.”.

Amendment of Regulation 62.09.8 of the Regulations

19. Regulation 62.09.8 is herewith amended by the substitution in paragraph (h) for sub-paragraph (iii) of the following sub-paragraph:

“(iii) supervise flights by the holders of a Basic Class rating.”.

Amendment of Sub-Part 13 of Part 62 of the Regulations

20. Sub-Part 13 of Part 62 of the Regulations is herewith amended by the substitution of the word “rating” with the word “endorsement” throughout the said Sub-part.

Amendment of Regulation 62.14.3 of the Regulations

21. Regulation 62.14.3 is herewith amended by the addition after paragraph (b) of the following paragraph:

“(c) in the case of a category paragliders, powered paragliders, hang-gliders and powered hang-gliders have a minimum of 300 flights and 200 hours of flight time and hold a valid Grade A, B or C instructor licence and valid tandem add on rating.”.

Insertion of Regulation 67.00.5 in Part 67 of the Regulations

22. The following Regulation is herewith inserted after Regulation 67.00.4:

“Class 4 medical certificates

67.00.5 (1) Notwithstanding the provisions of Regulation 67.00.4, any medical practitioner who is registered in terms of Section 17 of the Medical, Dental and Supplementary Health Service Professions Act, 1998 (Act No. 1 of

1998), may perform a medical examination for the purpose of the issuing of a Class 4 medical certificate.

(2) The provisions of Regulation 67.00.7(1) and (2) shall apply mutatis mutandis to an application for the issuing of a Class 4 medical certificate.

(3) The medical practitioner concerned shall, within 60 days from the date on which the medical examination has been performed, submit the application together with any appropriate –

- (a) supporting medical reports; and
- (b) results of medical examinations or tests performed;

to the designated body or institution for the verification of the application and the issuing of the medical certificate.

(4) An applicant who complies with the appropriate medical requirements and standard referred to in Regulation 67.00.2(6), shall be entitled to a medical certificate.

(5) On receipt of the documents referred to in sub-regulation (3), the designated body or institution shall –

- (a) verify the application concerned; and
- (b) if the applicant complies with the appropriate medical requirements and standards referred to in Regulation 67.00.2(6), issue the medical certificate.

(6) The designated body or institution may, if a medical conclusion requires that –

- (a) medical examinations or tests be performed at shorter intervals; or
- (b) additional examinations or tests be performed,

endorse the medical certificate with such requirement or limitation.

Substitution of Regulation 91.04.13 of the Regulations

23. The following Regulation is hereby substituted for Regulation 91.04.13 of the Regulations:

“Flight data recorder

91.04.13 (1) No person may operate an aircraft specified in Document SA-CATS-OPS 91 unless such aircraft is equipped with the appropriate flight data recorder as prescribed in this Regulation and in Document SA-CATS-OPS 91.

(2) All flight data recorders shall be capable of retaining the information recorded during at least the last 25 hours of their operation, except for the Type II FDR, which shall be capable of retaining the information recorded during at least the last 2 hours of its operation.

(3) A Type I FDR shall record the parameters required to determine accurately the aeroplane flight path, speed, altitude, engine power, configuration and operation.

(4) A Type II FDR shall record the parameters required to determine accurately the aeroplane flight path, speed, altitude, engine power and configuration of lift and drag devices.

(5) The requirements necessary to satisfy the parameters contemplated in sub-regulations (3) and (4) are set out in Document SA-CATS-OPS 91.

(6) The data obtained from a flight data recorder shall be obtained from aircraft sources which enable accurate correlation with information displayed to the flight crew; the minimum recording duration shall be equal to the duration of the CVR, and shall be correlated to the recorded cockpit audio.

(7) The flight data recorder shall start automatically to record the data prior to the aircraft being capable of moving under its own power and shall stop automatically after the aircraft is incapable of moving under its own power.

(8) An aircraft may commence a flight with the flight data recorder inoperative: Provided that –

- (a) the aircraft shall not depart from an aerodrome where repairs or replacements to such flight data recorder can be made;
- (b) the aircraft does not exceed six further consecutive flights with the flight data recorder unserviceable;
- (c) not more than 48 hours have elapsed since the flight data recorder became unserviceable;
- (d) any cockpit voice recorder is combined with the flight data recorder; and
- (e) the mandatory parameters as prescribed in Document SA-CATS-OPS 91 are operational.”.

Substitution of Regulation 94.01.1 of the Regulations

24. The following Regulation is hereby substituted for Regulation 94.01.1 of the Regulations:

“Applicability

94.01.1 (1) This Part applies to –

- (a) non-type certificated aircraft operated within the Republic;
 - (b) non-type certificated aircraft registered in 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) 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.
- (3) 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.
- (4) Although flight 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) Notwithstanding the provisions of sub-regulations (3) and (4), a 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 aviation training organisation approved in terms of Part 141 and the airworthiness requirements in respect of a non-type certificated aircraft used in training are met.
- (6) The proviso referred to in sub-regulation (5) does not apply in respect of the conversion training, contemplated in sub-regulations (14) and (15) of Regulation 24.02.3.”.

Substitution of Regulation 96.01.1 of the Regulations

25. The following Regulation is hereby substituted for Regulation 96.01.1 of the Regulations:

“Applicability

96.01.1 (1) This Part applies to –

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

(2) A non-type certificated aircraft shall not be used in commercial air transport operations unless the operator is the holder of an appropriate air service licence issued in terms of the Air Services Licensing Act, 1990 (Act No. 115 of 1990) or the 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 1 or a Class 2 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 2, type G16, domestic air service licence for the purpose of flipping, as defined in sub-regulation (7).

(4) A non-type certificated aircraft shall not be used for flight training unless the operator is the holder of the appropriate aviation training organisation approval, issued in terms of Part 141 of these regulations.

(5) The provisions of Part 24, Part 91 and Part 94 of these Regulations apply, mutatis mutandis, 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 these Regulations.

(7) For the purpose of sub-regulation (3), flipping is defined as the carrying of fare-paying passengers for the purpose of sightseeing, 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;
- (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."

Amendment of Regulation 108.01.1 of the Regulations

26. Regulation 108.01.1 is amended by the substitution for paragraph (b) of the following paragraph:

"(b) security measures required for the storage and carriage of cargo by an air carrier".

Amendment of Regulation 108.01.2 of the Regulations

27. Regulation 108.01.2 is amended by –

- (a) the substitution for sub-regulations (1), (2) and (3) of the following sub-regulations:

“(1) Any person engaged in the acceptance or storage or forwarding or handling of cargo intended for carriage by air in an air carrier shall comply with the security controls prescribed by this Part.

(2) No air carrier shall carry unknown cargo.

(3) Air carriers shall treat all unaccompanied baggage as unknown cargo.”;

- (b) the substitution for sub-regulation (6) of the following sub-regulation:

“(6) Each regulated agent shall have a designated official responsible for the implementation, application and supervision of the security controls as prescribed by this Part and the Document SA-CATS-ACS and such designated official shall undergo the training as prescribed by Document SA-CATS-ACS.”.

Amendment of Regulation 108.02.1 of the Regulations

28. Regulation 108.02.1 is herewith amended by the substitution for paragraphs (c), (d), (e) and (f) of the following paragraphs:

- “(c) Ensure that the acceptance and handling of cargo and shipping documentation is carried out by trained personnel, who have received job specific cargo security training, as stipulated in the security manual, required in terms of Document SA-CATS-ACS;
- (d) Apply physical checks or screening in the manner prescribed in Document SA-CATS-ACS for the purpose of determining whether consignments of cargo contain any explosives, incendiary devices or any other prohibited or harmful articles which may be used to commit acts of unlawful interference;
- (e) Ensure that known cargo is sealed with tamper evident seals and that such seals are intact; and
- (f) Conduct background checks on all personnel recruited for accepting all cargo and processing shipping documentation, and storing, forwarding and/or handling of known cargo intended for carriage by air.”.

Amendment of Regulation 108.02.2 of the Regulations

29. Regulation 108.02.2 is herewith amended by-

- (a) the substitution in sub-regulation (1) for sub-paragraph (ii) of paragraph (c) of the following sub-paragraph:
 - “(ii) all personnel employed to handle known cargo, and shipping documentation, have been subjected to background checks and have received job specific cargo security familiarisation training as stipulated in Document SA-CATS-ACS;”;
- (b) the substitution in sub-regulation (1) for sub-paragraph (iv) of paragraph (c) of the following paragraph:
 - “(iv) consignment do not contain any explosives or other dangerous goods or devices or substances unless declared as such;”;
- (c) the addition in paragraph (c) of sub-regulation (1) after sub-paragraph (iv) of the following sub-paragraphs:
 - “(v) Air waybills, despatch notes or other valid transportation documents have been signed by authorised personnel; and
 - (vi) The cargo may be opened and examined for security reasons.”.

Amendment of Regulation 108.02.3 of the Regulations

30. Regulation 108.02.3 is herewith amended by –

- (a) the substitution in sub-regulation (2) for paragraph (b) of the following paragraph:
 - “(b) all personnel employed to handle cargo to be shipped by air and shipping documentation have been subjected to background checks and have received job specific cargo security familiarisation training as stipulated in Document SA-CATS-ACS;”;
- (b) the substitution in sub-regulation (2) for paragraph (f) of the following paragraph:
 - “(f) consignments of known cargo are sealed with tamper evident seals and that such seals remain intact whilst in his or her possession;”.

Amendment of Regulation 108.03.1 of the Regulations

31. Regulation 108.03.1 is herewith amended by –

- (a) the substitution for sub-regulation (1) of the following sub-regulation:

“(1) No air carrier may transport cargo by air unless a valid airway bill or other valid transport documentation accompanies it.”;

- (b) the addition of the following sub-regulation after sub-regulation (2):

“(3) Diplomatic cargo accompanied by an air waybill must comply with the provisions of the National Aviation Safety Plan, 2004.”.

Amendment of Regulation 108.03.2 of the Regulations

32. Regulation 108.03.2 is herewith amended by –

- (a) the substitution in sub-regulation (1) for the words preceding sub-paragraph (i) of the following words:

“(1) No cargo may be placed on board an air carriers' aircraft –“;

- (b) the substitution in sub-regulation (1) for sub-paragraph (ii) of the following sub-paragraph:

“(ii) unless it has been packed or made known and secured by a known consignor and handed to a regulated agent in compliance with the provisions of this Part.”;

- (c) the insertion in sub-regulation (1) of the word “or” at the end of sub-paragraph (i);

- (d) the substitution for sub-regulations (4) and (5) of the following sub-regulations:

“(4) The air carrier shall ensure that cargo is at all time safeguarded whilst on the ramp prior to loading on-board an aircraft.

(5) Prior to loading on-board a commercial air transport, the air carrier shall ensure that all cargo consignments are visually inspected to ensure that they have not been tampered with.”.

Amendment of Regulation 108.03.3 of the Regulations

33. Regulation 108.03.3 is herewith amended by –

- (a) the substitution for sub-regulation (1) of the following sub-regulation:

“(1) Cargo originating from a consignor that has not been subjected to the security controls prescribed in this Part and shall be treated as unknown cargo.”;

- (b) the substitution for sub-regulation (3) of the following sub-regulation:

“(3) Known cargo, where the seals on the packaging are broken or where there is evidence that the seals or the cargo has been tampered with, except where the cargo has been resealed with tamper proof seals by a regulated agent, shall be treated as unknown cargo.”;

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

“(4) Cargo presented as unknown cargo shall be subjected to security controls prescribed in this Part and Document SA-CATS-ACS before being loaded into an aircraft.”.

Amendment of Regulation 108.03.4 of the Regulations

- 34.** Regulation 108.03.4 is herewith amended by –

- (a) the substitution for the word “Postal Authority” wherever it appears of the word “Postal Company”;

- (b) the substitution for sub-regulation (1) of the following sub-regulation:

“(1) The Postal Company may apply for a certificate of approval as a regulated agent in terms of Regulation 108.05.1.”;

- (c) the substitution in sub-regulation (2) for paragraph (a) of the following paragraph:

“(a) Subjected to screening, sealed; and”;

- (d) the substitution for sub-regulation (3) of the following sub-regulation:

“(3) The Postal Company shall be responsible for the screening and sealing of mail before submitting the mail for carriage by air.”;

- (e) the substitution in sub-regulation (4) for the words preceding paragraph (a) of the following words:

“(4) For purposes of excluding the introduction of explosives, incendiary devices, or other prohibited/or harmful articles on board an air carrier’s aircraft, the following measures shall be applied:”;

- (f) the substitution in sub-regulation (5) for paragraph (a) of the following paragraph:

- “(a) the Postal Company shall declare that mail has been inspected and searched for explosives, incendiary and other prohibited or harmful articles which may be used to commit acts of unlawful interference;”.

Substitution of Regulation 108.03.6 of the Regulations

35. The following Regulation is herewith amended for Regulation 108.03.6:

“Transshipment cargo and mail

108.03.6 (1) Transshipment cargo and mail arriving by air, for onward carriage by air, need not be screened or searched provided that it was subjected to security controls at the point of origin and is protected against unlawful interference en route and at the transit points.

(2) Transshipment cargo or mail arriving by air, road, rail or sea for onward carriage by air that has not been subjected to security controls at the point of origin or en route and at the transit points, should be treated as unknown cargo and screened or searched accordingly.”.

Amendment of Regulation 108.03.7 of the Regulations

36. Regulation 108.03.7 is herewith amended by –

- (a) the substitution in sub-regulation (1) for paragraph (a) of the following paragraph:

“(a) transshipment cargo, as provided for in regulation 108.03.6 (1);”;

- (b) the substitution in sub-regulation (2) for paragraph (d) of the following paragraph:

“(d) protected from unlawful interference at all times.”;

- (c) the addition after sub-regulation (2) of the following sub-regulation:

“(3) The cargo mentioned in sub-regulation (1) is only exempted from security controls if it is tendered by a regulated agent.”.

Amendment of Regulation 108.03.8 of the Regulations

37. Regulation 108.03.8 is herewith amended by –

- (a) the substitution for the words preceding paragraph (a) of the following words:

“Any air carrier or regulated agent shall have the right –“;

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

“(b) without assuming any liability, to refuse, delay or return any cargo, if there is a reasonable belief that the cargo may contain explosives or dangerous devices.”.

Substitution of Regulation 108.04.1 of the Regulations

38. The following Regulation is herewith substituted for Regulation 108.04.1:

“Requirements for security screening equipment

108.04.1 (1) Any equipment operated by an air carrier or regulated agent to screen cargo, shall meet the minimum technical specifications set out in Annexure to the National Aviation Safety Plan, 2004.

(2) The equipment referred to in sub-regulation (1) shall be maintained in accordance with the manufacturer’s specifications, and shall comply with any other requirement that is prescribed by legislation.”.

Amendment of Regulation 108.05.2 of the Regulations

39. Regulation 108.05.2 is herewith amended by the substitution for sub-regulation (3) of the following sub-regulation:

“(3) The regulated agent shall submit all amendments to an approved security manual to the Commissioner for approval.”.

Amendment of Regulation 108.05.3 of the Regulations

40. Regulation 108.05.3 is herewith amended by –

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

“(4) If the Commissioner is not so satisfied, he or she shall notify the regulated agent, stating the reasons in the notification, and grant the regulated agent 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.”;

(b) the substitution for sub-regulation (6) of the following sub-regulation:

“(6) The provisions of regulation 108.05.1 shall apply mutatis mutandis to the application for renewal of certificate of approval.”;

Amendment of Regulation 108.05.8 of the Regulations

41. Regulation 108.05.8 is herewith amended by –

(a) the substitution for sub-regulation (2) of the following sub-regulation:

“(2) In considering an application for renewal of the accreditation certificate the Commissioner may conduct the investigation he or she deems necessary to ascertain whether the applicant continues to comply with the requirements of this Part.”;

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

“(4) If the Commissioner is not so satisfied he or she shall notify the known consignor, stating the reasons in the notification, and grant the known consignor 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.”;

(c) the substitution for sub-regulation (6) of the following sub-regulation:

“(6) The provisions of regulation 108.05.5 shall apply mutatis mutandis to the application for the renewal of certificate of approval.”;

Substitution of Regulation 108.05.9 of the Regulations

42. The following Regulation is herewith substituted for the following regulation:

“Inspection fee

108.05.9 Where a non-compliance with these regulations is identified, necessitating further inspection, such an inspection shall be charged at the hourly rate, which excludes travelling time, as set out in Regulation 187.00.29.”.

Amendment of Regulation 108.05.10 of the Regulations

43. Regulation 108.05.10 is herewith amended by –

(a) the substitution in sub-regulation (1) for the words preceding paragraph (a) of the following words:

“(1) The Commissioner may upon application in writing by a person, validate any foreign certificate issued for air cargo security training, if the holder of the certificate submits documentary proof that –“;

(b) the substitution for sub-regulation (3) of the following sub-regulation:

“(3) The provisions of Regulation 108.06.2 shall apply mutatis mutandis to the holder of a certificate referred to in sub-regulation (1).”.

Amendment of Regulation 108.05.12 of the Regulations

44. Regulation 108.05.12 is herewith amended by the renumbering of the current sub-regulation (5) as sub-regulation (3) in order to correct a typing error”.

Amendment of Regulation 108.06.1

45. Regulation 108.06.1 is herewith amended by –

(a) the substitution in sub-regulation (1) for paragraphs (a) and (b) of the following paragraphs:

- (a) air carrier involved in the transportation of cargo;
- (b) person who performs the act of accepting, handling, loading, unloading, transferring or other processing of cargo, on behalf of an air carrier;”;

(b) the substitution in sub-regulation (1) for the words preceding sub-paragraph (i) of the following words:

“shall ensure that the following categories of personnel in his, her or its employ, or personnel provided by a service provider, successfully complete air cargo security familiarisation training and refresher training every 24 months thereafter.”;

(c) the substitution in paragraph (d) of sub-regulation (1) for sub-paragraph (i) of the following sub-paragraph:

“(i) personnel involved in acceptance, handling, storage, loading and unloading of cargo, and shipping documentation, to be transported by air;”;

(d) the substitution for sub-regulation (3) of the following sub-regulation:
“(3) Any person referred to in sub-regulation (1) shall complete refresher air cargo security familiarisation training every 24 months, calculated from the date of the successful completion of the air cargo security familiarisation training or the preceding air cargo security familiarisation training, as the case may be.”.

Amendment of Regulation 108.06.2 of the Regulations

46. Regulation 108.06.2 is herewith amended by –

- (a) the substitution in sub-regulation (1) for paragraph (a) of the following paragraph:
- “(a) air carrier involved in the transportation of cargo;”;
- (b) the substitution in sub-regulation (1) for the words preceding sub-paragraph (i) and sub-paragraphs (i), (ii) and (iii) of the following words and sub-paragraphs:
- “shall ensure that the following categories of personnel in his, her or its employ, or personnel provided by a service provider, have successfully completed standard air cargo security training and refresher training every 24 months thereafter:
- (i) Air cargo security officers;
 - (ii) Air cargo security supervisor; and
 - (iii) Air cargo security manager.”;
- (c) the substitution for sub-regulation (4) of the following sub-regulation:
- “(4) Any person referred to in sub-regulation (1) shall complete refresher standard cargo security training every 24 months.”.

Insertion of Part 109 in the Regulations

47. The following Part is hereby inserted in the Regulations after Part 108:

“PART 109: AVIATION SECURITY TRAINING ORGANISATIONS

SUBPART 1: GENERAL

- 109.01.1 Applicability
- 109.01.2 Designation of body or institution
- 109.01.3 Display of aviation security training organisation approval
- 109.01.4 Advertisements
- 109.01.5 Security inspections and audits
- 109.01.6 Suspension, cancellation and appeal
- 109.01.7 Register of approvals

SUBPART 2: APPROVAL OF ORGANISATION (AVIATION SECURITY TRAINING)

- 109.02.1 Requirement for approval

- 109.02.2 Manual of procedure
- 109.02.3 Quality control system
- 109.02.4 Personnel requirements
- 109.02.5 Accommodation, facilities and equipment
- 109.02.6 Application for approval or amendment thereof
- 109.02.7 Issuing of approval
- 109.02.8 Scope of approval
- 109.02.9 Period of validity
- 109.02.10 Transferability
- 109.02.11 Changes in quality control system
- 109.02.12 Renewal of approval
- 109.02.13 Duties of holder of approval
- 109.02.14 Documents and records

SUBPART 1: GENERAL

Applicability

109.01.1 (1) This part applies to the approval and operation of organisations conducting –

- (a) aviation security training; and
- (b) aviation security awareness training.

(2) For purposes of this Part, aviation security training means the training referred to in sub-regulation (1) (a) and (b).

Designation of body or institution

109.01.2 (1) The Commissioner may, subject to the provisions of section 4(2) and (3) of the Act, by notice in the Government Gazette, designate a body or institution to –

- (a) exercise control over the aviation security training specified in the Regulations, and over the persons conducting such training;
- (b) determine standards for the aviation security training and for the training of such persons as prescribed in Document SA-CATS-ASTO;
- (c) issue, confirm, suspend or withdraw certificates for the successful completion of the aviation security training, and keep all books or documents regarding such training; and

- (d) advise the Commissioner on any matter connected with the aviation security training or persons.

(2) The powers and duties referred to in sub-regulation (1) shall be exercised and performed according to the conditions, rules, requirements, procedures or standards as prescribed in Document SA-CATS-ASTO.

Display of aviation security training organisation approval

109.01.3 The holder of an aviation security training 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

109.01.4 Any advertisement by an organisation indicating that it is an aviation security training organisation, shall –

- (a) reflect the number of the aviation security training organisation approval issued by the Commissioner; and
- (b) contain a reference to the aviation security training for which such approval was issued.

Security inspections and audits

109.01.5 (1) An applicant for the issuing of an aviation security training organisation approval shall permit an authorised officer, inspector or authorised person to carry out such security inspections and audits which may be necessary to verify the validity of any application made in terms of Regulation 109.02.6.

(2) The holder of an aviation security training organisation approval shall permit an authorised officer, inspector or authorised person to carry out such security inspections and audits which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

Suspension, cancellation and appeal

109.01.6 (1) An authorised officer, inspector or authorised person may suspend an approval issued under this Part if –

- (a) immediate suspension is necessary in the interests of aviation safety and security;
- (b) an authorised officer, inspector or authorised person is prevented by the holder of the approval from carrying out any safety inspection and audit

or from performing any of the functions that the authorised officer, inspector or authorised person is permitted to perform in terms of the Act and these Regulations; or

- (c) it is evident that the holder of the approval does not comply with the relevant requirements prescribed in this Part, after such holder has been given at least 14 days within which to comply therewith and has been notified of the proposed suspension and the purpose thereof.

(2) The notice of suspension must be given in writing, stating the reasons for the suspension.

(3) An authorised officer, inspector or authorized person who has suspended an approval must, within 7 days, submit a report in writing to the Commissioner with a proof that a copy thereof has been submitted to the person concerned, stating the reasons why, in his or her opinion, the suspended approval should be withdrawn or restored.

(4) A person whose approval has been suspended in terms of sub-regulation (1) may appeal, to the Commissioner, against such suspension within 14 days from the date of such suspension.

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

(6) The appellant must furnish proof to the Commissioner that a copy of the appeal and any documents supporting such appeal have been served on the authorised officer, inspector or authorised person concerned.

(7) The Commissioner must consider the appeal referred to in sub-regulation (4) within 14 days of receipt thereof.

(8) The Commissioner may at any time extend, confirm, vary or set aside the suspension.

(9) The Commissioner may cancel the approval if –

- (a) he or she confirms the suspension in terms of sub-regulation (8); or
- (b) the holder of the approval does not appeal against the suspension referred to in sub-regulation (1).

(10) The holder of the approval, who feels aggrieved by the cancellation referred to in sub-regulation (9), may appeal against such cancellation to the Minister, within 30 days from the date the holder is notified about the cancellation.

(11) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the Commissioner, and must furnish proof of such submission to the Minister.

(12) The Commissioner must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (10), deliver his or her written reply to such appeal together with the report that has been submitted to him or her, in terms of sub-regulation (3).

(13) The Minister may –

- (a) adjudicate or authorize the adjudication of the appeal on the basis of the documents submitted to him or her;
- (b) order the appellant and the Commissioner, the authorized officer, inspector or authorized person concerned to appear before him or her or before the authorized adjudicator to give evidence, either in person or through a representative, at a time and place determined by the Minister or the authorized adjudicator.

(14) The Minister or the authorized adjudicator may confirm, vary or set aside the cancellation referred to in sub-regulation (9).

(15) The Commissioner may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (3) and (4).

(16) The Minister may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (10) and (12).

(17) In adjudicating the appeals in terms of this regulation, the Commissioner and the Minister or the authorised adjudicator referred to in sub-regulation (13) may afford the appellant –

- (a) a reasonable opportunity to make representation;
- (b) an opportunity to appear in person; and
- (c) an opportunity to present and dispute evidence and arguments.

(18) The Commissioner and the Minister must within 14 days of their decision, furnish written reasons to the parties cited in the appeal, for any decision taken pursuant to the appeal.

Register of approvals

109.01.7 (1) The Commissioner shall maintain a register of all aviation security training organisation approvals issued in terms of the regulations in this Part.

(2) The register shall contain the following particulars:

- (a) full names of the holder of the approval;
- (b) the postal address of the holder of the approval;
- (c) the date on which the approval was issued or renewed;
- (d) particulars of the scope of the approval issued to the holder thereof;
- (e) the nationality of the holder of the approval; and

- (f) the principal place of business of the holder of approval.
- (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 ORGANISATION (AVIATION SECURITY TRAINING)

Requirement for approval

109.02.1 No organisation shall conduct aviation security training except under the authority of, and in accordance with the provisions of, an aviation security training organisation approval issued under this Subpart.

Manual of procedure

109.02.2 An applicant for the issuing of an aviation security training 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-ASTO.

Quality control system

109.02.3 (1) The applicant shall establish a quality control system, to be included in its manual of procedure, for the control and supervision of the aviation security training covered by the application.

(2) The minimum standards for a quality control system are as prescribed in Document SA-CATS-ASTO.

Personnel requirements

109.02.4 (1) The applicant shall engage, employ or contract –

- (a) a senior person 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 quality control, and who has direct access to the senior person referred to in paragraph (a) on matters affecting aviation security; and
 - (c) adequate personnel to plan conduct and supervise the aviation security training covered by the application.

(2) The applicant shall establish a procedure for initially assessing, and a procedure for maintaining, the competence of those personnel involved in planning, conducting or supervising the aviation security training covered by the application.

(3) The applicant shall have personnel responsible for training or assessing students, who have competence and experience adequate for the level of competence required for such training or assessment.

Accommodation, facilities and equipment

109.02.5 The applicant shall have adequate accommodation, facilities and equipment to enable the personnel to conduct the aviation security training covered by the application.

Application for approval or amendment thereof

109.02.6 An application for the issuing of an aviation security training organisation approval, or an amendment thereof, shall be –

- (a) made to the Commissioner in the appropriate form as prescribed in Document SA-CATS-ASTO; and
- (b) accompanied by –
 - (i) the appropriate fee as prescribed in Part 187;
 - (ii) the manual of procedure referred to in regulation 109.02.2; and
 - (iii) copies of training material to be used in such training

Issuing of approval

109.02.7 (1) The Commissioner shall issue an aviation security training organisation approval if –

- (a) the applicant complies with the requirements prescribed in Regulations 109.02.2 to 109.02.5;
- (b) the applicant's senior personnel required by Regulation 109.02.4 have never held a senior position in a security training organisation whose approval to conduct such training was cancelled by the Commissioner or the Minister as contemplated in Regulation 109.01.6.

(2) The Commissioner shall issue the approval on the appropriate form as prescribed in Document SA-CATS-ASTO.

Scope of approval

109.02.8 An aviation security training organisation approval shall specify the aviation security training which the holder of the approval is entitled to conduct as prescribed in Document SA-CATS-ASTO.

Period of validity

109.02.9 (1) An aviation security training 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 or the Minister, in terms of Regulation 109.01.6.

(3) The holder of an approval which has expired or cancelled, 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.

Transferability

109.02.10 An aviation security training organisation approval is not transferable.

Changes in quality control system

109.02.11 (1) If the holder of an aviation security training organisation approval desires to make a material change in the quality control system referred to in Regulation 109.02.3, such holder shall apply to the Commissioner for the approval of such change.

(2) The provisions of Regulation 109.02.6 shall apply mutatis mutandis to an application for the approval of a change in the quality control system.

(3) An application for the approval of a change in the quality control system shall be granted if the Commissioner is satisfied, upon submission of appropriate proposed changes to its manual of procedure that the applicant will continue to comply with the provisions of Regulation 109.02.2, after the implementation of such approved change.

Renewal of approval

109.02.12 (1) An application for the renewal of an aviation security training organisation approval shall be –

- (a) made to the Commissioner in the appropriate form as prescribed in Document SA-CATS-ASTO; and
- (b) be accompanied by –
 - (i) the appropriate fee as prescribed in Part 187;
 - (ii) the manual of procedure referred to in regulation 109.02.2; and
 - (iii) copies of training material to be used in such training

(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.

Duties of holder of approval

109.02.13 The holder of an aviation security training organisation approval shall –

- (a) hold at least one complete and current copy of its manual of procedure referred to in Regulation 109.02.2, at each training facility 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 personnel who require those parts to carry out their duties; and
- (d) continue to comply with the appropriate requirements prescribed in Document SA-CATS-ASTO.

Documents and records

109.02.14 (1) The holder of an aviation security training organisation approval shall –

- (a) keep copies of all relevant documents which may be necessary –
 - (i) for the specified aviation security training conducted by such holder; and
 - (ii) to determine compliance with the appropriate requirements prescribed in this Subpart; and

- (b) establish procedures to control the documents referred to in paragraph (a) to ensure that –
 - (i) all documents are reviewed and authorised by the appropriate personnel before the issuing thereof;
 - (ii) current issues of all relevant documents are available to those personnel involved in planning, conducting or supervising the specified aviation security training undertaken by the holder of the approval;
 - (iii) all obsolete documents are promptly removed from all points of issue or use; and
 - (iv) changes to documents are reviewed and authorised by the appropriate personnel.
- (2) The holder of the approval shall establish procedures to identify, collect, index, store and maintain all records which may be necessary for the specified aviation security training conducted by such holder and to determine compliance with the appropriate requirements prescribed in this Subpart, and to ensure that –
- (a) a record is kept of each quality control review of the holder of the approval;
 - (b) a record is kept of each person who conducts the specified aviation security training, including particulars of the competence assessments and experience of each such person;
 - (c) a record is kept of each student being trained or assessed by the holder of the approval, including particulars of enrolment, attendance, modules, instructor comments and practical sessions and assessments of each such student;
 - (d) all records are legible; and
 - (e) all records are kept for a period of at least five years calculated from the date of the last entry made in such records.”.

Insertion of Part 110 in the Regulations

48. The following Part is hereby inserted in the Regulations after Part 109:

“PART 110: AVIATION SECURITY SCREENER CERTIFICATION

SUBPART 1: GENERAL

- 110.01.1 Applicability
- 110.01.2 Authority to act as a screener
- 110.01.3 Competency
- 110.01.4 Documentation
- 110.01.5 Logbooks

- 110.01.6 Medical fitness
- 110.01.7 Register of certification
- 110.01.8 Language
- 110.01.9 Designation of examiner
- 110.01.10 Suspension, cancellation and appeal

SUBPART 2: SCREENER CERTIFICATION

- 110.02.1 Requirements for cabin screener certification
- 110.02.2 Training
- 110.02.3 Theoretical knowledge examination
- 110.02.4 Skill test
- 110.02.5 Application for screener certification
- 110.02.6 Issuing of screener certification
- 110.02.7 Validation of certification issued by appropriate authority
- 110.02.8 Period of validity
- 110.02.9 Privileges

SUBPART 1: GENERAL

Applicability

110.01.1 This part applies to the certification of screeners, the functions and limitations of such certification and matters related thereto.

Authority to act as a screener

110.01.2 (1) No person shall act as a screener at a South African airport, airline or regulated agent unless such person is the holder of a valid screener certification issued by the Commissioner in terms of this Part.

(2) No screener shall perform functions other than the functions afforded by the certification held by such screener.

(3) The holder of a screener certification shall pay the annual currency fees as prescribed in Part 187 applicable to the type of certification on the anniversary date of such certification.

Competency

110.01.3 (1) No screener shall perform the functions afforded by a screener certification unless such screener maintains competency by complying with the requirements prescribed in this part.

(2) The holder of a screener certification shall submit copies of all documentation reflecting continued maintenance of competency to the Commissioner within 7 days after compliance with the appropriate requirements prescribed in this Part.

Documentation

110.01.4 The Commissioner shall ensure that a screener certification is issued in such a manner that the validity thereof may readily be determined by any appropriate authority.

Logbooks

110.01.5 (1) A screener certified to operate technical screening equipment shall maintain a logbook and shall record therein all the time spent as a screener.

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

Register of certification

110.01.6 (1) The Commissioner shall maintain a register of all screener certification issued in terms of the regulations in this part.

(2) The register shall contain the following particulars –

- (a) full names of the holder of the certification;
- (b) the physical and postal address of the holder of the certification;
- (c) the date on which the certification was issued;
- (d) the nationality of the holder of the certification; and
- (e) the organisation in which the holder thereof is employed.

(3) The particulars referred to in sub-regulation (2) shall be recorded in the register within seven days from the date on which the certification is issued.

(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.

Language

110.01.7 Screeners shall have sufficient ability in reading, speaking and understanding the English language to enable them to adequately carry out their responsibilities as screeners.

Designation of examiner

110.01.8 (1) The Commissioner may, subject to the provisions of section 4(2) and (3) of the Act, designate an examiner to conduct skill tests and to issue skill test reports.

(2) The privileges referred to in sub-regulation (1) shall be exercised and performed according to the conditions, rules, requirements, procedures or standards as prescribed in Document SA-CATS-AVSS.

(3) The Commissioner shall sign and issue to each designated examiner a document which states the full names of such examiner and contain a statement that –

- (a) such examiner has been designated in terms of sub-regulation (1); and
- (b) such examiner is empowered to perform the functions referred to in sub-regulation (1).

(4) The application to be considered for designation as referred to in sub-regulation (1) shall be accompanied by –

- (a) detail of the approval or licence to which the application applies; and
- (b) the appropriate fee as prescribed in Part 187.

Suspension, cancellation and appeal

110.01.9 (1) An authorised officer, inspector or authorised person may suspend a certificate issued under this Part if –

- (a) immediate suspension is necessary in the interests of aviation safety and security;
- (b) an authorised officer, inspector or authorised person is prevented by the holder of the certificate from carrying out any safety inspection and audit or from performing any of the functions that the authorised officer, inspector or authorised person is permitted to perform in terms of the Act and these Regulations; or
- (c) it is evident that the holder of the certificate does not comply with the relevant requirements prescribed in this Part, after such holder has been given at least 14 days within which to comply therewith and has been notified of the proposed suspension and the purpose thereof.

(3) The notice of suspension must be given in writing, stating the reasons for the suspension.

- (3) An authorised officer, inspector or authorized person who has suspended a certificate must, within 7 days, submit a report in writing to the Commissioner with a proof that a copy thereof has been submitted to the person concerned, stating the reasons why, in his or her opinion, the suspended certificate should be withdrawn or restored.
- (4) A person whose certificate has been suspended in terms of sub-regulation (1) may appeal, to the Commissioner, against such suspension within 14 days from the date of such suspension.
- (6) The appeal referred to in sub-regulation (4), must be in writing, and stating the reasons why, in the appellant's opinion, the suspension should be varied or set aside.
- (6) The appellant must furnish proof to the Commissioner that a copy of the appeal and any documents supporting such appeal have been served on the authorised officer, inspector or authorised person concerned.
- (7) The Commissioner must consider the appeal referred to in sub-regulation (4) within 14 days of receipt thereof.
- (8) The Commissioner may at any time extend, confirm, vary or set aside the suspension.
- (9) The Commissioner may cancel the certificate if –
- (a) he or she confirms the suspension in terms of sub-regulation (8); or
 - (b) the holder of the certificate does not appeal against the suspension referred to in sub-regulation (1).
- (10) The holder of the certificate, who feels aggrieved by the cancellation referred to in sub-regulation (9), may appeal against such cancellation to the Minister, within 30 days from the date the holder is notified about the cancellation.
- (11) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the Commissioner, and must furnish proof of such submission to the Minister.
- (12) The Commissioner must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (10), deliver his or her written reply to such appeal together with the report that has been submitted to him or her, in terms of sub-regulation (3).
- (13) The Minister may –
- (3) adjudicate or authorize the adjudication of the appeal on the basis of the documents submitted to him or her;
 - (4) order the appellant and the Commissioner, the authorized officer, inspector or authorized person concerned to appear before him or her or

before the authorized adjudicator to give evidence, either in person or through a representative, at a time and place determined by the Minister or the authorized adjudicator.

(14) The Minister or the authorized adjudicator may confirm, vary or set aside the cancellation referred to in sub-regulation (9).

(15) The Commissioner may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (3) and (4).

(16) The Minister may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (10) and (12).

(17) In adjudicating the appeals in terms of this regulation, the Commissioner and the Minister or the authorised adjudicator referred to in sub-regulation (13) may afford the appellant –

- (a) a reasonable opportunity to make representation;
- (b) an opportunity to appear in person; and
- (c) an opportunity to present and dispute evidence and arguments.

(18) The Commissioner and the Minister must within 14 days of their decision, furnish written reasons to the parties cited in the appeal, for any decision taken pursuant to the appeal.

SUBPART 2: SCREENER CERTIFICATION

Requirements for screener certification

110.02.1 An applicant for the issuing of a screener certification shall –

- (a) be not less than 18 years of age;
- (b) hold a valid Class 2 medical certificate issued as prescribed in Document SA-CATS-AVSS;
- (c) have successfully completed the training referred to in Regulation 110.02.2;
- (d) have passed the theoretical knowledge examination referred to in Regulation 110.02.3;
- (e) have undergone the skill test referred to in Regulation 110.02.4;
- (f) have undergone the background checks;
- (g) have a minimum qualification as prescribed in Document SA-CATS-AVSS.

Training

110.02.2 (1) An applicant for the issuing of a screener certification shall have successfully completed the appropriate training as prescribed in Document SA-CATS-AVSS.

(2) The training contemplated in this Part shall be conducted by the holder of an aviation training organisation approval issued in terms of Part 109.

Theoretical knowledge examination

110.02.3 (1) An applicant for the issuing of a screener certification shall have passed the appropriate theoretical knowledge examination as prescribed in Document SA-CATS-AVSS.

(2) The applicant who fails a theoretical knowledge examination may apply for retesting after the appropriate period specified in Document SA-CATS-AVSS.

Skill test

110.02.4 (1) An applicant for the issuing of a screener certification shall demonstrate to an aviation security designated examiner, the ability to perform as a screener, the procedures as prescribed in Document SA-CATS-AVSS.

(2) The applicant shall undergo the skill test referred to in sub-regulation (1) within three months of passing the theoretical knowledge examination referred to in regulation 110.02.3.

Application for screener certification

110.02.5 An application for the issuing of a screener certification shall be –

- (a) made to the Commissioner in the appropriate form as prescribed in Document SA-CATS-AVSS; and
- (b) accompanied by –
 - (i) original or certified copy of –
 - (aa) the identity document of the applicant; and
 - (bb) the Grade C or equivalent qualification issued by the Private Security Industry Regulatory Authority;
 - (ii) a valid medical certificate issued as prescribed in Document SA-CATS-AVSS;
 - (iii) the original or certified proof that the applicant has passed the theoretical knowledge examination referred to in Regulation 110.02.3;

- (iv) the skills test report as prescribed in Document SA-CATS-AVSS, signed by a designated examiner;
- (v) the appropriate fee as prescribed in Part 187; and
- (vi) two recent passport size photographs of the applicant.

Issuing of screener certification

110.02.6 (1) The Commissioner shall issue a screener certification if the applicant complies with the requirements referred to in Regulation 110.02.1.

(2) A certification shall be issued on the appropriate form as prescribed in Document SA-CATS-AVSS.

(3) Upon the issuing of a certification the holder thereof shall forthwith affix his or her signature in ink in the space on the certification provided for such purpose.

Validation of certification issued by appropriate authority

110.02.7 (1) The holder of a certification issued by a foreign authority, who desires to act as a screener at a South African airport, airline or regulated agent, shall apply to the Commissioner in the appropriate form as prescribed in Document SA-CATS-AVSS, for a validation of such certification.

(2) The application for a validation referred to in sub-regulation (1) shall be accompanied by –

- (a) a certified true copy of the certification to which the validation refers;
- (b) a valid medical certificate, if applicable; and
- (c) the appropriate fee as prescribed in Part 187.

(3) Certification issued by an appropriate authority may be validated by the Commissioner –

- (a) subject to the same restrictions which apply to such certification;
- (b) in accordance with and subject to the requirements and conditions as prescribed in Document SA-CATS-AVSS; and
- (c) on the appropriate form as prescribed in Document SA-CATS-AVSS.

(4) The validation issued by the Commissioner is valid for –

- (a) 12 months calculated from the date of issue of such a validation; or
- (b) the period of validity of the certification issued by the appropriate authority concerned,

whichever period is the lesser .

(5) The holder of a validation issued by the Commissioner may, subject to the provisions of sub-regulation (6), apply to the Commissioner for the renewal of such validation at least 21 days immediately preceding the date of expiry of such validation.

(6) The Commissioner may renew a validation of a certification in the circumstances and on conditions as prescribed in Document SA-CATS-AVSS: Provided that a validation of certification, the functions of which are to be performed for commercial purposes, may only be renewed for the same period as referred to in sub-regulation (4).

(7) The holder of a validation issued by the Commissioner shall comply with the provisions prescribed in this part and the requirements and conditions as prescribed in Document SA-CATS-AVSS.

Period of validity

110.02.8 A screener certification is valid for 5 years, subject to re-validation every 12 months and provided that the holder thereof –

- (a) Complies with the requirements of a screener as prescribed in these Regulations;
- (b) is still employed to perform the functions of screener.

Functions

110.02.9 (1) The holder of a valid screener certification shall be entitled to perform screening duties for which the holder received his or her training referred to in Document SA-CATS-AVSS and which is specified on such certification.

(2) The functions afforded to the holder of screener certification shall not be exercised by such holder unless he or she –

- (a) is the holder of a valid Class 2 medical certificate issued as prescribed in Document SA-CATS-AVSS; and
- (b) undergoes the refresher or recurrent training during the year with retesting to occur no less than every 12 months.”.

Substitution of Regulation 121.05.5 of the Regulations

49. The following Regulation is hereby substituted for Regulation 121.05.5 of the Regulations:

“Ground proximity warning system

121.05.5 (1) As from 1 January 2011, all turbine-engine aeroplanes of a maximum certificated take-off mass in excess of 5 700 kg or authorized to carry more than nine passengers shall be equipped with a ground proximity warning system.

(2) All turbine-engine aeroplanes of a maximum certificated take-off mass in excess of 5 700 kg or authorized to carry more than nine passengers, for which the individual certificate of airworthiness is first issued on or after 1 January 2010, shall be equipped with a ground proximity warning system which has a predictive terrain avoidance function.

(3) As from 1 January 2011, all turbine-engine aeroplanes of a maximum certificated take-off mass in excess of 5 700 kg or authorized to carry more than nine passengers, shall be equipped with a ground proximity warning system which has a predictive terrain avoidance function.

(4) As from 1 January 2012 all piston-engine aeroplanes of a maximum certificated take-off mass in excess of 5 700 kg or authorized to carry more than nine passengers shall be equipped with a ground proximity warning system which provides the warnings contemplated in paragraphs (a) and (c) of sub-regulation (6), warning of unsafe terrain clearance and a predictive terrain avoidance function.

(5) A ground proximity warning system shall automatically provide a timely and distinctive warning to the flight crew when the aeroplane is in potentially hazardous proximity to the earth's surface.

(6) A ground proximity warning system shall provide, unless otherwise specified herein, warnings of the following circumstances –

- (a) excessive descent rate;
- (b) excessive terrain closure rate;
- (c) excessive altitude loss after take-off or go-around;
- (d) unsafe terrain clearance while not in landing configuration;
 - (i) gear not locked down; or
 - (ii) flaps not in a landing position; and
- (e) excessive descent below the instrument glide path.”

Amendment of Regulation 138.01.1 of the Regulations

50. Regulation 138.01.1 is hereby amended by –

- (a) the substitution in sub-regulation (1) for paragraph (a) of the following paragraph:
 - “(a) aircraft registered in the Republic and engaged in commercial air ambulance operation;”;
- (b) the substitution in sub-regulation (1) for paragraph (c) of the following paragraph:
 - “(c) foreign-registered aircraft engaged in commercial air ambulance operations to transport one or more patients within or out of the Republic; and”.

Amendment of Regulation 138.01.2 of the Regulations

51. Regulation 138.01.2 is hereby amended by –

- (a) the numbering of the existing sub-regulation as sub-regulation (1); and
- (b) the addition after sub-regulation (1) of the following sub-regulations:

“(2) Only aircraft that has been certified on its certificate of airworthiness for use as air ambulance may be used in commercial air ambulance operations.

(3) An operator, engaged in commercial air ambulance operations who wishes to utilise an aircraft that has not been certified for air ambulance operations as a substitute for one of its certified aircraft, shall utilize such aircraft for a maximum of seven (7) consecutive days only or during a period of maximum fourteen (14) days, provided that such aircraft is essentially configured according to the provisions of this Part.

(4) In the event that it is not be possible to adhere of the conditions, prescribed in sub-regulation (3) above, the operator shall obtain approval from the Commissioner for the utilisation of the aircraft which is not certified for air ambulance operation.”.

Substitution of Regulation 138.02.1 of the Regulations

52. The following Regulation is hereby substituted for Regulation 138.02.1 of the Regulations:

“Pilot qualifications

138.02.1 (1) The pilot of aircraft engaged in air ambulance operations shall –

- (a) as a minimum be the holder of a valid commercial pilot licence with night rating appropriate to the category and type of air ambulance aircraft and the mission to be flown;
- (b) have received training and terrain and demonstrated minimum competency for the relevant mission to be flown, as prescribed in the manual of procedure; and
- (c) have successfully completed the training referred to in Subpart 3.

(2) The manual of procedure of the operator shall set minimum criteria for qualifications of pilots to be used for the missions intended.”.

Substitution of Regulation 138.02.2 of the Regulations

53. The following Regulation is hereby substituted for Regulation 138.02.2 of the Regulations:

“Medical qualifications

138.02.2 Medical personnel and medical service providers involved in air ambulance operations shall comply with the relevant legislation and regulations administered by the Department of Health, the Health Professions Council of South Africa and the South African Nursing Council, as the case may be.”.

Substitution of Regulation 138.03.1 of the Regulations

54. The following Regulation is hereby substituted for Regulation 138.03.1 of the Regulations:

“Training of flight crew, medical personnel and operations personnel

138.03.1 (1) The owner or operator of an aircraft engaged in an air ambulance operation shall ensure that each flight crew member, medical personnel and operations personnel, assigned to an air ambulance operation, has successfully completed the initial or recurrent training, as the case may be, as prescribed in Document SA-CATS-OPS 138.

(2) Notwithstanding the provisions of sub-regulation (1), a medical specialist who is not trained in accordance with these regulations may be taken on a specific air ambulance operation, in addition to the regular medical personnel, for the benefit of the patient.

(3) The operator shall ensure that all flight crew members, medical personnel or operations personnel, as the case may be, who have not completed the training as referred to in sub-regulation (1), shall have a standard safety briefing pertaining to the aircraft to be used for the operation.

(4) The owner or operator of an air ambulance operation shall ensure that no flight crew member, medical personnel or operations personnel whose training has expired, is assigned flight duties on an aircraft engaged in an air ambulance operation until such time that such member undergoes recurrent training.

(5) Notwithstanding sub-regulation (4) above, a flight crew member, medical personnel or operations personnel, as the case may be, may be assigned flight duties without having undergone recurrent training as stipulated in sub-regulation (4) above: Provided that such flight crew member, medical personnel or operations personnel, as the case may be:

- (a) undergoes such recurrent training within a period not exceeding six (6) months from the date of expiry of the preceding training;
- (b) is, during the period of assignment, assigned to duties with at least one flight crew member, medical personnel or operations personnel, as the case may be, whose training has not expired; and
- (c) has, during the period of assignment, not been off active duty for a period exceeding three (3) months.

(6) Any training required by this Part shall be conducted in accordance with the relevant requirements of this Part or by an aviation training organisation approved in terms of Part 141.”.

Substitution of Regulation 138.04.3 of the Regulations

55. The following Regulation is hereby substituted for Regulation 138.04.3 of the Regulations:

“Training records

138.04.3 (1) The owner or operator of an aircraft engaged in an air ambulance operation shall retain records of all training undertaken in terms of this Part by the flight crew, medical and operations personnel in his, her or its employ.

(2) The records referred to in sub-regulation (1) above, shall be valid for a period of 12 calendar months calculated from the last day of the calendar month in which such training is given.

(3) The owner or operator of an aircraft engaged in an air ambulance operation shall retain the records of each flight crew member, medical personnel and operations personnel for a period of at least 12 months from the date on which the flight crew member, medical personnel or operations personnel has left the employ of such owner or operator.”.

Substitution of Regulation 138.05.1 of the Regulations

56. The following Regulation is hereby substituted for Regulation 138.05.1 of the Regulations:

“Aircraft configuration

138.05.1 (1) The owner or operator of an aircraft engaged in air ambulance operations shall ensure that the cabin of the aircraft –

- (a) has an entry which allows loading of the patient without excessive maneuvering and which is not greater than 45° tilt along the lateral axis and not greater than 30° tilt along the longitudinal axis;
- (b) has an entry that allows loading or unloading without compromising the functioning of the monitoring systems, IV lines and manual or mechanical ventilation; and
- (c) must be able to accommodate volumetrically, as a minimum:
 - (i) one stretcher unit large enough to carry a 95 percentile patient full length in supine position (6ft stretcher);
 - (ii) two medical personnel, with sufficient access to the patient from a secured seat-belted position; and
 - (iii) all the medical equipment required by the medical service provider for the operation.

(2) If the owner or operator has to modify the aircraft in order to comply with the provisions of this Subpart, such owner or operator shall obtain prior written approval from the Commissioner for such modification.”.

Substitution of Regulation 138.05.2 of the Regulations

57. The following Regulation is hereby substituted for Regulation 138.05.2 of the Regulations:

“Lighting and electrical equipment

138.05.2 (1) The owner or operator of an aircraft engaged in an air ambulance operation shall ensure that –

- (a) adequate lighting equipment is provided in the patient care area;
- (b) portable lighting equipment is provided for use in the event of a failure or inability to utilise the main electrical system;
- (c) the cockpit or the flight deck, as the case may be, is screened from lights in the patient care area during night operations, or alternatively, where such protection is not possible, shall ensure that sufficient light of low intensity is used in the patient care area: Provided that such lighting does not interfere with the operations of the flight deck crew;
- (d) without compromising the normal operation of any aircraft equipment, and if required by the medical service provider, there shall be a power source available from the aircraft.”.

Amendment of Regulation 138.05.3 of the Regulations

58. Regulation 138.05.3 is hereby amended by the substitution for paragraph (b) of the following paragraph:

- “(b) in cases where unaided verbal communication cannot be sustained, unless such aircraft is equipped with an interphone system which provides a means of two-way communication between the flight crew members and medical personnel and the pilot can isolate himself or herself from such system.”.

Amendment of Regulation 138.05.4 of the Regulations

59. Regulation 138.05.4 is hereby amended by –

- (a) the substitution for sub-regulation (1) of the following sub-regulation:

“(1) The owner or operator of an aircraft engaged in an air ambulance operation shall not operate the aircraft unless such aircraft is equipped with –

- (a) an approved restraining strap for each patient;
- (b) an additional restraining device for a child or small adult who will not be adequately restrained with the restraining strap referred to in paragraph (a), if applicable;
- (c) an incubator, which is properly secured in position, should an incubator be needed for the flight; and
- (d) a stretcher and mounting system which allows for rapid detachment from the base unit.”;

- (b) the substitution for sub-regulations (3), (4) and (5) of the following sub-regulations:

“(3) The stretcher shall be certified for use in an aircraft by the manufacturer or any other recognised certification body which is acceptable to the Commissioner: Provided that all recommendations by such manufacturer or certification body shall be implemented and adhered to for the stretcher to be acceptable to the Commissioner.

(4) In cases where the certification referred to in sub-regulation (3) cannot be obtained, the operator shall obtain approval from the Commissioner for the use of such stretcher.

(5) All other restraint systems to be used in the aircraft shall be approved by the Commissioner.”;

- (c) the addition after sub-regulation (5) of the following sub-regulation:

“(6) The operator shall ensure that suitable measures are taken to protect the pilot, aircraft controls, communication and navigation equipment from any interference by the patient, medical personnel or medical equipment on board the aircraft during flight or during loading and unloading.”.

Substitution of Regulation 138.05.5 of the Regulations

60. The following Regulation is hereby substituted for Regulation 138.05.5 of the Regulations:

“Medical equipment

138.05.5 The owner or operator of an aircraft engaged in an air ambulance operation shall ensure that –

- (a) any medical equipment, supplies or other items on board of the aircraft are –
 - (i) properly secured in accordance with good aviation practise;
 - (ii) so positioned that they do not or are not likely to –
 - (aa) cause injury to any person on board of the aircraft;
 - (bb) obstruct access to any regular or emergency exit; or
 - (cc) obstruct access to any emergency equipment;
 - (iii) appropriately certified by the manufacturer thereof for use in an aircraft; and
- (b) prior to flight, any medical equipment which transmits any signals has been certified by the manufacturer for use in an aircraft or has been certified by an aviation authority acceptable to the Commissioner for use in an aircraft.”.

Amendment of Regulation 138.05.6 of the Regulations

61. Regulation 138.05.6 is hereby amended by –

- (a) the substitution for sub-regulation (2) of the following sub-regulation:

“(2) All portable gas cylinders shall be properly secured with approved devices during flight.”;
- (b) the substitution for sub-regulations (4) and (5) of the following sub-regulations:

“(4) All oxygen and medical gas cylinders used in an air ambulance operation –

- (a) shall have an annual visual and a five-yearly hydrostatic inspection by a testing facility approved for the purpose by the Department of Labour;
 - (b) shall be marked with a sticker indicating approval for 'return to service' and 'next service due' date, which sticker shall be clearly visible to flight crew and medical personnel;
 - (c) shall, where applicable, bear a stamp of approval from an appropriately approved provider which stamp shall be clearly visible on each cylinder and certifying such cylinder as being approved.
- (5) All oxygen and medical gas cylinders fixed in an air ambulance operation shall be maintained as per the manufacturer's specifications."

Amendment of Regulation 138.05.7 of the Regulations

62. Regulation 138.05.7 is hereby amended by the deletion of sub-regulation (1).

Substitution of Regulation 138.06.1 of the Regulations

63. The following Regulation is hereby substituted for Regulation 138.06.1 of the Regulations:

"Control of operations

138.06.1 (1) The owner or operator of an aircraft engaged in an air ambulance operation shall ensure that he or she is aligned with a medical service provider who is compliant with all the relevant legislation administered by Department of Health to consult with on matters pertaining to –

- (a) the advisability of the transportation by air of the patient;
 - (b) the type of air ambulance aircraft required for the transport;
 - (c) the level of patient care required;
 - (d) medical equipment needed on board the aircraft; and
 - (e) precautions to be taken during the flight and during ground transportation.
- (2) Where the operator of an aircraft is also the medical service provider, such operator shall ensure that the medical aspects of the operation complies with all the relevant requirements as contained in the relevant legislation administered by the Department of Health.
- (3) The medical personnel on board the aircraft shall be responsible for patient care from the time of hand-over by the dispatching medical unit until the time of hand-over to the receiving medical unit.
- (4) The pilot-in-command of the aircraft shall at all times be responsible

for the safety of the aircraft operation.”.

Amendment of Regulation 138.06.3 of the Regulations

64. Regulation 138.06.3 is hereby amended by the addition after sub-regulation (3) of the following sub-regulation:

“(4) The manual of procedure of the operator shall clearly state conditions under which landings at non-registered landing areas may be carried out.”.

Substitution of Regulation 138.06.4 of the Regulations

65. The following Regulation is hereby substituted for Regulation 138.06.4 of the Regulations:

“Loading and unloading

138.06.4 (1) The pilot-in-command of a helicopter engaged in an air ambulance operation shall allow the loading or unloading of a patient with the rotors turning only –

- (a) under strictly controlled circumstances overseen by appropriately trained personnel;
- (b) in times of a serious emergency; and
- (c) if the loading or unloading of a patient is undertaken by appropriately trained personnel.

(2) In cases of fixed wing multi-engine aircraft, the loading or unloading shall be undertaken only if the engine on the side of the exit is switched off.

(3) Loading or unloading shall not be undertaken in cases of single-engine aircraft.

(4) The owner or operator shall make provisions in the manual of procedure referred to in Regulation 138.04.2 concerning circumstances and procedures for rapid patient loading and unloading.

(5) Medical personnel shall inform the pilot-in-command regarding add-on equipment for calculation of the aircraft’s mass and balance.”.

Substitution of Regulation 138.07.1 of the Regulations

66. The following Regulation is hereby substituted for Regulation 138.07.1 of the Regulations:

“Infection control and fluid contamination

138.07.1 The owner or operator of an aircraft engaged in an air ambulance operation shall ensure that –

- (a) every employee, before performing duty on, or cleaning an aircraft –
 - (i) is familiar with any infection control procedure which may apply in respect of the aircraft; and
 - (ii) takes appropriate precautions before performing duty on or cleaning such aircraft, as prescribed by the Occupational Safety and Health Act, 1993 (Act No. 85 of 1993) and other relevant legislation, and set out in the manual of procedure referred to in Regulation 138.04.2; and
- (b) such aircraft shall not be operated unless it is equipped with measures to protect the aircraft against bodily fluid contamination.
- (c) the protection measures referred to in paragraph (b) above are set out in the manual of procedures and are compliant with the minimum standards as prescribed in the regulations issued by the Department of Health; and
- (d) the cleaning agents used for cleaning are non-corrosive or non-abrasive to the aircraft.”.

Repeal of Regulation 138.08.2 of the Regulations

67. Regulation 138.08.2 is hereby repealed.

Substitution of Regulation 145.02.1 of the Regulations

68. The following Regulation is hereby substituted for Regulation 145.02.1 of the Regulations:

“Manual of procedure

145.02.1 (1) An applicant for an aircraft maintenance organisation approval shall provide the Commissioner with its manual of procedure which –

- (a) complies with the requirements prescribed in this subpart; and
 - (b) contains the information as prescribed in Document SA-CATS-AMO.
- (2) Subject to sub-regulations (5) and (6), the holder of an aircraft maintenance organisation approval must ensure that the details in its manual of procedure provides a current description of the organisation.
- (3) The holder of an approval must –

- (a) ensure that each amendment to its manual of procedure meets the applicable requirements of this Part and any other relevant Part; and
 - (b) comply with the amendment procedures contained in its manual of procedures.
- (4) The holder of an approval must provide the Commissioner with a copy of each amendment to its Manual of Procedure as soon as practicable after the amendment has been incorporated into the manual of procedure.
- (5) The holder of an approval who intends to change any of the following must apply to and obtain the prior approval of the Commissioner:
- (a) The chief executive;
 - (b) the listed senior persons;
 - (c) the maintenance ratings;
 - (d) the procedures for changing the scope within a rating;
 - (e) the locations at which maintenance is carried out; or
 - (f) The procedure for authorizing persons to certify maintenance.
- (6) The Commissioner may specify conditions under which an approval holder must operate during or following any of the changes listed in sub-regulation (5), to ensure continued compliance with the requirements of this Part.
- (7) The holder of an approval must comply with all conditions specified as contemplated in sub-regulation (6).
- (8) If any change referred to in this regulation requires an amendment to the approval, the holder must forward the approval to the Commissioner immediately after the amended approval has been issued.
- (9) The holder of an approval must make such amendments to its Manual of Procedure as the Commissioner may consider necessary in the interests of aviation safety.”.

Substitution of Regulation 145.02.4 of the Regulations

69. The following Regulation is hereby substituted for Regulation 145.02.4 of the Regulations:

“Personnel requirements

145.02.4 (1) An applicant for an aircraft maintenance organisation approval shall, subject to sub-regulation (3), engage, employ, or contract –

- (a) a senior person identified as the chief executive or accountable manager who has the authority to ensure that all activities undertaken by the applicant shall be financed and carried out in accordance with the requirements prescribed by this Part;
 - (b) a senior person or group of senior persons who are responsible for ensuring that the applicant complies with the requirements of this Part; such nominated person or persons shall be accountable to the chief executive or accountable manager for the following functions:
 - (i) maintenance control;
 - (ii) personnel authorizations; and
 - (iii) internal quality assurance; and
 - (c) sufficient personnel to plan, perform, supervise, inspect and certify the maintenance activities listed in the applicant's manual of procedure.
- (2) The applicant's senior personnel contemplated in paragraphs (a) and (b) of sub-regulation (1) shall meet the minimum requirements as prescribed in Document SA-CATS-AMO.
- (3) An applicant shall not engage, employ or contract a senior person as accountable manager without prior approval of the Commissioner.
- (4) The applicant shall –
- (a) establish a procedure to initially assess, and a procedure for maintaining, the competence of the personnel involved in planning, performing, supervising, inspecting, or certifying the maintenance activities performed by the applicant; and
 - (b) provide such personnel with written evidence of the scope of their authorization.
- (5) The holder of an approval shall ensure that the personnel involved in performing, planning, supervising, inspecting, or certifying maintenance activities of the approval holder are engaged, employed, contracted by only one organisation.
- (6) The holder of an approval shall state in its Manual of Procedure a list of its personnel who are responsible for certifying maintenance and such list shall contain, at least, the following information:
- (a) The full names of the certifying personnel;
 - (b) The company authorization number or identification stamp; and
 - (c) The license number issued by the Commissioner.”.

Amendment of Regulation 145.02.7 of the Regulations

70. Regulation 145.02.7 is hereby amended by the substitution for sub-regulation (1) of the following sub-regulation:

“(1) An applicant is entitled to an aircraft maintenance organisation approval if the Commissioner is satisfied that –

- (a) the applicant meets the requirements prescribed in Part 145 as applicable and the applicant has compiled a statement of compliance which is accepted by the Commissioner;
- (b) the applicant’s senior person or persons required by this Part –
 - (i) are fit and competent persons; and
 - (ii) have never held a senior position in any aircraft maintenance organisation where the approval thereof was suspended or cancelled by the Commissioner or the Minister as a result of the organisation failing to comply with the requirements of Part 145; and
- (c) the granting of the approval is not contrary to the interests of aviation safety.”.

Substitution of Regulation 145.02.16 of the Regulations

71. The following Regulation is hereby substituted for Regulation 145.02.16 of the Regulations:

“Reports on defects or non-airworthy conditions

145.02.16 (1) The holder of an aircraft maintenance organisation approval shall report to the Commissioner any defect or condition of an aircraft or aircraft component which may hazard the aircraft, within 48 hours from the moment the defect or condition to which the report relates, has been identified.

(2) The holder of an aircraft maintenance organisation approval shall establish procedures for –

- (a) collecting, investigating, and analyzing information relating to defects in the aircraft or component maintained by the applicant and distributing that information to –
 - (i) the applicable design organisation; and
 - (ii) the owner or operator of that aircraft or component; and
- (b) providing defect incident information to the Commissioner in accordance with Part 12.”.

Substitution of Regulation 145.03.1 of the Regulations

72. The following Regulation is hereby substituted for Regulation 145.03.1 of the Regulations:

“Manual of procedure

145.03.1 (1) An applicant for an aircraft maintenance organisation approval shall provide the Commissioner with its manual of procedure which –

- (a) complies with the requirements prescribed in this subpart; and
- (b) contains the information as prescribed in Document SA-CATS-AMO.

(2) Subject to sub-regulations (5) and (6), the holder of an aircraft maintenance organisation approval must ensure that the details in its manual of procedure provides a current description of the organisation.

(3) The holder of an approval must –

- (a) ensure that each amendment to its manual of procedure meets the applicable requirements of this Part and any other relevant Part; and
- (b) comply with the amendment procedures contained in its manual of procedures.

(4) The holder of an approval must provide the Commissioner with a copy of each amendment to its Manual of Procedure as soon as practicable after the amendment has been incorporated into the manual of procedure.

(5) The holder of an approval who intends to change any of the following must apply to and obtain the prior approval of the Commissioner:

- (a) The chief executive;
- (c) the listed senior persons;
- (c) the maintenance ratings;
- (d) the procedures for changing the scope within a rating;
- (e) the locations at which maintenance is carried out; or
- (f) The procedure for authorizing persons to certify maintenance.

(6) The Commissioner may specify conditions under which an approval holder must operate during or following any of the changes listed in sub-regulation (5), to ensure continued compliance with the requirements of this Part.

(7) The holder of an approval must comply with all conditions specified as contemplated in sub-regulation (6).

(8) If any change referred to in this regulation requires an amendment to the approval, the holder must forward the approval to the Commissioner immediately after the amended approval has been issued.

(9) The holder of an approval must make such amendments to its Manual of Procedure as the Commissioner may consider necessary in the interests of aviation safety.”.

Substitution of Regulation 145.03.4 of the Regulations

73. The following Regulation is hereby substituted for Regulation 145.03.4 of the Regulations:

“Personnel requirements

145.03.4 (1) An applicant for an aircraft maintenance organisation approval shall, subject to sub-regulation (3), engage, employ, or contract –

- (a) a senior person identified as the chief executive or accountable manager who has the authority to ensure that all activities undertaken by the applicant shall be financed and carried out in accordance with the requirements prescribed by this Part;
- (b) a senior person or group of senior persons who are responsible for ensuring that the applicant complies with the requirements of this Part; such nominated person or persons shall be accountable to the chief executive or accountable manager for the following functions:
 - (i) maintenance control;
 - (ii) personnel authorizations; and
 - (iii) internal quality assurance; and
- (c) sufficient personnel to plan, perform, supervise, inspect and certify the maintenance activities listed in the applicant’s manual of procedure.

(2) The applicant’s senior personnel contemplated in paragraphs (a) and (b) of sub-regulation (1) shall meet the minimum requirements as prescribed in Document SA-CATS-AMO.

(3) An applicant shall not engage, employ or contract a senior person as accountable manager without prior approval of the Commissioner.

(4) The applicant shall –

- (a) establish a procedure to initially assess, and a procedure for maintaining, the competence of the personnel involved in planning, performing, supervising, inspecting, or certifying the maintenance activities performed by the applicant; and

- (b) provide such personnel with written evidence of the scope of their authorization.

(5) The holder of an approval shall ensure that the personnel involved in performing, planning, supervising, inspecting, or certifying maintenance activities of the approval holder are engaged, employed, contracted by only one organisation.

(6) The holder of an approval shall state in its Manual of Procedure a list of its personnel who are responsible for certifying maintenance and such list shall contain, at least, the following information:

- (a) The full names of the certifying personnel;
- (b) The company authorization number or identification stamp issued; and
- (c) The license number issued by the Commissioner.”.

Amendment of Regulation 145.03.7 of the Regulations

74. Regulation 145.03.7 is hereby amended by the substitution for sub-regulation (1) of the following sub-regulation:

“(1) An applicant is entitled to an aircraft maintenance organisation approval if the Commissioner is satisfied that –

- (a) the applicant meets the requirements prescribed in Part 145 as applicable and the applicant have compiled a statement of compliance which is accepted by the Commissioner;
- (b) the applicant’s senior person or persons required by this Part –
 - (i) are fit and competent persons; and
 - (ii) have never held a senior position in any aircraft maintenance organisation where the approval thereof was suspended or cancelled by the Commissioner or the Minister as a result of the organisation failing to comply with the requirements of Part 145; and
- (c) the granting of the approval is not contrary to the interests of aviation safety.”.

Substitution of Regulation 145.03.16 of the Regulations

75. The following Regulation is hereby substituted for Regulation 145.03.16 of the Regulations:

“Reports on defects or non-airworthy conditions

145.03.16 (1) The holder of an aircraft maintenance organisation approval shall report to the Commissioner any defect or condition of an aircraft or aircraft component which may hazard the aircraft, within 48 hours from the moment the defect or condition to which the report relates, has been identified.

(2) An applicant for the grant of a maintenance organisation approval shall establish procedures for –

- (a) collecting, investigating, and analyzing information relating to defects in the aircraft or component maintained by the applicant and distributing that information to –
 - (i) the applicable design organisation; and
 - (ii) the owner or operator of that aircraft or component; and
- (b) providing defect incident information to the Commissioner in accordance with Part 12.”.

Substitution of Regulation 145.04.1 of the Regulations

76. The following Regulation is hereby substituted for Regulation 145.04.1 of the Regulations:

“Manual of procedure

145.04.1 (1) An applicant for an aircraft maintenance organisation approval shall provide the Commissioner with its manual of procedure which –

- (a) complies with the requirements prescribed in this subpart; and
- (b) contains the information as prescribed in Document SA-CATS-AMO.

(2) Subject to sub-regulations (5) and (6), the holder of an aircraft maintenance organisation approval must ensure that the details in its manual of procedure provides a current description of the organisation.

(3) The holder of an approval must –

- (a) ensure that each amendment to its manual of procedure meets the applicable requirements of this Part and any other relevant Part; and
- (b) comply with the amendment procedures contained in its manual of procedures.

(4) The holder of an approval must provide the Commissioner with a copy of each amendment to its Manual of Procedure as soon as practicable after the amendment has been incorporated into the manual of procedure.

(5) The holder of an approval who intends to change any of the following must apply to and obtain the prior approval of the Commissioner:

- (a) The chief executive;
- (d) the listed senior persons;
- (c) the maintenance ratings;
- (d) the procedures for changing the scope within a rating;
- (e) the locations at which maintenance is carried out; or
- (f) The procedure for authorizing persons to certify maintenance.

(6) The Commissioner may specify conditions under which an approval holder must operate during or following any of the changes listed in sub-regulation (5), to ensure continued compliance with the requirements of this Part.

(7) The holder of an approval must comply with all conditions specified as contemplated in sub-regulation (6).

(8) If any change referred to in this regulation requires an amendment to the approval, the holder must forward the approval to the Commissioner immediately after the amended approval has been issued.

(9) The holder of an approval must make such amendments to its Manual of Procedure as the Commissioner may consider necessary in the interests of aviation safety.”.

Substitution of Regulation 145.04.4 of the Regulations

77. The following Regulation is hereby substituted for Regulation 145.04.4 of the Regulations:

“Personnel requirements

145.04.4 (1) An applicant for an aircraft maintenance organisation approval shall, subject to sub-regulation (3), engage, employ, or contract –

- (a) a senior person identified as the chief executive or accountable manager who has the authority to ensure that all activities undertaken by the applicant shall be financed and carried out in accordance with the requirements prescribed by this Part;
- (b) a senior person or group of senior persons who are responsible for ensuring that the applicant complies with the requirements of this Part; such nominated person or persons shall be accountable to the chief executive or accountable manager for the following functions:
 - (i) maintenance control;

- (ii) personnel authorizations; and
 - (iii) internal quality assurance; and
 - (c) sufficient personnel to plan, perform, supervise, inspect and certify the maintenance activities listed in the applicant's manual of procedure.
- (2) The applicant's senior personnel contemplated in paragraphs (a) and (b) of sub-regulation (1) shall meet the minimum requirements as prescribed in Document SA-CATS-AMO.
- (3) An applicant shall not engage, employ or contract a senior person as accountable manager without prior approval of the Commissioner.
- (4) The applicant shall –
- (a) establish a procedure to initially assess, and a procedure for maintaining, the competence of the personnel involved in planning, performing, supervising, inspecting, or certifying the maintenance activities performed by the applicant; and
 - (b) provide such personnel with written evidence of the scope of their authorization.
- (5) The holder of an approval shall ensure that the personnel involved in performing, planning, supervising, inspecting, or certifying maintenance activities of the approval holder are engaged, employed, contracted by only one organisation.
- (6) The holder of an approval shall state in its Manual of Procedure a list of its personnel who are responsible for certifying maintenance and such list shall contain, at least, the following information:
- (a) The full names of the certifying personnel;
 - (b) The company authorization number or identification stamp issued; and
 - (c) The license number issued by the Commissioner.”.

Amendment of Regulation 145.04.7 of the Regulations

78. Regulation 145.04.7 is hereby amended by the substitution for sub-regulation (1) of the following sub-regulation:

“(1) An applicant is entitled to an aircraft maintenance organisation approval if the Commissioner is satisfied that –

- (a) the applicant meets the requirements prescribed in Part 145 as applicable and the applicant have compiled a statement of compliance which is accepted by the Commissioner;
- (b) the applicant's senior person or persons required by this Part –
 - (i) are fit and competent persons; and

- (ii) have never held a senior position in any aircraft maintenance organisation where the approval thereof was suspended or cancelled by the Commissioner or the Minister as a result of the organisation failing to comply with the requirements of Part 145; and
- (c) the granting of the approval is not contrary to the interests of aviation safety.”

Substitution of Regulation 145.04.16 of the Regulations

79. The following Regulation is hereby substituted for Regulation 145.04.16 of the Regulations:

“Reports on defects or non-airworthy conditions

145.04.16 (1) The holder of an aircraft maintenance organisation approval shall report to the Commissioner any defect or condition of an aircraft or aircraft component which may hazard the aircraft, within 48 hours from the moment the defect or condition to which the report relates, has been identified.

(2) An applicant for the grant of a maintenance organisation approval shall establish procedures for –

- (a) collecting, investigating, and analyzing information relating to defects in the aircraft or component maintained by the applicant and distributing that information to –
 - (i) the applicable design organisation; and
 - (ii) the owner or operator of that aircraft or component; and
- (b) providing defect incident information to the Commissioner in accordance with Part 12.”.

Substitution of Regulation 145.05.1 of the Regulations

80. The following Regulation is hereby substituted for Regulation 145.05.1 of the Regulations:

“Manual of procedure

145.05.1 (1) An applicant for an aircraft maintenance organisation approval shall provide the Commissioner with its manual of procedure which –

- (a) complies with the requirements prescribed in this subpart; and
- (b) contains the information as prescribed in Document SA-CATS-AMO.

- (2) Subject to sub-regulations (5) and (6), the holder of an aircraft maintenance organisation approval must ensure that the details in its manual of procedure provide a current description of the organisation.
- (3) The holder of an approval must –
- (a) ensure that each amendment to its manual of procedure meets the applicable requirements of this Part and any other relevant Part; and
 - (b) comply with the amendment procedures contained in its manual of procedures.
- (4) The holder of an approval must provide the Commissioner with a copy of each amendment to its Manual of Procedure as soon as practicable after the amendment has been incorporated into the manual of procedure.
- (5) The holder of an approval who intends to change any of the following must apply to and obtain the prior approval of the Commissioner:
- (a) The chief executive;
 - (e) the listed senior persons;
 - (c) the maintenance ratings;
 - (d) the procedures for changing the scope within a rating;
 - (e) the locations at which maintenance is carried out; or
 - (f) The procedure for authorizing persons to certify maintenance.
- (6) The Commissioner may specify conditions under which an approval holder must operate during or following any of the changes listed in sub-regulation (5), to ensure continued compliance with the requirements of this Part.
- (7) The holder of an approval must comply with all conditions specified as contemplated in sub-regulation (6).
- (8) If any change referred to in this regulation requires an amendment to the approval, the holder must forward the approval to the Commissioner immediately after the amended approval has been issued.
- (9) The holder of an approval must make such amendments to its Manual of Procedure as the Commissioner may consider necessary in the interests of aviation safety.”.

Substitution of Regulation 145.05.4 of the Regulations

81. The following Regulation is hereby substituted for Regulation 145.05.4 of the Regulations:

“Personnel requirements

145.05.4 (1) An applicant for an aircraft maintenance organisation approval shall, subject to sub-regulation (3), engage, employ, or contract –

- (a) a senior person identified as the chief executive or accountable manager who has the authority to ensure that all activities undertaken by the applicant shall be financed and carried out in accordance with the requirements prescribed by this Part;
- (b) a senior person or group of senior persons who are responsible for ensuring that the applicant complies with the requirements of this Part; such nominated person or persons shall be accountable to the chief executive or accountable manager for the following functions:
 - (i) maintenance control;
 - (ii) personnel authorizations; and
 - (iii) internal quality assurance; and
- (c) sufficient personnel to plan, perform, supervise, inspect and certify the maintenance activities listed in the applicant’s manual of procedure.

(2) The applicant’s senior personnel contemplated in paragraphs (a) and (b) of sub-regulation (1) shall meet the minimum requirements as prescribed in Document SA-CATS-AMO.

(3) An applicant shall not engage, employ or contract a senior person as accountable manager without prior approval of the Commissioner.

(4) The applicant shall –

- (a) establish a procedure to initially assess, and a procedure for maintaining, the competence of the personnel involved in planning, performing, supervising, inspecting, or certifying the maintenance activities performed by the applicant; and
- (b) provide such personnel with written evidence of the scope of their authorization.

(5) The holder of an approval shall ensure that the personnel involved in performing, planning, supervising, inspecting, or certifying maintenance activities of the approval holder are engaged, employed, contracted by only one organisation.

(6) The holder of an approval shall state in its Manual of Procedure a list of its personnel who are responsible for certifying maintenance and such list shall contain, at least, the following information:

- (a) The full names of the certifying personnel;
- (b) The company authorization number or identification stamp issued; and
- (c) The license number issued by the Commissioner.”.

Amendment of Regulation 145.05.7 of the Regulations

82. Regulation 145.05.7 is hereby amended by the substitution for sub-regulation (1) of the following sub-regulation:

“(1) An applicant is entitled to an aircraft maintenance organisation approval if the Commissioner is satisfied that –

- (a) the applicant meets the requirements prescribed in Part 145 as applicable and the applicant have compiled a statement of compliance which is accepted by the Commissioner;
- (b) the applicant’s senior person or persons required by this Part –
 - (i) are fit and competent persons; and
 - (ii) have never held a senior position in any aircraft maintenance organisation where the approval thereof was suspended or cancelled by the Commissioner or the Minister as a result of the organisation failing to comply with the requirements of Part 145; and
- (c) the granting of the approval is not contrary to the interests of aviation safety.”.

Substitution of Regulation 145.05.16 of the Regulations

83. The following Regulation is hereby substituted for Regulation 145.05.16 of the Regulations:

“Reports on defects or non-airworthy conditions

145.05.16 (1) The holder of an aircraft maintenance organisation approval shall report to the Commissioner any defect or condition of an aircraft or aircraft component which may hazard the aircraft, within 48 hours from the moment the defect or condition to which the report relates, has been identified.

(2) An applicant for the grant of a maintenance organisation approval shall establish procedures for –

- (a) collecting, investigating, and analyzing information relating to defects in the aircraft or component maintained by the applicant and distributing that information to –
 - (i) the applicable design organisation; and
 - (ii) the owner or operator of that aircraft or component; and
- (b) providing defect incident information to the Commissioner in accordance with Part 12.”.

Substitution of Regulation 145.06.1 of the Regulations

84. The following Regulation is hereby substituted for Regulation 145.06.1 of the Regulations:

“Manual of procedure

145.06.1 (1) An applicant for an aircraft maintenance organisation approval shall provide the Commissioner with its manual of procedure which –

- (a) complies with the requirements prescribed in this subpart; and
- (b) contains the information as prescribed in Document SA-CATS-AMO.

(2) Subject to sub-regulations (5) and (6), the holder of an aircraft maintenance organisation approval must ensure that the details in its manual of procedure provide a current description of the organisation.

(3) The holder of an approval must –

- (a) ensure that each amendment to its manual of procedure meets the applicable requirements of this Part and any other relevant Part; and
- (b) comply with the amendment procedures contained in its manual of procedures.

(4) The holder of an approval must provide the Commissioner with a copy of each amendment to its Manual of Procedure as soon as practicable after the amendment has been incorporated into the manual of procedure.

(5) The holder of an approval who intends to change any of the following must apply to and obtain the prior approval of the Commissioner:

- (a) The chief executive;
- (f) the listed senior persons;
- (c) the maintenance ratings;
- (d) the procedures for changing the scope within a rating;
- (e) the locations at which maintenance is carried out; or
- (f) The procedure for authorizing persons to certify maintenance.

(6) The Commissioner may specify conditions under which an approval holder must operate during or following any of the changes listed in sub-regulation (5), to ensure continued compliance with the requirements of this Part.

(7) The holder of an approval must comply with all conditions specified as contemplated in sub-regulation (6).

(8) If any change referred to in this regulation requires an amendment to the approval, the holder must forward the approval to the Commissioner immediately after the amended approval has been issued.

(9) The holder of an approval must make such amendments to its Manual of Procedure as the Commissioner may consider necessary in the interests of aviation safety.”.

Substitution of Regulation 145.06.4 of the Regulations

85. The following Regulation is hereby substituted for Regulation 145.06.4 of the Regulations:

“Personnel requirements

145.06.4 (1) An applicant for an aircraft maintenance organisation approval shall, subject to sub-regulation (3), engage, employ, or contract –

- (a) a senior person identified as the chief executive or accountable manager who has the authority to ensure that all activities undertaken by the applicant shall be financed and carried out in accordance with the requirements prescribed by this Part;
- (b) a senior person or group of senior persons who are responsible for ensuring that the applicant complies with the requirements of this Part; such nominated person or persons shall be accountable to the chief executive or accountable manager for the following functions:
 - (i) maintenance control;
 - (ii) personnel authorizations; and
 - (iii) internal quality assurance; and
- (c) sufficient personnel to plan, perform, supervise, inspect and certify the maintenance activities listed in the applicant’s manual of procedure.

(2) The applicant’s senior personnel contemplated in paragraphs (a) and (b) of sub-regulation (1) shall meet the minimum requirements as prescribed in Document SA-CATS-AMO.

(3) An applicant shall not engage, employ or contract a senior person as accountable manager without prior approval of the Commissioner.

(4) The applicant shall –

- (a) establish a procedure to initially assess, and a procedure for maintaining, the competence of the personnel involved in planning, performing, supervising, inspecting, or certifying the maintenance activities performed by the applicant; and
- (b) provide such personnel with written evidence of the scope of their authorization.

(5) The holder of an approval shall ensure that the personnel involved in performing, planning, supervising, inspecting, or certifying maintenance activities of the approval holder are engaged, employed, contracted by only one organisation.

(6) The holder of an approval shall state in its manual of procedure a list of its personnel who are responsible for certifying maintenance and such list shall contain, at least, the following information:

- (a) The full names of the certifying personnel;
- (b) The company authorization number or identification stamp issued; and
- (c) The license number issued by the Commissioner.”.

Amendment of Regulation 145.06.7 of the Regulations

86. Regulation 145.06.7 is hereby amended by the substitution for sub-regulation (1) of the following sub-regulation:

“(1) An applicant is entitled to an aircraft maintenance organisation approval if the Commissioner is satisfied that –

- (a) the applicant meets the requirements prescribed in Part 145 as applicable and the applicant have compiled a statement of compliance which is accepted by the Commissioner;
- (b) the applicant’s senior person or persons required by this Part –
 - (i) are fit and competent persons; and
 - (ii) have never held a senior position in any aircraft maintenance organisation where the approval thereof was suspended or cancelled by the Commissioner or the Minister as a result of the organisation failing to comply with the requirements of Part 145; and
- (c) the granting of the approval is not contrary to the interests of aviation safety.”.

Substitution of Regulation 145.06.16 of the Regulations

87. The following Regulation is hereby substituted for Regulation 145.06.16 of the Regulations:

“Reports on defects or non-airworthy conditions

145.06.16 (1) The holder of an aircraft maintenance organisation approval shall report to the Commissioner any defect or condition of an aircraft or aircraft

component which may hazard the aircraft, within 48 hours from the moment the defect or condition to which the report relates, has been identified.

(2) An applicant for the grant of a maintenance organisation approval shall establish procedures for –

- (a) collecting, investigating, and analyzing information relating to defects in the aircraft or component maintained by the applicant and distributing that information to –
 - (i) the applicable design organisation; and
 - (ii) the owner or operator of that aircraft or component; and
- (b) providing defect incident information to the Commissioner in accordance with Part 12.”.

Substitution of Regulation 145.07.1 of the Regulations

88. The following Regulation is hereby substituted for Regulation 145.07.1 of the Regulations:

“Manual of procedure

145.07.1 (1) An applicant for an aircraft maintenance organisation approval shall provide the Commissioner with its manual of procedure which –

- (a) complies with the requirements prescribed in this subpart; and
- (b) contains the information as prescribed in Document SA-CATS-AMO.

(2) Subject to sub-regulations (5) and (6), the holder of an aircraft maintenance organisation approval must ensure that the details in its manual of procedure provides a current description of the organisation.

(3) The holder of an approval must –

- (a) ensure that each amendment to its manual of procedure meets the applicable requirements of this Part and any other relevant Part; and
- (b) comply with the amendment procedures contained in its manual of procedures.

(4) The holder of an approval must provide the Commissioner with a copy of each amendment to its Manual of Procedure as soon as practicable after the amendment has been incorporated into the manual of procedure.

(5) The holder of an approval who intends to change any of the following must apply to and obtain the prior approval of the Commissioner:

- (a) The chief executive;
 - (g) the listed senior persons;
 - (c) the maintenance ratings;
 - (d) the procedures for changing the scope within a rating;
 - (e) the locations at which maintenance is carried out; or
 - (f) The procedure for authorizing persons to certify maintenance.
- (6) The Commissioner may specify conditions under which an approval holder must operate during or following any of the changes listed in sub-regulation (5), to ensure continued compliance with the requirements of this Part.
- (7) The holder of an approval must comply with all conditions specified as contemplated in sub-regulation (6).
- (8) If any change referred to in this regulation requires an amendment to the approval, the holder must forward the approval to the Commissioner immediately after the amended approval has been issued.
- (9) The holder of an approval must make such amendments to its Manual of Procedure as the Commissioner may consider necessary in the interests of aviation safety.”.

Substitution of Regulation 145.07.4 of the Regulations

89. The following Regulation is hereby substituted for Regulation 145.07.4 of the Regulations:

“Personnel requirements

145.07.4 (1) An applicant for an aircraft maintenance organisation approval shall, subject to sub-regulation (3), engage, employ, or contract –

- (a) a senior person identified as the chief executive or accountable manager who has the authority to ensure that all activities undertaken by the applicant shall be financed and carried out in accordance with the requirements prescribed by this Part;
- (b) a senior person or group of senior persons who are responsible for ensuring that the applicant complies with the requirements of this Part; such nominated person or persons shall be accountable to the chief executive or accountable manager for the following functions:
 - (i) maintenance control;
 - (ii) personnel authorizations; and
 - (iii) internal quality assurance; and
- (c) sufficient personnel to plan, perform, supervise, inspect and certify the maintenance activities listed in the applicant’s manual of procedure.

(2) The applicant's senior personnel contemplated in paragraphs (a) and (b) of sub-regulation (1) shall meet the minimum requirements as prescribed in Document SA-CATS-AMO.

(3) An applicant shall not engage, employ or contract a senior person as accountable manager without prior approval of the Commissioner.

(4) The applicant shall –

- (a) establish a procedure to initially assess, and a procedure for maintaining, the competence of the personnel involved in planning, performing, supervising, inspecting, or certifying the maintenance activities performed by the applicant; and
- (b) provide such personnel with written evidence of the scope of their authorization.

(5) The holder of an approval shall ensure that the personnel involved in performing, planning, supervising, inspecting, or certifying maintenance activities of the approval holder are engaged, employed, contracted by only one organisation.

(6) The holder of an approval shall state in its Manual of Procedure a list of its personnel who are responsible for certifying maintenance and such list shall contain, at least, the following information:

- (a) The full names of the certifying personnel;
- (b) The company authorization number or identification stamp issued; and
- (c) The license number issued by the Commissioner.”.

Amendment of Regulation 145.07.7 of the Regulations

90. Regulation 145.07.7 is hereby amended by the substitution for sub-regulation (1) of the following sub-regulation:

“(1) An applicant is entitled to an aircraft maintenance organisation approval if the Commissioner is satisfied that –

- (a) the applicant meets the requirements prescribed in Part 145 as applicable and the applicant have compiled a statement of compliance which is accepted by the Commissioner;
- (b) the applicant's senior person or persons required by this Part –
 - (i) are fit and competent persons; and
 - (ii) have never held a senior position in any aircraft maintenance organisation where the approval thereof was suspended or cancelled by the Commissioner or the Minister as a result of the organisation failing to comply with the requirements of Part 145; and

- (c) the granting of the approval is not contrary to the interests of aviation safety.”.

Substitution of Regulation 145.07.16 of the Regulations

91. The following Regulation is hereby substituted for Regulation 145.07.16 of the Regulations:

“Reports on defects or non-airworthy conditions

145.07.16 (1) The holder of an aircraft maintenance organisation approval shall report to the Commissioner any defect or condition of an aircraft or aircraft component which may hazard the aircraft, within 48 hours from the moment the defect or condition to which the report relates, has been identified.

(2) An applicant for the grant of a maintenance organisation approval shall establish procedures for –

- (a) collecting, investigating, and analyzing information relating to defects in the aircraft or component maintained by the applicant and distributing that information to –
- (i) the applicable design organisation; and
 - (ii) the owner or operator of that aircraft or component; and
- (b) providing defect incident information to the Commissioner in accordance with Part 12.”.

Substitution of Regulation 145.08.1 of the Regulations

92. The following Regulation is hereby substituted for Regulation 145.08.1 of the Regulations:

“Manual of procedure

145.08.1 (1) An applicant for an aircraft maintenance organisation approval shall provide the Commissioner with its manual of procedure which –

- (a) complies with the requirements prescribed in this subpart; and
- (b) contains the information as prescribed in Document SA-CATS-AMO.

(2) Subject to sub-regulations (5) and (6), the holder of an aircraft maintenance organisation approval must ensure that the details in its manual of procedure provide a current description of the organisation.

(3) The holder of an approval must –

- (a) ensure that each amendment to its manual of procedure meets the applicable requirements of this Part and any other relevant Part; and
 - (b) comply with the amendment procedures contained in its manual of procedures.
- (4) The holder of an approval must provide the Commissioner with a copy of each amendment to its manual of procedure as soon as practicable after the amendment has been incorporated into the manual of procedure.
- (5) The holder of an approval who intends to change any of the following must apply to and obtain the prior approval of the Commissioner:
- (a) The chief executive;
 - (h) the listed senior persons;
 - (c) the maintenance ratings;
 - (d) the procedures for changing the scope within a rating;
 - (e) the locations at which maintenance is carried out; or
 - (f) The procedure for authorizing persons to certify maintenance.
- (6) The Commissioner may specify conditions under which an approval holder must operate during or following any of the changes listed in sub-regulation (5), to ensure continued compliance with the requirements of this Part.
- (7) The holder of an approval must comply with all conditions specified as contemplated in sub-regulation (6).
- (8) If any change referred to in this regulation requires an amendment to the approval, the holder must forward the approval to the Commissioner immediately after the amended approval has been issued.
- (9) The holder of an approval must make such amendments to its manual of procedure as the Commissioner may consider necessary in the interests of aviation safety.”.

Substitution of Regulation 145.08.4 of the Regulations

93. The following Regulation is hereby substituted for Regulation 145.08.4 of the Regulations:

“Personnel requirements

145.08.4 (1) An applicant for an aircraft maintenance organisation approval shall, subject to sub-regulation (3), engage, employ, or contract –

- (a) a senior person identified as the chief executive or accountable manager who has the authority to ensure that all activities undertaken by the applicant shall be financed and carried out in accordance with the requirements prescribed by this Part;
- (b) a senior person or group of senior persons who are responsible for ensuring that the applicant complies with the requirements of this Part; such nominated person or persons shall be accountable to the chief executive or accountable manager for the following functions:
 - (i) maintenance control;
 - (ii) personnel authorizations; and
 - (iii) internal quality assurance; and
- (c) sufficient personnel to plan, perform, supervise, inspect and certify the maintenance activities listed in the applicant's manual of procedure.

(2) The applicant's senior personnel contemplated in paragraphs (a) and (b) of sub-regulation (1) shall meet the minimum requirements as prescribed in Document SA-CATS-AMO.

(3) An applicant shall not engage, employ or contract a senior person as accountable manager without prior approval of the Commissioner.

(4) The applicant shall –

- (a) establish a procedure to initially assess, and a procedure for maintaining, the competence of the personnel involved in planning, performing, supervising, inspecting, or certifying the maintenance activities performed by the applicant; and
- (b) provide such personnel with written evidence of the scope of their authorization.

(5) The holder of an approval shall ensure that the personnel involved in performing, planning, supervising, inspecting, or certifying maintenance activities of the approval holder are engaged, employed, contracted by only one organisation.

(6) The holder of an approval shall state in its Manual of Procedure a list of its personnel who are responsible for certifying maintenance and such list shall contain, at least, the following information:

- (a) The full names of the certifying personnel;
- (b) The company authorization number or identification stamp issued; and
- (c) The license number issued by the Commissioner.”.

Amendment of Regulation 145.08.7 of the Regulations

94. Regulation 145.08.7 is hereby amended by the substitution for sub-regulation (1) of the following sub-regulation:

“(1) An applicant is entitled to an aircraft maintenance organisation approval if the Commissioner is satisfied that –

- (a) the applicant meets the requirements prescribed in Part 145 as applicable and the applicant have compiled a statement of compliance which is accepted by the Commissioner;
- (b) the applicant’s senior person or persons required by this Part –
 - (i) are fit and competent persons; and
 - (ii) have never held a senior position in any aircraft maintenance organisation where the approval thereof was suspended or cancelled by the Commissioner or the Minister as a result of the organisation failing to comply with the requirements of Part 145; and
- (c) the granting of the approval is not contrary to the interests of aviation safety.”.

Substitution of Regulation 145.08.16 of the Regulations

95. The following Regulation is hereby substituted for Regulation 145.08.16 of the Regulations:

“Reports on defects or non-airworthy conditions

145.08.16 (1) The holder of an aircraft maintenance organisation approval shall report to the Commissioner any defect or condition of an aircraft or aircraft component which may hazard the aircraft, within 48 hours from the moment the defect or condition to which the report relates, has been identified.

(2) An applicant for the grant of a maintenance organisation approval shall establish procedures for –

- (a) collecting, investigating, and analyzing information relating to defects in the aircraft or component maintained by the applicant and distributing that information to –
 - (i) the applicable design organisation; and
 - (ii) the owner or operator of that aircraft or component; and
- (b) providing defect incident information to the Commissioner in accordance with Part 12.”.

Substitution of Regulation 174.00.2 of the Regulations

96. The following Regulation is hereby substituted for Regulation 174.00.2 of the Regulations:

“Designation of meteorological information organisation

174.00.2 (1) The South African Weather Service (SAWS) is designated as the aviation meteorological authority to fulfill the international obligations of the Government under the Convention in terms of section 3 of the South African Weather Service Act, 2001 (Act No 8 of 2001).

- (2) The services rendered by SAWS include the following:
- (a) Climatology services for the development and supply of climatological information for a specific place or airspace, including the provision of aeronautical climatological summaries;
 - (b) Forecast services for the supply of forecast meteorological information for the specific aerodrome, area or portion of airspace;
 - (c) Information dissemination service for the collection and dissemination of meteorological information;
 - (d) Meteorological briefing service to aeronautical users (air traffic services, operators and flight crew members) for the supply of written and oral meteorological information on existing and expected meteorological conditions;
 - (e) Meteorological reporting service for the supply of aerodrome meteorological reports;
 - (f) Meteorological watch service for the monitoring and prediction of meteorological conditions affecting aircraft operations in a specific area and at specific aerodromes;
 - (g) Provision of flight documentation;
 - (h) Meteorological support for search and rescue; and
 - (i) Any other meteorological service which is deemed as desirable by recognized aviation organisations and/or service providers or to which an operational requirement may exist.”.

Short title and commencement

97. (1) This Amendment of the Civil Aviation Regulations, 1997, is called the Thirty Eighth Amendment and shall, except for regulations 47 and 48, come into operation on the date of publication thereof in the Gazette.

(2) Regulations 47 and 48 shall come into operation on the 1st March 2010.
