
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF TRANSPORT

NO. R. 783

01 SEPTEMBER 2015

CIVIL AVIATION ACT, 2009 (ACT NO. 13 OF 2009)**NINTH AMENDMENT OF THE CIVIL AVIATION REGULATIONS, 2015**

I, Dipuo Peters, Minister of Transport hereby in terms section 155(1) of the Civil Aviation Act, 2009, (Act No. 13 of 2009), makes the regulations set out in the Schedule hereunder.

Ms Dipuo Peters**Minister of Transport****Date:****SCHEDULE****CIVIL AVIATION ACT, 2009 (ACT NO.13 OF 2009)****NINTH AMENDMENT OF THE CIVIL AVIATION REGULATIONS, 2011****GENERAL EXPLANATORY NOTE:**

[] Words in bold type in square brackets indicate omissions from existing regulations.

_____ Words underlined with a solid line indicate insertions in existing regulations.

Definition

1. In this Schedule "the Regulations" means the Civil Aviation Regulations, 2011 published by Government Notice No. R. 425 of the 01st June 2012.

Amendment of Part 1 of the Regulations

2. Part 1 of the Regulations is hereby amended by-

- (a) the substitution of the definition of "**aerodrome operating minima**" for the following definition:
" 'aerodrome operating minima' means the limits of usability of an aerodrome for –
 - (a) take-off, expressed in terms of RVR and/or visibility and, if necessary, cloud conditions;
 - (b) landing in 2D instrument approach, expressed in terms of visibility and/or RVR (MDA/H) and if necessary, cloud conditions; and
 - (c) landing in 3D instrument approach operations expressed in terms of visibility and/or RVR and/or DA/H; as appropriate to the type and/or category of the operation;" [and
 - (d) **landing in non-precision approach and landing operations, expressed in terms of visibility and/or RVR, MDA/H and, if necessary, cloud conditions;]**
- (b) the insertion after the definition of "**contaminated runway**" of the following definition:
" 'Continuous descent final approach (CDFA)' means a technique, consistent with stabilized approach procedures, for flying the final approach segment of a non-precision instrument approach procedure as a continuous descent, without level-off, from an altitude/height at or above the final approach fix altitude/height to a point approximately 50 ft (15m) above the landing runway threshold or the point where the flare manoeuvre should begin for the type of aircraft flown;"

- (c) the insertion after the definition of "**co-authority dispatch**" of the following definitions:
- " **'COMAT'** means operator material carried on an operator's aircraft for the operator's own purposes;" and.
- " **'Combined Vision System (CVS)'** means a system to display images from a combination of an enhanced vision systems (EVS) and synthetic vision systems (SVS);" ;
- (d) the substitution of the definition of "**decision altitude/height (DA/H)**" for the following definition:
- " **'decision altitude/height'** means a specified altitude or height in a precision approach or approach with vertical guidance at which a missed approach shall be initiated if the required visual reference to continue the approach has not been established;" ;
- (e) the insertion after the definition of "**EDTO-significant system**" of the following definition:
- " **'e-learning'** means learning conducted by way of electronic media, typically on the internet, which need not be conducted in a classroom;" ;
- (f) the substitution of the definition of "**electronic flight bag**" for the following definition:
- " **'electronic flight bag'** means an electronic information **[management and display]** system, comprised of equipment and applications, [intended primarily] for flight crew or cabin crew [functions that were traditionally accomplished using paper references (e.g., navigation charts, operating manuals, performance calculations)] which allows for storing, updating, displaying and processing of EFB functions to support flight operations or duties;" ;

- (g) the insertion of the following note under the definition of "**enhanced vision system**":
"Note – EVS does not include night vision imaging systems (NVIS);"
- (h) the substitution of the definition of "**final approach fix**" for the following definition;
" 'final approach fix to point' means that fix or point of an instrument approach procedure where the final approach segment commences;" ;
- (i) the insertion after the definition of "**final approach fix to point**" of the following definition:
" 'final approach segment' means that segment of an instrument approach procedure in which alignment and descent for landing are accomplished;" ;
- (j) the insertion after the definition of "**general aviation operation**" of the following definition:
" 'geodetic datum' means a minimum set of parameters required to define location and orientation of the local reference system with respect to the global reference system/frame;" ;
- (k) the substitution of the definition of "**instrument approach and landing operation**" for the following definition:
" 'Instrument approach and landing operation' means an [instrument] approach and landing [operation] using instruments for navigation and guidance based on an instrument approach procedure, classified as CAT I, CAT II and CAT IIIA, CAT IIIB and CAT IIIC, non-precision or precision approach and landing operations, and includes:
(a) a two dimensional (2D) instrument approach operation, using lateral navigation guidance only; and
(b) a three dimensional (3D) instrument approach operation, using both lateral and vertical navigation guidance;" ; .

- (l) the substitution of the definition of "**instrument approach procedure**" for the following definition:

" **instrument approach procedure** means a series of predetermined manoeuvres by reference to flight instruments with specified protection from obstacles from the initial approach fix, or where applicable, from the beginning of a defined arrival route, to a point from which a landing can be completed and thereafter, if a landing is not completed, to a position at which holding or en-route obstacle criteria apply. Instrument approach procedures are classified as follows:

- (a) non-precision approach procedure. An instrument approach procedure designed for 2D instrument approach operations Type A [which utilizes lateral guidance but does not utilize vertical guidance];

Note: - Non-precision approach procedures may be flown using a continuous descent final approach technique (CDFA). CDFA with advisory VNAV guidance calculated by on-board equipment are considered 3D instrument approach operations. CDFA with manual calculation of the required rate of descent are considered 2D instrument approach operations.

- (b) approach procedure with vertical guidance. **[An instrument approach procedure which utilizes lateral and vertical guidance but does not meet the requirements established for precision approach and landing operations]** A performance-based navigation instrument approach procedure designed for 3D instrument approach operations Type A; or

- (c) precision approach procedure. An instrument approach **[using precision lateral and vertical guidance with minima as determined by the category of operation]** procedure based on navigation systems (ILS, MLS, GLS and SBAS Cat I) designed for 3D instrument approach operations Type A or B;

Note: – Lateral and vertical navigation guidance refers to the guidance provided either by:

[a]i) *a ground-based radio navigation aid; or*

[b]ii) *computer-generated navigation data from ground-based, space-based, self-contained navigation aids or a combination of these;" ; .*

- (m) the insertion after the definition of "**investigator-in-charge**" of the following definition:
" **import test flight** means a flight for the purpose of the initial validation or rendering effective of a certificate of airworthiness previously issued by another airworthiness authority, for an aircraft imported into the RSA as prescribed by the Director;" ;
- (n) the insertion after the definition of "**line flying**" of the following definitions:
" **line operational evaluation** means an evaluation of individual and crew performance in a flight simulation device conducted during real-time (LOS);"
" **line operational simulation** means a training or evaluation session conducted in a "line environment" setting. LOS includes LOFT, Special Purpose Operational Training (SPOT), and LOE. Instruction and training is based on learning objectives, behavioural observation, and assessment of performance progress and instructor debriefing or critique (feedback). The training objectives are proficiency objectives that include both technical and CRM issues identified by a task analysis;" and;
" **line oriented flight training** means a training conducted as a line operation and allows for no interruption by the instructor during the session except for a non-disruptive acceleration of uneventful en-route segments;" ;
- (o) the insertion after the definition of "**maintenance control manual**" of the following definition:
" **maintenance test flight** means a flight for the purpose of the validation or rendering effective of a certificate of airworthiness previously issued by the Director;" ;
- (p) the substitution of the definition of "**Minimum descent altitude/height**" for the following definition:
" **minimum descent altitude/height** means a specified altitude or height in a **[non-precision]** 2D instrument approach operation or circling approach **[operation]** below which descent must not be made without the required

visual reference;"

Notes:

[(a) Minimum descent altitude is referenced to mean sea level and minimum descent height is referenced to the aerodrome elevation or to the threshold elevation is that is more than 7ft (2m) below the aerodrome elevation.

(b) The required visual reference means that section of the visual aids or of the approach area which should have been in view for sufficient time for the pilot to have made an assessment of the aircraft position and rate of change of position, in relation to the desired flight path. In the case of a circling approach the required visual reference is the runway environment.]

- (q) the addition of the following notes under the definition of "**obstacle clearance altitude or height**":

Note 1. — Obstacle clearance altitude is referenced to mean sea level and obstacle clearance height is referenced to the threshold elevation or in the case of non-precision approach procedures to the aerodrome elevation or the threshold elevation if that is more than 7 ft (2 m) below the aerodrome elevation. An obstacle clearance height for a circling approach procedure is referenced to the aerodrome elevation;

Note 2. — For convenience when both expressions are used they may be written in the form "obstacle clearance altitude/height" and abbreviated "OCA/H";

- (r) the insertion after the definition of "**restricted category**" of the following definition"

" **'revalidation check'** means a check carried out for the purpose of revalidating a pilot rating;"

- (s) the insertion after the definition of "**special flight permit**" of the following definition:

" **'special purpose operational training'** means a simulator training session designed to address specific training objectives. Training objectives are based

on technical and CRM requirements, and include specific training objectives to be critiqued and debriefed on both technical and CRM performance. SPOT may consist of full or partial flight segments depending on the training objectives for the flight;;

- (t) the insertion after the definition of "**special flight permit**" of the following definition;

" **'State of the Aerodrome'** means the State in whose territory the aerodrome is located; ;

- (u) the substitution of the definition of "**student pilot licence integrated course**" for the following definition:

" **'student pilot licence integrated course'** means 'a student pilot licence issued to a person undergoing an approved integrated pilot training course provided for by Part 61 of the regulations;;

- (v) the insertion after the definition of "**synthetic training device**" of the following definition:

" **'synthetic vision system'** means a system to display data-derived synthetic images of the external scene from the perspective of the flight deck;;

- (w) the substitution of the definition of "**test flight**" for the following definition:

" **'test flight'** means a flight for the purpose of the issuing, validation or rendering effective **[an authority to fly of an aircraft]** of a certificate of airworthiness for such aircraft;;

- (x) the substitution of the definition of "**type certificate**" for the following definition:

" **'type certificate'** means a document issued by a Contracting State to define the design of an aircraft type and to certify that this design meets the appropriate airworthiness requirements of that State **[design approval for Class I product issued in terms of Regulation 21.02.3]**;;

Amendment of Abbreviations

3. Part 1.01.2 of the Regulations is hereby amended by-

- (a) the insertion before the abbreviation of "**AC**" of the following abbreviation :
" 'A' means aeroplane;";
- (b) the insertion after the abbreviation of "**CARS** " of the following abbreviation:
" 'CBT' means computer based training including e-learning;";
- (c) the insertion after the abbreviation of "**CF** " of the following abbreviations:
" 'CFI' means chief flying instructor;";
" 'CGI' means chief ground instructor;";
" 'COMAT' means Operator Material;";
- (d) the insertion after the abbreviation of "**CVR** " of the following abbreviation :
" 'CVS' means Combined Vision System;";
- (e) the insertion after the abbreviation of "**DTK** " of the following abbreviation:
" 'EFB' means Electronic Flight Bag;";
- (f) the insertion after the abbreviation of "**GS** " of the following abbreviation:
" 'H' means helicopter;";
- (g) the insertion after the abbreviation of "**IMC** " of the following abbreviations:
" 'IR' means instrument rating;";
" 'IRI' means instrument rating instructor endorsement;";
" 'IOS' means instructor operating station of an FSTD;";
" 'LED' means Light Emitting Diode;";
- (h) the insertion after the abbreviation of "**LNAV** " of the following abbreviation:
" 'LOE' means line operational evaluation;";

- (i) the substitution of the abbreviation of "**LOFT**" for the following abbreviation:
" **'LOFT'** means [line-orientated] line oriented flight training;";
- (j) the insertion after the abbreviation of "**LOFT** " of the following abbreviation:
" **'LOS'** means line operational simulation;";
- (k) the insertion after the abbreviation of "**MDA/H** " of the following abbreviations:
" **'ME'** means multi-engine;";
" **'MEA'** means multi-engine aeroplane;";
" **'MEI'** means multi-engine instructor endorsement;";
- (l) the insertion after the abbreviation of "**NOTAM** " of the following abbreviation:
" **'NOTOC'** means notice to captain;";
- (m) the insertion after the abbreviation of "**NPA** " of the following abbreviations:
" **'NPL'** means national pilot licence;";
" **'NRI'** means night rating instructor endorsement;";
" **'NVIS'** means Night Vision Imaging Systems;";
- (n) the insertion after the abbreviation of "**OCS**" of the following abbreviation:
" **'OFE'** means official flight examiner;";
- (o) the insertion after the abbreviation of "**RVSM** " of the following abbreviation:
" **'SEA'** means single-engine aeroplane;";
- (p) the insertion after the abbreviation of "**SPL** " of the following abbreviations:
" **'SPLIC'** means Student Pilot Licence Integrated Course;";
" **'SPOT'** means special purpose operational training;";
- (q) the insertion after the abbreviation of "**STOL** " of the following abbreviation:
" **'SVS'** means Synthetic Vision System;";

- (r) the insertion after the abbreviation of "TAA " of the following abbreviation:
" 'TBI' means turbine instructor endorsement."

Amendment of Part 12 of the Regulations

4. Part 12 of the Regulations is hereby amended by the substitution in regulation 12.04.6(1) for the words preceding paragraph (a) of the following words:
“(1) The following records shall not be made available for purposes other than accident or incident investigations, unless a court of law determines that their **[public]** disclosure outweighs the adverse domestic and international impact such action may have on that or future investigations, taking into account all applicable law”.

Amendment of Part 21 of the Regulations

5. Part 21 of the Regulations is hereby amended by the addition in regulation 21.03.3 after sub-regulation (2) of the following sub-regulation:
“(3) An application for the approval of a major change in type design shall be accompanied by the fee prescribed in Part 187.”.

Amendment of Part 24 of the Regulations

6. Part 24 of the Regulations is hereby amended by –
- (a) the deletion of paragraph (g) in Regulation 24.01.1(2);
 - (b) the substitution in Regulation 24.01.1 for sub-regulation (4) of the following sub-regulation:
“(4) The airworthiness design standards for each sub-group of aircraft referred to in sub-regulation (2) are those referred to in regulation 24.01.2(4)(a).”.
 - (c) the substitution in Regulation 24.01.2 for sub-regulation (5) of the following sub-regulation:
“(5) In the case of –
 - (a) amateur built aircraft, static tests, as required, are to be carried out on the aircraft prior to its first flight or after a structural modification,**[referred to in Regulation 44.03.14]** according to Document SA-CATS 24;
 - (b) production built aircraft, in the absence of static test documentation from an appropriate authority acceptable to the Director, static tests, as required, are to be carried out on the aircraft prior to its first flight or after a structural modification,**[referred to in regulation 44.03.14,]** according to Document SA-CATS 24.”;

- (d) the substitution in Regulations 24.01.3 and 24.01.4(1) for the words **[sub-groups (a) to (g)]** of the words paragraphs (a) to (f).

Substitution of Part 47 of the Regulations

7. The following Part is hereby substituted for Part 47 of the Regulations:

PART 47: REGISTRATION AND MARKING

List of regulations

SUBPART 1: GENERAL

- 47.01.1 Applicability
47.01.2 Requirements for aircraft registration
47.01.3 Requirements for aircraft marking
47.01.4 Reservation of special registration marks
47.01.5 Change of registration marks
47.01.6 Nationality of aircraft
47.01.7 South African Civil Aircraft Register

SUBPART 2: REGISTRATION OF AIRCRAFT

- 47.02.1 Application for registration of aircraft
47.02.2 Issue of certificate of registration
47.02.3 Duties of holder of certificate of registration
47.02.4 Amendment of certificate of registration
47.02.5 Application for replacement of certification of registration
47.02.6 Change of ownership
47.02.7 Cancellation of registration
47.02.8 Validity of certificate of registration
47.02.9 Re-instatement of registration

SUBPART 3: MANUFACTURER'S TEMPORARY REGISTRATION MARKS

47.03.1 Application for allocation of registration marks for test flights

47.03.2 Application for confirmation of non-registration

SUBPART 1: GENERAL**Applicability**

47.01.1 This Part applies to –

- (a) the registration of aircraft in the Republic; and
- (b) the nationality, registration and marking of South African registered aircraft.

(2) This Part does not apply to –

- (a) hang-glider or powered versions thereof;
- (b) paraglider or powered versions thereof;
- (c) unmanned free balloon;
- (d) captive balloon;
- (e) kite;
- (f) model aircraft
- (g) foreign registered aircraft; or
- (h) parachutes;

(3) As from 1 June 2015, this Part does not apply to subsonic jet aeroplanes for which the application for a type certificate was submitted before 6 October 1977, except for an aeroplane –

- (a) requiring a runway length of 610 m or less at maximum certificated mass for airworthiness;
- (b) powered by engines with a bypass ratio of two or more and for which a certificate of airworthiness for the individual aeroplane was first issued before 1 March 1972;
- (c) powered by engines with bypass ratio of less than two and for which the application for the type certificate was submitted before 1 January 1969, and for which a certificate of airworthiness for the individual aeroplane was first issued before 1 January 1976; or

- (d) that has been fitted with hush-kit that complies with the noise standards prescribed in Chapter 3 of ICAO Annex 16.

Requirements for aircraft registration

47.01.2 (1) The owner of an aircraft shall, if the aircraft flies to, from, within or over the Republic, hold a valid certificate of registration for such aircraft issued by —

- (a) the Director; or
- (b) an appropriate authority.

(2) An aircraft shall not be registered in the Republic if registered in any other country.

Requirements for aircraft marking

47.01.3 (1) The Director shall allocate nationality and registration marks to be displayed on South African registered aircraft.

(2) Upon the registration of an aircraft in terms of regulation 47.02.1, the Director may, —

- (a) if the aircraft was previously registered in the Republic, allocate the same registration marks as were originally borne by such aircraft as prescribed in regulation 47.01.5; or
- (b) allocate special registration marks as prescribed in regulation 47.01.4.

(3) No person shall use a South African registered aircraft unless such aircraft displays a nationality mark and a registration mark in the manner and in accordance with specifications as prescribed in Document SA-CATS 47.

(4) No person shall place on any South African registered aircraft any mark or symbol which modifies, confuses or purports to be the nationality or registration mark allocated and displayed in accordance with the specifications referred to in sub-regulation (3).

Reservation of special registration marks

47.01.4 (1) An owner who intends to register an aircraft in the Republic may, on payment of the fee prescribed in Part 187, apply to the Director on the appropriate form for the reservation of special registration marks.

(2) Upon receipt of the application referred to in sub-regulation (1), the Director may reserve the special registration marks for a period not exceeding twelve months if the registration marks have not already been allocated or reserved and are deemed suitable.

(3) The reservation of special registration marks may, on payment of the fee prescribed in Part 187, be renewed for an additional period of twelve months.

Change of registration marks

47.01.5 (1) An owner who intends to change the registration marks of an aircraft may, on payment of the fee prescribed in Part 187, apply to the Director on the appropriate form for the change of the registration marks.

(2) The Director may grant the application for the change of registration marks if –

- (a) there is a change of ownership of the aircraft or a change of name of business of the owner and such aircraft was allocated special registration marks;
- (b) the aircraft was previously registered in the Republic and the original registration marks as were originally borne by such aircraft are still available; or
- (c) the Director considers that the granting of the application will not contravene a provision of this Part.

Nationality of aircraft

47.01.6 An aircraft registered in the South African Civil Aircraft Register shall be deemed to have South African nationality.

South African Civil Aircraft Register

47.01.7 (1) The Director shall maintain a register of South African aircraft, which is called the “South African Civil Aircraft Register (SACAR)”.

(2) The register shall contain at least the following particulars:

- (a) the full names and, if any, the trade name of the holder of the certificate of registration;

- (b) the postal, physical address and other possible contact details such as telephone and email of the holder of the certificate of registration;
- (c) the date on which the aircraft was registered on the SACAR for the first time;
- (d) the date on which the aircraft was registered in the name of the holder;
- (e) the aircraft manufacturers type designation, model and serial number; and
- (f) the nationality and registration marks of the aircraft.

SUBPART 2: REGISTRATION OF AIRCRAFT

Application for registration of aircraft

47.02.1 (1) An application for the registration of aircraft and the issuing of a certificate of registration shall be made to the Director in the appropriate prescribed form.

- (2) The application referred to in sub-regulation (1) shall be accompanied by –
- (a) the appropriate fee as prescribed in Part 187;
 - (b) the supporting documents from the South African Revenue Service issued in terms of Section 38, 39, or 44 of the Customs and Excise Act, 1964 (Act No.91 of 1964), if applicable. If not applicable, a letter confirming non-applicability issued by SARS;
 - (c) in the case of an aircraft last registered in a foreign country –
 - (i) the notification of cancellation of registration from the appropriate authority of the exporting country in which the aircraft was last registered; or
 - (ii) the notification of non-registration from the appropriate authority of the state or territory from which the aircraft is imported; and
 - (d) evidence of ownership or an affidavit stating that the applicant is the owner of the aircraft; and
 - (e) in the case of an ex-military aircraft, confirmation issued by the South African National Conventional Arms Control Committee that the aircraft is not fitted with any armaments;
 - (f) in the case of an amateur built aircraft, a copy of a build number authorisation issued by the Director;
 - (g) if the aircraft is to be registered in the name of an individual –
 - (i) a certified copy of his or her South African identity document; or
 - (ii) a certified copy of the South African passport; or
 - (iii) a certified copy of a valid South African driver's licence; or
 - (h) if the aircraft is to be registered in the name of a company –
 - (i) a copy of the latest register of directors approved in terms of the Companies Act, 2008 (Act No. 71 of 2008);

- (ii) a certified copy of the South African identity document or South African passport of the person authorised to act on behalf of the company; and
 - (iii) the relevant authorising resolution in the appropriate form prescribed by the Director appointing the person authorised to act on behalf of the company; or
- (i) if the aircraft is to be registered in the name of a close corporation –
 - (i) a copy of the latest founding statement, approved in terms of the Close Corporation Act, 1984 (Act No. 69 of 1984);
 - (ii) a certified copy of the South African identity document or South African passport of a person authorised to act on behalf of the close corporation; and
 - (iii) the relevant authorising resolution in the appropriate form prescribed by the Director appointing the person authorised to act on behalf of the company; or
- (j) if the aircraft is to be registered in the name of a trust –
 - (i) a certified copy of the appropriate letter of appointment as trustee issued by the Master of the High Court;
 - (ii) a certified copy of the South African identity document or South African passport of the trustee authorised to act on behalf of the trust; and
 - (iii) the relevant authorising resolution in the appropriate form prescribed by the Director appointing the trustee authorised to act on behalf of the trust; or
- (k) if the aircraft is to be registered in the name of a partnership –
 - (i) a certified copy of the partnership agreement;
 - (ii) a certified copy of the South African identity document or South African passport of the partner authorised to act on behalf of the partnership; and
 - (iii) the relevant authorising resolution in the appropriate form prescribed by the Director appointing the authorised person.

Issue of certificate of registration

47.02.2 (1) The Director shall register an aircraft and issue a certificate of registration on the appropriate form as prescribed in Document SA-CATS 47, if –

- (a) in the case of an individual, the applicant is –
 - (i) a South African citizen; or
 - (ii) a citizen of a foreign country lawfully admitted for permanent residence in South Africa and in possession of a South African identity document; or
- (b) in the case of a juristic person, the applicant is registered and has its principal place of business in the Republic; and
- (c) the applicant has complied with the requirements of regulation 47.02.1; and
- (d) the aircraft is not registered in any other State or territory.

(2) The registration of an aircraft and the issuing of a certificate of registration under this Part does not confer or imply ownership of the aircraft.

Duties of holder of certificate of registration

47.02.3 The holder of a certificate of registration shall –

- (a) carry such certificate on board of every aircraft registered in the Republic when engaged in international operations;
- (b) keep the original certificate of registration in a safe place and produce such certificate to an authorised officer, inspector or authorised person for inspection if so requested by such officer, inspector or person, where the certified copy is carried on board of an aircraft registered in the Republic and engaged in domestic operations, and
- (c) continue to meet the requirements of this Part.

Amendment of certificate of registration

47.02.4 (1) If the holder of a certificate of registration desires to amend –

- (a) the name in which the certificate of registration was issued;
- (b) the address on the certificate of registration; or
- (c) the aircraft model following modification changes thereto,
such holder shall apply in the appropriate prescribed form for such amendment.

(2) An application referred to in sub-regulation (1) shall be accompanied by –

- (a) a certified copy of the certificate of change of name of the company, if the aircraft is registered in the name of a company and the name of the company is changed, in terms of the Companies Act, 2008;
- (b) a certified copy of the amended founding statement of the close corporation, if the aircraft is registered in the name of a close corporation and the name of that corporation is changed, in terms of the Close Corporations Act, 1984;
- (c) a certified copy of conversion certificate, if the aircraft is registered in the name of a close corporation and the close corporation is converted to a company, in terms of the Companies Act, 2008; and
- (d) in respect of an amendment contemplated in sub-regulation (1)(a) and (c), the appropriate fee as prescribed in Part 187.

(3) When a bank or other financier registers a mortgage over an aircraft in terms of the Mortgaging of Aircraft Regulations, 1997, the holder of a certificate of registration for such aircraft shall simultaneously apply for an amendment of such certificate to endorse the details of mortgagee, mortgagor and date of registration of the mortgage.

(4) An application for amendment referred to in sub-regulation (4) shall be made on the appropriate form and accompanied by the appropriate fee prescribed in Part 187.

(5) The Director shall issue the amended certificate in the appropriate prescribed form.

Application for replacement of certificate of registration

47.02.5 (1) If a certificate of registration is lost, stolen, damaged or destroyed, the holder thereof shall apply to the Director for the replacement of the certificate of registration.

(2) An application referred to in sub-regulation (1) shall be made on the appropriate form and accompanied by the appropriate fee as prescribed in Part 187.

(3) A replacement of the certificate of registration shall be issued on the appropriate prescribed form.

Change of ownership

47.02.6 If the holder of a certificate of registration transfers ownership of the aircraft specified in the certificate, such holder shall, within 30 days from the date of transfer notify the Director in the appropriate prescribed form.

(2) If the holder in whose name the aircraft is registered –

- (a) is an individual and has died, the notification referred to in sub-regulation (1) shall be accompanied by a certified copy of the letter of executorship issued in terms of the Administration of Estates Act, 1965 (Act No. ;
- (b) is an individual and the estate of such holder is sequestrated, the notification referred to in sub-regulation (1) shall be accompanied by a certified copy of the certificate of appointment issued in terms of the Insolvency Act, 1936 (Act No. 24 of 1936);
- (c) is a company or a close corporation and such holder is liquidated, the notification referred to in sub-regulation (1) shall be accompanied by a certified copy of the certificate of appointment issued in terms of the Companies Act, 2008, or the Close Corporations Act, 1984, as the case may be.

(3) In the case where the aircraft is repossessed by a financing entity, the notification referred to in sub-regulation (1) shall be accompanied by a certified copy of –

- (a) a finance agreement between the holders of the certificate of registration and the financier;
- (b) a resolution by the financier authorizing transfer of ownership of the aircraft;
- (c) an identity document of the authorised representative of the financier; and

- (d) (i) a court order authorizing the transfer of ownership; or
- (ii) a voluntary surrender of ownership by the registered owner.

(4) An application for registration of an aircraft by the person, to whom the ownership of the aircraft is transferred, shall be made in terms of regulation 47.02.1 within 30 days from the date of transfer.

(5) A certificate of registration shall no longer be valid from the 31st day after the date on which the holder of the certificate of registration has transferred to another person ownership of the aircraft.

(6) From the date on which a certificate of registration has become invalid in terms of sub-regulation (5), no person shall use the aircraft specified in the certificate until such time as the aircraft is registered in the name of the person to whom ownership of the aircraft is transferred

Cancellation of registration

47.02.7 An aircraft shall remain on the SACAR until –

- (a) the Director cancels the certificate of registration of the aircraft in terms of this Part; or
- (b) the certificate of registration of such aircraft becomes invalid in terms of these regulations.

(2) Upon the application for registration of an aircraft to be placed on the register of any foreign country, the holder of the certificate of registration shall apply to the Director for the cancellation of the registration of such aircraft from the SACAR.

(3) An application referred to in sub-regulation (2) shall be made in the appropriate prescribed form and be accompanied by –

- (a) the original of the last certificate of registration;
- (b) supporting documents from the South African Revenue Service issued in terms of section 38, 39, or 44 of the Customs and Excise Act, 1964, if applicable. If not applicable, a letter confirming non-applicability issued by SARS;
- (c) if the holder in whose name the aircraft is registered –
 - (i) is an individual and have died, a certified copy of the letter of executorship issued in terms of the Administration of Estates Act, 1965;
 - (ii) is an individual and the estate of such holder is sequestered, a certified copy of the certificate of appointment issued in terms of the Companies Act, 2008; or
 - (iii) is a company or a close corporation and such holder is liquidated, a certified copy of the certificate of appointment issued in terms of the Companies Act, 2008, or the Close Corporations Act, 1984, as the case may be.

(d) the appropriate fee as prescribed in Part 187.

(4) If a South African registered aircraft –

- (a) is destroyed, lost or stolen; or
- (b) is damaged beyond repair; or
- (c) is permanently withdrawn from use,

the holder of the certificate of registration concerned shall apply for the cancellation of the registration of such aircraft, within 30 days from the date on which such event occurred.

(5) An application referred to in sub-regulation (4) shall be made on the appropriate prescribed form and accompanied by –

- (a) the original of the last certificate of registration;
- (b) if the holder in whose name the aircraft is registered –
 - (i) is an individual and has died, a certified copy of the letter of executorships issued in terms of the Administration of Estates Act, 1965;
 - (ii) is an individual and the estate of such holder is sequestrated a certified true copy of the certificate of appointment issued in terms of the Insolvency Act, 1936; or
 - (iii) is a company or close corporation and such holder is liquidated a certified true copy of the certificate of appointment issued in terms of the Companies Act, 2008; or the Close corporations Act, 1984; and
- (c) the aircraft manufacturers' airframe data plate, if applicable.

(6) The Director shall cancel the registration of an aircraft, amend the SACAR and issue a certificate of cancellation if any of the events referred to in sub-regulation (4) occur and the application under sub-regulation (5) is received.

(7) The Director may cancel the registration of aircraft if –

- (a) the aircraft is destroyed, lost, stolen or is permanently withdrawn from use;
- (b) the holder of the certificate of registration does not comply with these regulations;
- (c) the aircraft is registered in another country; or
- (d) the holder of the certificate of registration fails to obtain a certificate of airworthiness or authority to fly of the aircraft within 12 months from the date of first registration of the aircraft onto the SACAR: Provided that the Director may approve an extension of this period for an additional 12 months.

Validity of certificate of registration

47.02.8 (1) A certificate of registration shall remain valid until –

- (a) the registration of the aircraft is cancelled in terms of these regulations; or
- (b) it becomes invalid in terms of this Part.

(2) The holder of a certificate of registration which has become invalid shall surrender the certificate of registration to the Director within 30 days from the date on which the certificate became invalid.

Re-instatement of registration

47.02.9 The Director may reinstate or return an aircraft to the SACAR if it complies with the requirements prescribed in this Part and the owner pays the relevant fees as prescribed in Part 187.

SUBPART 3: MANUFACTURER'S TEMPORARY REGISTRATION MARKS

Application for allocation of registration marks for test flights

47.03.1 An aircraft manufacturer approved in terms of Part 148 may apply to the Director on the appropriate prescribed form and on payment of the fees prescribed in Part 187, for the allocation of temporary registration marks for aircraft used for test flights.

Application for confirmation of non-registration

47.03.2 (1) The aircraft manufacturer approved in terms of Part 148 may apply on the appropriate form to the Director for the confirmation of non-registration of aircraft.

(2) The application shall be accompanied by the appropriate fee as prescribed in Part 187.

Amendment of Part 61 of the Regulations

7. Part 61 of the Regulations is hereby amended by –

(a) The insertion for Regulation 61.01.7(2) of the following regulation:

“Language

61.01.7

(2) No pilot may exercise the privileges of the licence issued without a valid language proficiency rating.”;

(b) the substitution in Regulation 61.01.9 for sub-regulation (23) of the following sub-regulation:

“(23) (a) A South African Air Force pilot or navigator may [may request the Director, in writing, for an exemption in terms of Part 11] to be fully or partially credited for theoretical knowledge requirements as detailed in Document SA-CATS 61 for individual licences or ratings issued in terms of Part 61.[In the case of South African Air Force pilots, flight time shall be credited in full towards the issue of a South African civilian pilot licence and ratings specified in this Part as detailed in Document SA-CATS 61.]

(b) In the case of South African Air Force pilots:

- (i) Flight time shall be credited in full towards the issue of South African civilian pilot licences and ratings specified in this Part as detailed in Document SA-CATS 61;
- (ii) The applicable licence requested shall be endorsed with the classes and types of aircraft entered in the South African Air Force logbook of the applicant at the time of the request; and
- (iii) The applicable licence requested shall be endorsed with the night rating for the category of licence requested.”;

(c) the substitution for Regulation 61.01.11 of the following regulation:

“Curtailement of privileges of licence holders aged 60 years or more

61.01.11 The holder of a pilot licence shall not act as pilot of an aircraft engaged in international commercial air transport operations if such licence holder has attained this or her 60th birthday or, in the case of operations of a multi-pilot crew, their 65th birthday.”;

(d) the deletion in Regulation 61.07.1(1) of paragraph (d);

(e) the deletion in Regulation 61.08.1(1) of paragraph (d);

(f) the substitution in sub-regulation (2) of Regulation 61.14.4 for paragraph (c) of the following paragraph:

“(c) in an FSTD approved for the purpose;

(g) the substitution in Regulation 61.17.4 for sub-regulation (2) of the following sub-regulation:

“(2) The skills test referred to in sub-regulation (1) must be performed in a helicopter with fully functional dual controls, and all instrumentation required for the test in a serviceable condition or in an FSTD approved for the purpose.”;

- (h) the substitution for Subpart 11 of the following Subpart:

“SUBPART 11: INSTRUMENT RATING

General

61.11.1 (1) Except when receiving flight training, undergoing a skills test or in special VFR operation, no person shall act as pilot of an aircraft in accordance with instrument flight rules (IFR) or in instrument meteorological conditions (IMC) unless that person has a valid instrument rating (IR) appropriate to the aircraft being flown.

- (2) An IR may be endorsed with the following –
- (a) single-engine aeroplanes (SEA);
 - (b) multi-engine aeroplanes (MEA);
 - (c) single- and multi-engine helicopters (H);
 - (d) multi-pilot (MP);
 - (e) RNP APCH (LNAV); or
 - (f) RNP APCH (LNAV/VNAV).

Requirements for an IR

- 61.11.2** (1) An applicant for an IR shall –
- (a) hold a valid pilot licence issued in terms of this Part;
 - (b) hold a night rating;
 - (c) hold a valid Class 1 or 2 medical certificate issued in terms of Part 67;
 - (d) hold a general radio certificate;
 - (e) have successfully completed the appropriate training as prescribed in Document SA-CATS 61 at an approved Part 141 ATO;
 - (f) have passed the IR theoretical knowledge examination referred to in this subpart; and
 - (g) have passed the skills test referred to in this Subpart.

(2) An applicant for an IR must have completed at least 50 hours cross-country flight time as PIC of an aeroplane, helicopter or powered-lift aircraft, of which at least 10 hours must have been in the category of aircraft for which the IR is sought.

(3) The applicant must have received a minimum of 40 hours instrument flight training of which a maximum of either 20 hours or 30 hours may be in an FSTD approved for the purpose.

(4) The maximum FSTD hour credit referred to in sub-regulation (3) depends on the FSTD approval.

(5) A minimum of 5 hours instrument flight training must be undertaken in the aircraft category for which the IR is sought.

(6) In the case of an IR (MEA), at least five hours of instrument flight training shall be conducted in a multi-engine aeroplane and shall be additional to the training requirement for the multi-engine class or type rating. Three of the five hours may be in an FSTD approved for the purpose.

(7) In the case of an application for an IR in a category of aircraft other than that for which a valid IR is already held, the applicant must have undergone at least five hours of instrument flight instruction in the new category of aircraft prior to the skills test. Three of the five hours may be in an FSTD approved for the purpose in the new category.

(8) FSTD hours in excess of the maximum FSTD hours stipulated in sub-regulation (3) above will not be credited towards the initial issue of an IR but may be credited for other purposes in terms of these Regulations.

Theoretical knowledge examination for an IR

61.11.3 (1) An applicant for an IR must have passed the IR theoretical knowledge examination for the aircraft category endorsement sought, as prescribed in Document SA-CATS 61.

(2) A person who holds a valid IR endorsed with one aircraft category and who wishes to have his or her IR endorsed with another aircraft category, is not required to write the IR theoretical knowledge examination for the category endorsement sought.

Skills test for an IR

61.11.4 (1) An applicant for an IR must have passed a skills test with a DFE as prescribed in Document SA-CATS 61.

(2) Where the skills test was successfully completed in a single engine aeroplane or FSTD approved for the purpose, the IR will be endorsed with SEA.

(3) Where the skills test was successfully completed in a multi-engine aeroplane or FSTD approved for the purpose, the IR will be endorsed with the MEA and the SEA.

(4) A multi-engine centerline thrust aeroplane shall be considered a single-engine aeroplane for the purposes of this Subpart.

(5) Where the skills test was successfully completed in a single engine or multi-engine helicopter or FSTD approved for the purpose, the IR will be endorsed with H.

(6) Where the skills test was successfully completed in a multi-pilot operation, the IR will be restricted with the endorsement MP. The restriction will be removed when the IR holder has successfully completed a revalidation check in a single-pilot operation.

(7) The applicant must undergo the skills test within 36 months of passing the theoretical knowledge examination and within 30 days of the last period of dual instruction towards the IR.

(8) A skills test for the issue of an IR conducted after the first competency check for a PPL or CPL will revalidate the maintenance of competency of the licence as applicable, in the same aircraft category.

Privileges and limitations of an IR

61.11.5 (1) The holder of a valid IR may exercise the privileges of his or her licence under IFR, in accordance with the IR endorsement(s) or restriction(s).

(2) The holder of an IR who wishes to conduct RNAV (GNSS) approaches must have his or her IR endorsed with RNP APCH (LNAV) or RNP APCH (LNAV/VNAV), as applicable, after having complied with the requirements prescribed in Document SA-CATS 61.

Period of validity of an IR

61.11.6 An IR is valid for a period of 12 months calculated from –

(a) the date of issue or reissue; or

- (b) the last day of the month following the date of –
 - (i) expiry of the rating if such rating is revalidated within 90 days immediately prior to the date of expiry; or
 - (ii) revalidation of such rating if revalidated prior to the period referred to in sub-paragraph (i).

Revalidation of an IR

61.11.7 (1) If the period of validity of an IR has not yet lapsed, or has lapsed for a period of 36 months or less, the applicant must pass a revalidation check with a DFE, as prescribed in Document SA-CATS 61.

(2) If the period of validity of the IR has lapsed for more than 36 months the applicant must –

- (a) re-write the IR theoretical knowledge examination;
- (b) undergo sufficient ground and flight training at an approved ATO to reach the standard required for the skills test of an IR; and
- (c) pass the skills test as stipulated in regulation 61.11.4.

(3) Where the IR is endorsed with SEA and MEA, every alternate revalidation of this rating may be carried out in a single engine aeroplane or in an FSTD approved for the purpose.

(4) The revalidation check for an IR revalidates the maintenance of competency of a licence endorsed with an IR for a period of 12 months, provided that the aircraft or FSTD meets the requirements for the maintenance of competency of that licence.

(5) Where a pilot holds an instrument rating in the helicopter and aeroplane categories, the revalidation check shall be carried out in each category at least once in every 24 months.

(6) The pilot proficiency check (PPC) conducted by a South African Part 121 operator may revalidate the IR and the maintenance of competency of a CPL or ATPL, provided that the check is conducted by a DFE and that the following documentation is submitted to the Director within 30 days of successful completion of the proficiency check –

- (a) a copy of the logbook summary for the 12 months preceding the proficiency check;
- (b) a copy of the PPC report; and
- (c) the applicable application form duly completed and signed by the DFE and the applicant.

(7) The PPC or type rating skills test conducted by a foreign training organisation approved by the appropriate authority of a Contracting State may, upon prior approval by the Director, revalidate the IR and the maintenance of competency of a licence, provided that the check or test is conducted by an appropriately qualified examiner and upon submission of the following documents to the Director:

- (a) a copy of the approval certificate issued to the training organisation by the foreign authority;
- (b) a copy of the authorisation issued by the foreign licensing authority to the foreign examiner;
- (c) a copy of the flight simulator qualification certificate, if applicable.

(8) The IR and maintenance of competency shall be revalidated, provided the applicant has successfully passed a ground evaluation conducted by a DFE and the following documentation is submitted to the Director within 30 days of the ground evaluation –

- (a) appropriate application form duly completed and signed by the DFE and the applicant;
- (b) a copy of the check or test report from the foreign training organisation;
- (c) a copy of the logbook summary for the 12 months preceding the revalidation or proficiency check;
- (d) a copy of the approval referred to in sub-regulation (7).

(9) No requests for acceptance of tests or checks conducted by a foreign examiner will be considered where prior approval was not granted.

(10) The holder of a valid South African CPL or ATPL who is a full time employee of a foreign operator may apply for the revalidation of his or her IR and maintenance of competency provided that –

- (a) he or she is the holder of a valid CPL, ATPL or validation issued by the appropriate authority of the foreign State;
- (b) the foreign operator is operating under the appropriate authority of a Contracting State;
- (c) the following documents are received by the Director within 30 days of the successful completion of the foreign revalidation or proficiency check –
 - (i) a copy of the valid foreign licence or validation;
 - (ii) a copy of a valid Class 1 or Class 2 South African or foreign medical certificate, as applicable;
 - (iii) a written confirmation of full time employment signed by the foreign operator or the employment agency, as the case may be;
 - (iv) a copy of the revalidation or proficiency check report stamped and signed by the foreign examiner;
 - (v) a copy of the logbook summary for the 12 months preceding the revalidation or proficiency check;

- (vi) the applicable application form duly completed and signed by the applicant.
- (d) the licence will be endorsed with a restriction indicating that the holder may not exercise the privileges of the licence on a South African registered aircraft. For the restriction to be removed, the licence holder shall have successfully passed the appropriate ground evaluation conducted by a DFE.

Transitional provisions

61.11.8 (1) Subpart 11 of Part 61 shall come into operation on 1 January 2016.

(2) A candidate who holds credit for the Air Law and Operational Procedures subject as at the date of coming into operation of this Subpart shall not be required to pass the new single paper IR examination subject (Operational Procedures), if they require an IR.

(3) The compulsory retraining period referred prescribed in paragraphs (9)(b) to (9)(e) of technical standard 61.01.10, shall not apply to candidates who hold credit for four or more examination subjects as at the date of coming into operation of this Subpart. This exception shall remain applicable to such candidates as long as the credits held on that date remain valid. A candidate that qualifies for this exception shall nevertheless be subject to the waiting period of seven calendar days referred to in paragraph (9)(b)(i) of technical standard 61.01.10 for each failure of an examination subject.”.

Amendment of Part 63 of the Regulations

8. Part 63 of the Regulations is hereby amended by the substitution for Regulation 63.03.4 of the following Regulation:

“Skills test

63.03.4 An applicant for the issuing of a type rating shall have demonstrated to the holder of a Grade I flight instructor rating or appropriately type rated designated flight examiner, the ability to perform the procedures and manoeuvres as prescribed in Document SA-CATS 63, with a degree of competency appropriate to the privileges granted to the holder of such type rating.”.

Amendment of Part 65 of the Regulations

9. Part 65 of the Regulations is hereby amended by the substitution for Regulation 65.01.8 of the following Regulation:

“Language

65.01.8 Air traffic service personnel shall have sufficient ability in reading, speaking and understanding the English language to enable them to adequately carry out their responsibilities as air traffic service personnel and shall have a minimum of ICAO level 4 in their English language proficiency examination as prescribed in Document SA-CATS 65.02.2.”.

Amendment of Part 67 of the Regulations

10. Part 67 of the Regulations is hereby amended by the substitution for Regulation 67.00.10 of the following Regulation:

“Validations

67.00.10 (1) The Director may, after consultation with the body or institution designated in terms of regulation 67.00.3, [or institution] recognise a [any] foreign medical report, medical assessment or medical certificate issued by an appropriate authority for the purpose of validating a foreign flight crew member’s licence, air traffic service personnel’s licence or cabin crew member’s licence.

(2) If, because of duty in a State or territory outside the Republic, deferral of the issuing of a South African medical certificate for a flight crew member or a cabin crew member, as the case may be, has to be made, such deferral shall not exceed –

- (a) a single period of six months in the case of a flight crew member of an aircraft used in non-commercial operations; or
- (b) two consecutive periods, each of three months, in the case of a flight crew member or a cabin crew member, as the case may be, of an aircraft used in commercial operations: Provided that [the flight crew member or cabin crew member concerned] in each case a favourable medical report is obtained after examination by a designated examiner of the area concerned, or, in cases where such a designated medical examiner is not available, by a physician legally qualified to practice medicine in that area. A report of the medical examination shall be sent to the Authority were the license is issued.
- (c) in the case of a private pilot, a single period not exceeding 24 months where the medical examination is carried out by an examiner designated by the Contracting State in which the applicant is temporarily located. A report of the medical examination shall be sent to the Authority were the license is issued.

(3) After the expiry of the periods referred to in sub-regulation (2), the applicant will be required to undergo the appropriate medical examination as soon as he or she returns to the Republic.”.

Amendment of Part 91 of the Regulations

11. Part 91 of the Regulations is hereby amended by –

- (a) the substitution in Regulation 91.02.3 for sub-regulation (1) of the following sub-regulation:
- “(1) No person shall act as a crew member of an aircraft –
- (a) whilst using any psychoactive substance which may affect his or her faculties in any manner that may jeopardise safety;
 - (b) within 24 hours following scuba diving by such flight crew member;
 - (c) within 72 hours following blood donation by such flight crew member;
 - (d) if the crew member knows or suspects that he or she is suffering from or, having due regard to the circumstances of the flight to be undertaken, is likely to suffer from fatigue to such an extent that it may endanger the safety of the aircraft or its occupants; or
 - (e) if the crew member is in any doubt of being able to accomplish his or her assigned duties on board the aircraft.”.
- (b) the substitution in Regulation 91.03.4 for paragraph (c) of sub-regulation (12) of the following paragraph:
- “(c) if the estimated time at the next applicable reporting point, flight information regional boundary, or aerodrome of intended landing, whichever comes first, is found to be in error in excess of two minutes from that notified to the responsible ATSU, a revised estimated time shall be notified to such ATSU as soon as possible; or”
- (c) the substitution in Regulation 91.06.27 for sub-regulation (4) of the following sub-regulation:
- “(4) Subject to the provisions of regulation 91.06.25, the PIC of an aircraft may execute, or endeavor to execute, a cloud-break or let-down procedure at an aerodrome or nominate an aerodrome as an alternate aerodrome: Provided that the requirements relating to cloud-break or let-down procedures and to flights under IMC, as published by the Director in the IAIP [NOTAM], can be complied with.”.

- (d) the substitution for the heading of Regulation 91.07.12 of the following heading:
“Fuel”
- (e) the substitution in Regulation 91.07.12 for paragraph (a) of sub-regulation (3) of the following paragraph:
“(a) Taxi fuel, which shall be the amount of fuel expected to be consumed before take-off; taking into account local conditions at the departure aerodrome and auxiliary power unit (APU) fuel consumption;”;
- (f) the substitution in Regulation 91.07.12 for the note relating following paragraph (c) of sub-regulation (3) of the following note:
“**Note:** unforeseen factors are those factors that could have an influence on the fuel consumption to the destination aerodrome, such as deviations of an individual aeroplane from the expected fuel consumption data, deviations from forecast meteorological conditions, extended delays.”;
- (g) the substitution in Regulation 91.07.12 for sub-regulation (5) of the following sub-regulation:
“(5) An aeroplane shall not take off or continue from the point of in-flight re-planning unless the usable fuel on board meets the requirements prescribed in paragraphs (b), (d), (e) or (f) of sub-regulation 91.07.12 (3), if applicable.”
- (h) the insertion in Regulation 91.07.12 of the following sub-regulation after sub-regulation (6):
“(6A) The use of fuel after flight commencement for purposes other than originally intended during pre-flight planning shall require a re-analysis and, if applicable, adjustment of the planned operation.”.
- (i) the addition in Regulation 91.07.12 after sub-regulation (6) of the following note:
“**Note.**— Guidance on procedures for in-flight fuel management including re-analysis, adjustment and /or re-planning considerations when a flight begins to consume contingency fuel before take-off is contained in the In-Flight Fuel Management TGM on the CAA website.”;

Amendment of Part 92 of the Regulations

12. Part 92 of the Regulations is hereby amended by the substitution in Regulation 92.00.8 for sub-regulation (6) of the following sub-regulation:
“(6) Any course moderator or instructor [conducting] responsible for dangerous goods training programme shall successfully complete a category 6 initial training course and thereafter successfully complete a dangerous goods training refresher course within 24 months calculated from the date of the completion of the initial course with an approved ATO.”.

Amendment of Part 121 of the Regulations

13. Part 121 of the Regulations is hereby amended by the substitution in Regulation 121.06.4 for paragraph (a) of sub-regulation (1) of the following paragraph:
- “(a) the operator submits [**on or before**] 30 days prior to the anniversary date of initial issue, the appropriate application form and annual fee as prescribed in Part 187;”.

Amendment of Part 127 of the Regulations

14. Part 127 of the Regulations is hereby amended by the substitution in Regulation 127.06.4 for paragraph (b) of sub-regulation (1) of the following paragraph:
- “(a) the operator submits[**on or before**] 30 days prior to the anniversary date of initial issue, the appropriate application form and annual fee as prescribed in Part 187;”.

Amendment of Part 135 of the Regulations

15. Part 135 of the Regulations is hereby amended by –
- (a) the substitution in Regulation 135.03.3 for sub-regulation (4) of the following sub-regulation:
“(4) The validity period for any training required under this subpart shall be as prescribed in regulation 135.03.6 [135.03.7].”;
- (b) the substitution in Regulation 135.06.4 for paragraph (a) of sub-regulation (1) of the following paragraph:
“(a) the operator submits [**on or before**] 30 days prior to the anniversary date of initial issue, the appropriate application form and annual fee as prescribed in Part 187;”;
- (c) the substitution in Regulation 135.07.1 for paragraph (a) of sub-regulation (1) of the following paragraph:
“(a) in the case of a single-engine aeroplane, the cloud [**base**] ceiling at any point along the route of flight is not lower than that which would permit descent in VMC below the minimum en-route altitude published or established by the operator for such route or airway;”.

Amendment of Part 136 of the Regulations

16. Part 136 of the Regulations is hereby amended by –

- (a) the substitution in Regulation 136.01.8 for the heading and the opening words of sub-regulation (1) of the following heading and words:

“Sub-charters

136.01.8 In exceptional circumstances as prescribed in Document SA-CATS 48, an operator may sub-charter a free balloon and crew from any operator who holds a valid operating certificate for the balloon, issued by an appropriate authority: Provided that –“;

- (b) the deletion of regulation 136.01.9;
- (c) the substitution in Regulation 136.02.1 for sub-regulation (4) of the following sub-regulation:
“(4) An operator shall designate for each flight a PIC and where the balloon is required by this part to be operated by two pilots, a second-in-command: Provided that it is for the purpose of training and the operator shall specify the procedures in accordance with the training programme as prescribed in regulation 136.04.2 and requirements prescribed in Part 69.”;
- (d) the substitution in Regulation 136.02.2 for sub-regulation (2) of the following sub-regulation:
“(2)The functions referred to in sub-regulation (1) shall be such as to ensure that any reasonably anticipated emergency can be adequately dealt with and shall take into consideration the possible incapacitation of the PIC [**of individual flight crew members**].”;
- (e) the renumbering of the existing Subpart 3 as Subpart 4;
- (f) the insertion of the following Subpart as Subpart 3:

“SUBPART 3: TRAINING AND CHECKING

Training of flight crew members

136.03.1 (1) The operator of a commercial air transport balloon shall establish and maintain a training programme for flight crew members and in his or her employ.

(2) The operator shall ensure that each flight crew member receives recurrent training in accordance with syllabus requirements prescribed in Part 69.

(3) The provisions of this subpart shall apply in respect of full-time and part-time flight crew members.

Initial training of flight crew members

136.03.2 A flight crew member employed by the operator of a commercial air transport free balloon shall have successfully completed the initial training and skills tests as prescribed in Part 69 and through an approved aviation training organisation, and

- (a) be the holder of a free balloon pilot licence;
- (b) be the holder of a valid Class 1 medical certificate;
- (c) for free balloons less than 120 000 cu ft. –
 - (i) have a minimum of 100 hours as pilot in command of any free balloon plus a minimum of 5 hours of experience on supervised operational flights; and
 - (ii) be signed out in his pilot logbook as competent on any hot air balloon less than 120 000 cu ft. by an appropriately rated examiner;
- (d) For free balloons of 120 000 cu ft. and less than 240 000 cu ft. –
 - (i) have a minimum of 200 hours as pilot in command of any free balloon plus a minimum of 5 hours of experience on supervised operational flights on balloons of 120 000 cu ft. and less than 240 000 cu ft.; and
 - (ii) be signed out in his pilot log book as competent on any hot air balloon of 120 000 cu ft. and less than 240 000 cu ft. by an appropriately rated examiner;
- (e) For free balloons of 240 000 cu ft. and less than 360 000 cu ft. –
 - (i) have a minimum of 300 hours as pilot in command of any free balloon of which a minimum of 100 hours must have been on balloons mentioned in paragraph (d) plus a minimum of 5 hours of experience on supervised operational hot air balloon flights on a hot air balloon of 240 000 cu ft. and less than 360 000 cu ft.;
 - (ii) be signed out in his pilot log book as competent on any hot air balloon of 240 000 cu ft. and less than 360 000 cu ft. by an appropriately rated examiner;
- (f) For balloons of 360 cu ft. and more –
 - (i) have a minimum of 400 hours as pilot in command of any free balloon of which a minimum of 100 hours must have been on balloons mentioned in paragraph (e) plus a minimum of 5 hours of experience on supervised operational hot air balloon flights on a hot air balloon of 360 000 cu ft. and more;
 - (ii) be signed out in his pilot log book as competent on any hot air balloon of 360 000 cu ft. and more by an appropriately rated examiner.

Recurrent training and checking

136.03.3 (1) The operator of a commercial air transport free balloon shall ensure that flight crew members employed by such an operator undergo recurrent training and checking as prescribed in regulation 69.03.7.

(2) The operator of a commercial air transport free balloon shall ensure that flight crew members undergo training in accordance with this sub part and with the appropriate requirements prescribed in Document SA-CATS 136.

Conversion training

136.03.4 (1) The operator of a commercial air transport free balloon shall ensure that a flight crew member undergoes conversion training in accordance with regulation 69.03.06 when changing from one type or class of balloon to another type or class balloon for which a new type class rating is required, and that he or she –

- (a) have accumulated sufficient hours relevant to the size category;
- (b) have undergone 5 hours of experience on supervised operational balloon flights on the relevant size category;
- (c) been signed out in their pilot logbook by an appropriately rated examiner.

Training of ground support crew members

136.03.5 The operator of a commercial air transport balloon shall establish and maintain a training programme for ground support crew members and that

- (a) ground support crew members will undergo initial training when employed by such an operator;
- (b) ground support crew will undergo recurrent training which will be laid out in the operations manual referred to in regulation 136.04.2.

- (g) the substitution for the existing Subpart 3 (renumbered as a new Subpart 4) of the following Subpart:

“SUBPART 4: DOCUMENTATION AND RECORDS

Documents to be retained

136.04.1 The operator of a commercial air transport free balloon shall ensure that the load sheet and the passenger manifest for each flight shall be retained for a period of at least 90 days.

Operations manual

136.04.2 (1) The operator of a commercial air transport free balloon shall draw up an operations manual containing all the information required under this part and setting out the manner in which such operator will operate the air service for which such operator is licensed in terms of the International Air Services Act, 1993, or the Air Services Licensing Act, 1990 as the case may be.

(2) The operator shall submit the operations manual in duplicate to the Director for approval.

(3) If the Director is satisfied that the operator –

(a) will comply with the provisions of regulation 136.06.6; and

(b) will not operate the air service concerned contrary to any provision of the Act, the International Air Services Act, 1993 or the Air Services Licensing Act, 1990,

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

(4) The operator shall submit any amendment of an approved operations manual in duplicate to the Director for approval.

(5) If the Director is satisfied that the operator will comply with the provisions of sub- regulation (3)(a) and (b), the Director shall certify in writing on both copies of the amendment to the approved operations manual that such amendment has been approved, and shall return one copy of the approved amendment to the operator.

(6) The operator shall at all times operate the commercial air transport balloon in accordance with the approved operations manual or an approved amendment thereto.

(7) The operator shall –

(a) ensure that all operations personnel are able to understand the technical language used in those sections of the operations manual which pertain to their duties;

(b) ensure that every flight is conducted in accordance with the operations and flight manual that those parts of the flight manual

- which are required for the conduct of a flight, are easily accessible to the PIC on board;
- (c) make the operations manual available for the use and guidance of operations personnel;
 - (d) provide the flight crew members with their own personal copy of the sections of the operations manual which are relevant to the duties assigned to them;
 - (e) keep the operations manual up to date; and
 - (f) keep the operations manual in a safe place.
- (8) The contents of the operations manual shall not contravene the conditions contained in the operating certificate issued to the operator in terms of regulation 121.06.3.
- (9) The structure and contents of the operations manual referred to in sub-regulation (1) shall be as prescribed in Document SA-CATS 136.

Balloon manufacturer's flight manual

- 136.04.3 (1) The operator of a commercial air transport free balloon shall keep a current approved balloon flight manual for each balloon operated which shall be kept current with any updates from the manufacturer.
- (2) The manual shall contain the normal, abnormal and emergency procedures relating to the balloon.
- (3) The operator shall provide each flight crew member with a copy of those parts of the balloon operating manual, which are relevant to the operational duties assigned to such flight crew member.
- (4) The operator shall ensure that the balloon operating manual is provided in a hard copy or in an approved electronic format.
- (5) The balloon manufacturer's flight manual shall be referred to in the operations manual referred in regulation 136.04.2.

Flight time and duty period records

- 136.04.4 (1) The operator of a commercial air transport free balloon shall –
- (a) maintain current flight time and duty period records of all flight crew members in such operator's employ; and
 - (b) retain the flight time and duty period records for a period of 15 calendar months calculated from the date of the last flight of each flight crew member.

(2) A flight crew member in the part-time employ of an operator shall maintain his or her own flight time and duty period records and shall provide copies thereof to the operator to enable such operator to ensure that such flight crew member does not exceed the limits prescribed in the flight time and duty scheme of the operator referred to in regulation 136.02.5.

Records of emergency and equipment

136.04.5 (1) The operator of a commercial air transport free balloon shall compile a list of all the emergency equipment to be carried in the balloon and shall have such list available at all times for immediate communication to rescue co-ordination centers.

(2) The emergency equipment list shall be included in the operations manual referred to in regulation 136.04.2.

(3) The format and minimum information to be included in the emergency equipment list shall be as prescribed in Document SA-CATS 136.

Flight crew member training records

136.04.6 (1) The operator of a commercial air transport free balloon shall maintain the records of all training and proficiency checks undertaken by the flight crew members in such operator's employ, and such records shall incorporate certificates indicating the successful completion of training and proficiency checks as prescribed in Document SA-CATS 136.

(2) The operator shall retain the record of each flight deck crew member for a period of at least three years and the record of all other flight crew members for a period of at least 12 months from the date on which the flight crew member concerned has left the employ of such operator.

(3) The certificates referred to in sub-regulation (1) shall be made available by the operator to the flight crew member concerned on request.

Load sheet

136.04.7 (1) The operator of a commercial air transport free balloon registered or operated in the Republic shall complete a load sheet for each balloon flight.

(2) A load sheet shall be completed in duplicate and one copy shall be carried in the balloon and one copy shall be retained in accordance with the provisions of Regulation 136.04.1.

(3) The load sheet shall be retained by the operator for a period of at least 90 days calculated from the date on which the flight was undertaken.

(4) The minimum contents of a load sheet shall be prescribed in Document SA-CATS 136.

Preservation of documents

136.04.9 An air service operator shall retain any document required in terms of Subpart 4, for the period of time specified therein even where, prior to the expiry of such retention period, the operator ceases to maintain ownership or possession of the balloon or no longer employs the person concerned.

- (h) the renumbering of the existing Subpart 4 as Subpart 5 and the substitution thereof with the following Subpart:

“SUBPART 5: INSTRUMENTS AND EQUIPMENT

Approval of instruments and equipment

136.05.1 (1) The operator of a commercial air transport free balloon shall ensure that a flight does not commence unless the instruments and equipment required under this subpart, or otherwise installed on the balloon, are, subject to the provisions of sub-regulation (2), approved and installed in accordance with the requirements, including operational and airworthiness requirements applicable to such instruments and equipment.

- (2) The operator shall not be required to obtain approval for the –
- (a) accurate time piece referred to in regulations 91.04.4 and 91.04.5;
 - (b) first aid equipment referred to in Document SA-CATS 136;
 - (c) flight, navigation and associated equipment for balloons operated under VFR; and
 - (d) fire-fighting equipment as described in Document SA-CATS 91.

Flight, navigation and associated equipment for balloon operated under VFR

136.05.2 The operator of a commercial air transport balloon shall not operate the balloon in accordance with VFR, unless such balloon is equipped with –

- (a) an accurate time-piece showing the time in hours, minutes and seconds;

- (b) a sensitive pressure altimeter with a subscale setting, calibrated in hectopascals, adjustable for any barometric pressure setting likely to be encountered during flight;
 - (c) a vertical-speed indicator;
 - (d) a fusible temperature link and a permanent maximum temperature label to be installed;
 - (e) fuel pressure gauge and fuel content indicator;
 - (f) handling line;
 - (g) fire extinguisher; and
 - (h) first aid kit as referred to in regulation 136.05.1 (2) (b);
 - (i) a VFR radio as prescribed in regulation 91.05.01 and Document SA-CATS 91.
- (i) the renumbering of the existing Subpart 5 as Subpart 6 and the substitution thereof with the following Subpart:

“SUBPART 6: OPERATING CERTIFICATE

Operating certificate

136.06.1 The operator of a commercial air transport free balloon shall not operate the balloon unless such operator is the holder of a valid –

- (a) licence issued in terms of the Air Services Licensing Act, 1990, or the International Air Services Act, 1993; and
- (b) operating certificate issued in terms of regulation 136.06.05.

Application for operating certificate

136.06.2 (1) An application for an operating certificate shall be made to the Director in the appropriate prescribed form and shall be accompanied by the appropriate fee as prescribed in Part 187.

(2) Each application made in terms of sub-regulation (1), subject to the approval of the Director, shall demonstrate that the applicant –

- (a) has adequate equipment, facilities and personnel to operate the proposed commercial air transport operation; and
- (b) is able to conduct the commercial air transport service in a safe and proper manner and in full compliance with all applicable rules and regulations.

(3) The submission of an application under this Subpart does not place any obligation upon the Director to issue an AOC or OpsSpecs until he or she has been given reasonable time, as agreed in the schedule of events, to review the application and the application has been adjudicated in terms of regulation 136.06.3.

(4) The holder of an AOC may add to its AOC a balloon registered on another AOC: Provided that –

- (a) the balloon is not registered on more than three AOCs;
- (b) the balloon is maintained by only one AMO;
- (c) the manual of procedures or maintenance control manual, as applicable, for all operators and the Operations Specifications for each operator, specify the AMO responsible for the maintenance of each shared balloon, by balloon registration number;
- (d) the balloon flight folio used is the same for all operators, such that there is but one continuous record of the balloon's activities, and the flight crew members are trained in the procedures for completion of the flight folio;
- (e) there is one method with respect to the entry, reporting and rectification of defect procedures and the flight crew members are trained in those procedures;
- (f) the flight crew members receive ground and flight training covering any differences between the model(s) operated by the operator and that being added to the AOC, including at least –
 - (i) safety equipment contained on board;
 - (ii) ancillary equipment
 - (iii) systems differences, engine/airframe limitations, performance considerations and operating characteristics, and the results of such training are recorded on the flight crew member's training file.

(5) The personnel referred to in sub-regulation (2)(a) shall be comprised of the following positions, the incumbents of which shall be approved by the Director –

- (a) chief executive officer;
- (b) person responsible for flight operations;
- (c) person responsible for balloon
- (d) air safety officer; and
- (e) quality manager;

(6) When, after consideration of the scope and size of an operator applicant, the Director is of the opinion that it would be appropriate, he or she may approve the assignment of more than one position to one person or approve different positions.

(7) The nominated post-holders required by sub-regulation (6) shall meet the qualifications and be responsible for the functions specified in Document SA-CATS 136.

(8) Any post-holder of the positions listed in sub-regulation (6), who held such position on the commencement of these Regulations, shall be deemed to meet the qualifications required by Document SA-CATS 136: Provided that –

- (a) for a nominated post-holder, such person is satisfactory to the Director;

- (b) for an incumbent, that incumbent has discharged his or her responsibilities to the satisfaction of the Director; and
 - (c) for a nominated or incumbent post-holder, such person meets the qualifications specified in Document SA-CATS 136 within six months from the commencement of these Regulations.
- (9) Notwithstanding any provision of the Regulations, where any manager no longer meets the qualifications required for that position or fails to discharge the responsibilities of that position, the Director may withdraw such approval.
- (10) The Director may amend any AOC if –
- (a) he or she determines that safety in commercial air transport and the public interest requires the amendment; or
 - (b) the holder of the AOC applies for an amendment, and the Director determines that safety in commercial air transport and the public interest requires such amendment.
- (11) If the Director stipulates in writing that an emergency exists requiring immediate amendment in the public interest with respect to safety in commercial air transportation, such an amendment becomes effective on the date the holder of an AOC receives such notice.
- (12) A holder of an AOC may make representations to the Director against the amendment contemplated in sub-regulation (11) (a) or (12), but shall continue to operate in accordance with such amendment, unless it is subsequently varied or withdrawn.
- (13) Amendments approved by the Director, other than emergency amendments referred to in sub-regulation (12), become effective 30 days after notice to the holder of an AOC, unless the holder of the AOC makes representations against such proposal as contemplated in sub-regulation (13) prior to the effective date.
- (14) Amendments proposed by the holder of an AOC shall be made at least 30 days prior to the intended date of any operation under the proposed amendment.
- (15) No person may perform a commercial air transport operation for which an AOC amendment is required, unless that person has received notice of the approval from the Director.

Adjudication of application for operating certificate

136.06.3 (1) In considering an application referred to in regulation 136.06.2, the Director may conduct the investigation he or she considers necessary.

(2) The Director shall grant an application and issue the operating certificate if the Director is satisfied that –

- (a) the applicant will comply with the provisions of regulation 136.06.6; and
- (b) the applicant will not operate the air service concerned contrary to any provision of the Act, the International Air Services Act, 1993 and the Air Service Licensing Act, 1990.

(3) If the Director is not so satisfied, he or she shall notify the operator thereof, stating the reasons in the notification, and grant the operator the opportunity to rectify or supplement any defect within the period determined by the Director, after which period the Director shall consider the application concerned.

(4) An operating certificate shall be issued on the appropriate prescribed form, under such conditions which the Director may determine.

Period of validity of operating certificate

136.06.4 (1) An operating certificate shall be valid for such period as may be determined by the Director: Provided that such period shall not exceed a period of 12 months from the date of issuing thereof.

(2) If the holder of an operating certificate applies at least 30 days prior to the expiry thereof for a new operating certificate, the existing operating certificate shall, notwithstanding the provisions of sub regulation (1), remain in force until such holder is notified by the Director of the result of the application for the issuing of a new operating certificate.

Safety inspections and audits

136.06.5 (1) An applicant for the issuing of an operating certificate shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits which may be necessary to verify the validity of an application made in terms of regulation 136.06.2.

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

Duties of holder of operating certificate

136.06.6 The holder of an operating certificate shall –

- (a) notify the Director in the manner prescribed in Document SA-CATS 136 before any change is effected to the particulars of the operating certificate; and

- (b) keep the operating certificate in a safe place and produce such operating certificate to an authorised officer, inspector or authorised person for inspection if so requested by such officer, inspector or person.

Register of operating certificates

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

(2) The register shall contain the following particulars:

- (a) The full name and, if any, the trade name of the holder of the operating certificate;
- (b) The postal address of the holder of the operating certificate;
- (c) The number of the operating certificate issued to the holder;
- (d) Particulars of the type of air service for which the operating certificate is issued;
- (e) Particulars of the category of balloons for which the operating certificate was issued; and
- (f) The date on which the operating certificate was issued.

(3) The particulars referred to in sub-regulation (2) shall be recorded in the register within 30 days from the date on which the operating certificate was issued.

(4) The register shall be kept in a safe place at the office of the Director.

(5) A copy of the register shall be furnished by the Director, on payment of the appropriate fee as prescribed in Part 187, to any person who requests the copy.

- (j) the renumbering of the existing Subpart 6 as Subpart 7 and the substitution thereof with the following Subpart:

“SUBPART 7: FLIGHT OPERATIONS

Establishment of procedures

136.07.1 The operator of a commercial air transport free balloon shall –

- (a) establish procedures and instructions containing ground personnel and flight crew member’s duties for all types of operations on the ground and in flight; and
- (b) establish a checklist system to be used by flight deck crew member for all phases of operation under normal, abnormal and emergency

conditions, to ensure that the operating procedures in the operations manual referred to in regulation 136.04.2, are followed.

Operational control and supervision

136.07.2 The operator of a commercial air transport free balloon shall exercise operational control and establish and maintain an approved method of supervision of flight operations in the manner prescribed in Document SA-CATS 136.

Competence of operations personnel

136.07.3 The operator of a commercial air transport free balloon shall ensure that all personnel assigned to or directly involved in ground and flight operations, are properly instructed, have demonstrated their abilities in their particular duties and are aware of their responsibilities and the relationship of such duties to the operation as a whole.

Use of air traffic services

136.07.4 The operator of a commercial air transport free balloon shall ensure that air traffic services are used for all flights whenever applicable.

Smoking in, or in the vicinity of a balloon

136.07.5 (1) No person shall smoke in and within a 10m radius around a free balloon.

(2) The operator shall display signs indicating “No Smoking” in relevant areas.

Fuel policy

136.07.6 (1) The operator of a commercial air transport free balloon shall establish a fuel policy for the purpose of flight planning and in-flight pre-planning to ensure that every flight carries sufficient fuel for the planned operation and reserve fuel to cover deviations from the planned operation.

(2) The operator shall ensure that the planning of a flight is only based upon

—

- (a) procedures which are contained in or derived from the balloon flight manual referred to in regulation 136.04.2, or current free balloon-specific data; and

- (b) the operating conditions under which the flight is to be conducted, including –
- (i) realistic free balloon fuel consumption data;
 - (ii) anticipated masses; and
 - (iii) expected meteorological conditions
 - (iv) ATS procedures, restrictions and anticipated delays.
- (3) The operator shall establish policies and procedures with respect to fuel management and publish such policies and procedures in the operations manual referred to in regulation 136.04.2.
- (4) The policies and procedures required by sub-regulation (3) shall, as a minimum, include the requirement that –
- (a) in-flight fuel checks are to be performed at least every quarter of the flight by the PIC to ensure that the amount of usable fuel remaining in flight is not less than the fuel required to proceed to a selected landing site where a safe landing can be made with the planned final reserve fuel remaining; and
 - (b) The PIC shall declare a situation of urgency when the calculated usable fuel predicted to be available upon landing at the nearest suitable landing site where a safe landing can be made is less than the planned final reserve fuel.

Fuel supply

136.07.7 The operator of a commercial air transport free balloon shall establish a procedure to ensure that in-flight fuel checks and fuel management are carried out.

Carriage of children

136.07.8 The operator of a commercial air transport free balloon shall ensure that a child younger than seven years is only carried when all the conditions as prescribed in the operations manual have been met.

Carriage of passengers with disability

136.07.9 (1) The operator of a commercial air transport free balloon shall establish procedures, including identification, seating positions and handling in the event of an emergency, for the carriage of passengers with disability.

- (2) The operator shall ensure that –
- (a) the PIC of the free balloon is notified when a passenger with a disability is to be carried on board;

- (b) individual briefings on emergency procedures are given to a passenger with a disability and his or her able-bodied assistant, appropriate to the needs of such passenger; and
 - (c) the person giving the briefing shall enquire as to the most appropriate manner of assisting the passenger with a disability so as to prevent pain or injury to such passenger.
- (3) A mentally disturbed person shall not be carried in the balloon unless –
- (a) he or she is accompanied by an able-bodied assistant; and
 - (b) a medical certificate has been issued by a medical practitioner certifying such mentally disturbed person's suitability for carriage by air, and confirming that there is no risk of violence from such person.
- (4) An operator shall undertake the carriage of a mentally disturbed person who, according to his or her medical history, may become violent, only after special permission has been obtained from the Director by such operator.
- (5) A passenger with a disability may travel unaccompanied provided he or she is able to assist him or herself.
- (6) Any supporting aids or equipment of a passenger referred to in this sub-regulation shall not obstruct emergency equipment.
- (7) A passenger with a splinted or artificial limb who cannot assist himself or herself shall be accompanied by an able-bodied assistant.

Limitations on carriage of infants, children and passengers with disability

136.07.10 (1) Only one passenger with a disability or one unaccompanied minor may be carried in a flight in a commercial air transport balloon under the operator's discretion.

(2) An able-bodied assistant shall accompany a passenger with a disability who cannot assist himself or herself, and such assistant shall be assigned with the responsibility of the safety of such passenger.

(3) The operator may establish procedures, other than the procedures referred to in sub-regulations (1) and (2), for the carriage of infants, children, and passengers with a disability:

Provided that –

- (a) such procedures do not jeopardise aviation safety; and
- (b) prior written approval is obtained from the Director.

Passenger services

136.07.11 (1) Except when in use, all items for passenger services, including food containers, thermos flasks and serving trays, shall be carried in their

respective stowages and secured against movements likely to cause injury to persons or damage to the balloon.

(2) All items referred to in sub-regulation (1) shall be stowed during take-off and landing or during emergency situations, as directed by the PIC of the balloon.

Incidents and defects

136.07.12 (1) The operator of a commercial air transport free balloon shall establish adequate inspection and reporting procedures to ensure that defective equipment is reported to the PIC of the balloon before take-off.

(2) The procedures referred to in sub-regulation (1) shall be extended to include the reporting to the operator of all incidents or the exceeding of limitations that may occur while the flight crew is embarked on the balloon and of defective equipment found on board.

(3) Upon receipt of the reports referred to in sub-regulation (2), the operator shall compile a report and submit such report on a monthly basis to the Director.

Briefing of passengers

136.07.13 (1) The PIC shall ensure that passengers are given a safety briefing in accordance with Document SA-CATS 136.

(2) Where the safety briefing referred to in sub-regulation (1) is insufficient for a passenger because of that passenger's physical, sensory or comprehension limitations or because that passenger is responsible for another person on board the balloon, the PIC shall ensure that the passenger is given an individual safety briefing that is appropriate to the passenger's needs.

(3) The PIC shall ensure that, in the event of an emergency and where time and circumstances permit, all passengers are given an emergency briefing in accordance with the Document SA-CATS 136.

(4) In the event of a flight crew incapacitation, the PIC shall ensure that at least one passenger is briefed with the basic understanding of the balloon operating procedures for landing. The operator shall ensure that this is prescribed in the operations manual.”;

- (k) the renumbering of the existing Subparts 7 and 8 as Subparts 8 and 9 respectively.

Amendment of Part 141 of the Regulations

17. Part 141 of the Regulations is hereby amended by the substitution in Regulation 141.02.5 for sub-regulation (1) of the following sub-regulation:
“(5) The ATO shall ensure that the facilities and working environment are appropriate for the **[aviation training to be to be performed and acceptable to the Director]** type of training being provided, or in the case of computer based training, that the student is aware of the most appropriate learning conditions.”.

Short title and commencement

18. This Amendment is called the Ninth Amendment of the Civil Aviation Regulations, 2015 and shall come into operation 30 days after the date of publication in the Gazette.