

REPUBLIC  
OF  
SOUTH AFRICA



REPUBLIEK  
VAN  
SUID-AFRIKA

# Government Gazette Staatskoerant

*Regulation Gazette*

**No. 6791**

*Regulasiekoerant*

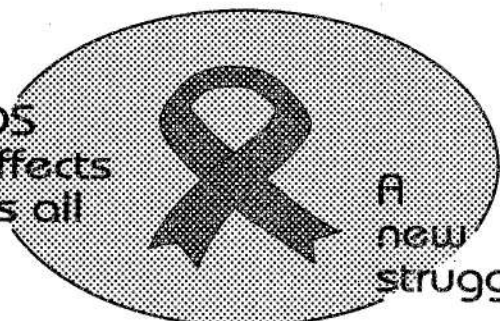
Vol. 418

PRETORIA, 20 APRIL 2000

No. 21121

**We all have the power to prevent AIDS**

AIDS  
affects  
us all



A  
new  
struggle

**Prevention is the cure**

**AIDS  
HELPUNE**

**0800 012 322**

DEPARTMENT OF HEALTH

CONTENTS • INHOUD

No.	Page No.      Gazette No.
GOVERNMENT NOTICE	
Transport, Department of Government Notice	
R. 417    Proposal for the amendment of the Civil Aviation Regulations, 1997 .....	3      21121

---

**GOVERNMENT NOTICE**

---

**DEPARTMENT OF TRANSPORT**

No. R. 417

20 April 2000

**PROPOSAL FOR THE AMENDMENT OF THE CIVIL AVIATION REGULATIONS, 1997**

Under Regulation 11.03.2 (1)(a) of the Civil Aviation Regulations, the Chairperson of the Regulations Committee hereby publishes for comment the proposed amendments to the Civil Aviation Regulations, 1997 as set out in the schedules. Any comments or representations on the proposed amendments should be lodged in writing with the Chairperson of the Regulations Committee for attention: Mr. Levers Mabaso, Private Bag X 193, Pretoria, 0001, fax no (012) 323-7007 or e-mail at [mabasol@ndot.pwv.gov.za](mailto:mabasol@ndot.pwv.gov.za) before or on 22 May 2000.

**SCHEDULE 1****PROPOSAL FOR THE AMENDMENT OF REGULATION 1 OF THE REGULATIONS  
(DEFINITIONS)****PROPOSER**

CIVIL AVIATION AUTHORITY  
PRIVATE BAG X08  
WATERKLOOF  
0145

(Submitted on behalf of the workgroup formulating proposals pertaining to Part 138 operations)

**EXPLANATION OF INTEREST OF PROPOSER.**

The Authority administers the Aviation Act, 1962 (Act No 74 of 1962) and regulations issued in terms thereof.

**1.1 PROPOSED AMENDMENTS OF REGULATION 1**

(this schedule has to be read in conjunction with schedule 2)

The following definitions have to be inserted:

- (a) " 'Able bodied assistant' means , a passenger who may be any person and who need not have any medical background knowledge accompanying a medically compromised passenger, who is assigned the responsibility for the safety and assistance of the medically compromised passenger during a flight and who is responsible for the evacuation of such a passenger during an emergency medical personnel may accompany medically compromised passengers in the capacity of able-bodied assistant, provided that:
- (i) they do not advertise in – flight patient care services
  - (ii) any in-flight patient care equipment must be provided solely for the patient's comfort. If any health care provider has determined that the medical personnel are required for the patient's health or safety, the flight is an air ambulance operation".

(b) " 'air ambulance operation' means.....

- (i) air transportation of a person with a health condition requires in – flight care (continuous monitoring and/or intervention ) by medical personnel as determined by a health care provider; or
- (ii) holding out to public as willing to provide air transportation to a person with a health condition that requires in-flight care(continuous monitoring and/or intervention) by medical personnel as determined by a health care provider including, but not limited to, advertising, solicitation or association with a hospital or medical care provider ."

(c) " 'medical personnel' means a person/s with medical training who is assigned to provide medical care during flight and is knowledgeable with aviation stresses and its effect on the human body and on medical equipment."

(d) " 'medically compromised passenger' means a passenger that is physically or mentally compromised due to illness, injury , congenial malfunction or other temporary or permanent incapacity or disability, who cannot assist himself or herself, but needs to be accompanied by an able –bodied assistant to provide comfort during the flight and help the passenger in a possible evacuation procedure."

## 1.2 MOTIVATION

The definitions will clarify the terms as used in the proposed amendment to Regulation 91.07.

## 1.3 CURRENT REGULATION

No current definitions of the said terms exist.

## SCHEDULE 2

### PROPOSAL FOR THE AMENDMENT OF REGULATION 91.07.19 (PASSENGER SEATING)

#### PROPOSER

CIVIL AVIATION AUTHORITY  
PRIVATE BAG X08  
WATERKLOOF  
0145

(Submitted on behalf of the workgroup formulating proposals pertaining to Part 138 operations)

#### EXPLANATION OF INTEREST OF PROPOSER

The Authority administers the Aviation Act, 1962 (Act No 74 of 1962) and regulations issued in terms thereof.

**EXPLANATION OF INTEREST OF PROPOSER**

The Authority administers the Aviation Act, 1962 (Act No 74 of 1962) and regulations issued in terms thereof.

**PROPOSED AMENDMENT OF REGULATION 91.07.19**

1. renumbering the existing regulation as sub-regulation (1) ; and
2. inserting the following sub-regulations after sub-regulation (1):
  - "(2) The owner or operator of an aircraft shall ensure that if a medically compromised passenger is carried together with other passengers, such passenger shall not be seated in such a way that he or she blocks the emergency exit.
  - (3) Passengers may be carried in an aircraft on a stretcher only if such stretcher and its manner of securing have been approved by the Commissioner, and the condition of the passenger does not require the attention of medical personnel or require him or her to be connected to any medical equipment.
  - (4) The only exception to regulation 91.07.19 will be that in the case of a life threatening situation, where no aircraft operated according to and equipped in terms of Part 138 can be made available within a reasonable time span at or near the place where the situation exists, an aircraft owner or operator may disregard sub-regulations (1), (2) and (3) in the interest of saving human life. The aircraft owner or operator must ensure that a competent level of medical care will be provided during the flight. Such non-standard emergency transport shall be reported to the Commissioner in writing, explaining the circumstances, within fourteen days."

**2.2 MOTIVATION**

1. The present regulations require a G7 licence and compliance with Part 138 of the Regulations, whenever a patient requiring medical care and equipment, is to be transported.
2. Presently, there is a limited number of operators available with a G7 licence, who is compliant with Part 138.
3. It has been alleged that patients dies because of the unavailability of G7 licenced aircraft (on short notice) geographically throughout South Africa.
4. This leads to unacceptable time delays while waiting for a G7 licenced operator to become available. During this time patients are at a risk to either die or suffer severe consequences and/or disabilities.
5. The present regulations do not make provisions for rendering of medical assistance during true life threatening situations.



## 2.3 CURRENT PROVISION

- "(1) The owner or operator of an aircraft shall ensure that passengers are seated where, in the event that an emergency evacuation is required, such passengers may best assist and not hinder evacuation from the aircraft."

## SCHEDULE 3

### PROPOSAL FOR THE AMENDMENTS OF REGULATION 139.02.3 OF THE REGULATIONS

#### PROPOSER

MARK LISTER AVIATION CC  
PO BOX 309  
PIETERSBURG  
0700

#### EXPLANATION OF INTEREST OF THE PROPOSER

PROPOSER is an active participant within the aviation sector

### 3.1 PROPOSED AMENDMENT OF REGULATION 139.02.3 (OPERATIONS MANUAL)

"Applicant for the issuing of an aerodrome licence for which the aerodrome services scheduled air traffic using aircraft with more than 30 passenger seats, shall provide the Commissioner with an operators Manual which shall contain -

(a) to (m) ..."

### 3.2 MOTIVATION

#### 3.2.1 Similarities to CAA's proposal

My proposal is substantially similar to a proposal by the CAA and published in Government Notice No R.148 of 11 February 2000 ( Government Gazette No 20884 ) (see in this regard paragraph 3.3 below). I support the principles embodied in the CAA's proposal but, suggest that we use an alternate measure, more commonly used internationally, to differentiate between aerodromes.

The motivation supplied by the CAA for their proposal is applicable to my proposal and is not repeated here. Similarly much of my motivation is applicable to the CAA's proposal.

#### 3.2.2 General issues

The current restrictive environment does not encourage aerodrome owners to licence their aerodrome resulting in an increasing number of aerodromes at which no standards are regulated. By removing the least cost-effective of these restrictions one can stimulate these aerodromes to comply with a reduced set of standards and improve standards overall. Compliance is an issue of both quality and quantity.

### 3.2.3 Obstacles to widespread licensing

The main obstacles to widespread licensing are the operations manual, security plan, rescue and fire fighting services, lighting and a few minor provisions – like friction measuring devices – commonly ignored by users and the CAA alike.

### 3.2.4 International practice

Countries like the USA, Sweden, Australia and New Zealand all use measures similar to the one I propose, that is, scheduled traffic in excess of 30 seats or in excess of 0.25% of the total passenger movements nation wide for fire fighting services. The particular model I have chosen is based upon the USA's provisions.

New Zealand CAA, when considering their own Part 139, responded to their users as follows:

"Authority response: The United States Federal Aviation Regulations has been used as a basis for the selection of 30 passenger seats as a defined break for certification purposes. This break point has also been selected by the Australian Civil Aviation Authority.

The rule has been amended by adding the word "regular". This will allow non certificate aerodromes to serve aeroplane with more than 30 passenger seats on an irregular or infrequent basis. The aircraft operator will bear the responsibility for ensuring that the aerodrome is suitable and safe for the operation of the aircraft".

The advantage of using an international accepted measure is that our trade partners will immediately recognize our non—compliance with an ICAO standard and regard it as trivial. Sweden undertook a cost benefit study prior to notifying ICAO of its non-compliance so we may take advantage of their prior research should ICAO ask us to justify our action.

### 3.2.5 Confusing airport categories scheme

Our categorization of airports may cause confusion if interpreted internationally. We use a scheme ranging from 1 to 9 that relate to a measure of fire fighting capability. This scheme is derived from ICAO annex 14 volume I. In the same document ICAO expounds on a different scheme to categorize runways. In their runway categorization scheme a runway can be categorized as 1 through 4 with followed by a letter A through E. It is clear that France for example confused this runway categorization scheme with an aerodrome categorization scheme. If we report to ICAO that we do not implement certain standards on category 1 and 2 aerodromes ICAO and contracting states may interpret this as a higher level of non-compliance than our actual implementation allows.

### 3.2.6 Probable legislative sequence

This proposal and its CAA proposed counterpart have an agenda that users should appreciate. The likely sequence of events that users should expect is:

- ➔ Relief from the requirements of an operations manual
- ➔ Relief from the requirements of a security plan
- ➔ Partial relief from the requirements of annex 14 volume 1
- ➔ Reformation of the security regulations (refer to my proposal 2.04 – "withdrawal of inappropriate material from SA-CATS-AH" – currently awaiting publication in the AIC)

- Withdrawal of the dispensation that allows operation of an aircraft up to 5700 kg from unlicensed facilities.

I strongly urge readers to consider this sequence of events and comment upon the process.

### 3.2.7 References

ICAO annex 14 volume I (Available from Chester Chandler, Avex Air Training, Grand Central Airport)

USA FAR Part 139: available on the Internet at <http://www.faa.gov>

Airport traffic statistics for selected USA airports in 1997 available on the Internet at: [http://www.panynj.gov/aviation/traffic/airtraffic\\_1997.pdf](http://www.panynj.gov/aviation/traffic/airtraffic_1997.pdf)

New Zealand Part 139: available on the Internet at <http://www.caa.govt.nz>.

Proposal 2.04: "withdrawal of inappropriate material from the SA-CATS-AH" by myself and available on the Internet at <http://home.mweb.co.za/p7/p71>.

### 3.3 PROPOSAL FOR THE AMENDMENT OF REGULATION 139.02.3 (CAA)

"An applicant for the issuing of an aerodrome licence higher than Category 2, or for an aerodrome where scheduled commercial operations are to be conducted, shall provide the Commissioner with an operations manual which shall contain –

(a) to (m) ..."

The requirement for operations manuals is found to be excessive for aerodromes less than category 2 where no training or scheduled passenger services are conducted. Most of such aerodromes are found to be either unmanned or corporate aerodromes with a single overseer. "bush airstrip" is also found amongst this group and is currently not required to be licenced.

This relaxation will encourage more aerodromes to voluntarily become licenced and thereby enabling the CAA to exercise control over safety standards applied in the game farm tourist industry – an industry which continues to transport high profile passengers, in small aircraft, into what can only be described as sometimes dangerous locations.

### 3.4 CURRENT REGULATION

"An applicant for the issuing of an aerodrome licence shall provide Commissioner with an operation manual which shall contain –

(a) to (m) ..."



**SCHEDULE 4****PROPOSAL FOR THE AMENDMENT OF REGULATION 187.00.12****PROPOSER**

CIVIL AVIATION AUTHORITY  
PRIVATE BAG X08  
WATERKLOOF  
0145

**EXPLANATION OF INTEREST OF PROPOSER**

PROPOSER administers the Aviation Act 1962 (Act No. 74 of 1962) and regulations issued in terms thereof.

**4.1 PROPOSED AMENDMENT OF REGULATION 187.00.12 (FEES RELATING TO PART 121)**

Amend regulation 187.00.12 by adding sub-regulation (3):

"(3) In the case where the certificate referred to in (1)(a) and (c) is issued or renewed for a time period shorter than twelve months, the prescribed fees will be payable on a pro-rata basis."

**4.2 MOTIVATION**

In an attempt to schedule the inspections of all operators in an effective manner, the Flight Operations Department has divided the operators into various specific areas. Due to the fact that not all the operating certificates in the identified areas lapse within the same month, additional costs are incurred to inspect the various operators in the same area at different times during the year.

In order to enable the Civil Aviation Authority to provide a more cost effective and efficient service to its clients, it wishes to group the operating certificate lapse dates of all the operators in a specific area into the same month. It thus becomes necessary to renew some operating certificates for a shorter period of time.

The problem arises that the current regulations do not make provision for a pro rata payment of renewal fees. As the CAA cannot expect operators to pay the full renewal amount due to reasons which do not concern them, it is proposed that the regulations be amended to allow for the pro rata payment for renewal of certificates shorter than 12 months.

**4.3 CURRENT REGULATION :**

"187.00.12 (1) The following fees shall, subject to the provisions of subregulation (2), be payable upon application-

- a) for issuing of Operating Certificate issued in terms of regulation 121.06.3 for aeroplane in the all-up certificate mass class-

(i)	less than 5701 kg having a passenger seating configuration of more than nine seats.....	6 000, 00
(ii)	5 701 kg – 20 000 kg.....	8 000, 00
(iii)	20 001 kg – 130 000 kg.....	10 000, 00
(iv)	greater than 130 000 kg .....	12 000,00

b) for each aeroplane in the mass classes referred to below –

(i)	less than 5701 kg having a passenger seating configuration of more than nine seats.....	800, 00
(ii)	5 701 kg2000kg.....	900, 00
(iii)	20 001 kg – 130 000 kg.....	1 000, 00
(iv)	greater than 130 000 kg .....	2 000, 00

(c) for the renewal of an operating certificate issued in terms of paragraph (a) above in respect of aeroplanes in the all-up certificate mass classes specified below:

(i)	less than 5 701 kg having a passenger seating configuration than nine seats.....	4 000, 00
(ii)	5 701 kg – 20 000 kg.....	6 000, 00
(iii)	20 001 kg – 130 000 kg.....	8 000,00
(iv)	greater than 130 000kg.....	10 000,00

- (1) Where an application for an operating certificate or an application for a renewal thereof relates to more than one aeroplane, the fee payable shall be in respect of an aeroplane in the highest all-up certificated mass class applicable to Part 121."

## **SCHEDULE 5**

### **PROPOSAL FOR THE AMENDMENT OF REGULATION 187.00.13**

#### **PROPOSER**

CIVIL AVIATION AUTHORITY  
PRIVATE BAG X08  
WATERKLOOF  
0145

#### **EXPLANATION OF INTEREST OF PROPOSER**

PROPOSER administers the Aviation Act , 1962 (Act No 74 of 1962) and regulations issued in terms thereof.

#### **5.1 PROPOSED AMENDMENT OF REGULATION 187.00.13**

Amend subregulation 187.00.13 by adding subregulation (3):

(3) "In the case where the certificate referred to in (2)(a) and (c) is issued or renewed for a time period shorter than twelve months, the prescribed fees will be payable on a pro-rata basis."

## 5.2 MOTIVATION

In an attempt to schedule the inspections of all operators in an effective manner, the Flight Operations Department has divided the operators into various specific areas. Due to the fact that not all the operating certificates in the identified areas lapse within the same month, additional costs are incurred to inspect the various operators in the same area at different times during the year.

In order to enable the Civil Aviation Authority to provide a more cost effective and efficient service to its clients, it wishes to group the operating certificate lapse dates of all the operators in a specific area into the same month. It thus becomes necessary to renew some operating certificates for a shorter period of time.

The problem arises that the current regulations do not make provision for a pro rata payment of renewal fees. As the CAA cannot expect operators to pay the full renewal amount due to reasons which do not concern them, it is proposed that the regulations be amended to allow for the pro rata payment for renewal of certificates shorter than 12 months.

## 5.3 CURRENT REGULATION :

"187.00.13 (1) The following fees shall, subject to the provisions of sub-regulation (2), be payable upon application:

- (a) for the issuing of operating certificate issued in terms of regulation 127.06.3 for helicopters in the all-up certificated mass class of-
    - (i) less than 1 501 kg.....5 000, 00
    - (ii) 1 501 kg – 5 700 kg.....6 000, 00
    - (iii) greater than 5 700 kg.....8 000, 00
  - (b) for each helicopter in the mass classes referred to below:
    - (i) less than 1 501 kg.....700, 00
    - (ii) 1 501 kg -5700kg.....900, 00
    - (iii) greater than 5 700 kg.....1 000, 00
  - (c) for renewal of an operating certificate issued in terms of paragraph (a) above in respect of helicopters in the all-up certificated mass classes specified below:
    - (i) less than 1 501 kg.....3 000, 00
    - (ii) 1 501 kg – 5 700 kg.....4 000, 00
    - (iii) greater than 5 700 kg.....6 000, 00
- (2) Where an application for an operating certificate or an application for a renewal thereof relates to more than one helicopter, the fee payable shall be in respect of a helicopter in the highest all-up certificated mass class applicable to Part 127."

**SCHEDULE 6****PROPOSAL FOR THE AMENDMENT OF REGULATION 187.00.14 (FEES RELATING TO PART 135)****PROPOSER**

CIVIL AVIATION AUTHORITY  
PRIVATE BAG X08  
WATERKLOOF  
0145

**EXPLANATION OF INTEREST OF PROPOSER**

The proposer administers the Aviation Act, 1962 (Act No 74 of 1962) and regulations issued in terms thereof.

**6.1 PROPOSED AMENDMENT OF REGULATION 187.00.14**

Amend sub-regulation 187.00.14 by the following:

- ✦ Renummer the first paragraph as sub-paragraph (1), and
- ✦ Include a sub-paragraph (2) which reads:

"(2) In the case where the certificate referred to in (1)(a) and (c) is issued or renewed for a time period shorter than twelve months, the prescribed fees will be payable on a pro-rata basis."

**6.2 MOTIVATION**

In an attempt to schedule the inspection of all operators in an effective manner, the Flight Operations Department has divided the operators into various specific areas. Due to the fact that not all the operating certificates in the identified areas lapse within the same month, additional costs are incurred to inspect the various operators in the same area at different times during the year.

In order to enable the Civil Aviation Authority to provide a more cost effective and efficient service to its clients, it wishes to group the operating certificate lapse dates of all the operators in a specific area into the same month. It thus becomes necessary to renew some operating certificates for a shorter period of time.

The problem arises that the current regulations do not make provision for a pro rata payment of renewal fees. As the CAA cannot expect operators to pay the full renewal amount due to reasons which do not concern them, it is proposed that the regulations be amended to allow for the pro rata payment for renewal of certificates shorter than 12 months.

**6.3 CURRENT REGULATION :**

"187.00.14 The following fees shall be payable upon application-

- (a) for issuing of operating certificate issued in terms of regulation 135.06.3 for aeroplanes with a maximum certificated mass of 5 701 kg or less or a maximum approved passenger seating configuration of not more than nine seats.....6 000, 00
- (b) for each aeroplane in the classes referred to above.....800, 00
- (c) for renewal of an operating certificate issued in terms of paragraph (a) above.....4 000, 00"

## **SCHEDULE 7**

### **PROPOSAL FOR THE AMENDMENT OF REGULATION 187.00.16 (FEES RELATING TO PART 141)**

#### **PROPOSER**

CIVIL AVIATION AUTHORITY  
PRIVATE BAG X08  
WATERKLOOF  
0145

#### **EXPLANATION OF INTEREST OF PROPOSER**

PROPOSED administers the Aviation Act , 1962 (Act No 74 of 1962) and regulations issued in terms thereof.

#### **7.1 PROPOSED AMENDMENT OF REGULATION 187.00.16**

Amend subregulation 187.00.16 by the following:

Renumber the first paragraph as sub-paragraph (1), and

Include a sub-paragraph (2) which reads:

- "(3) In the case where the certificate referred to in (1)(b) and (d) is issued or renewed for a time period shorter than twelve months, the prescribed fees will be payable on a pro-rata basis."

#### **7.2 MOTIVATION**

In an attempt to schedule the inspections of all operators in an effective manner, the Flight Operations Department has divided the operators into various specific areas. Due to the fact that not all the operating certificates in the identified areas lapse within the same month, additional costs are incurred to inspect the various operators in the same area at different times during the year.

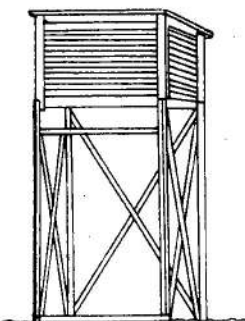
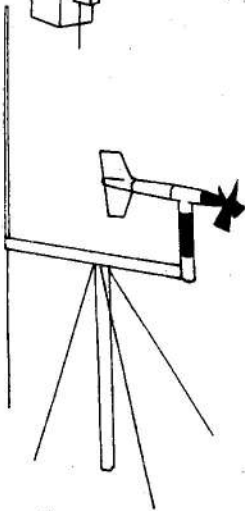


The problem arises that the current regulations do not make provision for a pro rata payment of renewal fees. As the CAA cannot expect operators to pay the full renewal amount due to reasons which do not concern them, it is proposed that the regulations be amended to allow for the pro rata payment for renewal of certificates shorter than 12 months.

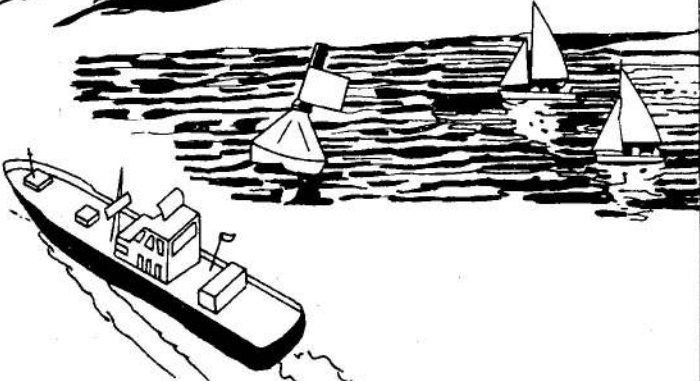
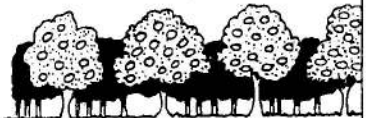
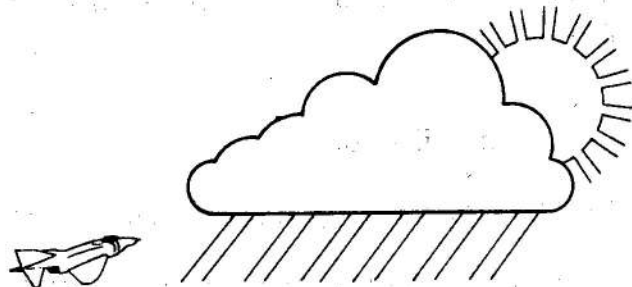
### 7.3 CURRENT REGULATION

"187.00.16 the following fees shall be payable upon application-

- a) for a copy of the register of aviation training organization approvals..... 150, 00
  - b) for the issuing of an aviation training organization approval to conduct standard aviation training ..... 1 500,00
  - c) for an amendment of an aviation training organization approval to conduct standard aviation training.....750,00
  - d) for the renewal of an aviation training organization approval to conduct standard aviation training.....750,00
  - e) for the issuing of an aviation training organization temporary approval to conduct aviation training.....100,00"
-

**SA WEATHER BUREAU SA WEERBURO**

**W  
E  
A  
T  
H  
E  
R  
·  
S  
E  
R  
V  
I  
C  
E  
S  
·  
W  
E  
E  
R  
D  
I  
E  
N  
S  
T  
E**



Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001

Publications: Tel: (012) 334-4508, 334-4509, 334-4510

Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504

Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737

Cape Town Branch: Tel: (021) 465-7531

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001

Publikasies: Tel: (012) 334-4508, 334-4509, 334-4510

Advertensies: Tel: (012) 334-4673, 334-4674, 334-4504

Subskripsies: Tel: (012) 334-4735, 334-4736, 334-4737

Kaapstad-tak: Tel: (021) 465-7531