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AIDS HELPLINE: 0800-0123-22 Prevention is the cure

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GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF HEALTH DEPARTEMENT VAN GESONDHEID

No. R. 25

16 January 2004

REGULATIONS RELATING TO THE LABELLING OF FOODSTUFFS OBTAINED THROUGH CERTAIN TECHNIQUES OF GENETIC MODIFICATION

The Minister of Health, has in terms of section 15(1) of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), made the regulations in the Schedule.

SCHEDULE

Definitions

1. In these regulations any expression to which a meaning has been assigned in the Act shall bear that meaning and, unless the context indicates otherwise -

"allergen" means a substance that causes an allergic reaction;

"certain techniques of genetic modification" means the application of -

(a) *in vitro* nucleic acid techniques, including recombinant deoxyribonucleic acid (DNA) and direct injection of nucleic acid into cells or organelles; or

(b) fusion of cells beyond the taxonomic family,
that overcome natural physiological, reproductive or recombination barriers and that are not techniques used in traditional breeding and selection.

"corresponding existing foodstuff" means the original form of the foodstuff as it occurs in agriculture or trade prior to genetic modification;

"food additive" means any substance not normally consumed as a foodstuff by itself and not normally used as a typical ingredient of the foodstuff, whether or not such substance has

nutritional value, the intentional addition of which to a foodstuff for technological (including organoleptic) purposes in the manufacture, processing, preparation, treatment, packing, packaging, transport or storage of such foodstuff results, or may be reasonably expected to result, directly or indirectly, in such substance or the byproducts thereof becoming an ingredient of or otherwise affecting the characteristics of such foodstuff, excluding any substance added to foodstuffs to maintain or improve nutritional qualities, or any contaminants;

“food ingredient” means any substance, including a food additive or a component of a compound ingredient, used in the manufacture or preparation of a foodstuff and present in the final product, whether or not in a modified form;

“foodstuff obtained through certain techniques of genetic modification” means a foodstuff -

- (a) composed of a genetically modified organism or organisms;
- (b) containing a genetically modified organism or organisms;
- (c) produced from and containing protein or DNA resulting from such genetic modification;
- (d) produced from, but not containing, a genetically modified organism or organisms or protein or DNA resulting from such genetic modification; and includes food additives and food ingredients, but excludes a foodstuff derived from an animal which is not itself a genetically modified organism but has been fed on feed in the production of which genetic modification is used;

“genetically modified organism” means an organism in which the genetic material has been changed through certain techniques of genetic manipulation in a way that does not occur naturally by multiplication or natural recombination;

“organism” means a biological entity, cellular or non-cellular, capable of replication or of transferring genetic material;

“significantly different” means, in respect of a foodstuff obtained through certain techniques of genetic modification, that characteristics scientifically assessed through an appropriate analysis of data are different from those of a corresponding existing foodstuff, taking into account accepted limits of natural variation in that foodstuff;

“taxonomic family” means a group of organisms classified together on the basis of common features, in a classification system; and

“the Act” means the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).

Labelling of a foodstuff significantly different in respect of the composition, nutritional value, mode of storage, preparation or cooking, allergenicity or human or animal origin

2. A foodstuff obtained through certain techniques of genetic modification shall not be sold unless if such foodstuff is labelled as follows:

- (a) If the composition of a foodstuff differs significantly from the characteristic composition of the corresponding existing foodstuff, the label shall contain such additional words or phrases as may be necessary to inform the consumer of its true composition;

- (b) if the nutritional value of a foodstuff differs significantly from the characteristic nutritional value of the corresponding existing foodstuff, the label shall contain such additional words or phrases as may be necessary to inform the consumer of its changed nutrient content; and
- (c) if the mode of storage, preparation or cooking of such a foodstuff differs significantly from that of the corresponding existing foodstuff, clear instructions for use shall be given on the label of such foodstuff;
- (d) if a foodstuff contains an allergen from any of the products listed in the Annexure that causes allergy, the label shall contain such additional words or phrases as may be necessary to inform the consumer of this fact;
- (e) if a foodstuff is derived from -
 - (i) plant material containing animal nucleic acid(s) or protein(s) derived from a human or from an animal;
 - (ii) animal material containing animal nucleic acid(s) or protein(s) derived from a human or from a different taxonomic animal family, it shall be labelled with such wording as may be necessary to inform the consumer as to the origin of the nucleic acid(s) or protein(s).

Enhanced-characteristic claim

3. The label of a foodstuff obtained through certain techniques of genetic modification may bear a claim with regard to improved or enhanced characteristics such as composition, nutritional value and reduced causation of allergenicity: Provided that -

- (a) the claim has been validated and certified by a competent body which is accredited to the South African National Accreditation Services;
- (b) the name of the certifying body appears on the label of the product bearing such a claim in close proximity to the claim;

- (c) the claim indicates that such an improved or enhanced characteristic has been achieved by certain techniques of genetic modification; and
- (d) the wording is limited to "genetically-enhanced foodstuff" or "genetically-improved foodstuff".

General

4. The labelling of a foodstuff obtained through certain techniques of genetic modification is also subject to the Regulations Governing the Labelling and Advertising of Foodstuffs published under Government Notice No. R. 2034 of 29 October 1993, made in terms of the Act.

ANNEXURE

Crustaceans

Egg

Fish

Groundnuts

Milk

Molluscs

Soya beans

Tree nuts

Triticum cultivars



M E TSHABALALA-MSIMANG

MINISTER OF HEALTH

No. R. 25

16 Januarie 2004

**REGULASIES BETREFFENDE DIE ETIKETTERING VAN
VOEDINGSMIDDELS VERKRY DEUR BEPAALDE TEGNIEKE VAN
GENETIESE MODIFIKASIE**

Die Minister van Gesondheid het kragtens artikel 15(1) van die Wet op Voedingsmiddels, Skoonheidsmiddels en Ontsmettingsmiddels, 1972 (Wet No. 54 van 1972), die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

1. In hierdie regulasies het enige uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis en, tensy uit die samehang anders blyk, beteken -

"allergeen" 'n stof wat 'n allergiese reaksie veroorsaak;

"beduidend verskillend", met betrekking tot 'n voedingsmiddel verkry deur bepaalde tegnieke van genetiese modifikasie, dat eienskappe wat wetenskaplik beoordeel is deur middel van gepaste analise van die data, verskil van die eienskappe van 'n ooreenstemmende bestaande voedingsmiddel, met inagneming van aanvaarde grense van natuurlike variasie by daardie voedingsmiddel;

“bepaalde tegnieke van genetiese modifikasie die aanwending van -

- (a) *In vitro*-nukleïensuurtegnieke, insluitend rekombinante deoksiribonukleïensuutegnieke (DNS-tegnieke) en direkte inplasing van nukleïensure in selle of organelle; of
- (b) fusie van selle buite die taksonomiese familie.

“die Wet” die Wet op Voedingsmiddels, Skoonheidsmiddels en Ontsmettingsmiddels, 1972 (Wet No 54 van 1972);

“geneties gemodifiseerde organisme” ’n organisme waarin genetiese materiaal deur bepaalde tegnieke van genetiese manipulasie op ’n manier verander is wat nie natuurlik deur vermenigvuldiging en/of natuurlike rekombinasie geskied nie;

“ooreenstemmende bestaande voedingsmiddel” die oorspronklike vorm van die voedingsmiddel soos dit voor genetiese modifikasie voorkom in die landbou en/of die handel;

“organisme” ’n biologiese entiteit, sellulêr of nie-sellulêr, wat kan repliseer of genetiese materiaal kan oordra ;

“taksonomiese familie” ’n groep organismes wat op grond van gemeenskaplike eienskappe saam geklassifiseer word in ’n klassifikasiesistelsel;

“voedingsmiddel verkry deur bepaalde tegnieke van genetiese modifikasie” ’n voedingsmiddel wat-

-
- (a) saamgestel is uit 'n geneties gemodifiseerde organisme of organismes;
 - (b) 'n geneties gemodifiseerde organisme of organismes bevat;
 - (c) geproduseer is van proteïen of DNS afkomstig van so 'n genetiese gemodifikasie of dit bevat;
 - (d) geproduseer is van 'n geneties gemodifiseerde organisme of organismes of proteïen of DNS afkomstig van genetiese modifikasie, maar wat dit nie bevat nie;

en sluit dit voedseladditiewe en voedselbestanddele in, maar nie ook 'n voedingsmiddel afkomstig van 'n dier wat nie opsigself 'n geneties gemodifiseerde organisme is nie, maar gevoer is met veevoedsel wat geproduseer is deur gebruik te maak van genetiese modifikasie;

“voedseladditief” enige stof wat nie gewoonlik op sigself as 'n voedingsmiddel ingeneem word nie en nie gewoonlik as 'n tipiese bestanddeel van die voedingsmiddel gebruik word nie, hetsy sodanige stof voedingswaarde het of nie, en waarvan die doelbewuste toevoeging by 'n voedingsmiddel vir 'n tegnologiese (met inbegrip van organoleptiese) doel by die vervaardiging, verwerking, bereiding, behandeling, pak, verpakking, vervoer of berging van sodanige voedingsmiddel die uitwerking het, of redelikerwys verwag kan word om regstreeks of onregstreeks die uitwerking te hê, dat sodanige stof of die neweprodukte daarvan 'n bestanddeel van die voedingsmiddel word of die eienskappe van sodanige voedingsmiddel op 'n ander wyse beïnvloed word, met uitsluiting van enige stof wat by

voedingsmiddels gevoeg word om voedingseienskappe te behou of te verbeter, of enige kontaminante.

"voedselbestanddeel" enige stof, met inbegrip van enige voedseladditief of 'n komponent van 'n saamgestelde bestanddeel, wat by die vervaardiging of bereiding van 'n voedingsmiddel gebruik word en in die eindproduk aanwesig is in gewysigde vorm of nie;

Etikettering van 'n voedingsmiddel wat beduidend verskil betreffende die samestelling, voedingswaarde en wyse van berging, voorbereiding of gaarmaak, allergenisiteit of menslike of dierlike oorsprong

2. 'n Voedingsmiddel verkry deur bepaalde tegnieke van genetiese modifikasie mag verkoop word slegs indien die voedingsmiddel soos volg geëtiketteer is:

- (a) Indien die samestelling van 'n voedingsmiddel beduidend verskil van die kenmerkende samestelling van die ooreenstemmende bestaande voedingsmiddel, moet die etiket sodanige addisionele woorde of frases bevat as wat nodig is om die verbruiker in te lig omtrent die werklike samestelling;
- (b) indien die voedingswaarde van 'n voedingsmiddel beduidend verskil van die kenmerkende voedingswaarde van die ooreenstemmende bestaande voedingsmiddel, moet die etiket sodanige addisionele woorde of frases bevat as wat nodig is om die verbruiker in te lig omtrent die veranderde voedingsinhoud; en

-
- (c) indien die wyse van berging, voorbereiding of gaarmaak beduidend verskil van dié van die ooreenstemmende bestaande voedingsmiddel, moet duidelike instruksies vir gebruik op die etiket van sodanige voedingsmiddel verstrek word;
 - (d) indien 'n voedingsmiddel 'n allergeen afkomstig van enige produk genoem in die Aanhangel bevat wat allergie veroorsaak, moet die etiket sodanige woorde of frases as wat nodig mag wees om die verbruiker daaroor in te lig;
 - (e) indien sodanige voedingsmiddel afkomstig is van-
 - (i) plantmateriaal wat nukleïensuur of -sure of proteïene of proteïene bevat wat afkomstig is van 'n mens of 'n dier, of
 - (ii) dieremateriaal wat nukleïensuur of -sure of proteïene of proteïene bevat wat afkomstig is van 'n mens of van 'n ander taksonomiese dierefamilie,

moet dit geëtiketteer word met sodanige bewoording as wat nodig mag wees om die verbruiker oor die oorsprong van die nukleïensuur of -sure of proteïene(e) in te lig.

Aanspraak met betrekking tot verbeterde eienskappe

3. Die etiket van 'n voedingsmiddel verkry deur bepaalde tegnieke van genetiese modifikasie mag 'n aanspraak bevat met betrekking tot verbeterde of veranderde eienskappe soos samestelling, voedingswaarde of verminderde veroorsaking van allergenisiteit. Met dien verstande dat -

- (a) die aanspraak bewys en gesertifiseer is deur 'n bevoegde liggaam wat geakkrediteer is by die Suid-Afrikaanse Nasionale Akkreditasiedienste;
- (b) die naam van die sertifiseringsliggaam op die etiket van die produk waarop sodanige aanspraak gemaak word, in die onmiddellike nabyheid van die aanspraak verskyn;
- (c) die aanspraak aandui dat so 'n verbeterde eienskap verkry is deur bepaalde tegnieke van genetiese modifikasie; en
- (d) die bewoording beperk is tot "geneties verbeterde voedsel".

Algemeen

4. Die etikettering van voedingsmiddels verkry deur bepaalde tegnieke van genetiese modifikasie is ook onderworpe aan die Regulasies betreffende die Etikettering en Advertering van Voedingsmiddels gepubliseer by Goewermentskennisgewing No. R. 2034 van 29 Oktober 1993, soos gewysig.

AANHANGSEL

Boomneute

Crustaceae (skulpdiere)

Eiers

Grondbone

Melk

Molluske

Sojabone

Vis

Triticum-kultivars



M. E. TSHABALALA-MSIMANG

MINISTER VAN GESONDHEID

DEPARTMENT OF LABOUR

No. R. 19

16 January 2004

LABOUR RELATIONS ACT, 1995**CORRECTION NOTICE****NATIONAL BARGAINING COUNCIL FOR THE CLOTHING MANUFACTURING INDUSTRY: EXTENSION OF MAIN COLLECTIVE RE-ENACTING AND AMENDING AGREEMENT FOR THE NORTHERN REGION (CLOTHING) TO NON-PARTIES**

The following correction to Government Notice No. R. 1268 appearing in Government Gazette No. 25429 of 12 September 2003, is hereby published for general information:

1. CLAUSE 4. GENERAL PROVISIONS

- 1.1 Substitute clause 4 as it appears in the Correction Notice published under Government Notice No. R 1573 of 31 October 2003, for the following:

"4. GENERAL PROVISIONS

The provisions contained in clauses 3 to 19A, 20 to 22(2), 22(5)(a), 22(5)(c) and (e) to 24, 25(2) to 25(12), 26A(4), 26B to 27 of the Former Agreement (as further amended, re-enacted and renewed from time), shall apply to employers and employees."

No. R. 20

16 January 2004

LABOUR RELATIONS ACT, 1995**CORRECTION NOTICE****NATIONAL BARGAINING COUNCIL FOR THE CLOTHING MANUFACTURING INDUSTRY: EXTENSION OF MAIN COLLECTIVE RE-ENACTING AND AMENDING AGREEMENT FOR THE KWAZULU-NATAL REGION TO NON-PARTIES**

The following correction to Government Notice No. R. 1285 appearing in Government Gazette No. 25456 of 19 September 2003, is hereby published for general information:

1. 3. SPECIAL PROVISIONS

1.1 Substitute the following for clause 3:

"3. SPECIAL PROVISIONS

The provisions contained in clauses 4(5) and 23(5) and 23(6) of the Agreement published under Government Notice No. R. 1517 of 27 November 1998 as amended and re-enacted by Government Notices Nos. R. 1259 of 22 October 1999, R. 225 of 14 February 2003 and R. 781 of 20 June 2003, (hereinafter referred to as the "Former Agreement"), as further amended and re-enacted from time to time, shall apply to employers and employees who are members of the parties to the Collective Agreement.

2. **4. GENERAL PROVISIONS**

2.1 Substitute the following for clause 4:

"4. GENERAL PROVISIONS

The provisions contained in clauses 3 to 4(4) and 4(6) to 23(4) and 23(7) to 41 of the Former Agreement (as further amended and re-enacted from time to time), shall apply to employers and employees".

No. R. 21

16 January 2004

LABOUR RELATIONS ACT, 1995**CORRECTION NOTICE****NATIONAL BARGAINING COUNCIL FOR THE CLOTHING MANUFACTURING
INDUSTRY: EXTENSION OF PROVIDENT FUND COLLECTIVE RE-ENACTING
AND AMENDING AGREEMENT FOR THE KWAZULU-NATAL REGION TO
NON-PARTIES**

The following correction to Government Notice No. R. 1289 appearing in Government Gazette No. 25456 of 19 September 2003, is hereby published for general information:

1. 3. SPECIAL PROVISIONS

- 1.1 Substitute the following for clause 3 where it appears in the Correction Notice published under Government Notice No. R. 1572 of 31 October 2003:

"3. SPECIAL PROVISIONS

The provisions of clause 2 of the Agreement published under Government Notice No. R. 1516 of 27 November 1998, as amended and re-enacted by Government Notices Nos. R. 1281 of 29 October 1999, R. 399 of 28 March 2003 and R. 782 of 20 June 2003 (hereinafter referred to as the "Former Agreement"), as further amended and re-enacted from time to time, shall apply to employers and employees who are members of the parties to the collective agreement."

LABOUR RELATIONS ACT, 1995**CORRECTION NOTICE****NATIONAL BARGAINING COUNCIL FOR THE CLOTHING MANUFACTURING INDUSTRY: EXTENSION OF COUNTRY AREAS COLLECTIVE RE-ENACTING AND AMENDING AGREEMENT FOR THE WESTERN CAPE REGION TO NON-PARTIES**

The following correction to Government Notice No. R. 1287 appearing in Government Gazette No. 25456 of 19 September 2003, is hereby published for general information:

1. 3. SPECIAL PROVISIONS

- 1.1 Substitute the following for clause 3 where it appears in the Correction Notice published under Government Notice No R. 1569 of 31 October 2003:

" 3. SPECIAL PROVISIONS

The provisions of clauses 11(4)(b), 14(2), 19B, 26(13)(a) to 26(13)(g)(v) and 37(5)(b) and (d) of the Agreement published under Government Notice No. R. 234 of 21 February 2003 as extended and amended by Government Notices. Nos. R. 795 and R. 796 of 20 June 2003 (hereinafter referred to as the "Former Agreement"), as further extended and amended from time to time, shall apply to

employers and employees who are members of the parties to the collective agreement.”.

2. **4. GENERAL PROVISIONS**

2.1 Substitute clause 4 for the following:

“4. GENERAL PROVISIONS

The provisions contained in clauses 3 to 11(4)(a), 11(5) to 14(1), 15 to 19A, 20 to 26(12), 26(13)(g)(vi) to 37(5)(a), 37(5)(c) and 37(5)(e) to 41 of the Former Agreement (as further extended and amended from time to time), shall apply to employers and employees.”

No. R. 23

16 January 2004

LABOUR RELATIONS ACT, 1995**CORRECTION NOTICE****NATIONAL BARGAINING COUNCIL FOR THE CLOTHING MANUFACTURING INDUSTRY: EXTENSION OF KNITTING DIVISION COLLECTIVE RE-ENACTING AND AMENDING AGREEMENT FOR THE WESTERN CAPE REGION TO NON-PARTIES**

The following corrections to Government Notice No. R. 1297 appearing in Government Gazette No. 25456 of 19 September 2003, is hereby published for general information:

1. 3. SPECIAL PROVISIONS

- 1.1 Substitute clause 3 where it appears in the Correction Notice published under Government Notice No R. 1568 of 31 October 2003 for the following:

"3. SPECIAL PROVISIONS

The provisions of clauses 11(4)(b), 14(2), 19B, 26(13)(a) to 26(13)(g)(v) inclusive and 37(5)(b) and (d) of the Agreement published under Government Notice No. R. 323 of 7 March 2003 as extended and amended by Government Notices. Nos. R. 797 and R. 798 of 20 June 2003 (hereinafter referred to as the "Former Agreement"), as further extended, amended and re-enacted from time to time,

shall apply to employers and employees who are members of the parties to the collective agreement.”.

2. **4. GENERAL PROVISIONS**

2.1 Substitute clause 4 for the following:

“4. GENERAL PROVISIONS

The provisions contained in clauses 3 to 11(4)(a), 11(5) to 14(1), 15 to 19A, 20 to 26(12), 26(13)(g)(vi), 37(5)(a), 37(5)(c) and 37(5)(e) to 41 of the Former Agreement (as further extended, amended and re-enacted from time to time), shall apply to employers and employees.”

No. R. 24

16 January 2004

LABOUR RELATIONS ACT, 1995**CORRECTION NOTICE****NATIONAL BARGAINING COUNCIL FOR THE CLOTHING MANUFACTURING
INDUSTRY: EXTENSION OF MAIN COLLECTIVE RE-ENACTING AND
AMENDING AGREEMENT FOR THE WESTERN CAPE REGION TO NON-
PARTIES**

The following correction to Government Notice No. R. 1274 appearing in Government Gazette No. 25429 of 12 September 2003, is hereby published for general information:

1. CLAUSE 4. GENERAL PROVISIONS

- 1.1 Substitute clause 4 where it appears in the Correction Notice published under Government Notice No. R. 1566 of 31 October 2003 for the following:

"4. GENERAL PROVISIONS

The provisions contained in clauses 3 to 11(4)(a), 11(5) to 14(1), 15 to 19A, 20 to 26(12), 26(13)(g)(vi) to 37(5)(a), 37(5)(c) and 37(5)(e) to 41 of the Former Agreement (as further extended, amended and re-enacted from time to time), shall apply to employers and employees."

2. CLAUSE 7. CLAUSE 4 OF THE FORMER AGREEMENT: WAGES

- 2.1 Insert the following Occupation and Wage Rate after that of "Boiler Attendant" in Part D of the wage schedule (page 41):

"Dispatch Packer R471, 76"

DEPARTMENT OF TRANSPORT

No. R. 28

16 January 2004

AVIATION ACT 1962 (ACT No 74 OF 1962)

PROPOSED AMENDMENT TO THE CIVIL AVIATION REGULATIONS, 1997

Under regulation 11.03.2(1)(a) of the Civil Aviation Regulations, the Chairperson of the Civil Aviation Regulations Committee (CARCOM) hereby publishes for comment the proposed amendment to the Civil Aviation Regulations, 1997, as set out in the schedule below. Any comments or representations on the proposed amendments should be lodged in writing with the Chairperson of the Civil Aviation Regulations Committee, for attention Mr. Kim Gorringer or Mr. Herman Wildenboer, Private Bag X08, Waterkloof, 0145, fax: (012) 346-5979, or e-mail at gorringerk@caa.co.za or wildenboerh@caa.co.za, before or on 31 March 2004.

SCHEDULE

Proposal to insert a new Part 62 'National Pilot Licensing' into the Civil Aviation Regulations of 1997, and to withdraw several Subparts of Part 61 'Pilot Licensing'.

Proposer

Civil Aviation Authority
Private Bag X08
0145 Waterkloof

Explanation of interest of the Proposer

The Proposer administers the Aviation Act of 1962 (Act No. 74/1962) and the regulations and technical standards issued in terms thereof.

1 Proposed New Part 62 'National Pilot Licensing'.

The proposed new Part 62 'National Pilot Licensing', for insertion into the Civil Aviation Regulations of 1997 (CAR), has been attached as Annex 1.

2. Proposed withdrawal of certain Subparts of Part 61 'Pilot Licensing'

It is proposed that, simultaneously with the insertion of new Part 62, the following Subparts of Part 61 'Pilot Licensing' be withdrawn:

Subpart 9	Microlight Aeroplane Pilot Licence
Subpart 10	Commercial Microlight Aeroplane Pilot Licence
Subpart 16	Powered Paraglider Pilot Licence

Subpart 17	Hang Glider Pilot Licence
Subpart 18	Paraglider Pilot Licence
Subpart 29	Grade I Microlight Aeroplane Flight Instructor Rating
Subpart 30	Grade II Microlight Aeroplane Flight Instructor Rating
Subpart 36	Powered Paraglider Flight Instructor Rating
Subpart 37	Hang Glider Flight Instructor Rating
Subpart 38	Paraglider Flight Instructor Rating

2 Motivation

The proposed new Part provides for the issuing on a national level of licences and ratings for the piloting of certain recreational aircraft, for which no provision has been made at an international level by the International Civil Aviation Organisation (ICAO).

These aircraft are: conventional microlight aeroplanes, weight-shift controlled microlight aeroplanes, non-type certificated gyrocopters and gyrogliders with a maximum all-up mass of 2 000 kg or less, hang-gliders, powered hang-gliders and paratrikes, paragliders and powered paragliders.

The proposed new Part furthermore provides for the issuing of an authorisation to the holder of a recreational pilot licence or a private aeroplane pilot licence to act as pilot-in-command of certain recreational aircraft in commercial operations.

The proposed withdrawal of the above-listed Subparts of Part 61 is consequential to the introduction of Part 62, in which Part these matters are dealt with. Furthermore, by removing these matters from Part 61, no misunderstanding can arise internationally about the privileges of these non-ICAO licences. Part 62 will only be applicable to operations within the borders of the Republic.

3 Current Regulation

Part 61 of the CAR has never been put into operation. Pilot licensing still is done in terms of the Air Navigation Regulations of 1976 (ANR). The relevant requirements for the issuing of microlight aeroplane and gyroplane pilot licences and ratings have been incorporated into the proposed Part 62. The ANR make no provision for the licensing of pilots in the other category of aircraft. The current requirement to be the holder of an ICAO commercial aeroplane pilot licence to carry out domestically certain commercial operations with microlight aeroplanes is considered an unnecessary high requirement. The proposed authority requires a technical knowledge, skill, and experience somewhere between that required for a private pilot and a commercial pilot licence.

4. Technical Standards

The Technical Standards, related to the proposed Part 62, are published for comment on the CAA's website www.caa.co.za, and may be obtained from

the CAA in electronic or paper format. An application form is available on the CAA website, and is also published as an Aeronautical Information Circular.

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PART 62

NATIONAL PILOT LICENSING

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[Under development]

"SUBPART 1 GENERAL**Applicability**

62.01.1 (1) This Part shall apply to –

- (a) the issuing of pilot licences and ratings for South African recreational pilots, the privileges and limitations of such licences and ratings, and matters related thereto; and
 - (b) the issuing of a validation to the holders of foreign pilot licences and ratings with similar privileges and the privileges and limitations of such validations.
- (2) The privileges of a recreational pilot licence or a validation issued in terms of this Subpart may only be exercised within the Republic, unless specifically authorised by the appropriate authority of another State to exercise some or all of such privileges within its airspace.

Authority to act as pilot

62.01.2 (1) No person shall act as the pilot of an aircraft whilst in or over any part of the Republic or the territorial waters thereof unless such person–

- (a) holds a valid appropriate pilot licence and rating issued by the Commissioner in terms of this Part or Part 61; or
 - (b) holds a valid pilot licence and rating issued by an appropriate authority and validated by the Commissioner in terms of this Part or Part 61; or
 - (c) if the aircraft is of a foreign nationality, either –
 - (i) holds a valid pilot licence and rating issued by the appropriate authority of the State of Registry, provided such State is a Contracting State; or
 - (ii) has obtained the permission of the Commissioner, if the State of Registry is not a Contracting State.
- (2) The holder of a recreational pilot licence shall not exercise any privileges other than the privileges granted by the appropriate licence and rating or validation held by such holder.
- (3) The holder of a validation of a foreign pilot licence shall adhere to all the requirements and limitations prescribed by this Part in respect of the holder of a recreational pilot licence when exercising the privileges of his or her validation as a recreational pilot.

Recreational Pilot Licences

62.01.3 The recreational pilot licences are –

- (a) a recreational pilot learner's certificate;

- (b) a recreational pilot licence.

Ratings for recreational pilots and recreational flight instructors

62.01.4 The ratings for recreational pilots and recreational flight instructors are –

- (a) a category rating;
- (b) a class rating;
- (c) a type rating by name; and
- (d) a rating for special purposes.

Category ratings

62.01.5 The category ratings comprise –

- (a) conventional microlight aeroplanes;
- (b) weight-shift controlled microlight aeroplanes
- (c) gyroplanes with a maximum all-up mass of 2 000 kg or less, including gyrogliders;
- (d) hang-gliders, including powered hang-gliders and paratrikes;
- (e) paragliders, including powered paragliders.

Class ratings

62.01.6 The class ratings comprise –

- (a) in the case of conventional microlight aeroplanes –
 - (i) conventional microlight aeroplanes, land;
 - (ii) conventional microlight aeroplanes, amphibian and sea;
- (b) in the case of weight-shift controlled microlight aeroplanes: a single weight-shift controlled microlight aeroplane, land;
- (c) in the case of hang-gliders –
 - (i) Novice
 - (ii) Class A
 - (iii) Class B
 - (iv) Class C
- (d) in the case of paragliders –
 - (i) Basic
 - (ii) Sport
- (e) in the case of gyroplanes –
 - (i) gyroplanes, land
 - (ii) gyroplanes, amphibian and sea
 - (iii) gyrogliders

Type ratings

62.01.7 (1) The type ratings for conventional microlight aeroplanes comprise type ratings by name for conventional microlight aeroplanes.

(2) Type ratings for hang-gliders and paragliders comprise –

- (a)** *Type 1*, a hang-glider having a rigid primary structure with pilot weight-shift as the method of primary control;
- (b)** *Type 2*, a hang-glider having a rigid primary structure with moveable aerodynamic surfaces as the method of control in at least two axis;
- (c)** *Type 3*, a hang-glider having no rigid primary structure, a paraglider;
- (d)** *Type 4*, a hang-glider unable to demonstrate the ability to safely take-off or land in no-wind conditions but that is capable of being launched and landed safely by the use of the pilot's legs;
- (e)** *Type 5*, a hang-glider or a paraglider capable of being foot-launched, and being flown with an engine; a powered hang-glider or powered paraglider; and
- (f)** *Type 6*, a powered paraglider fitted with a three-wheel undercarriage and steerable nose wheel.

(3) Type ratings for gyroplanes and gyrogliders comprise a rating by name for each type of gyroplane or gyroglider.

Rating for special purposes

62.01.8 (1) The ratings for special purposes in respect of the appropriate licence comprise –

- (a)** a tandem rating;
- (b)** a recreational flight instructor rating;
- (c)** an aero-tow rating for conventional microlight aeroplanes;
- (d)** an aero-tow rating for hang-gliders;
- (e)** an agricultural pilot rating; and
- (f)** a Part 96 authorisation.

(2) Recreational flight instructor ratings comprise –

- (a)** In the category microlight aeroplanes (conventional or weight-shift controlled) –
 - (i)** a Grade C recreational flight instructor rating (conventional/weight-shift controlled microlight aeroplane);

- (ii) a Grade B recreational flight instructor rating (conventional/weight-shift controlled microlight aeroplane); and
 - (iii) a Grade A recreational flight instructor rating (conventional/weight-shift controlled microlight aeroplane);
- (b) In the category gyroplanes and gyrogliders –
 - (i) a recreational assistant flight instructor rating (gyroplane/gyroglider);
 - (ii) a recreational flight instructor rating (gyroplane/gyroglider); and
 - (iii) a recreational chief flight instructor rating (gyroplane/gyroglider).
- (c) In the categories hang-gliders and paragliders --
 - (i) a recreational assistant flight instructor rating (hang-gliding/paragliding); and
 - (ii) a recreational flight instructor rating (hang-gliding/paragliding).

Competency

- 62.01.9 (1) No holder of a recreational pilot licence or rating shall exercise the privileges granted by the licence or rating unless such holder maintains competency by complying with the appropriate requirements prescribed in these Regulations.
- (2) The holder of a recreational pilot licence shall undergo a general proficiency check not later than 24 months since the issue of the licence or a previous proficiency check, as the case may be. In the case of hang-gliders and paragliders, the annual revalidation of the category rating shall be sufficient to confirm proficiency. The proficiency check, or the annual revalidation procedure, as the case may be, shall include a review of applicable regulations, NOTAMs and AICs. The provisions of sub-regulations (5) and (6) shall apply *mutatis mutandis* in respect of the annual revalidation procedure.
 - (3) The proficiency check, referred to in sub-regulation (2), may be conducted by a recreational flight instructor who is the holder of the appropriate category, class or type rating.
 - (4) The proficiency check shall consist of a flight check, to be conducted in an aircraft of the category for which he or she is licensed: Provided that in the case of hang-gliders and paragliders the flight check shall not be a requirement.

- (5) (a) The person, conducting the proficiency check, shall enter the outcome of the proficiency check in the pilot's logbook and sign it accordingly, and submit the relevant test report to the Commissioner, or to the organisation designated for the purpose in terms of Part 149, as the case may be.
 - (b) The test report, referred to in paragraph (a), shall be countersigned by the pilot, and the pilot concerned shall be provided with a copy thereof.
- (6) Where a pilot fails a proficiency check –
 - (a) the pilot shall undergo corrective training with a flight instructor, other than the person who conducted the failed proficiency check, before submitting himself or herself for a retest;
 - (b) no retest shall be conducted without a letter of recommendation by the flight instructor referred to in paragraph (a).
- (7) (a) The holder of a recreational pilot licence shall pay annually on the anniversary date of his or her licence the applicable currency fee as prescribed in Part 187. The fee shall be paid to the Commissioner, or to the organisation designated for the purpose in terms of Part 149, as the case may, and shall be accompanied by a summary of his or her logbook for the previous 12 months. The summary shall be in the format prescribed in Document SA-CATS-FCL and be signed, certifying it to be a true reflection of his or her flying experience during the period summarised.
- (b) Notwithstanding the provision of paragraph (a), no summary shall be required to accompany the currency fee if during the preceding 12 months a six-monthly or annual summary was submitted as part of an application for the issue, renewal or reissue of a rating.
- (8) If the Commissioner, or the organisation designated for the purpose in terms of Part 149, as the case may be, suspects that a person, licensed in terms of this Part, has failed to maintain the minimum standard required to exercise the privileges of the recreational pilot licence or any of the ratings that he or she holds, the Commissioner or the said organisation may, after having afforded the licensee an opportunity to respond, give in writing the licensee reasonable notice of such suspicion. The Commissioner or the said organisation may then require the person to undergo, by a date specified by the Commissioner or the said organisation, the skill test or all or some of

theoretical knowledge examinations prescribed in this Part in respect of such licence or rating.

- (9) Should the tests or examinations, referred in sub-regulation (8), show that the standard of the licence or rating holder is below that required for the licence or rating concerned, the Commissioner or the organisation designated for the purpose in terms of Part 149, as the case may be, shall suspend the holder from exercising all or any of the privileges of that licence or rating until such time as the holder can show that he or she is again able to meet the skill or theoretical knowledge requirements for that licence or rating.
- (10) If the person, who has been duly notified in terms of sub-regulation (8), fails without reasonable cause to present himself or herself by the specified date to undergo the test or examination prescribed, his or her standard shall be deemed to be below that required for the licence or rating concerned and the provisions of sub-regulation (9) shall *mutatis mutandis* apply.

Medical fitness

- 62.01.10** (1) An applicant for, or holder of, a recreational pilot licence shall hold an appropriate valid medical certificate issued in terms of Part 67 of these Regulations, a certified copy of which he or she shall submit to the Commissioner or the organisation designated for the purpose in terms of Part 149, as the case may be.
- (2) Notwithstanding the provisions of sub-regulation (1), where a recreational pilot licence is (to be) endorsed only for the category hang-glider or paraglider, its holder shall complete and submit in stead a medical fitness certificate, as prescribed in Document SA-CATS-FCL.
 - (3) The medical fitness certificate, prescribed in sub-regulation (2) shall not be older than three months when submitted.
 - (4) A new medical fitness certificate, as prescribed in sub-regulation (2), shall be submitted annually together with the annual currency fee as prescribed in regulation 62.01.19.
 - (5) The provisions of sub-regulations (2) to (4) shall not apply in the case of the applicant or the licence holder being the holder of any valid medical certificate issued in terms of Part 67.
 - (6) The holder of a recreational pilot licence issued in terms of this Part shall –
 - (a) not exercise the privileges of that licence –

- (i) unless that person –
 - (aa) holds an appropriate valid medical certificate or medical fitness certificate, as the case may be; and
 - (bb) complies with all medical endorsements on that medical certificate or medical fitness certificate;
- (ii) while he or she is aware of having a medical deficiency that would make him or her unable to meet the medical standards for his or her medical certificate or medical fitness certificate, until he or she has been assessed medically fit again by an aviation medical examiner designated in terms of Part 67 (in the case of the holder of a medical certificate, referred to in sub-regulation (1)), or by a general medical practitioner (in the case of the holder of a medical fitness certificate, referred to in sub-regulation (2)).

Language

62.01.11 The applicant for a recreational pilot licence, to be issued under this Part, shall have demonstrated his or her ability to use the English language as set out in Document SA-CATS-FCL.

Logging of flight time

- 62.01.12 (1)** The holder of a recreational pilot licence shall maintain a record of all his or her flight time and instruction time. Electronic logbooks may be used, provided that the electronic data is printed onto paper at least every 90 days and the printed pages are filed sequentially in a binder.
- (2) The form and information to be contained in the logbook, referred to in sub-regulation (1), and the manner in which such logbook shall be maintained, shall be as prescribed in Document SA-CATS-FCL.
 - (3)
 - (a) Entries in pilot logbooks shall be made within seven days after the completion of the flight to be recorded .
 - (b) Where a pilot is engaged in flight operations away from the base where the pilot logbook is kept normally, the periods specified in paragraph (a) may be extended to 48 hours after return to base.
 - (4) Pilot logbooks shall be retained by their holders for at least 60 months from the date of the last flight recorded therein.
 - (5) Flight time during which the holder of a recreational pilot licence is –

- (a) receiving dual instruction shall be logged as dual flight time, and shall include a record of the air exercises undertaken;
 - (b) the designated pilot-in-command shall be logged as pilot-in-command time.
- (6) The holder of a recreational learner's certificate may log as solo flight time only the flight time when the learner is the sole occupant of the aircraft.
- (7) A recreational flight instructor shall log the time spent in an aircraft occupying a pilot seat with access to the controls, whilst acting as a flight instructor, as flight instructor time, and may log all flight time whilst acting as such as pilot-in-command time.
- (8) A recreational flight instructor, acting as an examiner while occupying a pilot seat with access to the flight controls, may log all flight time whilst acting as such as pilot-in-command, and shall make the entry EXAMINER in the remarks column. Such time shall not be logged as flight instructor time.

Crediting of flight time and theoretical knowledge

- 62.01.13 (1)** Flight time, entered in a logbook that has been lost or destroyed, shall only be accepted for crediting purposes by the Commissioner or the organisation designated for the purpose in terms of Part 149, as the case may be, if the flight time can be substantiated by means acceptable to the Commissioner or the said organisation.
- (2) A person acting as pilot of an aircraft for which he or she does not hold the prescribed qualifications shall not credit that flight time for any purpose, unless he or she is under approved flight instruction.
 - (3) An applicant for a recreational pilot licence or any rating thereto may be credited with any previously acquired flight time in any category of aircraft to the extent recommended by the flight instructor, signing out the skill test report prescribed for the issue of the licence or rating, to the Commissioner or the organisation designated for the purpose in terms of Part 149, as the case may be.
 - (4) An applicant for a recreational pilot licence or any rating thereto, who is or who during the five years immediately preceding the application, has been the holder of a pilot licence issued in terms of Part 61 or by the South African Air Force may be exempted from any cross-country requirement prescribed in this Part, if any, at the discretion of the flight instructor signing out the skill test report prescribed for the issue of the licence or rating.

- (5) A learner pilot shall be entitled to be credited in full with all solo and dual instruction flight time towards the total flight time requirement for the initial issue of a recreational pilot licence.
- (6) A recreational flight instructor is entitled to be credited with all instruction time acquired while giving flight instruction for the purpose of initial flight training, instructor training, conversion to type training, safety training as defined in Part 141 of the Regulations, and training towards various ratings, towards a higher grade flight instructor rating, or towards the revalidation or reissue of any existing rating, provided he or she holds the appropriate category, class or type rating.
- (7) Where the holder of a recreational pilot licence applies for an additional category, class or type rating, he or she may be credited with any theoretical knowledge previously acquired in obtaining the licence or any rating, at the discretion of the Commissioner or the organisation designated for the purpose in terms of Part 149, as the case may be.
- (8) Notwithstanding the provisions of sub-regulations (3), (4) and (7), no other flight experience shall be credited towards the flight time requirements for the issue of a gyroplane category rating, while the crediting of theoretical knowledge shall be limited to acquired knowledge in air law, meteorology and navigation.

Suspension and withdrawal of privileges and appeal

62.01.14 (1) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, a person from exercising all or any of the privileges of his or her recreational pilot licence, ratings or validation if –

- (a) immediate suspension is necessary in the interests of aviation safety;
 - (b) the authorised officer, inspector or authorised person is prevented by the holder of the licence from carrying out any safety inspection or audit; or
 - (c) it is evident that the holder of the licence, rating or validation does not comply with the requirements prescribed in this Part.
- (2) The notice of suspension shall be given in writing, stating the reasons for the suspension.
 - (3) A person who has been suspended from exercising all or any of the privileges of his or her pilot licence in terms of sub-regulation (1) shall be afforded an opportunity to make representations against such

suspension within a maximum period of seven days after such suspension, which representations shall be considered by the authorised officer, inspector or authorised person making the suspension, who may either confirm, vary or set aside the suspension..

- (4) Should no representations be received in terms of sub-regulation (3), or should the authorised officer, inspector or authorised person making the suspension, either confirm or vary the suspension, after receipt of representations, such authorised officer, inspector or authorised person shall within a period of seven days after the period referred to in sub-regulation (3), deliver a report in writing to the Commissioner, or to the organisation designated for the purpose in terms of Part 149, as the case may be, stating the reasons why, in his or her opinion, the suspended privileges should be withdrawn.
- (5) The authorised officer, inspector or authorised person concerned shall within seven days submit a copy of the report, referred to in sub-regulation (4), to the holder of the licence, rating or validation of which all or some of the privileges have been suspended, and shall furnish proof of such submission for the information of the Commissioner or the designated organisation, as the case may be.
- (6) The holder of a licence, rating or validation, who feels aggrieved by the suspension in terms of sub-regulation (1) or (3), may appeal against such suspension to the Commissioner or the designated organisation, as the case may be, within 30 days after such holder has been notified in terms of sub-regulation (2) of the suspension.
- (7) The appeal, referred to in sub-regulation (6), shall be in writing, stating the reasons why, in the appellant's opinion, the suspension should be varied or set aside.
- (8) The appellant shall submit a copy of the appeal, and any documents or records supporting such appeal, to the authorised officer, inspector or authorised person concerned, and shall furnish proof of such submission to the Commissioner or the designated organisation, as the case may be.
- (9) The authorised officer, inspector or authorised person concerned shall, within seven days of receipt of the copy of the appeal referred to in sub-regulation (8), deliver his or her written reply to such appeal to the Commissioner or the designated organisation, as the case may be.
- (10) The Commissioner or the designated organisation, as the case may be, may -
 - (a) at any time -

- (i) extend the period of suspension for a further period of 30 days, should the interests of fairness or aviation safety so require; and
 - (ii) either confirm, vary or set aside the suspension referred to in sub-regulation (1) and impose any conditions necessary for the varying or setting aside of such suspension; and
 - (b) either adjudicate the appeal on the basis of the documents submitted to him, her or it; or
 - (c) order the appellant and the authorised officer, inspector or authorised person concerned to appear before him, her or it to give evidence, either in person or through a representative, at a time and place determined by him, her or it.
- (11) Before the Commissioner or the designated organisation, as the case may be, withdraws any privileges in terms of sub-regulation (10), he, she or it shall permit the holder, if he or she so wishes, to meet the relevant requirements for the issue, revalidation or re-issue of the said licence, rating or validation in order to restore the privileges thereof.
- (12) With due respect for the provisions of sub-regulation (11), the Commissioner or the designated organisation, as the case may be, shall withdraw the privileges of the licence, rating or validation concerned if –
- (a) he, she or it confirms the suspension in terms of sub-paragraph (10)(a)(ii); or
 - (b) the holder does not appeal against such submission in terms of sub-regulation (6).

Recognition and validation of pilot licences and ratings issued by an appropriate authority of a Contracting State

- 62.01.15 (1) (a) The Commissioner or the organisation designated for the purpose in terms of Part 149, as the case may be, may recognise through validation pilot licences and ratings issued by or on behalf of an appropriate authority of a Contracting State where the standard of such foreign licences or ratings is deemed to be equivalent to, or higher than, the South African qualification being sought, and on the basis of competence by the holder.
- (b) Document SA-CATS-FCL contains a list of Contracting States of which the licences and ratings issued by or on behalf of the appropriate authority are deemed to be of a standard equal to,

or higher than, those issued by or on behalf of the South African Civil Aviation Authority.

- (2) (a) Validation of such foreign licences shall apply for flights in South African aircraft, where such privileges are required for a short period, not to exceed one year.
- (b) Purposes for which a Certificate of Validation may be issued include:
 - (i) to exercise the privileges of a recreational pilot licence in a South African registered aircraft;
 - (ii) to conduct demonstration flights in a South African registered aircraft;
 - (iii) to conduct endorsement training of South African flight crew;
 - (iv) to participate in sporting or competition events, organised by or under the auspices of sections of the recognised national aero sport body.
- (c) The privileges of the validated foreign licence may not be exercised in commercial air transport operations.
- (3) The Commissioner or the organisation designated for the purpose in terms of Part 149, as the case may be, may deem it necessary for an applicant for a validation to undergo additional theoretical or practical assessments to ensure compatibility with the relevant South African licensing standards.

Application for, and issuing of a validation of a foreign pilot licence and ratings

62.01.16 (1) The holder of a licence or rating, similar to, or higher than, a recreational pilot licence issued in terms of this Part, issued by or on behalf of the appropriate authority of a Contracting State, who desires to exercise the privileges of such licence or rating as pilot-in-command of a South African registered aircraft, may apply to the Commissioner or the organisation designated for the purpose in terms of Part 149, as the case may be, in the appropriate form as prescribed in Document SA-CATS-FCL, for a validation of such pilot licence or rating.

- (2) No validation will be considered by the Commissioner if the applicant has –
 - (a) been refused a South African pilot licence or validation before; or
 - (b) had a South African pilot licence or validation revoked in the past;

for reasons other than failing a skill test, a proficiency test, or a theoretical knowledge test.

- (3) Where, in the opinion of the Commissioner or the designated organisation, the requirements for the issue of a pilot licence by a particular Contracting State are lower than those set by the Republic, the Commissioner or the designated organisation may direct that the applicant meets the higher requirement before granting a validation.
- (4) A pilot licence and rating issued by or on behalf of an appropriate authority of a Contracting State may be validated by the Commissioner or the designated organisation –

 - (a) subject to the same restrictions which apply to such pilot licence and rating;
 - (b) subject to such conditions and limitations as the Commissioner or the designated organisation may deem necessary in the interest of aviation safety;
 - (c) in accordance with and subject to the requirements and conditions as prescribed in Document SA-CATS-FCL; and
 - (d) in the appropriate form as prescribed in Document SA-CATS-FCL; but
 - (e) shall not permit privileges in excess of the equivalent South African recreational pilot licence or rating.
- (5) The application for a validation referred to in sub-regulation (1) shall be accompanied by –

 - (a) the appropriate fee as prescribed in Part 187;
 - (b) a certified true copy of the pilot licence and rating to which the validation refers;
 - (c) a certified true copy of a valid medical certificate or valid medical fitness certificate;
 - (d) a certified true copy of the radiotelephony certificate (if applicable), or - in the case where the Contracting State does not prescribe such certificate for its licence holders - certified proof that the applicant has passed a practical skill test with an approved radio licence examiner;
 - (e) a summary of the applicant's logbook, certified by the applicant to be a true reflection of the hours flown; and
 - (f) any other document that may have been prescribed in Document SA-CATS-FCL.
- (6) The minimum knowledge, experience and skill requirements for the issue of a Certificate of Validation for the various pilot licences and ratings are those prescribed in Document SA-CATS-FCL for the South African recreational pilot licence and associated ratings.
- (7) Where a practical flight test is required, such test shall be undertaken in an aircraft of the class or type, appropriate to the recreational pilot licence category for which a Certificate of Validation is sought.

- (8) The holder of a validation issued by the Commissioner or the designated organisation shall comply with all the applicable provisions prescribed in these Regulations.
- (9) Before the privileges of an additional rating may be exercised in terms of the Certificate of Validation, such additional privileges shall have been endorsed on the foreign pilot licence by the appropriate authority first. However, due regard shall be given to the provision of paragraph 62.01.15(2) (c).
- (10) The period of validity of a Certificate of Validation issued by the Commissioner or the designated organisation shall be the lesser of -
 - (a) twelve months calculated from the date of issue of such Certificate of Validation by the Commissioner or the designated organisation; or
 - (b) the period of validity of the pilot licence and rating to which the validation applies;
- (11) In exceptional cases, such as demonstration flights, specific instruction on aircraft new for the Republic, etc., the Commissioner or the designated organisation may consider the validation of a foreign licence to meet short-term operational requirements by exempting the applicant from all or some of the requirements of this Part, subject to conditions set by him, her or it for the particular situation.

Documentation

62.01.17 The Commissioner or the organisation designated for the purpose in terms of Part 149, as the case may be, shall ensure that a recreational pilot licence and rating is issued in such a manner that the validity thereof may readily be determined by any appropriate authority.

Register of licences

62.01.18 (1) The Commissioner, or the organisation designated for the purpose in terms of Part 149, as the case may be, shall maintain a register of all recreational pilot licences and ratings issued or validated in terms of this Part.

- (2) The register shall contain the following particulars:

- (a) the full name of the holder of the licence;
- (b) date of birth;
- (c) the postal and residential address of the holder of the licence;
- (d) the number of the licence;
- (e) the date on which the licence was issued or validated;
- (f) particulars of the ratings held by the holder of the licence;
- (g) the nationality of the holder of the licence; and
- (h) in the case of a validation, the authority that issued the validated licence or rating.

- (3) The particulars referred to in sub-regulation (2) shall be recorded in the register within seven days from the date on which the licence or rating is issued or validated.
- (4) The register shall be kept in a safe place at the office of the Commissioner or of the designated organisation.
- (5) A copy of the register shall be furnished by the Commissioner or the designated organisation on payment of the appropriate fee as prescribed in Part 187 to any person who requests the copy: Provided that postal and residential addresses may not be divulged to third parties, except to law enforcement officers or on instruction of the Courts.

Aviation training providers

62.01.19 Any *ab initio* training required by this Part shall be provided only by the holder of an aviation training organisation approval issued in terms of Part 141.

Payment of currency fee

62.01.20 The holder of a recreational pilot licence shall pay the annual currency fee as prescribed in Part 187, applicable to the type of licence, on the anniversary date of the licence to either the Civil Aviation Authority or to the organisation approved for the purpose in terms of Part 149, as the case may be. Where applicable, the payment shall be accompanied by the annual summary as prescribed by regulation 62.01.9(7).

Radiotelephony certificates

62.01.20 The requirement for certain holders of a recreational pilot licence to be also the holder of a radiotelephony certificate is regulated by section 30 of the Telecommunications Act of 1996 (Act 103/1996). The requirements for their issue are prescribed in Document SA-CATS-FCL.

SUBPART 2

RECREATIONAL PILOT LEARNER'S CERTIFICATE

Requirements for the recreational pilot learner's certificate

62.02.1 (1) An applicant for the issuing of a recreational pilot learner's certificate shall –

- (a) be not less than 16 years of age, except as provided for in sub-regulation (2);
 - (b)
 - (i) hold a valid medical certificate appropriate to the category of licence ultimately being trained for issued in terms of Part 67; or
 - (ii) in the case of hang-gliding or paragliding, hold a medical fitness certificate, dated not less than three months before the date of application;
 - (c) have successfully completed the training referred to in regulation 62.02.2; and
 - (d) have passed the theoretical knowledge examination referred to in regulation 62.02.3.
- (2) Notwithstanding the provisions of sub-regulation (1), an applicant for the issuing of a recreational pilot learner's certificate in the category paraglider shall be not less than 14 years of age.

Training

62.02.2 An applicant for the issuing of a recreational pilot learner's certificate shall have successfully completed the appropriate training as prescribed in Document SA-CATS-FCL.

Theoretical knowledge examination

62.02.3 An applicant for the issuing of a recreational pilot learner's certificate shall have passed the appropriate written examination as prescribed in Document SA-CATS-FCL, within the 90 days immediately preceding the date of application.

Certificate of competency

62.02.4 (1) If the recreational pilot learner, in terms of these regulations, is required to operate radio apparatus while flying solo, a recreational pilot learner's certificate may be issued to the applicant who is not in the possession of a certificate of proficiency (aeronautical), provided that he or she is the holder of a certificate of competency issued by the holder of a flight instructor rating, wherein it is certified that –

- (a) the applicant has undergone basic training in the use of the radio apparatus installed in the aircraft in which he or she is being trained; and
- (b) the applicant is considered capable of operating such radio apparatus satisfactorily to undertake solo flights -

- (i) within the circuit area of the aerodrome or approved site where the training flights originate and terminate;
 - (ii) within the associated general flying area of such aerodrome of approved site;
 - (iii) on cross-country flights; and
 - (iv) outside controlled airspace, except for the control zone or aerodrome traffic zone of the aerodrome referred to in subparagraph (i).
- (2) The basic training and knowledge requirements to be met shall be based on the communication syllabus prescribed in TS 62.02.2
- (3) The certificate of competency referred to in sub-regulation (1) shall be valid for a period of three months calculated from the last day of the calendar month in which such certificate is issued.

Application for recreational pilot learner's certificate

62.02.5 (1) An application for the issuing of a recreational pilot learner's certificate in a category, other than hang-glider or paraglider, shall –

- (a) be made to the Commissioner or the organisation, designated for the purpose in terms of Part 149, as the case may be, in the appropriate form as prescribed in Document SA-CATS-FCL; and
 - (b) be accompanied by -
 - (i) original or certified proof of -
 - (aa) the identity of the applicant; and
 - (bb) the age of the applicant;
 - (ii) a valid medical certificate appropriate to the category of licence ultimately being trained for issued in terms of Part 67;
 - (iii) if applicable, the valid restricted or higher grade radiotelephony operator's certificate or the certificate of competency referred to in regulation 62.02.4;
 - (iv) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 62.02.3;
 - (v) an application for the appropriate category and type rating;
 - (vi) two recent passport size photographs of the applicant; and
 - (vii) the appropriate fee prescribed in Part 187.
- (2) An applicant for the issuing of a recreational pilot learner's certificate in the category hang-glider or paraglider shall be made to the holder of a recreational flight instructor rating under whose supervision the

training will take place on the appropriate form, as prescribed in Document SA-CATS-FCL, accompanied by:

- (a) a completed medical fitness certificate in which the applicant confirms that he or she is medically fit for the intended training; and
- (b) the applicable fee as prescribed in Part 187.

Issuing of recreational pilot learner's certificate

62.02.6 (1) (a) The Commissioner or the organisation, designated for the purpose in terms of Part 149, as the case may be, shall issue a recreational pilot learner's certificate if the applicant complies with the requirements referred to in regulation 62.02.1.

- (b) Notwithstanding the provisions of paragraph (a), a learner's certificate may be issued by the flight instructor, referred to in sub-regulation 62.02.5(2), if the applicant has complied with the provisions of that sub-regulation.

(2) A recreational pilot learner's certificate shall be issued in the format, as prescribed in Document SA-CATS-FCL.

(3) Upon the issuing of a recreational pilot learner's certificate the holder thereof shall forthwith affix his or her signature in ink in the space on the certificate provided for such purpose.

Period of validity

62.02.7 A recreational pilot learner's certificate shall be valid for the period for which the holder thereof is the holder of a valid medical certificate appropriate to the category of licence ultimately being trained for issued in terms of Part 67: Provided that in the case of a learner's certificate in the categories hang-gliding or paragliding the validity of the learner's certificate depends on its holder having completed the medical fitness certificate, referred to in sub-regulation 62.02.5(2), within the preceding 12 months.

Privileges and limitations of recreational pilot learner's certificate

62.02.8 (1) The holder of a valid recreational pilot learner's certificate shall be entitled to fly solo only for the purpose of training for the applicable recreational pilot licence or rating –

- (a) in the type of aircraft in which he or she is undergoing training;
- (b) after being authorised thereto and while under supervision, as prescribed in sub-regulation (2);
- (c) without carrying any passengers;
- (d) in VMC by day.

(2) A learner recreational pilot shall not fly solo unless authority is granted for a flight, or for a sequence of flights, as prescribed in the relevant practical training course syllabus in Document SA-CATS-

FCL, by the holder of a flight instructor rating who is to supervise the solo flight. The authority shall be in writing and be issued in his or her presence at the time when such flight or sequence of flights is about to commence.

- (3) In the case of the holder of a recreational pilot learner's certificate in the category hang-glider or paraglider, the provisions of sub-regulation (2) shall be deemed to have been met when the learner has reported to the flight instructor on site to undergo training under the latter's direct supervision in accordance with an approved training manual.**
- (4) (a) Except in an emergency, no learner recreational pilot shall land or take-off in an aircraft from an area other than an aerodrome or an approved site.**
 - (b) If a learner recreational pilot does execute an emergency landing in an aircraft in an area other than an aerodrome or an approved site, only the holder of a recreational pilot licence with the appropriate category and class rating, or another pilot approved for the purpose by the Commissioner or the designated organisation, may fly the aircraft from the area.**

SUBPART 3 RECREATIONAL PILOT LICENCES

Requirements for recreational pilot licence

62.03.1 An applicant for the issuing of a recreational pilot licence shall -

- (a) be not less than 17 years of age;
- (b) either hold a valid Class 4 or higher class medical certificate issued in terms of Part 67, or in the case of an application in the category hang-glider or paraglider a valid medical fitness certificate;
- (c) hold a valid recreational pilot learner's certificate, or a valid pilot licence issued in terms of Part 61;
- (d) qualify for the issue of at least one of the category ratings, referred to in regulation 62.01.5; and
- (e) be a *bona fide* member of an aviation recreational organisation approved for the purpose in terms of Part 149.

Application for recreational pilot licence

62.03.2 An application for the issuing of a recreational pilot licence shall -

- (a) be made to the Commissioner or to the organisation, designated for the purpose in terms of Part 149, as the case may be, on the appropriate form as prescribed in Document SA-CATS-FCL; and
- (b) be accompanied by -
 - (i) either a valid Class 4 or higher class medical certificate, issued in terms of Part 67, or in the case of an application in the category hang-glider or paraglider a valid medical fitness certificate;
 - (ii) a certified true copy of the applicant's recreational pilot learner's certificate or of a valid pilot licence issued in terms of Part 61;
 - (iii) original or certified proof that the applicant meets the requirements for the issue of at least one of the category ratings, referred to in regulation 62.01.5;
 - (v) one passport-sized photograph; and
 - (vi) the appropriate fee as prescribed in terms of Part 187 or by the organisation designated for the purpose in terms of Part 149, as the case may be, provided that any fee set by the latter may not exceed those prescribed in Part 187.

Issuing of recreational pilot licence

62.03.3 (1) The Commissioner or the organisation designated for the purpose in terms of Part 149, as the case may be, shall issue a recreational pilot licence if the applicant complies with the requirements referred to in regulation 62.03.1.

- (2) A recreational pilot licence shall be issued in the format prescribed in Document SA-CATS-FCL.

Period of validity

62.03.4 A recreational pilot licence shall be valid for an indefinite period: Provided that the privileges of the licence shall not be exercised by the holder thereof unless he or she –

- (a) either holds a valid Class 4 or higher class medical certificate issued in terms of Part 67, or in the case of a licence endorsed for the category hang-glider or paraglider only, a valid medical fitness certificate;
- (b) complies with the provisions of regulation 62.03.6;
- (c) holds an appropriate valid category, class or type rating; and
- (d) holds valid membership of a *bona fide* aviation recreation organisation approved in terms of Parts 149.

Privileges of the recreational pilot licence

62.03.5 (1) The holder of a recreational pilot licence shall be entitled to act as pilot-in-command of a non-type certificated aircraft for which he or she holds the appropriate valid category, class or type rating and which is not engaged in the provision of an air service, but not for reward or remuneration –

- (a) under VMC;
- (b) by day; and
- (c) in accordance with the provisions of Part 94.

(2) The holder of a recreational pilot licence shall be entitled to exercise the privileges of the licence for any of the special purposes referred to in regulation 62.01.8.

(3) Notwithstanding the provisions of sub-regulation (1) –

- (a) the holder of a recreational pilot licence may exercise the privileges of his or her licence for reward or remuneration in an aircraft operated in terms of Part 96, provided he or she is the holder of a valid Part 96 authorisation issued in terms of Subpart 14 of this Part; and
- (b) the holder of a valid recreational flight instructor rating may conduct flight training for remuneration under the auspices of an appropriately rated, approved aviation training organisation.

Maintenance of competency

62.03.6 The holder of a recreational pilot licence shall not act as pilot-in-command of a non-type certificated aircraft, unless he or she –

- (a) meets the maintenance of competency requirements prescribed in this Part for the type of aircraft for which he or she holds a valid category, class or type rating; and

- (b) has passed a written examination on the subject of air law if he or she has not exercised the privileges of any pilot licence for a period in excess of 60 months.

Requirements for the issue of a category rating

62.03.7 For the applicant for, or the holder of a recreational pilot licence to be issued with a first or an additional category rating, he or she shall meet the requirements for the issue of a class or type rating in that particular category. When issued with a category rating, a class or type rating in that category is automatically included.

Requirements for the issue of an additional class rating

62.03.8 For the holder of a recreational pilot licence to be issued with an additional class rating, he or she shall meet the relevant requirements as prescribed in this Part for that particular category and class of aircraft.

Requirements for the issue of an additional type rating

62.03.9 For the holder of a recreational pilot licence to be issued with an additional type rating, he or she shall meet the requirements for the issue of the particular type rating.

Requirements for the issue of a special purpose rating

62.03.10 For the holder of a recreational pilot licence to be issued with a special purpose rating, he or she shall meet the requirements for the issue of the particular special purpose rating.

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

General

62.04.1 For an applicant for, or the holder of, a recreational pilot licence to be issued with a type rating by name for conventional microlight aeroplanes, he or she shall –

- (a) hold a valid restricted or general radiotelephony operator's certificate;
- (b) have acquired the experience referred to in regulation 62.04.2;
- (c) have successfully completed the training referred to in regulation 62.04.3;
- (d) have passed the theoretical knowledge examination referred to in regulation 62.04.4; and
- (e) have successfully passed the skill test referred to in regulation 62.04.5.

Experience

62.04.2 (1) An applicant for the issuing of a type rating by name for conventional microlight aeroplanes shall have completed not less than 20 hours flight time as a pilot of a conventional microlight aeroplane, of which at least 10 hours shall be solo flight time, and which shall include –

- (a) one dual cross-country flight and one solo cross-country flight, each of a duration of not less than 90 minutes flown at normal cruising speed; and
- (b) one dual cross-country flight of a duration of not less than 90 minutes flown at normal cruising speed and which includes a full stop landing at a point other than the point of departure.

The cross-country flights shall have at least three legs.

- (2) Notwithstanding the provisions of sub-regulation (1), in the case of an applicant with extensive experience as the holder of a pilot licence, issued in terms of Part 61, or the holder of a class or type rating for weight-shift controlled microlight aeroplanes, the hour requirements and the cross-country requirements may be relaxed at the discretion of the flight instructor who conducts the skill test, referred to in regulation 62.04.5.
- (3) An applicant for the issuing of a class rating for conventional microlight aeroplanes shall have completed not less than 100 hours flight time as a pilot of a conventional microlight aeroplane, and hold at least five type ratings by name for conventional microlight aeroplanes

Training

62.04.3 An applicant for the issuing of a type rating by name for conventional microlight aeroplanes shall have successfully completed the appropriate training as prescribed in Document SA-CATS-FCL.

Theoretical knowledge examination

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

Skill test

- 62.04.5** (1) An applicant for the issuing of a type rating by name for conventional microlight aeroplanes shall have demonstrated to the holder of a Grade B or Grade A conventional microlight aeroplane flight instructor rating, or a flight instructor appropriately rated in terms of Part 61, the ability to perform, as pilot-in-command of a conventional microlight aeroplane, the procedures and manoeuvres as prescribed in Document SA-CATS-FCL, with a degree of competency appropriate to the privileges granted to the holder of a recreational pilot licence.
- (2) The applicant shall undergo the skill test referred to in sub-regulation (1) within the 12 months of passing the theoretical knowledge examination referred to in regulation 62.04.4 and within the 60 days immediately preceding the date of application.

Application

62.04.6 An application for the issuing of a class rating or type rating by name for conventional microlight aeroplanes shall -

- (a) be made to the Commissioner or to the organisation, designated for the purpose in terms of Part 149, as the case may be, on the appropriate form as prescribed in Document SA-CATS-FCL; and
- (b) be accompanied by -
- (i) a certified true copy of the applicant's recreational pilot licence or a valid application for the issue of such licence;
 - (ii) certified proof that the requirements prescribed in regulation 62.04.1 have been complied with; and
 - (iii) the appropriate fee as prescribed in terms of Part 187 or by the organisation designated for the purpose in terms of Part 149, as the case may be, provided that the fees set by the latter may not exceed those prescribed in Part 187.

Issuing of class rating or type rating

62.04.7 (1) The Commissioner, or the organisation designated for the purpose in terms of Part 149, as the case may be, shall issue a class rating or type rating by name for conventional microlight aeroplanes if the

applicant complies with the requirements referred to in regulation 62.04.6.

- (2) A class rating or type rating by name for conventional microlight aeroplanes shall be issued in the format prescribed in Document SA-CATS-FCL.

Period of validity

62.04.8 A class rating or type rating by name for conventional microlight aeroplanes shall be valid for as long as the recreational pilot licence itself remains valid, with the proviso that the privileges of the class rating or type rating shall not be exercised by the holder thereof unless he or she complies with the provisions of regulation 62.04.10.

Privileges and limitations of the class rating or type rating for conventional microlight aeroplanes

62.04.9 (1) The holder of a class rating or type rating by name for conventional microlight aeroplanes shall be entitled to act as pilot-in-command of the conventional microlight aeroplane for which he or she is rated by name, or of any conventional microlight aeroplane for which he or she holds the appropriate class rating, provided it is not operated for the provision of an air service, –

- (a) within Class F and Class G airspace;
- (b) within controlled airspace if –
 - (i) prior permission has been obtained from the responsible air traffic service unit to enter such airspace;
 - (ii) such two-way radio communication as the said unit may require, is established;
 - (iii) continuous radio watch is maintained; and
 - (iv) while within an aerodrome traffic zone, the appropriate radio position reporting procedure is complied with while such microlight aeroplane is within such aerodrome traffic zone.

(2) Notwithstanding the provisions of sub-regulation (1) –

- (a) the holder of a class rating for conventional microlight aeroplanes shall familiarise him- or herself with any type of conventional microlight aeroplane that he or she has not flown previously, before undertaking a flight in such aeroplane; and
- (b) the holder of a class rating or type rating by name for conventional microlight aeroplanes may exercise the privileges of his or her rating for remuneration in an aircraft operated in terms of Part 96, provided he or she is the holder of a valid Part 96 authorisation issued in terms of Subpart 14 of this Part.

Maintenance of competency

62.04.10 The holder of a class rating or type rating by name for conventional microlight aeroplanes shall not act as pilot-in-command of a conventional microlight aeroplane:

- (a) unless he or she –**
 - (i) has acted as pilot-in-command of a conventional microlight aeroplane for a minimum of 5 hours in the 12 months immediately preceding the intended flight. Such minimum flight time may include flights undertaken by the pilot whilst receiving training appropriate to the type of conventional microlight aeroplane; or**
 - (ii) has passed a practical flight test with an appropriately rated flight instructor within the three months immediately preceding the intended flight; and**
- (b) if transporting a passenger, unless he or she has, within the 90 days immediately preceding the flight on which such passenger is to be transported, executed not less than three take-offs and three landings in a conventional microlight aeroplane.**

SUBPART 5 REQUIREMENTS FOR THE ISSUE OF A CLASS RATING FOR WEIGHT-SHIFT CONTROLLED MICROLIGHT AEROPLANES

General

62.05.1 For the applicant for, or the holder of, a recreational pilot licence to be issued with a class rating for weight-shift controlled microlight aeroplanes, he or she shall –

- (a) hold a valid restricted or general radiotelephony operator's certificate;
- (b) have acquired the experience referred to in regulation 62.05.2;
- (c) have successfully completed the training referred to in regulation 62.05.3;
- (d) have passed the theoretical knowledge examination referred to in regulation 62.05.4; and
- (e) have successfully passed the skill test referred to in regulation 62.05.5.

Experience

62.05.2 (1) An applicant for the issuing of a class rating for weight-shift controlled microlight aeroplanes shall have completed not less than 20 hours flight time as a pilot of a weight-shift controlled microlight aeroplane, of which at least 10 hours shall be solo flight time, and which shall include –

- (a) one dual cross-country flight and one solo cross-country flight, each of a duration of not less than 90 minutes flown at normal cruising speed; and
- (b) one dual cross-country flight of a duration of not less than 90 minutes flown at normal cruising speed and which includes a full stop landing at a point other than the point of departure.

The cross-country flights shall have at least three legs.

- (2) Notwithstanding the provisions of sub-regulation (1), in the case of an applicant with extensive experience as the holder of a pilot licence, issued in terms of Part 61, or the holder of a class rating or type rating by name for conventional microlight aeroplanes, the hour requirements and the cross-country requirements may be relaxed at the discretion of the flight instructor who conducts the skill test, referred to in regulation 62.05.5. The hour requirement may also be reduced in the case of an applicant with extensive experience of hang-gliding.

Training

62.05.3 An applicant for the issuing of a class rating for weight-shift controlled microlight aeroplanes shall have successfully completed the appropriate training as prescribed in Document SA-CATS-FCL.

Theoretical knowledge examination

62.05.4 An applicant for the issuing of a class rating for weight-shift controlled microlight aeroplanes shall have passed the appropriate written examination as prescribed in Document SA-CATS-FCL.

Skill test

- 62.05.5** (1) An applicant for the issuing of a class rating for weight-shift controlled microlight aeroplanes shall have demonstrated to the holder of a Grade B or Grade A weight-shift controlled microlight aeroplane flight instructor rating the ability to perform, as pilot-in-command of a weight-shift controlled microlight aeroplane, the procedures and manoeuvres as prescribed in Document SA-CATS-FCL, with a degree of competency appropriate to the privileges granted to the holder of a recreational pilot licence.
- (2) The applicant shall undergo the skill test referred to in sub-regulation (1) within the 12 months of passing the theoretical knowledge examination referred to in regulation 62.05.4 and within the 60 days immediately preceding the date of application.

Application

62.05.6 An application for the issuing of a class rating for weight-shift controlled microlight aeroplanes shall -

- (a) be made to the Commissioner or to the organisation, designated for the purpose in terms of Part 149, as the case may be, on the appropriate form as prescribed in Document SA-CATS-FCL; and
- (b) be accompanied by -
- (i) a certified true copy of the applicant's recreational pilot licence or a valid application for the issue of such licence;
 - (ii) certified proof that the requirements prescribed in regulation 62.05.1 have been complied with; and
 - (iii) the appropriate fee as prescribed in terms of Part 187 or by the organisation designated for the purpose in terms of Part 149, as the case may be, provided that the fees set by the latter shall not exceed those prescribed in Part 187.

Issuing of class rating or type rating

- 62.05.7** (1) The Commissioner, or the organisation designated for the purpose in terms of Part 149, as the case may be, shall issue a class rating for weight-shift controlled microlight aeroplanes if the applicant complies with the requirements referred to in regulation 62.05.6.
- (2) A class rating for weight-shift controlled microlight aeroplanes shall be issued in the format prescribed in Document SA-CATS-FCL.

Period of validity

62.05.8 A class rating for weight-shift controlled microlight aeroplanes shall be valid for as long as the recreational pilot licence itself remains valid, with the proviso that the privileges of the class rating shall not be exercised by the holder thereof unless he or she complies with the provisions of regulation 62.05.10.

Privileges and limitations of the class rating for weight-shift controlled microlight aeroplanes

62.05.9 (1) The holder of a class rating for weight-shift controlled microlight aeroplanes shall be entitled to act as pilot-in-command of any weight-shift controlled microlight aeroplane, provided it is not operated for the provision of an air service –

- (a) within Class F and Class G airspace;
- (b) within controlled airspace if –
 - (i) prior permission has been obtained from the responsible air traffic service unit to enter such airspace;
 - (ii) such two-way radio communication as the said unit may require, is established;
 - (iii) continuous radio watch is maintained; and
 - (iv) while within an aerodrome traffic zone, the appropriate radio position reporting procedure is complied with while such microlight aeroplane is within such aerodrome traffic zone.

(2) Notwithstanding the provisions of sub-regulation (1), the holder of a class rating for weight-shift microlight aeroplanes –

- (a) shall familiarise him- or herself with any weight-shift microlight aeroplane that he or she has not flown previously, before undertaking a flight in such microlight aeroplane; and
- (b) may exercise the privileges of his or her rating for remuneration in an aircraft operated in terms of Part 96, provided he or she is the holder of a valid Part 96 authorisation issued in terms of Subpart 14 of this Part.

Maintenance of competency

62.05.10 The holder of a class rating for weight-shift controlled microlight aeroplanes shall not act as pilot-in-command of a weight-shift controlled microlight aeroplane:

- (a) unless he or she –
 - (i) has acted as pilot-in-command of a weight-shift controlled microlight aeroplane for a minimum of 5 hours in the 12 months immediately preceding the intended flight. Such minimum flight time may include flights undertaken by the

pilot whilst receiving training appropriate to the type of weight-shift controlled microlight aeroplane; or

- (ii) has passed a practical flight test with an appropriately rated flying instructor within the three months immediately preceding the intended flight; and**
- (b) if transporting a passenger, unless he or she has, within the 90 days immediately preceding the flight on which such passenger is to be transported, executed not less than three take-offs and three landings in a weight-shift controlled microlight aeroplane.**

**SUBPART 6 REQUIREMENTS FOR THE ISSUE OF A CATEGORY,
CLASS OR TYPE RATING FOR GYROPLANES**

General

- 62.06.1 (1)** For the applicant for, or the holder of, a recreational pilot licence to be issued with a category rating for gyroplanes and a first class rating and first type rating by name for gyroplanes, he or she shall –
- (a) hold at least a valid restricted certificate of proficiency (aeronautical);
 - (b) have acquired the experience referred to in regulation 62.06.2;
 - (c) have successfully completed the training referred to in regulation 62.06.3;
 - (d) have passed the theoretical knowledge examination referred to in regulation 62.06.4; and
 - (e) have passed the skill test referred to in regulation 62.06.5.
- (2)** An applicant for an additional type rating by name in the category gyroplanes shall –
- (a) be the holder of a valid recreational pilot licence endorsed for the category gyroplane;
 - (b) have successfully completed the appropriate training referred to in regulation 62.06.3
 - (c) have passed the theoretical knowledge examination referred to in regulation 62.06.4; and
 - (d) have passed the skill test referred to in regulation 62.06.5 in the type of gyroplane for which the additional type rating is sought.
- (3)** An applicant for an additional class rating in the category gyroplanes shall meet the requirements for a gyroplane type rating by name in the class for which the rating is sought.

Experience

- 62.06.2 (1)** An applicant for the issuing of a first type rating in the category gyroplane shall have completed not less than 30 hours flight time as a pilot of a gyroplane, of which at least 15 hours shall be solo flight time, and which flight time shall include: --
- (a) one cross-country flight, whether dual or under supervision, and one solo cross-country flight, each of a duration of not less than 90 minutes, flown at normal cruising speed; and
 - (b) one cross-country flight, whether dual or under supervision, of a duration of not less than 90 minutes, flown at normal cruising

speed, and which includes a full-stop landing at a point other than the point of departure:

Provided that the cross-country requirement shall not apply in the case of a type rating to be endorsed 'tethered flight only'.

- (2) The cross-country flights, referred to in sub-regulation (1), shall consist of at least three legs.
- (3) Notwithstanding the provisions of sub-regulation (1), in the case of an applicant with extensive cross-country experience as the holder of a pilot licence, issued in terms of this Part or of Part 61, or as a pilot in the South African Air Force, the cross-country requirements may be relaxed at the discretion of the flight instructor who conducts the skill test, referred to in regulation 62.06.5.

Training

62.06.3 An applicant for the issuing of a type rating by name in the category gyroplane shall have successfully completed the appropriate training as prescribed in Document SA-CATS-FCL.

Theoretical knowledge examination

62.06.4 An applicant for the issuing of a type rating by name in the category gyroplane shall have passed the appropriate written examination as prescribed in Document SA CATS-FCL.

Skill test

- 62.06.5 (1)** An applicant for the issuing of a type rating by name in the category gyroplane shall have demonstrated to the holder of a gyroplane flight instructor rating, the ability to perform as pilot-in-command of the gyroplane the procedures and manoeuvres as prescribed in Document SA-CATS-FCL, with a degree of competency appropriate to the privileges granted to the holder of a recreational licence.
- (2) The applicant shall undergo the skill test referred to in sub-regulation (1) within 90 days of passing the theoretical knowledge examination referred to in regulation 62.06.3 and within the 60 days immediately preceding the date of application.

Application

62.06.6 An application for the issuing of a type rating by name in the category gyroplanes shall -

- (a) be made to the Commissioner or to the organisation, designated for the purpose in terms of Part 149, as the case may be, on the appropriate form as prescribed in Document SA-CATS-FCL; and
- (b) be accompanied by -

- (i) a certified true copy of the applicant's recreational pilot licence or a valid application for the issue of such licence;
- (ii) certified proof that the requirements prescribed in regulation 62.06.1 have been complied with; and
- (iii) the appropriate fee as prescribed in terms of Part 187 or by the organisation designated for the purpose in terms of Part 149, as the case may be, provided that the fees set by the latter shall not exceed the fees prescribed in Part 187.

Issuing of gyroplane type rating

62.06.7 (1) The Commissioner, or the organisation designated for the purpose in terms of Part 149, as the case may be, shall issue a gyroplane type rating by name if the applicant complies with the requirements referred to in regulation 62.06.6.

- (2) A gyroplane type rating by name shall be issued in the format prescribed in Document SA-CATS-FCL.

Period of validity

62.06.8 A gyroplane type rating by name shall be valid for as long as the recreational pilot licence itself remains valid, with the proviso that the privileges of the type rating shall not be exercised by the holder thereof unless he or she complies with the provisions of regulation 62.06.10.

Privileges and limitations

62.06.9 (1) The holder of a gyroplane type rating by name shall be entitled to act as pilot-in-command of any gyroplane for which he or she holds a type rating by name, provided it is not operated for the provision of an air service –

- (a) within Class F and Class G airspace;
- (b) within controlled airspace if --
 - (i) prior permission to enter such airspace has been obtained from the responsible air traffic service unit;
 - (ii) such two-way radio communication is established, as the said unit may require;
 - (iii) a continuous radio watch is maintained; and
 - (iv) while in an aerodrome traffic zone, the appropriate radio position reporting procedures is complied with, while such gyroplane is within such airspace.

- (2) Where a gyroplane rating was issued with the restriction 'tethered flight only', its holder shall not exercise its privileges in free flight.

Maintenance of competency

62.06.10 The holder of a type rating by name in the category gyroplanes, shall not act as pilot in command of a gyroplane unless he or she --

- (a) has acted as pilot-in-command of a gyroplane for a minimum of 10 hours in the 12 months immediately preceding the intended flight. Such minimum flight time may include flights undertaken by the pilot whilst receiving training appropriate to the gyroplane; or
- (b) has passed a practical flight test with an appropriately rated flying instructor within the three months immediately preceding the intended flight; and
- (c) if transporting a passenger, he or she has, within the 90 days immediately preceding the flight on which such passenger is to be transported, has spent not less than one hour in the circuit exercising take-offs and landings in a gyroplane.

**SUBPART 7 REQUIREMENTS FOR THE ISSUE OF A CATEGORY,
CLASS OR ADD-ON RATING FOR HANG-GLIDERS**

General

62.07.1 (1) A hang-glider rating may be issued in four classes:

- (a) Novice
- (b) Class A
- (c) Class B
- (d) Class C,

with the following add-on ratings:

- (e) tandem rating
- (f) aero-tow rating

(2) For the applicant for, or the holder of a recreational pilot licence to be issued with a category rating and the Novice Class rating for hang-gliders he or she shall –

- (a) have acquired the applicable experience referred to in regulation 62.07.2;
- (b) have successfully completed the applicable training referred to in regulation 62.07.3;
- (c) have passed the applicable theoretical knowledge examination referred to in regulation 62.07.4; and
- (d) have passed the applicable skill test referred to in regulation 62.07.5.

(3) The requirements for the upgrading from Novice to Class A, from Class A to Class B, and from Class B to Class C, are those prescribed in this Subpart for the issue of the relevant ratings.

Experience

62.07.2 An applicant for the issuing of any of the class ratings or add-on ratings, referred to in sub-regulation 62.07.1(1) in the category hang-glider shall have the experience as prescribed in Document SA-CATS-FCL. In the case of an applicant with extensive experience in weight-shift controlled microlight aeroplanes, the testing officer may at his or her discretion reduce the prescribed flight-time requirements.

Training

62.07.3 An applicant for the issuing of any of the class ratings or add-on ratings, referred to in sub-regulation 62.07.1(1), in the category hang-glider shall have successfully completed the appropriate training as prescribed in Document SA-CATS-FCL.

Theoretical knowledge examination

62.07.4 An applicant for the issuing of any of the class ratings or add-on ratings,

62.07.5 referred to in sub-regulation 62.07.1(1), in the category hang-glider shall have passed the appropriate written examination as prescribed in Document SA CATS-FCL.

Skill test

62.07.5 (1) An applicant for the issuing of any of the class ratings or add-on ratings, referred to in sub-regulation 62.07.1(1) in the category hang-glider shall have demonstrated to the holder of a hang-glider flight instructor rating, the ability to perform as pilot-in-command of the hang-glider the procedures and manoeuvres as prescribed in Document SA-CATS-FCL, with a degree of competency appropriate to the privileges granted to the holder of a recreational licence who is the holder of the respective class or add-on rating

- (2) The applicant shall undergo the skill test referred to in sub-regulation (1) within 90 days of passing the theoretical knowledge examination referred to in regulation 62.07.3 and within the 60 days immediately preceding the date of application.

Application for hang-glider class or add-on rating

62.07.6 (1) An application for the issuing of a hang-glider class or add-on rating shall –

- (a) be made to the Commissioner or the organisation designated for the purpose in terms of Part 149, as the case may be, on the appropriate form as prescribed in Document SA-CATS-FCL;
- (b) be accompanied by –
- (i) certified summary of the applicant's pilot logbook;
 - (ii) application for, or certified copy of the applicant's recreational pilot licence;
 - (iii) a valid medical fitness certificate as prescribed in Document SA-CATS-FCL;
 - (iv) the completed training proficiency card as prescribed in Document SA-CATS-FCL;
 - (v) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 62.07.3;
 - (vi) original or certified proof that the applicant has passed the skill test referred to in regulation 62.07.4;
 - (vii) the appropriate fee as prescribed in Part 187; and
 - (viii) any additional information requested by the Commissioner or the organisation designated for the purpose in terms of Part 149, as the case may be.

- (2) An applicant for the Class C hang-glider rating shall have held the Class B rating for at least one year.

- (3) An applicant for the tandem rating shall be the holder of a valid Class C hang-glider rating.

Issuing of hang-glider class or add-on rating

62.07.6 The Commissioner or the organisation designated for the purpose in terms of Part 149, as the case may be, shall endorse the applicant's recreational pilot licence with the appropriate hang-glider class or add-on rating if the applicant complies with the requirements prescribed in regulation 62.07.6.

Period of validity

62.07.7 A hang-glider class or add-on rating shall be valid for an indefinite period, provided its holder is the holder of a valid recreational pilot licence and maintains competency as prescribed in regulation 62.07.10.

Privileges and limitations

62.07.9 (1) The holder of a hang-glider Novice class rating shall be permitted to act as pilot-in-command of a hang-glider under the supervision of an appropriately rated flight instructor or the holder of a valid hang-glider class C rating –

- (a) in smooth winds of 28 km/hr or less, or gusty winds of no more than 20 km/hr;
- (b) while launching on slopes of 2:1 to 7:1 where the wind is not more than 25° off being straight up the slope.

- (2) The holder of a recreational pilot licence endorsed for the category hang-gliders and a Class A, B, or C rating, shall be entitled to act as pilot-in-command of a hang-glider for which he or she holds the appropriate class rating and add-on rating within Class F and Class G airspace, provided it is not operated for the provision of an air service.

Maintenance of competency

62.07.10 The holder of a hang-glider class or add-on rating shall not act as pilot-in-command of a hang-glider for which he or she holds the appropriate rating unless he or she --

- (a) has in the 12 months immediately preceding the intended flight acted as pilot-in-command of a hang-glider for a minimum of –
 - (i) 10 flights and 1 hour, in the case of a Class A rating;
 - (ii) 10 flights and 5 hours, in the case of a Class B rating; and
 - (iii) 30 hours and 50 km cross-country flight distance, in the case of a Class C rating.

Such minimum flight time may include flights undertaken by the pilot whilst receiving training appropriate to the type of hang-glider; or

- (b) has passed a practical flight test with an appropriately rated flying instructor within the 3 months immediately preceding the intended flight.

Type ratings

62.07.11 The listing in sub-regulation 62.01.7(2) prescribes the various types of hang-gliders in use that may be flown by the holder of any of the class ratings, referred to in sub-regulation 62.07.1(1). These are not endorsed in the pilot's licence. However, before attempting to fly a new type, the pilot must undergo the familiarisation training prescribed in Document SA-CATS-FCL.

**SUBPART 8 REQUIREMENTS FOR THE ISSUE OF A CATEGORY,
CLASS OR ADD-ON RATING FOR PARAGLIDERS**

General

62.08.1 (1) A paraglider rating may be issued in two classes:

- (a) Basic
- (b) Sport

with the following add-on rating:

- (c) Tandem rating

(2) For the applicant for, or the holder of, a recreational pilot licence to be issued with a category rating and the Basic Class rating for paragliders he or she shall –

- (a) have acquired the applicable experience referred to in regulation 62.08.2;
- (b) have successfully completed the applicable training referred to in regulation 62.08.3;
- (c) have passed the applicable theoretical knowledge examination referred to in regulation 62.08.4; and
- (d) have passed the applicable skill test referred to in regulation 62.08.5.

(3) The applicant for the upgrading van the Basic Class to the Sport Class paraglider rating shall have held the Basic Class rating for at least six months and have acquired the experience prescribed in regulation 62.08.2.

(4) The applicant for the paraglider tandem rating shall have held a paraglider rating for at least 24 months and the sport rating for at least 12 months and have acquired the experience prescribed in regulations 62.08. 2.

Experience

62.08.2 An applicant for the issuing of any of the class or add-on ratings, referred to in sub-regulation 62.08.1(1), in the category paraglider shall have the experience as prescribed in Document SA-CATS-FCL.

Training

62.08.3 An applicant for the issuing of any of the class or add-on ratings referred to in sub-regulation 62.08.1(1) in the category paraglider shall have successfully completed the appropriate training as prescribed in Document SA-CATS-FCL.

Theoretical knowledge examination

62.08.4 An applicant for the issuing of any of the class or add-on ratings, referred to in sub-regulation 62.08.1(1), in the category paraglider shall have passed the appropriate written examination as prescribed in Document SA CATS-FCL.

Skill test

- 62.08.5 (1)** An applicant for the issuing of any of the class or add-on ratings, referred to in sub-regulation 62.08.1(1) in the category paraglider shall have demonstrated to the holder of a paraglider flight instructor rating, the ability to perform as pilot-in-command of the paraglider the procedures and manoeuvres as prescribed in Document SA-CATS-FCL, with a degree of competency appropriate to the privileges granted to the holder of a recreational licence who is the holder of the respective class rating.
- (2)** The applicant shall undergo the skill test referred to in sub-regulation (1) within 90 days of passing the theoretical knowledge examination referred to in regulation 62.08.3 and within the 60 days immediately preceding the date of application.

Application for paraglider class or add-on rating

62.08.6 An applicant for the issuing of a paraglider class or add-on rating shall –

- (a)** be made to the Commissioner or the organisation designated for the purpose in terms of Part 149, as the case may be, on the appropriate form as prescribed in Document SA-CATS-FCL;
- (b)** be accompanied by –
- (i)** certified summary of the applicant's pilot logbook;
 - (ii)** application for, or certified copy of the applicant's recreational pilot licence;
 - (iii)** a valid medical fitness certificate as prescribed in Document SA-CATS-FCL;
 - (iv)** the completed training proficiency card as prescribed in Document SA-CATS-FCL;
 - (v)** original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 62.08.3;
 - (vi)** original or certified proof that the applicant has passed the skill test referred to in regulation 62.08.4;
 - (vii)** the appropriate fee as prescribed in Part 187; and
 - (viii)** any additional information as requested by the Commissioner or the organisation designated for the purpose in terms of Part 149, as the case may be.

Issuing of paraglider rating

62.08.7 The Commissioner or the organisation designated for the purpose in terms of Part 149, as the case may be, shall endorse the applicant's recreational pilot licence with the appropriate paraglider class or add-on rating if the applicant complies with the requirements prescribed in regulation 62.08.6.

Period of validity

62.08.8 A paraglider class or add-on rating shall be valid for an indefinite period, provided its holder is the holder of a valid recreational pilot licence and maintains competency as prescribed in regulation 62.08.10.

Privileges and limitations

- 62.08.9** (1) The holder of a valid recreational pilot licence, endorsed for the category paragliders, shall be permitted within Class F and Class G airspace to act as pilot-in-command of a paraglider for which he or she holds the appropriate class rating, provided it is not operated for the provision of an air service.
- (2) The holder of a paraglider basic rating shall be permitted to fly --
- (a) unassisted at basic-graded sites
 - (b) under supervision of a the holder of valid paraglider Sport Class rating when flying at a site requiring additional supervision according to the rules governing the site;
 - (c) for the first 80 flights only basic- and intermediate-rated paragliders without trim-tabs or multiple-trim setting facilities.
- (3) The holder of a paraglider Sport Class rating shall be permitted to --
- (a) to fly any paraglider, other than a tandem-class paraglider: Provided that heavy pilots may fly approved tandem gliders solo provided that they meet the minimum specified mass range;
 - (b) to fly at all sites after local site requirements have been met; and
 - (c) to conduct training as a recreational assistant flight instructor (paraglider) under the supervision of an appropriately rated recreational flight instructor (paraglider).
- (4) The holder of a paraglider tandem rating shall be permitted to --
- (a) for the first 20 flights to act as pilot-in-command of a paraglider while carrying as passenger the holder of a valid recreational pilot licence endorsed for the category paraglider; and thereafter

- (b) to act as pilot-in-command of a paraglider while carrying a passenger.
- (5) Notwithstanding the provisions of sub-regulations (2), (3) and (4), the organisation approved for the purpose in terms of Part 149 may set minimum experience requirements for specific types and models of paragliders, to be published as an addendum in that organisation's approved operations manual.
- (6) The grading of sites, referred to in sub-regulations (2) and (3), and the setting of the rules governing such sites, shall be the responsibility of the organisation approved for the purpose in terms of Part 149.

Maintenance of competency

62.08.10 The holder of a recreational pilot licence, endorsed for the category paraglider shall not act as pilot in command of a paraglider for which he or she holds the appropriate class rating unless he or she –

- (a) has in the 12 months immediately preceding the intended flight acted as pilot-in-command of a paraglider for a minimum of –
 - (i) 10 flights and 5 hours, in the case of a Sport Class rating; and
 - (ii) 30 hours and 50 km cross-country flight distance, in the case of a Basic Class rating.

Such minimum flight time may include flights undertaken by the pilot whilst receiving training appropriate to the type of paraglider; or

- (b) has passed a practical flight test with an appropriately rated recreational flying instructor within the 3 months immediately preceding the intended flight.

**SUBPART 9 REQUIREMENTS FOR THE ISSUE OF A RECREATIONAL
FLIGHT INSTRUCTOR RATING**

General

62.09.1 (1) The applicant for the issue of a recreational flight instructor rating shall –

- (a) be the holder of a valid recreational pilot licence, or a valid pilot licence issued in terms of Part 61 of these Regulations;
 - (b) have acquired the experience referred to in regulation 62.09.2;
 - (c) have successfully completed the training referred to in regulation 62.09.3;
 - (d) have passed the theoretical knowledge examination referred to in regulation 62.09.4;
 - (e) have undergone the skill test referred to in regulation 62.09.5; and
 - (f) in the case of a recreational flight instructor rating (hang-glider) or (paraglider) shall be the holder of a valid recognised certificate of competency in first aid.
- (2) The applicant for the issue of a recreational assistant flight instructor (paraglider) shall in addition to the requirements of sub-regulation (1) be the holder of a valid Sport Class rating.
- (3) The applicant for the issue of a recreational flight instructor (paraglider) shall in addition to the requirements of sub-regulation (1) have been the holder of a valid Sport Class rating for at least 12 months.

Experience

62.09.2 The applicant for the issuing of a recreational flight instructor rating shall have the following experience –

- (a) in the case of the holder of a class rating for conventional microlight aeroplanes or a category rating for weight-shift controlled microlight aeroplanes --
 - (i) for a Grade C recreational flight instructor rating (microlight aeroplane): 10 hours of practical instruction pattern and not less than 200 hours of flight time of which at least 100 hours shall be on a microlight aeroplane in the applicable category;
 - (ii) for a Grade B recreational flight instructor rating (microlight aeroplane): at least six months experience as a Grade C microlight aeroplane flight instructor and not less than 200 hours of flight instruction;
 - (iii) for a Grade A recreational flight instructor rating (microlight aeroplane): at least three years experience as a Grade B recreational flight instructor (microlight aeroplane) and not less than 500 hours of flight instruction, of which not less than 300 hours shall have been on microlight aeroplanes;

- (b) in the case of the holder of a category rating for hang-gliders --**
 - (i) for an assistant recreational flight instructor rating (hang- glider):**
 - (aa) hold at least a Class B hang-glider rating;**
 - (bb) have held a hang-glider rating, including a learner's certificate, for at least one year;**
 - (ii) for an recreational flight instructor rating (hang-glider) --**
 - (aa) have held at least a Class C hang-glider rating for at least 12 months;**
 - (bb) have logged at least 200 flights or 100 hours air time; and**
 - (cc) have gained practical experience in flight instruction by either –**
 - 1. attending an official hang-glider instructor course; or**
 - 2. observing and assisting an appropriated rated recreational flight instructor (hang-glider) on training slopes for at least ten days.**
- (c) in the case of the holder of a category rating for paragliders --**
 - (i) for a recreational assistant flight instructor (paragliding) have at least one year paragliding experience.**
 - (ii) for a recreational flight instructor (paragliding) –**
 - (aa) have paraglider flight experience for at least two years; and**
 - (bb) have gained practical experience by observing and assisting at least three approved paraglider training schools on training slopes for at least 20 days; or**
 - (cc) have attended an approved paraglider flight instructor course and observing and assisting an appropriately rated paraglider flight on training slopes for at least 10 days;**
- (d) in the case of the holder of category rating for gyroplanes –**
 - (i) in the case of a recreational assistant flight instructor (gyroplane) –**
 - (aa) have not less than 200 hours of flight time as pilot-in-command of a gyroplane; and**
 - (bb) 10 hours of instructor patter;**

- (ii) in the case of a recreational flight instructor (gyroplane) have not less than 100 hours of flight instruction on gyroplanes; and
- (iii) in the case of a recreational chief flight instructor (gyroplane) have not less than 1 000 hours of flight instruction on gyroplanes.

Training

62.09.3 The applicant for the issuing of a recreational flight instructor rating shall have successfully completed the appropriate training as prescribed in Document SA-CATS-FCL.

Theoretical knowledge examination

62.09.4 The applicant for the issuing of a recreational flight instructor rating shall have passed the appropriate written examination as prescribed in Document SA-CATS-FCL.

Skill test

62.09.5 (1) The applicant for the issuing of a recreational flight instructor rating shall have demonstrated to an appropriately rated flight instructor the ability to perform as a flight instructor the procedures and manoeuvres as prescribed in Document SA-CATS-FCL for the category of aircraft for which the instructor rating is sought, with a degree of competency appropriate to the privileges granted to the holder of a recreational flight instructor rating.

(2) For the purpose of sub-regulation (1), an appropriately rated flight instructor shall mean:

(a) in the case of a recreational flight instructor (microlight aeroplane):

- (i)** for a Grade C rating, the holder of a Grade A recreational flight instructor rating (microlight aeroplane);
- (ii)** for a Grade B rating, the holder of a Grade A recreational flight instructor rating (microlight aeroplane);
- (iii)** for a Grade A rating, a designated examiner with a microlight aeroplane rating;

(b) in the case of a recreational assistant flight instructor (gyroplane) or a recreational flight instructor (gyroplane):

- (i)** a recreational chief flight instructor (gyroplane);

(c) in the case of a recreational chief flight instructor (gyroplane):

- (i)** a person approved for the purpose by the

Commissioner;

- (d) in the case of a recreational assistant flight instructor (hang-glider): the chief flying instructor of an approved hang-gliding training organisation;
- (e) in the case of a recreational flight instructor (hang-glider):
 - (i) two holders of a recreational flight instructor rating (hang-glider);
- (f) in the case of a recreational flight instructor (paraglider):
 - (i) two holders of a recreational flight instructor rating (paraglider);
- (3) The skill test, referred to in sub-regulation (1), shall be demonstrated in an aircraft of the category for which the recreational flight instructor rating is sought.
- (4) The applicant shall undergo the skill test, referred to in sub-regulation 1, within 12 months of passing the theoretical knowledge examination, referred to in regulation 62.09.4, and within the 90 days immediately preceding the date of application.

Application

62.09.6 An application for the issue of a recreational flight instructor rating shall be made to the Commissioner or – if applicable – the organisation designated for the purpose in terms of Part 149 of the CAR of 1997, as the case may be, on the appropriate form, as prescribed in document SA-CATS-FCL, and be accompanied by –

- (a) a certified true copy of the applicable pilot licence, held by the applicant;
- (b) the original or certified proof that the applicant has passed the theoretical knowledge examination, referred to in regulation 62.09.4;
- (c) the skill test report as prescribed in Document SA-CATS-FCL; and
- (d) the appropriate fee as prescribed in Part 187 of the Regulations.

Issuing of the recreational flight instructor rating

62.09.7 The Commissioner, or – if applicable – the organisation designated for the purpose in terms of Part 149 of the Regulations, as the case may be, shall issue the appropriate recreational flight instructor rating if the applicant complies with the requirements referred to in regulation 62.09.1, on the appropriate form as prescribed in Document SA-CATS-FCL.

Privileges and limitations

62.09.8 The holder of a valid recreational flight instructor rating shall be entitled to conduct flight instruction for reward under the auspices of an appropriately rated aviation training organisation, approved in terms of Part 141 of these

Regulations, in a non-type certificated aircraft for which he or she holds a valid category rating and class rating or type rating by name, as the case may be, to the extent of the privileges of the particular recreational flight instructor rating held as follows --

- (a) in the case of a Grade C recreational flight instructor (microlight aeroplane), to conduct *ab initio* training with the holder of a learner's certificate;**
- (b) in the case of a Grade B recreational flight instructor (microlight aeroplane) –**
 - (i) to exercise the privileges of a Grade C recreational flight instructor (microlight aeroplane);**
 - (ii) to authorise the holder of a microlight aeroplane learner's certificate for his or her first solo flight;**
 - (iii) to conduct flight tests for the issuing of a class rating for which he or she holds the appropriate category and class rating;**
- (c) in the case of a Grade A recreational flight instructor (microlight aeroplane) –**
 - (i) to exercise the privileges of a Grade B recreational flight instructor (microlight aeroplane);**
 - (ii) to conduct the training required for a Grade A, Grade B or Grade C recreational flight instructor (microlight aeroplane);**
 - (iii) to undertake the duties of a designated examiner in conducting flight tests for the purpose of issuing a Grade B or Grade C recreational flight instructor rating (microlight aeroplane);**
- (d) in the case of a recreational assistant flight instructor (gyroplane) –**
 - (i) to conduct *ab initio* flight training on gyroplanes;**
 - (ii) to assist in the conducting of theoretical knowledge examinations for the issue of the category rating: gyroplanes;**
 - (iii) to lecture in gyroplane subjects under the supervision of a recreational flight instructor (gyroplane) or recreational chief flight instructor (gyroplane);**
- (e) in the case of a recreational flight instructor (gyroplane) –**
 - (i) to exercise the privileges of a recreational assistant flight instructor (gyroplane);**
 - (ii) to issue certificates of competency;**
 - (iii) to send the holder of a recreational pilot learner's certificate on his or her first solo flight;**
 - (iv) to conduct in single-engine non-type certificated gyroplanes the skill tests and complete the skill tests reports for the issue of the category rating: gyroplanes for a recreational pilot licence, and of type ratings by name for gyroplanes with a maximum all-up**

- mass of 2 000 kg or less, provided he or she is the holder of the appropriate ratings;
- (v) to conduct theoretical examinations for the issue of the category rating: gyroplanes; and
 - (vi) to lecture in gyroplane subjects;
- (f) in the case of a recreational chief flight instructor (gyroplane) –
- (i) to exercise all the privileges of a recreational flight instructor (gyroplane); and
 - (ii) to conduct disciplinary enquiries on conduct in respect of any misdemeanour brought about by any gyroplane or gyroglider recreational learner pilot, pilot or flight instructor;
- (g) in the case of a recreational assistant flight instructor (hang-glider) supervise flights by the holders of a Novice Class rating;
- (h) in the case of a recreational flight instructor (hang-glider) conduct training in hang-gliding;
- (i) in the case of a recreational flight instructor (paraglider) conduct training in paragliding.

Period of validity

62.09.8 A recreational flight instructor rating shall be valid for a period of three years, calculated from the end of the month following the date of issue or reissue, or from the date of expiry of the rating if such rating is revalidated in accordance with the provisions of regulation 62.09.10.

Revalidation

62.09.10 To revalidate a recreational flight instructor rating –

- (a) in the case of either a Grade A, Grade B or Grade C recreational flight instructor (microlight aeroplane) the holder of the rating shall –
 - (i) have attended a flight instructor refresher seminar, as prescribed in Document SA-CATS-FCL, within the two years immediately preceding the date of expiring of such rating; and
 - (ii) within 90 days immediately preceding the date of expiry of such rating, either
 -
 - (aa) have given not less than 50 hours of flight instruction within the three years preceding the date of expiry, of which not less than 25 hours shall have been given within 12 months immediately preceding the date of expiry of such rating; or
 - (bb) have undergone the skill test referred to in regulation 62.09.5.

- (b) in the case of a recreational flight instructor (gyroplane), the holder shall --
 - (i) have attended a flight instructor refresher seminar, as prescribed in Document SA-CATS-FCL, within the two years immediately preceding the date of expiring of such rating; and
 - (ii) either --
 - (aa) have given not less than 30 hours of flight instruction within the three years preceding the date of expiry, of which not less than 25 hours shall have been given within the 12 months immediately preceding the date of expiry of such rating; or
 - (bb) within the 90 days immediately preceding the date of expiry of the rating have undergone the skill test referred to in regulation 62.09.5.
- (c) in the case of a recreational assistant flight instructor (hang-glider) within the 90 days immediately preceding the date of expiry of the rating have undergone the skill test referred to in regulation 62.09.5.
- (d) in the case of a recreational flight instructor (hang-glider) --
 - (i) have attended a flight instructor refresher seminar, as prescribed in Document SA-CATS-FCL, within the two years immediately preceding the date of expiring of such rating; and
 - (ii) either --
 - (aa) have given not less than 30 hours of flight instruction within the three years preceding the date of expiry, of which not less than 25 hours shall have been given within the 12 months immediately preceding the date of expiry of such rating; or
 - (bb) within the 90 days immediately preceding the date of expiry of the rating have undergone the skill test referred to in regulation 62.09.5.
- (e) in the case of a recreational flight instructor (paraglider) --
 - (i) have attended a flight instructor refresher seminar, as prescribed in Document SA-CATS-FCL, within the two years immediately preceding the date of expiring of such rating; and
 - (ii) either --
 - (aa) have given not less than 30 hours of flight instruction within the three years preceding the date of expiry, of which not less than 25 hours shall have been given within the 12 months immediately preceding the date of expiry of such rating; or
 - (bb) within the 90 days immediately preceding the date of expiry of the rating have undergone the skill test referred to in regulation 62.09.5.

Reissue

- 62.09.11 (1)** The holder of a recreational flight instructor rating which has expired due to the lapse of the period referred to in regulation 62.09.9, may - before a further period of 60 months, calculated from the date of expiry of the rating - has lapsed, apply for the reissuing of the expired rating.
- (2)** The Commissioner, or - if applicable - the organisation designated for the purpose in terms of Part 149 of the CAR of 1997, as the case may be, shall reissue the expired rating if the applicant has -
- (a)** within the twelve months immediately preceding the application attended a flight instructor refresher seminar as prescribed in Document SA-CATS-FCL; and
 - (b)** within the 90 days immediately preceding the application undergone the skill test referred to in regulation 62.09.5.
- (3)** If a period of 60 months has lapsed after the date of expiry of the rating the holder of the expired rating may apply to the Commissioner, or - if applicable - the organisation designated for the purpose in terms of Part 149 of the CAR of 1997, as the case may be, for the reissue of the rating if the applicant complies with the requirements for the applicable recreational flight instructor rating.
- (4)** The provisions of regulation 62.09.6 shall apply *mutatis mutandis* to an application referred to in this regulation.

**SUBPART 10 REQUIREMENTS FOR THE ISSUE OF A TEST PILOT
RATING**

General

- 62.10.1 (1)** The requirements for the issue of a test pilot rating shall *mutatis mutandis* be the requirements prescribed for the test ratings provided for in Subparts 27, 28, and 29 respectively of Part 61 of the regulations.
- (2)** Notwithstanding the provision of sub-regulation (1) –
- (a)** a test pilot rating may be issued to the holder of a valid recreational pilot licence, provided all other requirements for the issuing of the test pilot rating are met; and
 - (b)** in the case of Class III test pilot rating, if the applicant is the holder of a recreational pilot licence, the requirement for a medical certificate shall be as prescribed in regulation 62.01.10.

Privileges and limitations

- 62.10.2 (1)** Where a Class I test pilot rating has been issued to the holder of a recreational pilot licence, the privileges of the rating may be exercised only in a non-type certificated aircraft for which he or she holds a valid category rating,
- (2)** Where a Class II or Class III test pilot rating has been issued to the holder of a recreation pilot licence, the privileges may be exercised only in a non-type certificated aircraft for which he or she holds a valid category rating, class rating or type rating.

**SUBPART 11 REQUIREMENTS FOR THE ISSUE OF A MICROLIGHT
AEROPLANE AERO-TOW RATING**

General

62.11.1 An applicant for the issuing of a microlight aeroplane aero-tow rating shall -

- (a) be the holder of a valid aeroplane pilot licence issued in terms of Part 61, or a recreational pilot licence issued in terms of this Part, endorsed for the category conventional microlight aeroplanes and with the appropriate class rating or type rating for the aero-tow aeroplane to be used;
- (b) have acquired the experience referred to in regulation 62.11.2;
- (c) have successfully completed the training referred to in regulation 62.11.3;
- (d) have passed the theoretical knowledge examination referred to in regulation 62.11.4; and
- (e) have successfully passed the skill test referred to in regulation 62.11.5.

Experience

62.11.2 (1) An applicant for a microlight aeroplane aero-tow rating shall have acquired on conventional microlight aeroplanes at least 100 hours as pilot-in-command.

(2) Notwithstanding the provisions of sub-regulation (1), the hour requirement may be reduced to 50 hours as pilot-in-command of a microlight aeroplane if the applicant is the holder of -

- (a) a valid recreational pilot licence, endorsed for a Class C hang-glider rating; or
- (b) a valid tug pilot rating issued in terms of Part 61 and is the holder of a valid pilot licence with the applicable microlight aeroplane class rating or type rating.

Training

62.11.3 An applicant for a microlight aeroplane aero-tow rating shall complete successfully under supervision of an appropriately rated flight instructor or a person designated for the purpose in writing by the Commissioner or an organisation designated for the purpose in terms of Part 149, as the case may be a minimum of 10 aero-tows, of which 5 aero-tows shall be in moderate thermic conditions.

Theoretical knowledge examination

62.11.4 An applicant for a microlight aeroplane aero-tow rating shall have passed the appropriate written examination as prescribed in Document SA-CATS-FCL.

Skill test

62.11.5 An applicant for a microlight aeroplane aero-tow rating shall within the 30 days immediately preceding the date of application have demonstrated to an appropriately rated flight instructor the ability to satisfactorily execute the skills as prescribed in Document SA-CATS-FCL.

Application

62.11.6 An applicant for a microlight aeroplane aero-tow rating shall submit together with his or her application a certificate, signed by an appropriately rated flight instructor, confirming that the applicant has passed the theoretical knowledge examination and skill test, referred to in regulations 62.11.4 and 62.11.5 respectively, and is considered to be fit to act as pilot-in-command of a microlight aeroplane while towing a hang-glider.

Issuing

62.11.7 The Commissioner or the organisation designated for the purpose in terms of Part 149, as the case may be, shall endorse the applicant's pilot licence with the aero-tow rating if the applicant complies with the requirements prescribed in 62.11.1.

Privileges and limitations

62.11.8 The holder of a pilot licence in the category microlight aeroplanes endorsed with the aero-tow rating shall be entitled to act as pilot-in-command of a conventional microlight aeroplane of the appropriate type by name or in the appropriate class while towing a hang-glider, provided the pilot of the hang-glider is the holder of a valid recreational pilot licence in the category hang-gliders with a valid aero-tow rating.

**SUBPART 12 REQUIREMENTS FOR THE ISSUE OF AN
AGRICULTURAL PILOT RATING**

General

- 61.12.1 (1)** The requirements for the issue of an agricultural pilot rating shall *mutatis mutandis* be the requirements for the issue of an agricultural pilot rating prescribed in Part 61 of the Regulations.
- (2)** Notwithstanding the provisions of sub-regulation (1), any reference to the Commissioner shall be deemed to include a reference to an organisation designated for the purpose in terms of Part 149, if applicable.

**SUBPART 13 REQUIREMENTS FOR THE ISSUE OF A HANG-GLIDER
AERO-TOW RATING**

General

62.13.1 An applicant for the issuing of a hang-glider aero-tow rating shall –

- (a) be the holder of a valid recreational pilot licence, endorsed for the category hang-gliding;
- (b) have acquired the experience referred to in regulation 62.13.2; and
- (c) have successfully passed the written theoretical knowledge examination referred to in regulation 62.13.3.

Experience

62.13.2 An applicant for the issuing of a hang-glider aero-tow rating shall have satisfactorily completed under the supervision of an appropriately rated flight instructor 10 aero-tows, of which at least 5 were completed in moderately thermal conditions.

Theoretical knowledge examination

62.13.3 An applicant for the issuing of a hang-glider aero-tow rating shall have passed the appropriate written examination as prescribed in Document SA-CATS-FCL.

Application

62.13.4 An applicant for the issuing of a hang-glider aero-tow rating shall –

- (a) be made to the Commissioner or, if applicable, the organisation designated for the purpose in terms of Part 149, as the case may be, on the appropriate form as prescribed in Document SA-CATS-FCL; and
- (b) be accompanied by –
 - (i) the original or certified copy of the applicant's valid pilot licence, endorsed for the category hang-glider;
 - (ii) a certificate of competency signed by a suitably licensed and rated flight instructor stating that the applicant has met the requirements of regulations 62.13.2 and 62.13.3; and
 - (iii) the applicable fee as prescribed in Part 187 of the regulations.

Issuing

62.13.4 The Commissioner or, if applicable, the organisation designated for the purpose in terms of Part 149, as the case may be, shall issue on the form prescribed in Document SA-CATS-FCL a hang-glider aero-tow rating if the applicant complies with the requirements of regulation 62.13.1.

Privileges and limitations

62.13.5 The holder of a valid hang-glider aero-tow rating shall be entitled to act as pilot-in-command of a hang-glider for which he or she holds the appropriate rating whilst under tow from an amateur-built or production-built aircraft, including a microlight aeroplane, certified for tug operations.

Period of validity

62.13.6 A hang-glider aero-tow rating shall be valid for the period for which the holder thereof is the holder of a valid recreational pilot licence.

Maintenance of competency

62.13.8 The holder of a hang-glider aero-tow rating shall not exercise the privileges thereof unless

- (a) he or she during the six months immediately preceding the flight has carried out at least 5 aero-tows; or
- (b) under the supervision of an appropriately rated flight instructor.

SUBPART 14 REQUIREMENTS FOR THE ISSUE OF A PART 96 AUTHORISATION

Background

- 62.14.1 (1)** Part 96 of the Regulations regulates the commercial operation of non-type certificated aircraft. Non-type certificated aircraft, issued with an Authority to Fly in terms of Part 24 do not meet ICAO standards and, therefore, may only be operated within the borders of the Republic, unless specifically authorised by the responsible authority for the foreign airspace.
- (2)** As non-type certificated aircraft may not be operated in international commercial air transport, ICAO requirements in respect of pilot licensing do not apply. National authorities may regulate such operations for domestic operations.
- (3)** In accordance with paragraphs (1) and (2) above, the Commissioner may authorise the holder of a valid appropriate private or recreational pilot licence to conduct commercial operations with non-type certificate aircraft in terms of Part 96 on conditions prescribed by him or her.
- (4)** The requirements for a Part 96 authorisation are set out in this Subpart.

Requirements for a Part 96 authorisation

62.14.2 An applicant for the issuing of a Part 96 authorisation shall -

- (a)** be not less than 18 years of age;
- (b)** hold at least a valid Class 2 medical certificate issued in terms of Part 67;
- (c)** hold at least a valid restricted radiotelephony operator's certificate;
- (d)** hold either a valid recreational pilot licence issued in terms of Part 62, or a private pilot licence issued in terms of Part 61;
- (e)** have acquired the experience referred to in regulation 62.14.3;
- (f)** have successfully completed the training referred to in regulation 62.14.4;
- (g)** have passed the theoretical knowledge examination referred to in regulation 62.14.5; and
- (h)** have undergone the skill test referred to in regulation 62.14.6.

Experience

62.14.3 An applicant for the issuing of a Part 96 authorisation shall -

- (a)** in the case of the category microlight aeroplanes -
 - (i)** have 200 hours flight time as pilot of a microlight aeroplane of which not less than 150 hours shall be as pilot-of-command; or

- (ii) have 100 hours as pilot-in-command of an aeroplane with a maximum certificated mass of 5 700 kg or less and 100 hours as pilot-in-command of microlight aircraft; or
 - (iii) if the holder of a valid private pilot licence (aeroplane), have acted as pilot-in-command of microlight aeroplanes for a minimum of 50 hours, or at the discretion of the testing officer.
- (b) in the case of the category gyroplanes, 20 hours of flight time as a pilot in a gyroplane of which at least 10 hours shall be solo time, and which shall include –
 - (i) one triangular cross-country flight, whether dual or under supervision, and one solo triangular cross-country flight, each of a duration of not less than 90 minutes flown at normal cruising speed; and
 - (ii) one triangular cross-country flight, whether dual or under supervision, of a duration of not less than 90 minutes flown at normal cruising speed and which flight includes a full-stop landing at a point other than the point of departure;

Training

62.14.4 An applicant for the issuing of a Part 96 authorisation shall have successfully completed the appropriate training as prescribed in Document SA-CATS-FCL.

Theoretical knowledge examination

62.14.5 An applicant for the issuing of a Part 96 authorisation shall have passed the appropriate written examination as prescribed in Document SA-CATS-FCL.

- **Skill test**

62.14.6 (1) An applicant for the issuing of a Part 96 authorisation shall have demonstrated to an appropriately qualified flight instructor the ability to perform, as pilot-in-command of an aircraft in the category for which the authorisation is sought, the procedures and manoeuvres prescribed in Document SA-CATS-FCL with a degree of competency appropriate to the privileges granted to the holder of a Part 96 authorisation.

- (2) The applicant shall undergo the skill test referred to in sub-regulation (1) within six months of passing the theoretical knowledge examination referred to in regulation 62.14.5 and within the 90 days immediately preceding the date of application.

- **Application for a Part 96 authorisation**

62.14.7 An application for the issuing of a Part 96 authorisation shall -

- (a) be made to the Commissioner on the appropriate form as prescribed in Document SA-CATS-FCL; and
- (b) be accompanied by -
 - (i) the original or certified true copy of a valid Class 2 or Class 1 medical certificate issued in terms of Part 67;
 - (ii) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 62.14.5;
 - (iii) original or certified proof that the applicant has the practical experience referred to in regulation 62.14.3;
 - (iv) the skill test report as prescribed in Document SA-CATS-FCL; and
 - (vi) the appropriate fee as prescribed in Part 187.

Issuing of Part 96 authorisation

- 62.14.8 (1)** The Commissioner shall issue a Part 96 authorisation to the applicant if he or she complies with the requirements referred to in regulation 62.14.2.
- (2)** The Part 96 authorisation shall be issued in the appropriate format as prescribed in Document SA-CATS-FCL.

Period of validity

62.14.9 A Part 96 authorisation shall be valid for an indefinite period, provided that the privileges of the authorisation may not be exercised by the holder thereof unless he or she -

- (a) holds a valid Class 2 or Class 1 medical certificate issued in terms of Part 67;
- (b) holds an appropriate valid category, class or type rating; and
- (c) complies with the provision of regulation 62.14.11.

Privileges of a Part 96 authorisation

62.14.10 (1) The holder of a Part 96 authorisation shall be entitled to -

- (a) exercise all the privileges of his or her pilot licence; and
- (b) act as pilot-in-command for remuneration in Part 96 operations in any production-built aircraft, including a microlight aeroplane, or any gyroplane with a maximum all-up mass of 2 000 kg, for which he or she holds a valid category rating, class rating, or type rating.

- (2) **The holder of the licence shall be entitled to exercise the privileges of the authorisation for any of the special purposes for which he or she holds the appropriate valid rating.**

Maintenance of competency

62.14.11 The holder of a Part 96 authorisation shall not act as pilot-in-command in commercial air transport operations unless he or she complies with the currency requirements prescribed for his or her pilot licence and the category rating, class rating, or type rating of which he or she is the holder."

AVIATION ACT 1962 (ACT NO. 74 OF 1962)
PROPOSED AMENDMENT TO THE CIVIL AVIATION
REGULATIONS, 1997

Under regulation 11.03.2(1)(a) of the Civil Aviation Regulations, the Chairperson of the Civil Aviation Regulations Committee (CARCOM) hereby publishes for comment the proposed amendments to the Civil Aviation Regulations, 1997, as set out in the schedules. Any comments or representations on the proposed amendments should be lodged in writing with the Chairperson of the Civil Aviation Regulations Committee, for attention Mr. Kim Gorringer or Mr. Herman Wildenboer, Private Bag X08, Waterkloof, 0145, fax: (012) 346-5979, or e-mail at gorringerk@caa.co.za or wildenboerh@caa.co.za, before or on 15 February 2004.

PROPOSAL TO AMEND THE CIVIL AVIATION REGULATIONS OF 1997 (CAR)

Proposer

Civil Aviation Authority
Private Bag X08
0145 Waterkloof

Explanation of interest of the Proposer

The Proposer administers the Aviation Act of 1962 (Act No. 74/1962) and the regulations and technical standards issued in terms thereof.

SCHEDULE 1

1.1 Proposal to amend regulation 91.04.6 of Part 91 of the CAR

It is proposed to substitute the following amended regulation 91.04.6 for the current regulation 91.04.6:

“Additional equipment for single-pilot operation under IMC or at night

- 91.04.6 (1)** No owner or operator of an aircraft shall conduct single-pilot operations in an aircraft under IMC or at night unless –
- (a) the single pilot flying is equipped with a headset with boom microphone or equivalent,

and has a transmit button on the control wheel, joy stick or cyclic stick; and

- (b) if the aircraft is flown under instrument meteorological conditions, such aircraft has been certificated for single pilot IFR operations, and is equipped with a serviceable automatic flight control system with at least altitude hold and heading mode; or
 - (c) if the aircraft is flown at night under visual meteorological conditions, such aircraft is equipped with –
 - (i) in the case of aeroplanes, a serviceable automatic flight control system with at least altitude hold and heading mode; or
 - (ii) in the case of helicopters, a serviceable stability augmentation system.
- (2) Nothing in this regulation shall be construed to mean that a flight under IFR or at night for the purpose of flight instruction conducted by an appropriately rated flight instructor would be a single-pilot operation, or that such a training flight, if conducted in terms of any of the Parts 121, 127 or 135, would require to be operated by two qualified pilots.”

1.2 Motivation

- (a) The current regulation refers to a stability augmentation system (SAS) as an alternative to an automatic flight control system (AFCS). SAS is used in larger helicopters only, and not in aeroplanes at all. SAS does not provide altitude hold and heading control, as required for flight under IMC.

However, a stability augmentation system provides valuable assistance to a pilot conducting a flight at night under marginal visual meteorological conditions (VMC) when attitude in reference to a natural horizon or to objects on the surface is difficult to ascertain.

- (b) The current regulation refers to the instrument flight rules, while the additional workload is caused not so much by having to adhere to certain flight rules, but because of having to control the aircraft with sole reference to instruments, as is the case under IMC.
- (c) An expensive or serviceable automatic flight control system should not be a requirement for flight during the day under VMC, even if flown in accordance with IFR.
- (d) The current regulation may be construed to mean that a training flight towards the issue of a night rating or an

instrument rating is a single-pilot operation (only one qualified pilot on board), that requires the prescribed equipment, or that the relevant provisions of Parts 121, 127 or 135 would apply.

(Although the Parts 121, 127 and 135 do not apply to aviation training organisations (ATOs), most ATOs operate to similar conditions. In commercial air transport operations, conducted by night or according to IFR, two pilots are required to be on board. This is not required in respect of a Part 91 night or IFR operation, nor of a flight training operation.)

1.3 Current Regulation

“Additional equipment for single-pilot operation in accordance with IFR

91.04.6 No owner or operator of an aircraft shall conduct single-pilot IFR operations in the aircraft unless such aircraft has been certificated for such operations and is equipped with –

- (a) a stability augmentation or automatic flight control system with at least altitude hold and heading mode; and
- (b) a headset with boom microphone or equivalent and a transmit button on the control wheel, joy stick or cyclic stick.”

SCHEDULE 2

2.1 Proposal to amend regulations 121.02.1, 127.02.1 and 135.02.1 of Parts 121, 127 and 135 of the CAR

It is proposed to substitute sub-regulation (6) of the regulations 121.02.1, 127.02.1 and 135.02.1, as applicable *mutatis mutandis*, with the following revised sub-regulation:

“Composition of flight crew

121/127/135.02.1 (1) ...

...

- (5) ...
- (6) For operations under IFR or by night in a [...] commercial air transport [...], an operator shall ensure that the minimum flight crew is two appropriately-rated pilots: Provided that [...].
- (7) The operator shall designate one pilot among the flight crew as pilot-in-command of a [...] commercial air transport [...] and the pilot-in-command may delegate the conduct of the flight to another suitably qualified pilot.”

2.2 Current regulation

“Composition of flight crew

121/127/135.02.1 (1) ...

...

(5) ...

(6) For operations under IFR or by night in a [...] commercial air transport [...], an operator shall ensure that the minimum flight crew is two pilots: Provided that [...].

(7) The operator shall designate one pilot among the flight crew as pilot-in-command of a [...] commercial air transport [...] and the pilot-in-command may delegate the conduct of the flight to another suitably qualified pilot.”

2.3 Motivation

The current sub-regulations (6) are occasionally construed to mean that only one of the two pilots needs to be qualified to operate the aircraft (the second pilot acting as a kind of safety pilot). That this was not the intention of the rule maker may be concluded from the existing sub-regulations (7) wherein the designated pilot-in-command may “delegate the conduct of the flight to another suitably qualified pilot”.

The insertion of the expression “appropriately-rated” in sub-regulations (6) removes any potential ambiguity.

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