
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

NATIONAL TREASURY

NO. 6068

28 March 2024

CIVIL AVIATION ACT, 2009 (ACT NO. 13 of 2009)

THIRTY FIRST AMENDMENT OF THE CIVIL AVIATION REGULATIONS, 2025

(The English Text is the official text of the Regulations)

I, Barbara Dallas Creecy, Minister of Transport, hereby, in terms of section 155(1) of the Civil Aviation Act, 2009 (Act No. 13 of 2009), make the Regulations set out in the Schedule hereunder.



Ms. BD Creecy, MP

Minister of Transport

Date: 17/3/25

SCHEDULE

CIVIL AVIATION ACT, 2009 (ACT NO. 13 OF 2009)

THIRTY FIRST AMENDMENT OF THE CIVIL AVIATION REGULATIONS, 2025

GENERAL EXPLANATORY NOTE:

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

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

Definition

In this Schedule “the Regulations” means the Civil Aviation Regulations, 2011 published by Government Notice No. R. 425 dated 1 June 2012, as amended. The regulations were initially promulgated on 1 June 2012 and came into effect on 1 August 2012. The regulations have since been amended by the Minister of Transport as follows:

- (a) 30 July 2013 (First, Second, Third and Fourth Amendments);
- (b) 7 March 2014 (Fifth Amendment);
- (c) 1 October 2014 (Sixth Amendment);
- (d) 22 December 2014 (Seventh Amendment);
- (e) 27 May 2015 (Eighth Amendment);
- (f) 1 September 2015 (Ninth Amendment);
- (g) 30 October 2015 (Tenth Amendment);
- (h) 30 December 2015 (Eleventh Amendment);
- (i) 24 December 2015 (Twelfth Amendment);
- (j) 12 February 2016 (Thirteenth Amendment);
- (k) 28 October 2016 (Fourteenth Amendment);
- (l) 5 May 2017 (Fifteenth Amendment);
- (m) 19 May 2017 (Sixteenth Amendment);

- (n) 29 May 2017 (Seventeenth Amendment);
- (o) 12 January 2018 (Eighteenth Amendment);
- (p) 21 October 2018 (Nineteenth Amendment),
- (q) 1 May 2019 (Twentieth Amendment);
- (r) 1 April 2020 (Twenty-Second Amendment);
- (s) 30 September 2021 (Twenty-Third Amendment);
- (t) 15 November 2021 (Twenty-First Amendment);
- (u) 10 May 2022 (Twenty-Fourth Amendment);
- (v) 17 March 2023 (Twenty-Fifth Amendment and Twenty-Sixth Amendment);
- (w) 13 April 2023 (Twenty-Seventh Amendment);
- (x) 20 October 2023 (Twenty-Eighth Amendment);
- (y) 28 June 2024 (Twenty-Ninth Amendment);
- (z) 23 August 2024 (Thirtieth Amendment); and
- (aa) Thirty-Second Amendment – submitted to the Minister for approval for promulgation.

Amendment of Part 1 of the Regulations

1. Regulation 1.01.1 of the regulations is hereby amended by—

(a) the insertion after the definition of “accident” of the following definition:

“‘**accident data reporting**’ means a set of definitions and descriptions used during the gathering and reporting of aircraft accident data to ICAO;”

(b) the insertion after the definition of “anticipated operating conditions” of the following definition:

“‘**Appeal Committee Secretariat**’ means officials of the Department designated to perform the administrative and secretarial services for the Appeal Committee;”

(c) the insertion after the definition of “incident” of the following definition:

“‘incident data reporting’ means a set of definitions and descriptions used during the gathering and reporting of aircraft incident data to ICAO;”;

- (d) the insertion after the definition of “de-icing fluid” of the following definition:

“‘deliver’ means to file, serve, or deliver either by hand or electronic mail, and “delivery”, “delivered” and “delivering” shall have the same corresponding meanings;”;

- (e) the insertion after the definition of “non-type certificated aircraft” of the following definition:

“‘notice’ means notice in writing;”;

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

“‘sheriff’ means a sheriff as defined in the Sheriffs Act, 1986 (Act No. 90 of 1986);”.

2. Regulation 1.01.2 of the regulations is hereby amended by—

- (a) the insertion after the abbreviation of “ADIZ” of the following abbreviation:

“‘ADREP’ means the accident data reporting;”;

- (b) the insertion after the abbreviation of “APV” of the following abbreviation:

“‘ASIB’ means the Aviation Safety Investigation Board;”;

- (c) the insertion after the abbreviation of “IFR” of the following abbreviation:

“‘IIC’ means an investigator-in-charge;”.

Amendment for Part 11 of the Regulations

3. Part 11 of the regulations is hereby amended by:
- (a) the substitution for Subpart 2 of the following Subpart:

“SUBPART 2 CIVIL AVIATION REGULATIONS COMMITTEE

11.02.1 Institution of Committee

11.02.2 Meetings of Committee

11.02.3 Subcommittees of Committee

11.02.4 Remuneration of Members

11.02.5 Administration

SUBPART 2 CIVIL AVIATION REGULATIONS COMMITTEE

Institution of Committee

11.02.1 (1) The Commissioner shall institute a Civil Aviation Regulations Committee to make recommendations on proposals with regard to—

- (a) the introduction of any regulation to be made by the Minister under section 155;
- (b) the amendment or withdrawal of any regulation made by the Minister under section 155;
- (c) the introduction of any technical standard to be issued by the Commissioner under section 163;
- (d) the amendment or withdrawal of any technical standard issued by the Commissioner under section 163;
- (e) any matter relating to civil aviation, including any such matter referred to it by the Commissioner.

(2) The members of the Committee instituted in terms of subregulation (1) shall consist of—

(a) a person designated by the Commissioner as the Chairperson;

(b) officials of the Authority appointed to oversee—

(i) aviation safety operations;

(ii) aviation security;

(iii) aviation safety standard and assurance;

(iv) aviation safety infrastructure;

(v) aviation medical and general procedures;

(c) such other persons appointed by those stakeholders and recognised by the Commissioner which shall include representatives from—

(i) the general aviation, recreational aviation, and commercial aviation industry;

(ii) the Air Traffic and Navigation Services Company Limited contemplated in terms of section 2 of the Air Traffic and Navigation Services Company Act, 1993 (Act No. 45 of 1993);

(iii) the South African Police Service;

(iv) the South African National Defence Force;

(v) the Airports Company South Africa SOC Limited contemplated in section 2 of the Airports Company Act, 1993 (Act No. 44 of 1993);

(vi) the Department;

(vii) the Chairperson of the Fees Committee;

(viii) the Border Management Authority contemplated in section 4 of the Border Management Authority Act, 2020 (Act No. 2 of 2020); and

(ix) any other stakeholder as determined by the Commissioner.

(3) Subject to the provisions of this Subpart, the Committee shall—

- (a) in consultation with the Commissioner, determine the procedures to be followed in the performance of its functions; and
- (b) submit, for consideration to the Commissioner, recommendations made by the Committee on proposals for promulgation by the Minister in terms of this Subpart.

Meetings of Committee

11.02.2 (1) The Committee shall hold meetings at least 6 times a year at such times and places as may from time to time be determined by the Chairperson.

(2) The Chairperson shall—

- (a) on exceptional circumstances, call an extraordinary meeting; and
- (b) preside at every meeting of the Committee.

(3) If the Chairperson is absent from a meeting of the Committee, the members present shall from among their number elect a person to preside at that meeting.

(4) The Committee shall cause minutes of every meeting to be kept and such minutes shall be stored at the office of the Commissioner.

Subcommittees of Committee

11.02.3 (1) The Committee may, after consultation with the Commissioner, establish such Subcommittees as it may deem necessary for the performance of its functions.

(2) The membership of each Subcommittee established in terms of subregulation (1) shall be unlimited.

(3) The Chairperson of the Committee shall appoint a Chairperson of each Subcommittee established in terms of this regulation.

(4) Subject to the provisions of this Subpart, a Subcommittee shall, after consultation with the Chairperson of the Committee, determine the procedures to be followed by such Subcommittee in the performance of its functions.

Remuneration of members

11.02.4 A member of the Committee or any of its Subcommittees referred to in this Part shall not receive any remuneration or allowance in respect of the performance of functions of the Committee or its Subcommittees.

Administration

11.02.5 Administrative work including secretarial work, in connection with the performance of the functions of the Committee and any Subcommittee established in terms of this Part, shall be carried out by employees of the Authority.”.

- (b) the substitution for regulation 11.04.1 of the following regulation:

“11.04.1 (1) Subject to the provisions of subregulation (2), the Minister may, only in exceptional circumstances, grant an exemption from any requirement prescribed in the regulations, if—

- (a)** a prescribed requirement cannot be complied with, either fully or partially; or
(b) a prescribed requirement is inappropriate, or events have occurred which make such requirement unnecessary in a particular case.

(2) An exemption referred in subregulation (1) may only be granted if—

- (a)** an acceptable level of safety has been taken which is as effective or more effective than the prescribed requirement; or
(b) the granting of an exemption will not cause serious risk to aviation safety, security, and environment.”.

- (c) the substitution for regulation 11.04.2 of the following regulation:

“11.04.2 (1) An application for an exemption shall be made to the **[Director]** Minister in the appropriate form and shall—

- (a) state the name and address of **[the]** an applicant;
- (b) state the requirement from which exemption is requested;
- (c) explain the interests of **[the]** an applicant in the exemption requested, including the nature and extent of the exemption requested and a description of each person or thing to be covered by the exemption;
- (d) contain any information, including information on the exceptional circumstances, views, or arguments supporting **[the]** such application;
- (e) any other information an applicant believes is necessary to support an application as well as the extent on which an exemption, if granted, may affect aviation safety, security, and environment; and
- (f) include a summary of the application which **[summary]** shall contain a reference to **[the]** a requirement from which exemption is requested, and a brief description of the general nature of the exemption requested.

(2) An application for an exemption referred to in **[sub-regulation 1]** subregulation (1), shall be accompanied by the appropriate fee [prescribed in] as prescribed in Part 187 and shall be—

- (a) submitted at least **[30]** 60 days, or such shorter period as the **[Director]** Minister may allow on good cause shown, before the proposed effective date of **[the]** an exemption~~[.]~~; and
- (b) processed within **[15]** 30 working days from the date of submission thereof **[provided]**, unless the circumstance of **[the]** an exemption dictates otherwise.

(3) In case where an application for exemption cannot be processed within the periods referred to in **[sub-regulation 2]** subregulation (2) the **[Director]** Minister shall notify the applicant **[and]** and, in the case of an urgent **[exemptions]** exemption, adjust the applicable fee.”.

- (d) the substitution for regulation 11.04.3 of the following regulation:

“11.04.3 The Minister may grant or refuse an application for exemption, after—

(a) consideration of the recommendation of the Commissioner;

(b) affording an applicant an opportunity to make representations in writing.”.

- (e) the substitution for regulation 11.04.4 of the following regulation:

“11.04.4 (1) The Minister may grant an exemption under such conditions and for such period which the Minister may determine, which period may not exceed 180 days.

(2) A decision not to approve an application for exemption shall be accompanied by written reasons.

(3) The [Director] Commissioner shall, [shall] within 3 working days from the date [from which any exemption of a non-administrative nature, such nature decided upon by the Director] an exemption has been granted, publish the [full] particulars [thereof] of such exemption on the Authority website.”.

- (f) the substitution for regulation 11.04.5 of the following regulation:

“11.04.5 (1) The Minister may grant an extension of an exemption upon application for such extension in a similar manner as prescribed in regulation 11.04.2.

(2) The [Director] Minister may grant an extension to an exemption under such conditions and for such period which the [Director] Minister may determine, which period may not exceed 180 days.

(3) An application for [the] extension of an exemption shall be accompanied by the fees prescribed in Part 187.

(4) The provisions of regulations 11.04.2 to 11.04.4 apply with the necessary changes in relation to the consideration of an application for extension of an exemption **[mentioned in sub-regulation (1)]**.”.

(g) by the insertion after Subpart 6 of the following Subpart:

“SUBPART 7: FEES COMMITTEE

11.07.1 Institution of Fees Committee

11.07.2 Composition of Fees Committee

11.07.3 Designation of Chairperson of Fees Committee

11.07.4 Meetings of Fees Committee

11.07.5 Fees Subcommittee

11.07.6 Remuneration of members

11.07.7 Administration

11.07.8 Recommendations to Minister

SUBPART 7 FEES COMMITTEE

Institution of Fees Committee

11.07.1 (1) The Commissioner shall institute a Fees Committee to—

(a) advise on charges, fees and levies to be charged by the Authority; and

(b) make recommendations to the Minister on proposals relating to—

(i) introduction of any regulation in relation to charges, fees and levies;

(ii) amendment or withdrawal of any regulation relating to charges, fees and levies; and

(iii) any other fees that may be levied or charged by the Authority relating to civil aviation operation or activity.

Composition of Fees Committee

11.07.2 (1) The members of the Fees Committee shall comprise of—

- (a) a person designated by the Commissioner as the Chairperson of the Fees Committee;
- (b) the Chairperson of the Civil Aviation Regulations Committee;
- (c) the Chairperson of each Subcommittee established by the Civil Aviation Regulations Committee in terms of Part 11 of the regulations; and
- (d) such other persons appointed by those stakeholders and recognised by the Commissioner, which shall include representation from—
 - (i) the general aviation, recreational aviation, and commercial aviation industry;
 - (ii) the Air Traffic and Navigation Services Company Limited contemplated in section 2 of the Air Traffic and Navigation Services Company Act, 1993 (Act No. 45 of 1993);
 - (iii) the South African Police Service;
 - (iv) the South African National Defence Force;
 - (v) the Airports Company South Africa SOC Ltd as established in terms of the Airports Company Act, 1993 (Act No. 44 of 1993) as amended;
 - (vi) the Department;
 - (vii) the South African Weather Service;
 - (viii) Department of Finance;
 - (xi) the Border Management Authority contemplated in section 4 of the Border Management Authority Act, 2020 (Act No. 2 of 2020); and
 - (x) any other stakeholder as determined by the Commissioner.

(2) Subject to the provisions in this Subpart, the Fees Committee shall, in the performance of its functions, comply with the procedures as prescribed in Document SA-CATS 11.

Designation of Chairperson of Fees Committee

11.07.3 (1) The Commissioner shall designate a person as a Chairperson of the Fees Committee for a term determined by the Commissioner.

Meetings of Fees Committee

11.07.4 (1) The Fees Committee shall hold its meetings on an *ad-hoc* basis and at such times and places as may from time to time be determined by the Chairperson of the Fees Committee.

(2) The Chairperson of the Fees Committee, and in his or her absence, a member selected from the members present, shall preside over a meeting of the Fees Committee.

(3) The procedures to be followed at meetings of the Fees Committee are prescribed in Document SA-CATS 11.

(4) The Fees Committee shall cause minutes of every meeting to be kept and such minutes shall be stored at the offices of the Commissioner.

(5) Notwithstanding the provisions of subregulation (1), the Chairperson of the Fees Committee may at any time call an extraordinary meeting in circumstances which he or she deems necessary or in the public interest.

Fees Subcommittee

11.07.5 (1) The Fees Committee may establish a Fees Subcommittee for efficient performance of its functions.

(2) The membership of the Fees Subcommittee established in terms of subregulation (1) shall be unlimited.

(3) The Chairperson of the Fees Committee shall appoint a Chairperson of the Fees Subcommittee.

(4) Subject to the provisions of this Subpart, the Fees Subcommittee shall comply with procedures determined by the Fees Committee in the performance of its functions.

Remuneration of members

11.07.6 A member of the Fees Committee or its Subcommittee referred to in this Subpart shall not receive any remuneration or allowance from the Authority or any government institution in respect of the functions performed as a member of the Fees Committee or its Subcommittee.

Administration

11.07.7 Administrative work and secretarial work, in connection with the performance of the functions of the Fees Committee and its Subcommittee shall be carried out by employees of the Authority designated for that purpose.

Recommendations to Minister

11.07.8 (1) A proposal adopted by the Fees Committee shall be submitted, in consultation with the Commissioner, to the Minister for approval.”.

Amendment of Part 12 of the Regulations

4. Part 12 of the regulations is hereby substituted by the following Part:

“PART 12: ACCIDENT AND INCIDENT INVESTIGATION

ARRANGEMENT OF REGULATIONS

SUBPART 1: GENERAL

12.01.1 Applicability

12.01.2 Instituting investigation

12.01.3 Instituting accident or serious incident investigation in territory of non-
Contracting State or outside territory of State

12.01.4 Independence of accident and incident investigation

SUBPART 2: DELEGATION, DESIGNATION AND APPOINTMENT

12.02.1 Delegation of body or institution

12.02.2 Designation of investigator-in-charge

12.02.3 Designation of investigator

12.02.4 Designation of *pro-tem* investigator

12.02.5 Designation and acceptance of accredited representative

12.02.6 Appointment of advisor

12.02.7 Appointment of experts

12.02.8 Powers of investigator

**SUBPART 3: AIRCRAFT ACCIDENT AND INCIDENT NOTIFICATION
PROCEDURES**

12.03.1 Notification of aircraft accident and incident in Republic

12.03.2 Notification of aircraft accident and incident outside Republic

12.03.3 Notification by ASIB to other States

12.03.4 Particulars of notification

12.03.5 Types and determination of serious incident

12.03.6 Guidance for determination of aircraft damage

12.03.7 Receipt of notification

SUBPART 4: INVESTIGATION OF AIRCRAFT ACCIDENT OR INCIDENT

12.04.1 Objective

12.04.2 Accident or incident investigation procedures

12.04.3 Effective use of flight recorder and ground-based recorders

12.04.4 Coordination - Judicial authorities

12.04.5 Informing law enforcement authorities

12.04.6 Autopsy examination

12.04.7 Medical examination

12.04.8 Protection of accident and incident investigation records

12.04.9 Disclosure or use of information in criminal, civil, administrative or disciplinary proceedings

12.04.10 Guidelines for flight recorder read-out and analysis

12.04.11 Cooperation with other States

12.04.12 IIC reporting

SUBPART 5: SCENE OF ACCIDENT

12.05.1 Guarding of aircraft involved in accident

12.05.2 Access to scene of accident

12.05.3 Control of evidence

12.05.4 Interference with objects and marks at scene of accident

12.05.5 Removal of damaged or disabled aircraft

12.05.6 Retention of objects for purposes of investigation or inquiry

SUBPART 6: REPORTING AND REOPENING OF INVESTIGATION

12.06.1 Preliminary Report

12.06.2 Draft Final Report

12.06.3 Report On Findings

12.06.4 Final Report

12.06.5 Reopening of investigation

12.06.6 Submission of new and significant evidence on closed investigation

SUBPART 7: ACCIDENT PREVENTION MEASURES

12.07.1 Establishment of confidential aviation hazard reporting system

12.07.2 Notification of hazard

12.07.3 Database and preventive actions

12.07.4 Safety recommendations

12.07.5 Action on safety recommendations

SUBPART 1: GENERAL

Applicability

12.01.1 (1) This Part applies—

(a) in respect of aircraft accident and incident within and over—

(i) the Republic;

(ii) any place that is under the Republic's air traffic service and management; and

(iii) any other place, where—

(aa) the Republic is requested to investigate an aircraft accident or incident in terms of the Convention; or

(bb) an aircraft accident and incident involves an aircraft in respect of which, or that is operated by a person to whom, a South African aviation authorisation, aviation certificate, or any aviation approval document has been issued;

- (b) in respect of aircraft accident or incident referred to in section 12 (4) of the Act;
- (c) in respect of any other aviation related accident or incident investigation as may be sanctioned by the ASIB;
- (d) in respect of procedure relating to the reporting and investigation of an aircraft accident and incident involving an aircraft.

(2) The application of this Part in respect of aircraft accident and incident referred to in section 12(4) of the Act, is subject to restrictions in the interests of national security as provided for in the Defence Act, 2002 (Act No. 42 of 2002).

(3) In this Part, the specifications concerning a State of an Operator apply only when—

- (a) an aircraft is leased, chartered, or interchanged and when that State is not a State of Registry; and
- (b) a State of Operator discharges, in respect of this Part, in part or in whole, the functions and obligations of a State of Registry.

Instituting investigation

12.01.2 (1) The ASIB shall institute and conduct an investigation into circumstances of an accident or a serious incident involving an aircraft with a MCM of greater than 2,250 kg.

(2) The ASIB shall institute an investigation into an accident of an aircraft with a MCM of 2,250 kg.

(3) The ASIB may institute an investigation into an accident of an aircraft less than 2,250kg, unless it is in the interest of national safety or when it has identified airworthiness issues.

(4) Notwithstanding the provision of subregulation (1) and (2), the ASIB may recommend to the Minister, to delegate to another State or a regional accident and incident investigation organisation, the whole or any part of an investigation.

(5) The ASIB shall, where the Minister has delegated the whole or any part of an investigation as stipulated in subregulation (3), provide the required support during the investigation process.

(6) The ASIB may request a State of Occurrence to delegate an investigation of an aircraft accident or serious incident to the Republic, where such State decides not to investigate and the Republic is a State of Registry, State of an Operator, State of Design, or State of Manufacture.

(7) If a State of Occurrence fails to respond to a request contemplated in subregulation (5) within 30 days, the ASIB shall institute an investigation using such information, as is available.

(8) When the ASIB has delegated the whole investigation to another State or a regional accident and incident investigation organisation, the delegated State shall be responsible for conducting the investigation, including the issuance of the Final Report and the ADREP reporting.

(9) When the ASIB has delegated part of an investigation to another State or a regional accident and incident investigation organisation, the ASIB shall retain the responsibility for the conduct of the investigation, including the issuance of the Final Report and the ADREP reporting.

(10) In the case of an accident or incident involving an RPAS, the ASIB may consider instituting and conducting an investigation if an aircraft —

(a) is certificated in accordance with Part 21; and

(b) conforms to the ICAO Annex 8 relating to Airworthiness of Aircraft; or

(c) is operated under an operator authorisation in accordance with Part 21.

(11) The provisions of the Wreck and Salvage Act, 1996 (Act No. 94 of 1996) relating to wreck and salvage of life or property and to the duty to render assistance to ships in distress, shall be applicable to aircraft in distress.

(12) If the Republic is a State of Occurrence, the ASIB shall, upon request, issue an invitation letter to a State of Registry, State of an Operator, State of Design, or State of Manufacture to facilitate entry of any accredited representative, any advisor, and equipment as necessary for the purposes of participating in an aircraft accident investigation.

(13) The ASIB may, upon receipt of the notice or request from a State conducting an aircraft accident investigation, appoint an accredited representative, advisor, or expert.

(14) Where the cause and contributing factors of an aircraft accident or incident are known to the ASIB, the ASIB may elect not to institute an investigation of such an aircraft accident or serious incident.

Instituting accident or serious incident investigation in territory of non-Contracting State or outside territory of State

12.01.3 (1) The ASIB may, where the Republic is the State of Registry, State of Operator, State of Design, or State of Manufacture, and after approval of the Minister, conduct an investigation, in cooperation with a State of Occurrence, if an aircraft accident or serious incident has occurred in the territory of a non-Contracting State which does not intend to conduct an investigation.

(2) If a State of Occurrence fails to cooperate as envisaged in sub-regulation (1), the ASIB may conduct an investigation with such information, as is available.

(3) The ASIB shall, if the Republic is the State of Registry, after consultation with the Minister, institute and conduct an investigation of an aircraft accident or serious incident that occurs in a location which is not in the territory of any State.

(4) The ASIB shall, where the scene of an aircraft accident in international waters is nearest to the Republic, after consultation with the Minister and upon request by a State of Registry, provide such assistance as the Republic is able to.

(5) The ASIB may recommend to the Minister to request a State of Registry to delegate an investigation to the Republic if—

(a) a location of an aircraft accident or serious incident cannot be established as being in a territory of any State;

(b) a State of Registry fails to institute and conduct an investigation; and

(c) the Republic is a State of Operator, State of Design, or State of Manufacture.

(6) If a State of Registry does not respond to a request referred to in sub-regulation (5) within 30 days, the ASIB shall, after consultation with the Minister, conduct the investigation with such investigation information, as is available.

(7) The ASIB shall, where the Republic is the State of Operator, State of Design, or State of Manufacture, conduct an investigation, if a State of Registry is a non-Contracting State which does not intend to investigate an aircraft accident or serious incident that occurred in a location which is not a territory of any State.

(8) The ASIB shall, when it has instituted an investigation of an accident or incident, in case where the Republic is the State of Registry, not later than 24 hours, forward an email notification, in accordance with this Part to the following:

(a) a State of Operator;

(b) a State of Design;

(c) a State of Manufacture; and

(d) ICAO, when an aircraft involved has a MCM of greater than 2,250 kg or is a turbojet-powered aeroplane.

Independence of accident and incident investigation

12.01.4 (1) The ASIB shall have independence and unrestricted authority in conducting investigation in terms of this Part.

(2) An aircraft accident or incident investigation in terms of subregulation (1) shall include—

- (a) gathering, recording, and analysing of available information on the accident or incident scene;
- (b) dissemination of factual information to the public timeously and as appropriate; and
- (c) issuing of a Final Report which may contain probable cause of an accident or incident, contributing factors, and where necessary, safety recommendations.

(3) The ASIB or an investigator designated by the ASIB shall be granted unrestricted access to available evidential material, without delay.

(4) The ASIB shall ensure cooperation with the judicial authorities so that an investigation is not impeded by an administrative or judicial investigation or proceeding.

(5) Where feasible, the ASIB or investigator designated by the ASIB shall—

- (a) visit the scene of an accident;
- (b) examine a wreckage; and
- (c) take statements from witnesses.

(6) The ASIB shall, depending on the lessons for the improvement of aviation safety expected to be drawn from an aircraft accident or incident investigation, determine the extent of an investigation and the procedure to be followed in carrying out such an investigation.

(7) The ASIB shall ensure that—

- (a) an investigation conducted in accordance with the provisions of this Part is separate from any judicial or administrative proceeding intended at apportioning blame or liability; and
- (b) coordination in terms of this Part is achieved between the two processes and the gathering of factual information is undertaken with due consideration.

(8) The ASIB shall develop policy and procedure detailing accident and incident investigation duties consisting of organisation, planning, investigation, and reporting of aircraft accident and incident.

SUBPART 2: DELEGATION, DESIGNATION AND APPOINTMENT

Delegation of body or institution

12.02.1 (1) The ASIB may delegate, to a body or institution, powers to—

- (a) Promote aviation safety or to reduce the risk of aviation accidents and incidents;
- (b) investigate an aircraft accident or incident in which such a body or institution has the expertise, skills, and knowledge to carry out an investigation which the ASIB does not investigate; and
- (c) report to the ASIB facts related to how an aircraft resulted in an accident or incident.

(2) The delegation of powers referred to in subregulation (1) shall be made in writing and published by the ASIB in the Government Gazette within 30 days from the date of designation notifying the public.

(3) A body or institution delegated in terms of subregulation (1) shall—

- (a) exercise powers and duties in accordance with conditions, rules, requirements, procedures or standards as prescribed in Document SA-CATS 12; and
- (b) submit to ASIB, factual information relating to an aircraft accident or incident investigated for the purpose of determining the analysis, findings, and recommendations.

Designation of investigator-in-charge

12.02.2 (1) The ASIB shall designate an IIC to investigate an aircraft accident or incident.

(2) The ASIB shall issue an IIC with a designation letter stating the full names of an IIC and a statement indicating that such IIC—

- (a) has been designated in terms of subregulation (1); and
- (b) is empowered to exercise any power entrusted to him or her in terms of this Part.

(3) The conditions, requirements, rules, procedures and standards connected with a designation of IIC referred to in subregulation (1), are as prescribed in Document SA-CATS 12.

(4) An IIC designated in terms of subregulation (1) shall, subject to the provisions of this Part, have authority to—

- (a) gain unrestricted access to a wreckage and relevant material, including flight recorders and ATS records;
- (b) unrestricted control over a wreckage for the purpose of conducting a detailed examination, without delay, by any person;
- (c) in the case of RPAS, gain unrestricted access to RPAS, the required C2 link, any other component as specified in the type design, including recordings and documents;

- (d) preserve and examine an aircraft or wreckage of an aircraft which has been involved in an accident or incident, and any marks resulting from such accident or incident which may be of assistance in an investigation, including photographic means;
 - (e) remove an aircraft, wreck or wreckage, and any part or component of an aircraft or anything transported in such an aircraft for—
 - (i) the purpose of an investigation; or
 - (ii) an inquiry by a Commission of Inquiry appointed in terms of section 69 of the Act;
 - (f) compile a required report in connection with an aircraft accident or incident investigation;
 - (g) to access, without any restriction, documents, books, notes, photographs, recordings, and transcripts which an IIC may consider necessary for an investigation, which documents, books, notes, photographs, recordings, and transcripts shall be produced, without delay, upon request; and
 - (h) obtain information from any person which may be necessary for conducting an investigation.
- (5) An IIC designated in terms of subregulation (1), shall not—
- (i) publish or release a document or report, unless such report or document has been published or released by ASIB or a State conducting an investigation prior; and
 - (ii) circulate, publish, or give access to a draft report or any part thereof and any documents obtained during an investigation of an aircraft accident or incident without the express written consent of ASIB or a State which conducted such investigation.

Designation of investigator

12.02.3 (1) The ASIB may designate an investigator for the purposes of assisting an IIC in an investigation of an aircraft accident or incident.

(2) An investigator referred to in subregulation (1) may exercise powers granted to an IIC in terms of this Part which are assigned to such investigator by an IIC.

(3) The conditions and requirements for and the rules, procedures, and standards connected with the designation referred to in subregulation (1), are as prescribed in Document SA-CATS 12.

(4) The ASIB shall issue to an investigator so designated, a designation letter which shall state the full names of an investigator and contain a statement indicating that such investigator—

(a) has been designated in terms of subregulation (1); and

(b) is empowered to exercise power entrusted to him or her in terms of this Part.

(5) An investigator designated in terms of subregulation (1), shall not—

(a) publish or release a document or report, unless such report or document has been published or released by ASIB or a State conducting an investigation;

(b) circulate, publish, or give access to a draft report or any part thereof, and any documents obtained during an investigation of an aircraft accident or incident without the express written consent of ASIB or a State which conducted such investigation.

Designation of *pro-tem* investigator

12.02.4 (1) The ASIB may designate a *pro-tem* investigator for the purposes of assisting an IIC during the initial reporting phases of an investigation of an aircraft accident or incident.

(2) The ASIB shall issue, to a *pro-tem* investigator so designated, a designation letter which shall state the full names of a *pro-tem* investigator and contain a statement indicating that a *pro-tem* investigator—

(a) has been designated in terms of subregulation (1); and

(b) is empowered to exercise power entrusted to him or her in terms of this Part.

(3) A *pro-tem* investigator may exercise powers granted to an IIC in terms of this Part.

(4) A *pro-tem* investigator shall, as soon as practicable, after the arrival of an IIC or investigator on the scene of an aircraft accident or incident, report on his or her initial investigation to such IIC or investigator.

(5) The conditions, requirements, rules, procedures and standards connected with a designation referred to in subregulation (1), are as prescribed in Document SA-CATS 12.

(6) A *pro-tem* investigator designated in terms of subregulation (1), shall not—

(a) publish or release a document or report, unless such report or document has been published or released by ASIB or a State conducting an investigation;

(b) circulate, publish, or give access to a draft report or any part thereof and any document obtained during an investigation of an aircraft accident or incident, without the express written consent of ASIB or a State which conducted such investigation.

Designation and acceptance of accredited representative

12.02.5 (1) The ASIB may—

(a) designate an accredited representative, for the purposes of assisting another State in an investigation of an aircraft accident or incident involving a South African registered aircraft, a person issued with a South African aviation

certificate, approval, or licence, or a South African citizen, which has occurred in a territory of another State;

(b) accept accreditation of a representative of a State of Registry, State of Operator, State of Design, State of Manufacture or a State which provides information, facilities, or experts to an investigation for the purposes of participating in investigating an aircraft accident or incident in the territory of the Republic; and

(c) request any of the following States to appoint an accredited representative to participate in an aircraft accident or incident investigation conducted in the Republic:

(i) a State which provides an operational base for field investigation,

(ii) a State which is involved in search and rescue;

(iii) a State which was involved in wreckage recovery operations, or

(iv) a State which was involved as a State of a code-share or alliance partner of an air service operator.

(2) The conditions, requirements, rules, procedures and standards connected with a designation or acceptance of designation referred to in this Subpart are as prescribed in Document SA-CATS 12.

(3) An accredited representative designated in terms of subregulation (1), may participate in an investigation of an aircraft accident or incident under the control of an IIC designated in terms of this Part.

(4) An accredited representative designated in terms of subregulation (1) may, under the control of an IIC—

(a) visit an accident scene;

(b) examine a wreckage;

(c) obtain witness information and suggest areas of questioning;

- (d) have access to relevant evidence;
- (e) receive copies of relevant documents, books, notes, photographs, recordings, and transcripts;
- (f) participate in read-outs of recorded media;
- (g) participate in component examinations, technical briefings, tests and simulations and other investigative activities;
- (h) participate in deliberations on the analysis, findings, cause or causes, and safety recommendations; and
- (i) make submissions in respect of various elements of an investigation.

(5) The ASIB shall issue, to an accredited representative, a designation letter which shall state the full names of an accredited representative and contain a statement indicating that such accredited representative—

- (a) has been designated in terms of subregulation (1); and
- (b) is empowered to exercise power entrusted to him or her in terms of this Part.

(6) An accredited representative designated in terms of subregulation (1), shall not—

- (a) publish or release a document or report unless such report or document has been published or released by ASIB or a State conducting an investigation; and
- (b) circulate, publish, or give access to a draft report or any part thereof and any document obtained during an investigation of an aircraft accident or incident, without the express written consent of ASIB or a State which conducted such investigation.

Appointment of advisor

12.02.6 (1) The ASIB may—

(a) appoint an advisor from a manufacturer, service provider, or operator to assist an accredited representative in an investigation of an aircraft accident or incident conducted by another State; and

(b) accept an advisor from a State of Registry, State of Operator, State of Design, or State of Manufacture, for the purpose of assisting an accredited representative in an investigation of an aircraft accident or incident conducted by the ASIB.

(2) The ASIB shall issue to an advisor, an appointment letter which shall state the full name of an advisor and contain a statement indicating that an advisor—

(a) has been appointed in terms of subregulation (1); and

(b) is empowered to exercise power entrusted to him or her in terms of this Part.

(3) An advisor appointed in terms of subregulation (1) shall not—

(a) publish or release a document or report, unless such report or document has been published or released by ASIB or a State conducting an investigation; and

(b) circulate, publish, or give access to a draft report or any part thereof, and any documents obtained during an investigation of an aircraft accident or incident, without the express written consent of ASIB or a State which conducted such investigation.

(4) The conditions, requirements, rules, procedures and standards connected with a designation referred to in this Subpart and are as prescribed in Document SA-CATS 12.

Appointment of expert

12.02.7 (1) The ASIB may appoint an expert to participate in an investigation, where a citizen of the Republic is fatally injured or has suffered serious injury in an

aircraft accident or incident involving a foreign registered aircraft in the territory of another State.

(2) The ASIB shall inform a State of Occurrence of its intention to appoint an expert to participate in an aircraft accident or incident investigation.

(3) The ASIB may accept an appointment of an expert to participate in an investigation from any State whose citizens were fatally injured or suffered serious injuries in an aircraft accident or incident that occurred in the territory of the Republic.

(4) The ASIB may designate one or more experts for the purposes of assisting an IIC in an investigation of an aircraft accident or incident.

(5) An expert referred to in subregulation (1) and (3) may, under the control of an IIC—

- (a) visit an aircraft accident or incident scene;
- (b) have access to relevant factual information;
- (c) participate in the identification of victims of aircraft accident or incident;
- (d) assist in interviewing surviving passengers who are citizens of such expert's State; and
- (e) receive a copy of a final aircraft accident or incident report.

(6) An expert referred to in subregulation (4) may, under the control of an IIC—

- (a) visit an aircraft accident or incident scene;
- (b) examine a wreckage of an aircraft involved in an accident;
- (c) obtain witness information and suggest areas of questioning;
- (d) have access to relevant evidence;
- (e) receive copies of relevant documents, books, notes, photographs, recordings, and transcripts;

- (f) participate in read-outs of recorded media;
- (g) participate in component examination, technical briefing, test and simulation, and other investigative activities;
- (h) participate in deliberations on the analysis, findings, causes, and safety recommendations; and
- (i) make submission in respect of various elements of an investigation.

(7) The ASIB shall issue an appointment letter to an expert which shall state the full names of an expert and contain a statement indicating that such expert—

- (a) has been appointed in terms of subregulation (1); and
- (b) is empowered to exercise power entrusted to him or her in terms of this Part.

(8) An expert appointed in terms of this Subpart, shall not—

- (a) publish or release a document or report unless such report or document has been published or released by ASIB or a State conducting an investigation; and
- (b) circulate, publish, or give access to a draft report or any part thereof, and any documents obtained during an investigation of an aircraft accident or incident, without the express written consent of ASIB or a State which conducted such investigation.

(9) The conditions, requirements, rules, procedures, and standards connected with an appointment or acceptance of an expert referred to in this Subpart are as prescribed in Document SA-CATS 12.

Powers of investigator

12.02.8 (1) In addition to any other power granted to or duty imposed on an investigator in terms of this Part, an investigator may—

- (a) enter any premises for the purpose of examining an aircraft, aircraft factory, aerodrome, civil aviation related facility, aircraft component, aircraft equipment, licence, certificate, permit, approval, authorisation, register, book,

or document which he or she believes to be on such premises, and confiscate any such items which he or she reasonably believes will assist in an aircraft accident and incident investigation process;

(b) recommend to the Commissioner, the grounding of an aircraft which he or she reasonably believes to be unsafe, not duly registered, or not airworthy;

(c) require a pilot of an aircraft to furnish his or her name and address and any other particulars concerning his or her identity;

(d) require any person on an aerodrome or in an aircraft, aircraft factory, or civil aviation related facility to—

(i) furnish his or her name and address and any other particulars concerning his or her identity; and

(ii) furnish such information as is at his or her disposal concerning the identity of a pilot or owner of an aircraft, or an owner of an aerodrome, aircraft factory, or civil aviation related facility;

(iii) require an owner or operator of an aircraft to furnish such information as may be necessary concerning the identity of a pilot of an aircraft, at any time, or during any particular period;

(iv) inspect or investigate an aircraft, or any part, component, or equipment of such aircraft, for the purpose of ascertaining whether the provisions of the regulations or a technical standard are being complied with;

(v) ascertain the mass of an aircraft with or without load;

(vi) call upon any person required by law to be a holder of a licence, certificate, permit, approval, authorisation, or logbook to submit such for inspection or investigation within a reasonable time to be stipulated by an IIC or Investigator; and

(vii) call upon an owner, operator, or PIC of an aircraft to produce or cause to be produced for inspection or investigation, any licence, certificate, manual, logbook, or other document relating to an aircraft or crew.

(2) An investigator may, if on reasonable grounds believes an aircraft is intended or likely to be flown under circumstances involving a contravention of the regulations, or is likely to cause danger to persons in an aircraft or to persons or property on the ground—

(a) cause a flight to be delayed; or

(b) take such action he or she deems necessary for the purpose of establishing circumstances that may cause an investigation or inspection of such aircraft.

(3) An aircraft delayed pursuant to subregulation (2) shall not be operated until the Commissioner is satisfied that—

(a) an operation will comply with the regulations; and

(b) such flight will not cause danger to any person or property.

SUBPART 3: AIRCRAFT ACCIDENT AND INCIDENT NOTIFICATION PROCEDURES

Notification of aircraft accident and incident in the Republic

12.03.1 (1) A PIC of an aircraft who is involved in an accident or incident within the Republic, shall have a primary responsibility to notify the ASIB, an ATSU or the nearest police station of such accident or incident, as soon as possible and within 24 hours from the time of an aircraft accident or incident.

(2) If the PIC of an aircraft involved in an accident or incident within the Republic is deceased or incapacitated, flight crew members shall notify the ASIB, ATSU or the police station, as soon as possible and at least within 24 hours from the time of an aircraft accident or incident.

(3) If flight crew members of an aircraft involved in an accident or incident within the Republic are deceased or incapacitated, an air service operator or owner of such aircraft shall notify the ASIB, ATSU or the nearest police station, as soon as possible and at least within 24 hours from the time of an aircraft accident or incident.

(4) If an ATSU or police station is notified of an aircraft accident or incident in terms of this regulation, such ATSU or police station shall immediately notify the ASIB.

(5) Where the ASIB receives notification in terms of this regulation, the ASIB shall—

(a) notify the authorities of a State of an Operator; and

(b) where such an accident occurred on an aerodrome, notify an aerodrome manager.

(6) An ATS personnel who witnessed an ATS incident in the Republic, shall, as soon as possible, notify an ATSU.

(7) An ATSU notified in terms of subregulation (6), shall immediately notify the ASIB in an appropriate form.

Notification of aircraft accident and incident outside the Republic

12.03.2 (1) If an aircraft is involved in an accident or incident outside the Republic and the Republic is the State of Registry, a PIC of such an aircraft shall have primary responsibility to notify the ASIB, an ATSU, or an appropriate authority in a State of Occurrence, as soon as possible from the time of an aircraft accident or incident.

(2) If an aircraft is involved in an accident or incident outside the Republic and the Republic is the State of Registry and a PIC is deceased or incapacitated, the flight crew members shall, as soon as possible from the time of an aircraft accident or incident, notify the ASIB, an ATSU, or an appropriate authority in a State of Occurrence.

(3) If an aircraft is involved in an accident or incident outside the Republic and the Republic is the State of Registry and the crew members are deceased or incapacitated, an air service operator or owner of an aircraft shall, as soon as possible from the time of an aircraft accident or incident, notify the ASIB, ATSU or an appropriate authority in a State of Occurrence.

Notification by ASIB to other States

12.03.3 (1) The ASIB shall notify the following States of an aircraft accident or incident within 24 hours of receiving information of such accident or incident, where ASIB intends to investigate, by the most suitable and quickest means available or by email:

- (a) a State of Registry;
- (b) a State of Operator;
- (c) a State of Design;
- (d) a State of Manufacture; and
- (e) ICAO, if an accident or incident involves an aircraft of MCM of greater than 2,250 kg or is a turbojet-powered aeroplane.

(2) If the Republic is not a State of Occurrence, the ASIB shall notify a State of Design, a State of Manufacture, and a State of Occurrence of such aircraft accident or incident where—

- (a) a State of Occurrence is not aware of an aircraft accident or incident; and
- (b) the Republic is a State of Registry or a State of Operator.

Particulars of notification

12.03.4 (1) A notification contemplated in regulation 12.03.3 shall contain the following information as is readily available:

- (a) an identifying abbreviation as follows:

- (i) ACCID for accident
- (ii) SINCID for serious incident; and
- (iii) INCID for incident;
- (b) manufacturer, model, nationality, registration marks, and serial number of an aircraft concerned;
- (c) name of owner, air service operator, or lessee of an aircraft, as applicable;
- (d) qualification of a PIC;
- (e) date and time, which shall be local time or UTC, of an aircraft accident or incident;
- (f) last point of departure and point of intended landing of an aircraft;
- (g) position of an aircraft with reference to easily defined geographical point, latitude, and longitude;
- (h) number and nationality of crew members, passengers, and others killed or seriously injured on board aircraft;
- (i) description of an accident or incident and the extent of damage to an aircraft so far as is known;
- (j) indication of the extent to which an investigation will be conducted or is proposed to be delegated by a State of Occurrence;
- (k) physical characteristics of an accident or incident area, as well as an indication of any access difficulties or special requirements to reach the site;
- (l) identification of an originating authority and means to contact an IIC and an accident investigation authority of a State of Occurrence at any time; and
- (m) description of any dangerous goods on board aircraft.

(2) The release of information listed in subregulation (1) shall not be delayed due to its incompleteness.

(3) The ASIB shall, as soon as possible, release the details not included in an initial notification, together with known relevant information.

Types and determination of serious incident

12.03.5(1) A serious incident referred to in this Part shall include, but not limited to—

- (a) a near collision requiring an avoidance manoeuvre to avoid a collision or an unsafe situation or when an avoidance action would have been appropriate;
- (b) a collision not classified as an accident;
- (c) a controlled flight into terrain only marginally avoided;
- (d) an aborted take-off on a closed or engaged runway, taxiway, or unassigned runway;
- (e) a take-off from a closed or engaged runway, taxiway, or unassigned runway;
- (f) a landing or attempted landing on a closed or engaged runway, on a taxiway, unassigned runway, or an unintended landing location such as roadway;
- (g) a retraction of a landing gear leg or a wheels-up landing not classified as an accident;
- (h) a dragging, during landing, of a wing tip, engine pod, or any other part of an aircraft, that is not classified as an accident;
- (i) a gross failure to achieve predicted performance during take-off or initial climb;
- (j) fire or smoke in a cockpit, passenger compartment, cargo compartment, or engine, even though such fire is extinguished;

- (k) an event requiring an emergency use of oxygen by flight crew members;
- (l) an aircraft structural failure or engine disintegration, including uncontained turbine engine failure not classified as an accident;
- (m) a multiple malfunction of one or more aircraft systems seriously affecting the operation of an aircraft;
- (n) a flight crew member incapacitation in flight in the following circumstances:
 - (i) where an aircraft is operated by a sole pilot;
 - (ii) where an aircraft is controlled remotely by a sole pilot; or
 - (iii) in case of multi-pilot operation, where an aircraft safety was compromised due to significant increase in workload for remaining crew;
- (o) a fuel quantity level or distribution situation requiring a declaration of an emergency, such as insufficient fuel, fuel exhaustion, fuel starvation, or inability to use all usable fuel on board;
- (p) a runway incursion classified as severity "A", as prescribed in Document SA-CATS 12;
- (q) a take-off or landing incident such as under-shooting, overrunning, or running off the side of a runway;
- (r) a system failure which includes loss of power or thrust, weather phenomena, operation outside approved flight envelope, or other occurrence which caused or could have caused difficulty in controlling an aircraft;
- (s) a failure of more than one system in a redundancy system mandatory for flight guidance and navigation;
- (t) an unintentional or, as an emergency measure, intentional release of a sling load or any other load carried external to an aircraft; and

(u) an incident where upon evaluation, no credible defences have been identified in the form of barriers that would mitigate the high probability of an accident occurring.

(2) To determine which incident is a serious incident, an event risk-based analysis that takes into account the most credible scenario had the incident escalated, and the effectiveness of the remaining defences between such incident and a potential accident, is as prescribed in Document SA-CATS 12.

Guidance for determination of aircraft damage

12.03.6 The extent of damage to an aircraft shall be determined as prescribed in Documents SA-CATS 12.

Receipt of notification

12.03.7 (1) If the ASIB receives notification from a State of Occurrence, ASIB shall
—

- (a) acknowledge receipt of notification in writing;
- (b) where the Republic is a State of Registry, State of Operator, State of Design, or State of Manufacture, provide to a State of Occurrence, as soon as possible, available relevant information regarding an aircraft and flight crew members; and
- (c) notify a State of Occurrence if it intends to appoint an accredited representative, advisor, or expert to participate in an aircraft accident or incident investigation concerned.

(2) A notice referred to in subregulation (1), shall include the names, contact details and the expected date of arrival of such an accredited representative, advisor, or expert.

(3) The ASIB shall, where the Republic is the State of Registry, State of Operator, State of Design, or State of Manufacture, appoint an accredited

representative when requested by a State conducting an investigation of an accident or incident involving an aircraft with a MCM of greater than 2,250 kg.

(4) Upon receipt of any notification of an aircraft accident or incident in terms of this Subpart, the ASIB shall, where the Republic is a State of Operator, provide details of any dangerous goods on board such aircraft to a State of Occurrence by email within 24 hours.

SUBPART 4: INVESTIGATION OF AIRCRAFT ACCIDENT OR INCIDENT

Objective

12.04.1 The sole objective of the investigation of an aircraft accident or incident is the prevention of accidents and incidents and not to apportion blame or liability.

Accident or Incident investigation procedures

12.04.2 (1) An aircraft accident or incident investigation in terms of this Part, shall be conducted by an IIC.

(2) An incident, other than a serious incident, may be investigated at the discretion of ASIB.

(3) An aircraft accident or incident investigation shall be carried out in accordance with the requirements, rules, procedures, and standards as prescribed in Document SA-CATS 12.

(4) A person required by an IIC to render assistance or to furnish information which an IIC deems necessary for an investigation of an aircraft accident or incident, shall render such assistance or furnish information, as requested by an IIC.

Effective use of flight recorder and ground-based recorders

12.04.3 (1) An IIC shall ensure the effective use of flight recorder and ground-based recordings in an investigation of an accident or incident.

(2) The ASIB shall arrange a facility for a read-out of flight recorders, without delay.

(3) In the event that the ASIB does not have an adequate facility for read-out of flight recorder or ground-based recordings, the Executive Responsible for Aircraft Accident and Incident investigation shall make a facility available to the ASIB or to other States, giving consideration to the following:

(a) capabilities of the read-out facility;

(b) timeliness of the read-out; and

(c) location of the read-out facility.

Coordination - Judicial authorities

12.04.4 (1) Where the Republic is a State conducting an investigation, the ASIB shall—

(a) ensure coordination with judicial authorities where necessary;

(b) ensure that evidence such as the examination and identification of victims and read-outs of flight recordings are made available in accordance with the applicable laws; and

(c) enter into an agreement or a memorandum of understanding with judicial authorities in the Republic to ensure effective coordination during an aircraft accident or incident investigation.

(2) The ASIB shall retain custody of a flight recording and may allow an official of a judicial authority to carry such recording to a place of a read-out.

(3) The ASIB shall—

(a) retain custody of a wreckage;

(b) allow an official of the judicial authority to accompany a wreckage to a place of examination; and

(c) be present at an examination when a modification of the condition of a wreckage is conducted.

Informing law enforcement authorities

12.04.5 If, during the course of an investigation, it becomes known or suspected that an act of unlawful interference is involved, an IIC shall ensure that relevant law enforcement authorities are informed by the quickest means available.

Autopsy examination

12.04.6 An IIC conducting an investigation shall, as soon as possible, arrange for a complete autopsy examination by a pathologist experienced in accident investigation in the case of a fatality on board an aircraft involved in an accident.

Medical examination

12.04.7 An IIC shall, where appropriate, as soon as possible, arrange for medical examination of persons involved in an aircraft incident by a physician experienced in accident investigation.

Protection of accident and incident investigation records

12.04.8 (1) The ASIB shall make the following records available to any competent authority, for the purposes of accident or incident investigation:

(a) cockpit voice recording and airborne image recording and any transcript from such recording; and

(b) records in the custody or control of an accident investigation authority such as—

- (i) statements taken from persons by an investigator in the course of an investigation;
- (ii) communications between persons involved in an operation of an aircraft;
- (iii) medical or private information regarding persons involved in an accident, serious incident or incident;
- (iv) recordings and transcripts of recordings from air traffic control units;
- (v) analysis of and opinions about information, including flight recorder information, made by investigators and accredited representatives, experts or advisors in relation to an aircraft accident, serious incident or incident; and
- (vi) the draft Final Report of an aircraft accident, serious incident or incident investigation.

(2) The ASIB may, subject to this Part, make the documents referred to in subregulation (1) accessible—

- (a) after a competent authority has made a determination through the administration of a balancing test prescribed in Document SA-CATS 12—
- (b) in accordance with national laws; and
- (c) after determining that the disclosure or use outweighs the likely adverse domestic and international impact on any investigation.

(3) The ASIB shall be entitled to determine whether records, other than records listed in subregulation (1) obtained or generated during an aircraft accident or incident investigation, need to be protected in the same way as records listed in subregulation (1).

(4) The ASIB shall ensure that records referred to in subregulation (1) are included in the Final Report or its appendices only when pertinent to the analysis of an aircraft accident, serious incident or incident investigation.

(5) The ASIB shall not disclose the names of the persons involved in an aircraft accident or incident to the public.

(6) The ASIB shall—

(a) direct requests for records in its custody or control to the original source of the information;

(b) retain, where possible, copies of records obtained in the course of an investigation up to a point where the Final Report is released;

(c) take measures to ensure that audio content of cockpit voice recordings, as well as image and audio content of airborne image recordings, are not disclosed to the public; and

(d) ensure that the draft Final Report in its possession is not disclosed to the public.

Disclosure or use of information in criminal, civil, administrative, or disciplinary proceedings

12.04.9 (1) Notwithstanding the provisions of regulation 12.04.8, where the ASIB receives a request for disclosure or use of records listed in regulation 12.04.8 for the purposes of criminal, civil, administrative, or disciplinary proceedings, the ASIB may disclose or use such records after—

(a) having complied with the administration of a balancing test conducted by a competent authority as prescribed in Document SA-CATS 12; and

(b) being satisfied that the disclosure or use shall not have adverse domestic and international consequences for a person or organisation involved in aircraft accident and incident, which may cause them or others to be reluctant to cooperate with the ASIB in the future.

(2) A competent authority conducting a balancing test contemplated in subregulation (1), shall record reasons for making a determination after administering the balancing test prescribed in Document SA-CATS 12 and such reasons may be made available and used as precedent for subsequent decisions.

(3) The ASIB may submit a determination referred to in subregulation (2) to the ICAO to be archived in a public database.

Guidelines for flight recorder read-out and analysis

12.04.10 The guidelines for flight recorder read-out and analysis shall be as prescribed in Document SA-CATS 12.

Cooperation with other States

12.04.11 (1) The ASIB shall cooperate with aircraft accident investigation authorities of other States to determine the limitations on disclosure or use of information before it is exchanged between the ASIB and such other accident investigation authority, for purposes of an aircraft accident or incident investigation.

(2) The ASIB shall, if in possession of data available from a flight recorder of an aircraft involved in an accident or incident—

(a) without delay, provide a State conducting an investigation with such data;
and

(b) not divulge such data without the express consent of a State conducting an investigation.

IIC reporting

12.04.12 (1) An IIC shall, upon completion of an investigation of an aircraft accident or incident carried out in terms of this Subpart, submit a report to the ASIB.

SUBPART 5: SCENE OF ACCIDENT

Guarding of aircraft involved in accident

12.05.1 (1) If an aircraft is involved in an accident or incident and the Republic is the State of Occurrence, a PIC of such an aircraft shall have primary responsibility to notify an on-scene commander or an aerodrome manager, within 24 hours from the time of an aircraft accident or incident.

(2) If a PIC of an aircraft involved in an accident or incident is deceased or incapacitated and the Republic is the State of Occurrence, the crew members of such an aircraft shall notify an on-scene commander or aerodrome manager within 24 hours from the time of an aircraft accident or incident.

(3) If the crew members of an aircraft involved in an accident or incident are deceased or incapacitated and the Republic is the State of Occurrence, an air service operator or owner of such an aircraft shall notify an on-scene commander or aerodrome manager within 24 hours from the time of an aircraft accident or incident.

(4) Where an aircraft is involved in an accident or incident in an aerodrome, an aerodrome manager shall, in order to prevent further damage, access by unauthorised persons, pilfering and deterioration—

(a) pending the arrival of a member of the South African Police Service, take necessary steps to prevent any interference with an aircraft, wreck or wreckage and anything transported therefrom or places where marks resulting from an accident occur, which may be of assistance in an investigation; or

(b) arrange with a member of the South African Police Service to guard an aircraft, wreck or wreckage and anything transported therefrom or places where marks resulting from an accident occur which may be of assistance in an investigation.

Access to the scene of accident

12.05.2 (1) A person, unless otherwise determined by an IIC, these regulations, or any other law, may not have access to—

- (a) an aircraft which has been involved in an accident; or
- (b) a wreck or wreckage and any marks resulting from an accident which may be of assistance in an investigation.

(2) Notwithstanding the provisions of subregulation (1), the following persons shall have access to an aircraft or a wreckage of an aircraft involved in an accident:

- (a) member of rescue service;
- (b) a pro-tem investigator;
- (c) an investigator;
- (d) an accredited representative;
- (e) an advisor;
- (f) a member of the South African Police Service;
- (g) on scene commander; or
- (h) any other person authorised by the ASIB.

(3) Access to an aircraft which has been involved in an accident or to a wreck or wreckage as contemplated in subregulations (1) and (2), or to a place where marks resulting from an accident occur, shall be under the direction and control of an IIC until an investigation has been completed.

Control of evidence

12.05.3 An aircraft, wreck or wreckage, anything transported therefrom, and any marks resulting from an aircraft accident which may be of assistance in an investigation, shall remain under the control of the ASIB until released by an IIC.

Interference with objects and marks at scene of accident

12.05.4 (1) Subject to the provisions of this Part, a person shall not interfere with an aircraft which has been involved in an accident, wreck or wreckage, a part or component thereof, anything transported therefrom, or any marks resulting from an accident which may be of assistance in an investigation unless—

- (a) authorised to do so by an IIC; and
- (b) in the case of an aircraft required to be cleared by a customs officer in terms of the Customs and Excise Act, 1964 (Act No. 91 of 1964), such clearance has been issued or permission granted by an appropriate authority.

(2) The provisions of subregulation (1) shall not prevent any action necessary for the—

- (a) rescue or extrication of a person or animal from an aircraft or wreck;
- (b) reasonable protection of an aircraft, wreck, or wreckage from destruction by fire or other causes;
- (c) safeguarding by an owner, air service operator or South African Police Services, any precious metals, jewellery, or valuables;
- (d) prevention of danger or clearing of an obstruction to an aircraft, other means of transport, or the public; and
- (e) removal of an aircraft, any part or component thereof or anything transported therefrom to a safe place, when in water or otherwise endangered.

Removal of damaged or disabled aircraft

12.05.5 Subject to conditions which the ASIB may determine, ASIB may—

- (a) direct any person to move an aircraft which is damaged or disabled; or
- (b) move any part of an aircraft which is damaged or disabled, cargo or anything transported therefrom, to another place, at the expense of an owner of an aircraft or an air service operator.

Retention of objects for purposes of investigation or inquiry

12.05.6 (1) Any item or wreckage of an aircraft involved in an accident or incident, or any part or component thereof, or anything transported therefrom, may be retained by an IIC until no longer required for the purpose of an investigation or an inquiry by a Commission of inquiry in terms of section 69 of the Act.

(2) An item or wreckage of an aircraft involved in an accident or incident, any part or component thereof, or anything transported therefore, which is no longer required in terms of subregulation (1), shall be discarded or destroyed, unless —

- (a) at the completion of an investigation or inquiry the item component or part thereof is returned to a person with a right of possession thereof; and
- (b) such a person has notified the ASIB in writing within 60 days of the date of such aircraft accident or incident of such right of possession.

(3) The ASIB shall release custody of an aircraft, contents, or any part of an aircraft as soon as they are no longer required in an investigation, to any person or persons duly designated by a State of Registry or a State of an Operator.

(4) Where the Republic is the State of Registry or State of Operator, the ASIB shall release custody of an aircraft, contents, or any part of an aircraft as soon as they are no longer required in an investigation to an air service operator or registered owner of such aircraft.

SUBPART 6: REPORTING AND REOPENING OF INVESTIGATION

Preliminary Report

12.06.1 (1) The ASIB shall, within 30 days from the date of occurrence of an accident or incident, issue a Preliminary Report of an aircraft accident or incident investigation.

(2) A Preliminary Report, in the case of an investigation involving an aircraft with a MCM greater than 2,250 kg, shall be sent to the following States:

- (a) a State of Occurrence;
- (b) a State of Registry;
- (c) a State of Operator;
- (d) a State of Design;
- (e) a State of a Manufacture;
- (f) any State that provided relevant information, significant facility, or experts in such investigation; and
- (h) the ICAO.

(3) The ASIB shall, where an aircraft accident or incident involves airworthiness or matters considered to be of interest to other States and an investigation involves an aircraft with a MCM of less than 2,250 kg, send a Preliminary Report to the following States:

- (a) a State of Registry or a State of Occurrence, as appropriate;
- (b) a State of Operator;
- (c) a State of Design;
- (d) a State of Manufacture; and
- (e) any State that provided relevant information, significant facility, or an expert for such investigation.

(4) A Preliminary Report shall be written in English and be sent by email as contemplated in subregulation (1), unless an Accident or Incident Data Report in relation to such accident or incident has already been sent.

(5) When a matter directly affecting safety is involved, a Preliminary Report shall be sent as soon as the information is available and by the quickest means available.

(6) The ASIB shall, for an aircraft accident or incident that draws heightened public attention, publicly release relevant factual information indicating the progress of an investigation within the early days of an investigation for the purpose of addressing public interest.

Draft Final Report

12.06.2(1) The ASIB shall send a copy of a draft Final Report of an aircraft accident or incident investigation to the following States, inviting comments on the report, as soon as possible:

- (a) a State that instituted an investigation;
- (b) a State of Registry;
- (c) a State of an Operator;
- (d) a State of Design;
- (e) a State of Manufacture; and
- (f) any State that participated in an investigation.

(2) The ASIB shall notify a recipient of a draft Final Report, referred to in subregulation (1), that—

- (a) a report is submitted for purposes of making comments within a period of 30 days from the date of transmittal letter; and
- (b) sharing a report without a written consent is prohibited.

(3) The ASIB may extend the period referred to in subregulation (2) for a further period of 30 days, if so requested by a State invited to comment.

(4) The ASIB may send, through a State of an Operator or State of Design, a copy of the draft Final Report to an air service operator or a design organisation to enable them to submit comments on a draft Final Report within a period of 15 days of the transmittal letter.

(5) ASIB may not accept a submission from an air service operator or a design organisation which is not submitted through their State.

(6) The ASIB shall consider comments received on a draft Final Report and amend such report, as necessary.

(7) The ASIB shall, at the request of a person who submitted comments, append to the Final Report such comments that are not editorial, which have not been incorporated.

(8) If the ASIB does not receive comments within the prescribed period, the ASIB shall issue the Final Report.

Report on Findings

12.06.3(1) The ASIB shall send a copy of the draft report on its findings and any safety deficiencies identified—

- (a) to other States contemplated in regulation 12.06.2; and
- (b) any government department or interested person who, in the opinion of the ASIB, have direct interest in the findings of the ASIB.

(2) The ASIB shall give a State contemplated in regulation 12.06.2 and any government department or interested person referred to in subregulation (1), a reasonable opportunity to make representation to the ASIB with regard to the draft report, before issuing the Final Report.

(3) A State which participated in an aircraft accident and incident investigation, as contemplated in regulation 12.06.2, shall have a period up to 30 days to submit representations and that period may be extended to 60 days by the ASIB following a request from any such State.

(4) A government department or interested person referred to in subregulation (1), shall have a period not exceeding 15 days from receipt of the draft report to submit representations to ASIB.

(5) The ASIB may extend the period indicated in subregulation (1) to no more than 30 days when requested by a government department or interested person.

Final Report

12.06.4 (1) In the interest of aircraft accident and incident prevention, the ASIB shall conclude the investigation and make the Final Report publicly available within 12 months of the occurrence of aircraft accident or incident.

(2) If a report cannot be made publicly available within 12 months as contemplated in subregulation (1), the ASIB shall make an Interim Statement publicly available on each anniversary of an aircraft accident occurrence, detailing the progress of an investigation and any safety issues raised.

(3) If a State conducting an investigation does not make the Final Report or an Interim Statement publicly available within a reasonable timeframe, the ASIB shall, if it has participated in an investigation, be entitled to request in writing from a State conducting an investigation, consent to release a statement containing safety issues raised with such information available.

(4) If a State conducting an investigation gives consent or does not reply to such a request within 30 days, the ASIB shall proceed to release an Interim Statement after coordinating with other States participating in an investigation.

(5) When the ASIB has conducted an investigation into an aircraft incident involving an aircraft with a MCM greater than 5,700kg and has released a Final Report, the ASIB shall send a copy of the Final Report to the ICAO.

(6) The ASIB shall prepare and make available to the Minister, Parliament, and the public—

(a) a report on its findings;

(b) any safety deficiencies that have been identified; and

(c) any recommendations that ASIB considers appropriate in the interests of aviation safety.

Reopening of investigation

12.06.5 (1) The ASIB shall reopen an investigation—

(a) when, after an investigation has been closed, new and significant evidence becomes available;

(b) after obtaining consent from a State which instituted an initial investigation;
or

(c) when an aircraft which was considered missing following an official search, is subsequently located.

(2) The ASIB shall inform the Minister if it has decided to reopen an investigation of an aircraft accident or incident.

Submission of new and significant evidence on closed investigation

12.06.6 (1) A person who has new and significant evidence shall submit such new evidence to the ASIB from the date such information becomes available.

(2) A person referred to in subregulation (1) shall deliver the submission in writing with supporting evidence attached to the ASIB.

(3) The ASIB shall, within 60 days from the date of the submission referred to in subregulation (1), deliver a written reply.

(4) The ASIB shall—

(a) review the submission on the basis of documents and evidence submitted to it; or

(b) order a person referred to in subregulation (1) and an IIC to appear before the ASIB, either in person or through a representative, at a time and place determined by the ASIB to give evidence.

(5) After consideration of the new evidence submitted, the ASIB may confirm, vary, or set aside a Final Report.

(6) The ASIB may keep in abeyance the review of the Final Report in terms of this regulation if the Minister informs the ASIB that the President has applied or intends to apply the provisions of section 69 of the Act.

SUBPART 7: ACCIDENT PREVENTION MEASURES

Establishment of confidential aviation hazard reporting system

12.07.1 (1) The ASIB and the body or institution referred to in regulation 12.02.1, shall each establish a confidential aviation hazard reporting system to promote aviation safety or reduce the risk of aircraft accidents or incidents.

(2) The requirements for and the procedures of a confidential aviation hazard reporting system and the manner in which such system shall be operated, shall be as prescribed in Document SA-CATS 12.

(3) A person who exercises any function in terms of a confidential aviation hazard reporting system, shall not disclose any information which is obtained in the performance of such function.

Notification of hazard

12.07.2 (1) A person involved in an aircraft accident or incident, or observing any accident, incident, hazard, or discrepancy that may affect aviation safety, may notify the Executive Responsible for Accident and Incident investigation of such accident, incident, hazard or discrepancy.

Database and preventive actions

12.07.3 (1) The ASIB shall establish and maintain an aircraft accident and incident database to facilitate the effective analysis of information on actual or potential safety deficiencies and to determine any preventive actions required.

(2) The ASIB shall ensure that authorities responsible for the implementation of the SSP have access to an aircraft accident and incident database referred to in subregulation (1) to support aviation safety responsibilities.

Safety recommendations

12.07.4 (1) The ASIB shall, at any stage of an investigation of an aircraft accident or incident, recommend in a dated transmittal correspondence to appropriate authorities including authorities in other States, any preventive action that it considers necessary to be taken immediately to enhance aviation safety.

(2) The ASIB shall maintain precedents of the issuance of safety recommendations from an aircraft accident or incident investigation which occurred in the Republic.

(3) Notwithstanding the provisions of subregulation (2), a State participating in an investigation shall, in the interest of aviation safety, be entitled to issue safety recommendations after coordinating with the ASIB.

(4) The ASIB shall, when appropriate, address any safety recommendations arising out of its investigation in a dated transmittal correspondence to—

(a) an accident investigation authority of a State concerned; and

(b) the ICAO, where ICAO documents relevant to an investigation are involved.

(5) The ASIB shall ensure that any safety recommendation arising from aircraft accident and incident investigation—

(a) result from diverse sources, including a safety study; and

(b) if addressed to an organisation in another State, is transmitted to that State's accident investigation authority.

(6) The ASIB shall, when issuing a Final Report with safety recommendations addressed to ICAO and where ICAO documents relevant to an investigation are involved, include a letter outlining the specific action proposed.

(7) The ASIB shall, when issuing a SRGC, inform the ICAO of the issuance of that recommendation and responses received in a dated transmittal correspondence, even if the SRGC is not addressed to ICAO.

Action on safety recommendations

12.07.5 (1) The ASIB shall respond to safety recommendations issued to the Republic within 90 days of the date of the transmittal correspondence, of the preventive action taken or under consideration, or the reasons why action will not be taken.

(2) The ASIB shall, after receiving a safety recommendation, implement procedures to monitor the progress of an action taken in response to that safety recommendation.”.

Amendment of Part 61 of the Regulation

5. Part 61 of the regulations is hereby amended by the substitution for regulation 61.01.10 of the following regulation:

“Theoretical knowledge examination

61.01.10 (1) An applicant for entry into a theoretical knowledge examination conducted by the Authority, shall—

- (a) for entry to a PPL examination, hold either a valid SPL, NPL, CPL, or ATPL;
- (b) for entry to a Restricted Radiotelephony Operator Certificate examination, hold at least a valid SPL or NPL;
- (c) for entry to a Night Rating examination, hold a PPL or CPL;
- (d) for entry to a CPL examination, hold a PPL, CPL or ATPL;
- (e) for entry to an Instrument Rating examination, hold a PPL, CPL or ATPL;
- (f) for entry to a General Radiotelephony Operator Certificate examination, hold a PPL;
- (g) for entry to any initial Flight Instructor rating examination, hold a valid PPL with CPL examination credits, a CPL or an ATPL;
- (h) for entry to a Turbine Instructor's endorsement examination, hold a CPL with a flight Instructor rating; and
- (i) for entry to an ATPL examination, hold a CPL.

(2) An applicant for entry to a theoretical knowledge examination who holds a valid pilot licence issued by a foreign licensing authority equivalent to that specified in subregulation (1), may be accepted for a theoretical knowledge examination in terms of this Part.

(3) An applicant for entry to a theoretical knowledge examination conducted in terms of subregulation (1), shall present to the Commissioner the documents as prescribed in Document SA-CATS 61.

(4) An applicant for entry to a theoretical knowledge examination to fulfil the requirements of an integrated course approved in terms of this Part—

- (a) shall be in possession of a valid ISPL; and
- (b) may only attempt an examination that forms part of a specific training course approval of an ATO providing the integrated training.

(5) Where an applicant for entry to a theoretical knowledge examination is required to write an examination to obtain a licence in a different category, such applicant shall hold a valid PPL, CPL or ATPL.

(6) A holder of a licence or rating issued in terms of this Part, whose maintenance of competency has lapsed by more than 36 months and who is required to rewrite an examination for revalidation of such licence or rating, may gain entry to the required examination or examinations by presenting to the Authority—

- (a) an original licence or rating in respect of which a maintenance of competency has lapsed; or
- (b) a valid SPL with proof of having held the original licence or rating.

(7) An applicant for entry to a theoretical knowledge examination that has been credited for military experience who is required to write any theoretical knowledge examination as a result shall—

- (a) hold a valid SPL, CPL or ATPL; and
- (b) provide written confirmation from the Commissioner that he or she has been credited for military experience.

(8) A pass mark for any theoretical knowledge examination is 75%.

(9) An applicant who qualifies to write any examination in terms of this Part shall comply with the applicable regulations and examination rules as prescribed in Document SA-CATS 61.

(10) The period within which the required examination subjects shall be completed is prescribed in Document SA-CATS 61.

(11) The validity period of theoretical knowledge examination credits is prescribed in Document SA-CATS 61.

(12) An applicant for entry to a theoretical knowledge examination who fails the examination conducted by the Authority, which is required for the issuance, revalidation or the reissue of a licence or rating, may apply to the Commissioner for a re-mark in accordance with the requirements prescribed in Document SA-CATS 61.

(13) The Commissioner is entitled to the copyright of any examination content that an applicant may be exposed to while attempting an examination conducted by the Authority in terms of this Part.

(14) An applicant for entry to a theoretical knowledge examination who contravenes any regulation or examination rules applicable to an examination conducted by the Authority, shall be—

(a) disqualified from writing any future examinations for a period to be determined by the Commissioner; and

(b) deemed to have failed the examination during which such contravention occurred.

(15) The Commissioner shall, publish on the Authority's website, details of theoretical knowledge examination schedules, dates, venues, and maintenance day exceptions.

(16) The conditions, procedures and requirements for the administration and conduct of theoretical knowledge examinations conducted by the Authority are prescribed in Document SA-CATS 61.

(17) The Commissioner may, on application, grant an applicant for entry to a theoretical knowledge examination an additional period within which to attempt an examination or undergo the required skills test as prescribed in Document SA-CATS 61.”.

Amendment of Part 67 of the Regulations

6. Part 67 of the regulations is hereby amended by:

- (a) the substitution in regulation 67.00.13 for subregulations (9) and (10) of the following subregulations:

“(9) **[The]** A holder of a medical certificate whose medical certificate is suspended in terms of **[sub-regulation]** subregulation (5) or (8) may appeal to the **[Director]** Commissioner against the suspension within **[14]** 30 days from the date of the suspension.

(10) The provisions of regulation **[185.00.6]** 185.04.3 apply, with the necessary changes, to an appeal lodged in terms of **[sub-regulation]** subregulation (9).”.

- (b) the substitution in regulation 67.00.14 for subregulation (5) of the following subregulation:

“(5) A person whose medical certificate is suspended in terms of **[sub-regulation]** subregulation (1) may appeal to the **[Director]** Commissioner against the suspension within **[14]** 30 days from the date of the suspension.”.

Amendment of Part 92 of the Regulations

7. Part 92 of the regulations is hereby amended by:

- (a) the substitution in regulation 92.01.2 for subregulation (1) of the following subregulation:

“**92.01.2** (1) A person shall not offer for conveyance in **[the]**an aircraft, convey in an aircraft, or accept for conveyance in an aircraft—

- (a) dangerous goods specifically identified by name or by generic description prohibited for conveyance by air under any circumstances as prescribed in Document SA-CATS 92;
 - (b) dangerous goods prohibited for conveyance by air under normal circumstances as prescribed in Document SA-CATS 92, unless allowed to do so by the Commissioner in terms of regulation 92.01.3;
 - (c) **[other dangerous goods prohibited in terms of paragraph (a) and (b) but are allowed in accordance with the provisions of the Act, this Part [,] and Document SA-CATS 92;]** and
 - (d) live animals infected with contagious disease.”.
- (b) the substitution for regulation 92.01.3 for the following regulation:

“Commissioner’s discretionary powers

92.01.3 (1) Notwithstanding the provisions of regulation 92.01.2, the Commissioner after having considered that special circumstances exist that warrants conveyance of dangerous goods, may consider a request to allow the conveyance of dangerous goods in instances—

- (a) of extreme urgency;
- (b) where other forms of conveyance are inappropriate; or
- (c) where full compliance with the provisions of this Part may be contrary to public interest.

(2) The Commissioner shall in considering a request for the conveyance of dangerous goods as contemplated in subregulation (1), satisfy himself or herself that during such conveyance, acceptable level of safety which is equivalent to the level of safety as prescribed in Document SA-CATS 92 shall be effected under all circumstances.”.

Amendment of Part 139 of the Regulations

8. Part 139 of the Regulations is hereby amended by:

(a) the substitution in the list of regulations for Subpart 1 of the following Subpart:

SUBPART 1: GENERAL

- 139.01.1** Applicability
- 139.01.2** Use of military aerodromes and heliports
- 139.01.3** Restrictions
- 139.01.4** Publication of restrictions and deviations
- 139.01.5** Flights by night
- 139.01.6** **[Register of licences]** Aerodrome, heliport and helistop register
- 139.01.7** Safety and security inspections and audits
- 139.01.8** Storage of flammable goods
- 139.01.9** Safety measures against fire
- 139.01.10** Lights which endanger the safety of aircraft
- 139.01.11** Use of runways or taxiways and landing at or taking off from aerodrome
- 139.01.12** Points of entry to or exit from restricted area
- 139.01.13** Movement of aircraft or vehicles in restricted area on direction of aerodrome operator
- 139.01.14** Access to apron
- 139.01.15** Points of access to or egress from apron
- 139.01.16** Movement of aircraft or vehicles on apron
- 139.01.17** Parking of aircraft on apron
- 139.01.18** Movement of aircraft on apron on direction of aerodrome operator

- 139.01.19 Movement of vehicles on apron on direction of aerodrome operator
- 139.01.20 Securing of parked aircraft
- 139.01.21 Embarkation or disembarkation of persons in or from aircraft
- 139.01.22 Loading or unloading cargo in or from aircraft
- 139.01.23 Supply of fuel to aircraft
- 139.01.23 Supply of fuel to aircraft
- 139.01.24 Boarding or tampering with aircraft
- 139.01.25 Test-running of aircraft engines
- 139.01.26 Regulation of vehicular or other traffic on a licensed aerodrome or heliport
- 139.01.2 Entering or leaving aerodrome or heliport
- 139.01.28 Animals in restricted area of aerodrome or heliport
- 139.01.29 Acts prohibited on aerodrome, heliport or in terminal building
- 139.01.30 Obstacle limitations and markings outside aerodrome **[or heliport]**
- 139.01.31 Lead in lights
- 139.01.32 Surface movement guidance and control system

- (b) the substitution in regulation 139.01.1 for subregulation (1) of the following subregulation:

“139.01.1 (1) This Part applies to—

- (a) certification of an aerodrome and heliport used for international and domestic operations;
- (b) licensing of an aerodrome and heliport open to public use;
- (c) approval of Type A, B and C aerodromes;
- (d) approval of a helistop;

- (e) registration of an unlicensed aerodrome;
 - (f) aerodrome survey; and
 - (g) approval of an obstacle assessment organisation.”.
- (c) the substitution in regulation 139.01.1 for subregulation (2) of the following subregulation:

(2) **[No place in the Republic]** There shall be no aerodrome or heliport in the Republic used as a place of landing or departure by an [aeroplane with a MCM exceeding 5 700 kilograms, used in] aircraft, to conduct commercial air transport operations, unless [it] such an aerodrome or heliport has been certified, licensed or approved in terms of this Part [the regulations in this part].

- (d) the substitution for regulation 139.01.6 of the following regulation:

“Aerodrome, heliport and helistop register

139.01.6 The Director shall keep and maintain a register of aerodrome certificates, aerodrome licenses, aerodrome approvals, heliport certificates, heliport licenses and helistop approvals issued in terms of this Part.”.

- (e) the substitution for regulation 139.01.7 of the following regulation:

“139.01.7(1) An applicant for the issuance of [issuing of an aerodrome or heliport licence] an aerodrome certificate, aerodrome licence or aerodrome approval, shall permit an authorised officer, inspector or authorised person to carry out [such] safety [and/] or security inspections and audits which may be necessary to verify the validity of the application concerned.

(2) An applicant for the issuance of a heliport certificate or licence and a helistop approval shall permit an authorised officer, inspector or authorised person to carry out such safety or security inspections and audits which may be necessary to verify the validity of the application concerned.

(3) A holder of an aerodrome certificate, licence or approval shall permit an authorised officer, inspector or authorised person to carry out such safety and security inspections and audits of an aerodrome, documents and records which may be necessary to determine compliance with the appropriate requirements provided in this Part.

(4) A holder of a heliport certificate or licence and a helistop approval shall permit an authorised officer, inspector or authorised person to carry out such safety and security inspections and audits of a holder's heliport, documents and records which may be necessary to determine compliance with the appropriate requirements provided in this Part."

- (f) the substitution in regulation 139.01.8 for subregulation (1) of the following regulation:

"139.01.8 (1) Fuel, pyrotechnic stores and all highly flammable matter shall be stored at **[on a licensed aerodrome or heliport]** a certified, licensed or approved aerodrome, a certified or licensed heliport and on an approved helistop, only in buildings or receptacles which comply with the appropriate standards prescribed in the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), or any other law.";

- (g) the substitution for regulation 139.01.9 of the following regulation:

"139.01.9 A person shall not, on a certified aerodrome, licensed aerodrome, approved aerodrome, or a certified or licensed heliport or on an approved helistop

—

- (a) smoke in, or bring an open flame into—

- (i) any place where such an act is prohibited by a notice displayed; or
- (ii) any place within 15 metres of an aircraft or of any vehicle used for the supply of fuel to an aircraft or a store or dump or liquid fuel or explosives;

- (b) wilfully give a false fire alarm;
 - (c) tamper or interfere with any fire hose reel, hydrant or any other item of equipment provided for fire-fighting purposes;
 - (d) keep, store, discard or discharge any flammable liquid, gas, signal flares or other like material in an aircraft except in the receptacle appropriate for the purpose or in a place on the aerodrome or heliport specifically approved by the aerodrome or heliport operator for the purpose; or
 - (e) store or stack any material or equipment in a manner which constitutes, or is likely to constitute, a fire hazard.”.
- (h) the substitution in regulation 139.01.10 for subregulation (3) of the following subregulation:

“(3) Except with the permission of the Director and subject to such conditions as he or she may impose, the firing of rockets, missiles and flares shall not take place in any other airspace than that referred to in subregulation (2)—

- (a) if it exceeds a height of more than 2000 ft above surface; and
 - (b) if it is closer than 8 kilometres from the reference point of **[an aerodrome licensed]** a certified aerodrome, licensed aerodrome or approved aerodrome, a certified or licensed heliport or an approved helistop in terms of **[part]** Part 139.”
- (i) the substitution for regulation 139.01.11 of the following regulation:

“139.01.11 Save in an emergency—

- (a) or on the direction of **[the]** an aerodrome operator given in terms of regulation 139.01.14, no person shall move an aircraft in the restricted area except on a runway or taxiway;

- (b) **[no]** a person shall not move an aircraft or vehicle onto a runway or a taxiway or go onto a runway or a taxiway—
- (i) without the permission of **[the]**an ATSU operating at **[the]** a certified aerodrome or licensed aerodrome, if **[the]** an ATSU is manned at the time;
 - (ii) except according to the instructions issued by **[the]**an ATSU operating at such aerodrome, if **[the]** an ATSU is not manned at the time;
 - (iii) except in a manner that shall not endanger aircraft traffic, if **[the]**an ATSU is not manned at the time and no instructions have been issued by such ATSU;
- (c) or with the approval of such holder, no person shall use a portion of a certified aerodrome or licensed aerodrome other than a runway for landing an aircraft or for taking off; and
- (d) a person shall not land an aircraft fitted with a tailskid on a runway nor take-off from a runway using such aircraft.”.
- (j) the substitution in regulation 139.01.12 for subregulation (1) of the following subregulation:
- “**139.01.12(1) [No]** A person, vehicle, or aircraft travelling on the surface of a **[licensed aerodrome or heliport]**, certified aerodrome, licensed or approved aerodrome, a certified or licensed heliport or an approved helistop shall not enter or leave the restricted area except at points established by the **[aerodrome or heliport operator]** aerodrome, heliport or helistop operator for such purpose.”.
- (k) the substitution in regulation 139.01.13 for subregulation (1) of the following subregulation:
- “**139.01.13 (1)** An air service operator which is travelling on the surface of a certified aerodrome, licensed aerodrome or approved aerodrome, or a certified or

licensed heliport and which is in the restricted area but not on a runway or a taxiway or the person in lawful charge of a vehicle which is in the restricted area shall, on being directed to do so by an aerodrome operator, move that aircraft along the surface of an aerodrome or that vehicle—

(a) to another place in the restricted area indicated by an aerodrome operator;
or

(b) from the restricted area.

(2) If an air service operator or a person in lawful charge of a vehicle refuses or fails or is not present to comply with direction as contemplated in subregulation (1), an air service operator may have that aircraft or vehicle moved to comply with such direction and may recover from such operator or person the costs incurred in having that aircraft or vehicle so moved.

(3) An aerodrome operator shall not exempt such air service operator or person referred to in subregulation (1) from any legal action in respect of such refusal or failure.

(4) Any direction given by an aerodrome operator in terms of subregulation (1) shall not include authorising any person to move an aircraft or a vehicle onto a runway or a taxiway—

(a) without the permission of an ATSU operating at a certified aerodrome or licensed aerodrome, if an ATSU is manned at the time;

(b) except according to the instructions issued by an ATSU operating at such aerodrome, if an ATSU is not manned at the time; and

(c) except in a manner that shall not endanger aircraft traffic, if an ATSU is not manned at the time and no instructions have been issued by such ATSU.”.

(l) the substitution in regulation 139.01.14 for subregulation (2) of the following regulation:

“(2) Except with the approval of **[the]** an aerodrome operator, no person shall move an aircraft travelling on the surface of a **[licensed aerodrome]** certified aerodrome, licensed aerodrome or a vehicle onto the apron.”.

- (m) the substitution in regulation 139.01.15 for subregulation (1) of the following subregulation:

“(1) **[No]** A person, vehicle or aircraft travelling on the surface of a **[licensed aerodrome may]** certified aerodrome, licensed aerodrome or approved aerodrome, shall not enter or leave the apron except at points established by the aerodrome operator for such purpose.”.

- (n) the substitution for regulation 139.01.17 of the following regulation:

“139.01.17(1) An aerodrome operator shall ensure that—

(a) parking stands are provided and marked for suitable size and type of aircraft;

(b) where the docking system is not in place or is unserviceable, procedures to safely guide aircraft into the parking bay are provided; and

(c) a risk assessment is carried out if there is a need to allocate aircraft parking to areas other than aircraft stands or apron areas.

(2) An air service operator shall ensure that—

(a) an aircraft is guided while arriving on or departing from an aircraft stand;

(b) an aircraft is parked in the place on the apron allocated to it by an aerodrome operator; and

(c) an aircraft is parked in the place so allocated in the position required by an aerodrome operator.

(3) Save for in the case of an emergency and with an approval of an aerodrome operator, a person shall not move an aircraft from the parking place allocated or position required by an aerodrome operator in terms of subregulation (2)."

- (o) the insertion in regulation 139.01.18 after subregulation (6) of the following subregulations:

"(7) An aerodrome operator shall ensure that emergency stop procedure is in place to ensure that an aircraft can safely stop when the safety operations of an aircraft stand is compromised.

(8) An aerodrome operator shall ensure that the following parameters are considered when allocating an aircraft to an aircraft stand—

- (a) parking aids;
- (b) facilities serving an aircraft stand;
- (c) proximity of infrastructure;
- (d) the parked aircraft in the neighbouring aircraft stand;
- (e) aircraft stand dependencies; and
- (f) jet blasts and propeller wash related protection.

(9) An aerodrome operator shall ensure that personnel, other than a personnel required to assist the initial arrival and departure of an aircraft, shall not be allowed to approach an aircraft when anti-collision lights are turned on and engines are running."

- (p) the substitution in regulation 139.01.21 for subregulation (6) of the following subregulation:

"(6) When aircraft refuelling operations take place while passengers are embarking, on board or disembarking, ground equipment shall be positioned [as

prescribed in Document SA-CATS 139] to allow a clear exit path to and from an aircraft for quick removal of fuelling equipment and persons in an emergency”.

- (q) the substitution in regulation 139.01.23 for subregulation (1) for the following subregulation:

“139.01.23(1) On a **[licenced aerodrome]** certified aerodrome, licenced aerodrome or approved aerodrome, fuel may be supplied to aircraft only at a place and in a manner approved by an aerodrome operator and in compliance with the requirements prescribed in Document SA-CATS 139, and subject to such conditions as such aerodrome operator may consider necessary to safeguard persons or property on the aerodrome”.

- (r) the substitution in regulation 139.01.23 for subregulation (6) for the following subregulation:

“(6) An aerodrome operator shall ensure that **[all]** fuelling facilities are equipped with adequate and well-maintained firefighting equipment and signage”.

- (s) the substitution for regulation 139.01.24 of the following regulation:

“139.01.24 Except with the permission of **[the]** a person in lawful charge of an aircraft, no person shall~~[,]~~ on a **[licenced aerodrome or heliport]** certified aerodrome, licensed aerodrome or approved aerodrome or on a certified or licensed heliport—

- (a) board such aircraft other than doing so under the direction of the **[aircraft]** air service operator; or
- (b) tamper or interfere in any way whatsoever with such aircraft or anything used in connection with such aircraft.”

- (t) the substitution for regulation 139.01.25 of the following regulation:

"139.01.25 [No] A person shall not test-run an aircraft engine on a **[licensed aerodrome or heliport]** certified aerodrome, licensed aerodrome or approved aerodrome or on a certified or licensed heliport except at a place designated for the purpose by **[the]** an aerodrome or heliport operator."

- (u) the substitution for regulation 139.01.26 of the following regulation:

"139.01.26 The National Road Traffic Act, 1996 (Act No. 93 of 1996), **[and]** the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) and the regulations contained in this **[s]**Subpart and in **[s]**Subpart 2 shall apply to all roads on **[licensed aerodrome or heliport]** a certified aerodrome, licensed aerodrome or approved aerodrome or on a certified or licensed heliport. **[as prescribed in Document SA-CATS 139.]**".

- (v) the substitution in regulation 139.01.27 for subregulation (1) of the following subregulation:

"139.01.27(1) [No] A person, other than a person entering or leaving a **[licensed aerodrome or heliport]** certified aerodrome or licensed aerodrome or certified or licensed heliport by means of an aircraft landing at or taking off from **[the]** an aerodrome or heliport, shall not enter or leave **[the]** an aerodrome or heliport otherwise than through a gate or entrance provided by **[the]** an aerodrome or heliport operator."

- (w) the substitution in regulation 139.01.28 for subregulation (1) of the following subregulation:

"139.01.28(1)[No] A person shall not cause or permit any animal to graze or feed in the restricted area of a **[licensed aerodrome or heliport]** certified or licensed aerodrome or a certified or licensed heliport, unless such animal is to be transported on a flight."

- (x) the deletion of regulation 139.01.29.
- (y) the substitution for regulation 139.01.30 of the following regulation:

“Obstacle limitations and markings outside aerodrome [or heliport]

139.01.30 (1) An aerodrome operator of a certified aerodrome or licensed aerodrome shall establish obstacle limitation surfaces.

(2) An obstacle, including an obstacle which is outside obstacle limitation surfaces that may have an impact on the safety of air operations at an aerodrome, shall be assessed.

(3) If there is an impact on the safety of aircraft from the outcome of an assessment in terms of subregulation (2), an obstacle shall be mitigated, restricted or removed.

(4) A building, a structure, or an object which projects above a slope of 1 in 20 and which is within 3 000m measured from the nearest point on the boundary of an aerodrome shall not be erected without prior approval of the Director.

(5) An obstacle limitation surfaces in terms of subregulation (2), shall be clear of any penetration of obstacles, whether temporary or permanent.

(6) An object, whether temporary or permanent, which projects above an obstacle limitation surface within a specified radius of 8 km as measured from an aerodrome reference point shall be assessed and marked as prescribed in Document SA-CATS 139.

(7) Any object which projects above an obstacle limitation surface beyond the radius of 8 km which constitutes a potential hazard to aircraft shall be marked as prescribed in Document SA-CATS 139.

(8) A building or an object which may constitute an obstruction or potential hazard to aircraft moving in the navigable airspace in the vicinity of an aerodrome, or navigation aid, or which will adversely affect the performance of the radio

navigation or instrument landing systems, shall not be erected, or exist without the prior approval of the Director.

(9) A building or an object higher than 45m above the mean level of a landing area shall not, without the approval of the Director, be erected within 8 km measured from the nearest point on the boundary of an aerodrome.

(10) A building, structure or other object which will project above an obstacle limitation surface of an aerodrome shall not, without the prior approval of the Director, be erected or exist.

(11) In the event of a conflict of interest between land use authorities and air space users, air safety shall take priority and shall not be compromised by land development projects."

- (z) the substitution for regulation 139.01.31 subregulation (1) of the following subregulation:

"(1) In the event that the Director so requires, a holder of a certified or licensed aerodrome shall ensure that such an aerodrome has runway lead in light system which—

- (a) provides visual guidance along a specific approach path;
- (b) assists in the avoidance of hazardous terrain; or
- (c) assists in noise abatement as prescribed in Document SA-CATS 139."

- (aa) the insertion in regulation 139.01.32 after subregulation (4) of the following subregulations:

"(5) An aerodrome operator shall ensure that surface movement radar for the manoeuvring area is provided at an aerodrome—

- (a) that is intended for use in runway visual range conditions less than a value of 350m;

(b) other than an aerodrome with runway visual range conditions less than a value of 350m and the traffic density and operating conditions are such that regularity of traffic flow cannot be maintained by alternative procedures and facilities.”.

(bb) the substitution in the list of regulations for Subpart 2 of the following Subpart:

SUBPART 2: LICENSING AND OPERATION OF AERODROMES

- 139.02.1** Requirements for certification or licensing
- 139.02.2** Application for certification or licensing
- 139.02.3** Processing of application for aerodrome certification or aerodrome licensing
- 139.02.4** Adjudication of application for **[licence or amendment thereof]**
aerodrome certification or aerodrome licensing
- 139.02.5** Issuance of aerodrome certificate or aerodrome licence
- 139.02.6** Period of validity
- 139.02.7** Transferability
- 139.02.8** Renewal of aerodrome certificate or aerodrome licence
- 139.02.9** Licence of intent
- 139.02.10** Aerodrome data
- 139.02.10A** Aerodrome physical characteristics
- 139.02.11** Aerodrome manual
- 139.02.12** Quality assurance system
- 139.02.13** Personnel requirements

- 139.02.14** Establishment of aerodrome emergency management system
- 139.02.15** Aerodrome rescue and firefighting
- 139.02.16** Aerodrome rescue and firefighting training facility
- 139.02.17** Aerodrome rescue and firefighting personnel training standards
- 139.02.18** Aerodrome rescue and firefighting deviations
- 139.02.19** Establishment of aerodrome environment management programme
- 139.02.20** Maintenance of aerodrome environment management programme
- 139.02.21** Notification of aerodrome data and information
- 139.02.22** Changes in quality assurance system
- 139.02.23** General duties of holder of licence
- 139.02.24** Works on aerodrome
- 139.02.25** Maintenance of aerodrome emergency management system
- 139.02.26** Aerodrome inspection programme
- 139.02.27** Demarcation of restricted area
- 139.02.28** Control of entry into restricted area
- 139.02.29** Demarcation of routes on apron
- 139.02.30** Safety measures against fire
- 139.02.31** Access of ground vehicles to aerodrome movement area
- 139.02.32** Protection of navigational aids
- 139.02.33** Aerodrome abandoned or not maintained
- 139.02.34** Approval of airside driving personnel training

139.02.35 Airside driving training standards

139.02.36 Airport Design and Master Plan.

(cc) the substitution for regulation 139.02.1 of the following regulation:

“Requirements for certification or licensing

139.02.1 (1) An operator of a certified aerodrome or licensed aerodrome shall be in possession of a valid aerodrome certificate or aerodrome licence issued in terms of this Part and as prescribed in Document SA-CATS 139.

(2) An aerodrome certificate or aerodrome licence shall be issued subject to an applicant complying with the requirements in this Part.

(3) An aerodrome certificate and an aerodrome license referred to in subregulation (1), shall follow the five phases of aerodrome certification process, as prescribed in Document SA-CATS 139.”.

(dd) the substitution for regulation 139.02.2 of the following regulation:

“Application for certification or licensing

139.02.2 (1) An application for an initial aerodrome certificate or aerodrome license shall be made to the Director in the appropriate form and accompanied by relevant documents, as prescribed in Document SA-CATS 139.”.

(ee) the substitution in regulation 139.02.3 for subregulation (1) of the following subregulation:

“Processing of application for aerodrome certification or aerodrome licensing

139.02.3 (1) The Director shall, as soon as practicable after the receipt of an **[application for an aerodrome licence]** initial application for an aerodrome

certificate or aerodrome licence, publish by notice in the *Government Gazette* the following particulars in respect of the application—

- (a) full name of **[the]** an applicant;
 - (b) full particulars of the location of **[the]** an aerodrome;
 - (c) a date by which representations against or in favour of the application should be submitted to the Director; and
 - (d) any restrictions to the safe use of **[the]** an aerodrome."
- (ff) the substitution for the heading in regulation 139.02.4 of the following heading:

"Adjudication of application for [licence or amendment thereof] aerodrome certification or aerodrome licensing".

- (gg) the substitution for the heading in regulation 139.02.5 of the following heading:

"Issuance of aerodrome certificate or aerodrome licence";

- (hh) the substitution in regulation 139.02.5 of the following regulations:

"139.02.5 (1) An aerodrome certificate or aerodrome licence shall be issued on the appropriate prescribed form.

(2) An aerodrome certificate or aerodrome licence shall specify—

- (a) a category for which an aerodrome is certified or licensed; and
- (b) restrictions, if any, relating to non-compliance with, or deviations from—
 - (i) appropriate aerodrome design, operation or equipment standards prescribed in this Part; and
 - (ii) appropriate airspace classification requirements **[prescribed]** as stipulated in Part 172."

- (ii) the substitution for regulation 139.02.6 of the following regulation:

“139.02.6 (1) An aerodrome certificate or aerodrome licence shall be valid for a period determined by the Director **[based on individual aerodrome risk assessment]**, which period shall not exceed five years calculated from the date of issuing **[or renewal]**.

(2) An aerodrome certificate or aerodrome licence shall remain valid until it expires or is suspended or downgraded by an authorised officer, inspector or authorised person, or cancelled by the Director.

(3) A holder of an aerodrome certificate or aerodrome licence which is suspended shall forthwith hand **[the]** a licence to the authorised officer, inspector or authorised person for appropriate endorsement.

(4) A holder of an aerodrome certificate or aerodrome licence which is cancelled, shall, within 30 days from the date on which **[the]** a certificate or licence is cancelled, surrender such certificate or licence to the Director.”.

- (jj) the substitution for regulation 139.02.7 of the following regulation:

“139.02.7 (1) An aerodrome certificate or aerodrome licence shall not be transferable.

(2) A change in ownership of the holder of an aerodrome certificate or aerodrome licence shall be deemed to be a change of significance and requires a new certificate or licence.”

- (kk) the substitution for regulation 139.02.8 of the following regulation:

“Renewal of aerodrome certificate or aerodrome licence

139.02.8 (1) An application for the renewal of an aerodrome certificate or aerodrome licence shall be made to the Director in the appropriate prescribed form and accompanied by documents, as prescribed in Document SA-CATS 139.

(2) A holder of an aerodrome certificate or licence shall, at least 60 days immediately preceding the date on which such licence expires, apply for the renewal of such certificate or licence.”.

(II) the substitution for regulation 139.02.10 of the following regulation:

“Aerodrome data

139.02.10 (1) An applicant for an aerodrome certificate or aerodrome licence shall ensure that during initial certification, licensing and renewal, the following information regarding aerodrome data is reported to the Director—

- (a) aeronautical data;
- (b) aerodrome reference point;
- (c) aerodrome and runway elevations;
- (d) aerodrome reference temperature;
- (e) aerodrome dimension and related information;
- (f) a strength of pavement;
- (g) pre-flight altimeter check location;
- (h) declared distances;
- (i) condition of the movement area related facilities;
- (j) disabled aircraft removal procedures;
- (k) rescue and firefighting; and
- (l) precision approach path indicator.

(2) Aerodrome-related aeronautical data as referred to in subregulation (1), shall be determined and reported in accordance with the accuracy and integrity

classification required to meet the needs of an end-user of aeronautical data and shall be in terms of requirements contained in Part 175.

(3) Aerodrome mapping data shall be provided to aeronautical information service for an aerodrome that is deemed relevant by the Director, where safety or performance-based operations suggest possible benefits and shall be in terms of requirements stipulated in Part 175.

(4) Where made available in accordance with subregulation (3) , the selection of a aerodrome mapping data features to be collected shall be made with consideration of the intended applications.

(5) Digital data error detection techniques shall be used during the transmission and storage of aeronautical data and digital data sets.

(6) Aerodrome reference point referred to in subregulation (1), shall be established for an aerodrome and shall be as prescribed in Document SA-CATS 139.

(7) An aerodrome elevation and geoid undulation at an aerodrome elevation position referred to in subregulation (1), shall be measured to the accuracy of 1.5m and reported to the AIS and shall be as prescribed in Document SA-CATS 139.

(8) An aerodrome dimension and related information referred to in subregulation (1) for each aerodrome facility shall be measured or described, as prescribed in Document SA-CATS 139.

(9) A bearing strength of a pavement shall be reported using an aircraft classification rating -pavement classification rating method, as prescribed in Document SA-CATS 139.

(10) A pre-flight altimeter check location referred to in subregulation (1) shall be established for an aerodrome and shall be as prescribed in Document SA-CATS 139.

(11) The following declared distances shall be calculated to the nearest metre for a runway intended for use by international commercial air transport:

- (a) take-off run available;
- (b) take-off distance available;
- (c) accelerate-stop distance available; and
- (d) landing distance available.

(12) Information on a condition of the movement area and operational status of related facilities referred to in subregulation (1), shall be provided to a responsible aerodrome aeronautical information services to enable such responsible aerodrome aeronautical information services to provide the information to arriving and departing aircraft.

(13) Information of operational significance which is similar to information referred to subregulation (11), shall be provided to ATSU to enable air traffic units to provide the necessary information to arriving and departing aircraft.

(14) Information referred to in subregulation (11) and (12) shall be kept up to date and changes in conditions shall be reported to a responsible aerodrome aeronautical information services and ATSU, without delay.

(15) Condition of the movement area and the operational status of related facilities referred to in subregulation (11) shall be monitored.

(16) If matters of operational significance affecting aircraft and aerodrome operations are identified during monitoring in terms of subregulation (14), a report shall be provided in order to take appropriate action relating to—

- (a) construction or maintenance work;
- (b) rough or broken surfaces on a runway, a taxiway or an apron;
- (c) water, snow, slush, ice, or frost on a runway, a taxiway or an apron;

- (d) anti-icing or de-icing liquid chemicals or other contaminants on a runway, taxiway or an apron;
- (e) snow banks or drifts adjacent to a runway, a taxiway or an apron;
- (f) other temporary hazards, including parked aircraft;
- (g) failure or irregular operation of part or of aerodrome visual aids; and
- (h) failure of the normal or secondary power supply.

(17) An inspection shall be carried out each day following reporting in terms of subregulation (15) for—

- (a) a movement area, at least once where an aerodrome reference code number is 1 or 2, and at least twice where an aerodrome reference code number is 3 or 4; and
- (b) a runway, whenever a runway surface conditions may have changed significantly due to meteorological conditions.

(18) Personnel assessing and reporting runway surface conditions in terms of subregulation (15) shall be trained and competent to perform their duties.

(19) Information concerning a visual approach slope indicator system installation referred to in subregulation (1), shall be made available and be reported as prescribed in Document SA-CATS 139.

(20) A responsible aerodrome aeronautical information services shall, without delay and as prescribed in Document SA-CATS 139, report to the AIS for AIS to obtain information that enables the provision of up-to-date pre-flight information and meet the need for in-flight information,

(21) A responsible aerodrome aeronautical information services shall, before introducing changes to air navigation system, take due account of time needed by AIS for the preparation, production and issue of relevant material for publication of such changes.

(23) AIS shall ensure that changes to aeronautical information that affect charts and computer-based navigation systems are notified by the AIRAC system.

(24) A responsible aerodrome aeronautical information services shall, when submitting the raw data to AIS, ensure that predetermined internationally agreed AIRAC effective dates are observed.

(25) An aerodrome coordinator of operations shall ensure that the telephone numbers of the office and information concerning capability to remove an aircraft disabled on or adjacent to the movement area are made available to an air service operator where there is a need for removal of such an aircraft.

(26) An aerodrome operator shall ensure that information concerning the level of protection provided at an aerodrome for aircraft rescue and firefighting purposes is made available.

(27) Level of protection referred to in subregulation (25) shall be expressed in terms of the category of the rescue and firefighting services in accordance with the types and amounts of extinguishing agents normally available at an aerodrome and shall be as prescribed in Document SA-CATS 139.

(28) An aerodrome operator shall notify an appropriate ATSU and AIS unit of changes in the level of protection normally available at an aerodrome for rescue and firefighting and implementation of such changes to enable those units to provide the necessary information to arriving and departing aircraft.

(29) A change referred to in subregulation (27) shall be expressed in terms of the new category of the rescue and firefighting service available at an aerodrome.

(mm) the insertion after regulation 139.02.10 of the following regulation:

Aerodrome physical characteristics

139.02.10A (1) An applicant for an aerodrome certificate or aerodrome licence shall ensure that an aerodrome is provided with physical characteristics, obstacle

limitation surface, visual aids for navigation, visual aids for obstacles and visual aids for restricted areas, as prescribed in Document SA-CATS 139.

(2) Physical characteristics referred to in subregulation (1) shall include—

- (a) runway;
- (b) runway shoulders;
- (c) runway turn pads;
- (d) runway strips;
- (e) runway end safety areas;
- (f) clearways;
- (h) stop ways;
- (i) radio altimeter operating area;
- (j) taxiways;
- (k) taxiway shoulders;
- (l) taxiway strips;
- (m) holding bays, runway-holding positions, intermediate holding positions and road holding positions;
- (n) aprons;
- (o) isolated aircraft parking position; and
- (p) de-icing and anti-icing facilities.

(3) Visual aids for navigation referred to in subregulation (1) shall include:

- (a) indicators and signalling devices,
- (b) markings, lights, signs and markers.

(4) Visual aids for obstacles referred to in subregulation (1) shall include—

(a) objects to be marked or lighted; and

(b) marking or lighting of objects.

(5) Visual aids for restricted areas referred to in subregulation (1), shall be provided for—

(a) closed runways and taxiways or any part of closed runways and taxiways;

(b) non-load bearing surfaces;

(c) pre-threshold area; and

(d) unserviceable areas.

(6) An applicant for an aerodrome certificate or aerodrome licence shall ensure that an aerodrome is provided with—

(a) equipment and installations;

(b) an airspace classification referred to in Part 172;

(c) an appropriate level of firefighting service consistent with the characteristics of aircraft intended to be serviced;

(d) the lowest meteorological minima for each runway, and the ambient light conditions during an operation of aircraft;

(e) adequate primary power supply for the safe functioning of air navigation facilities that shall be arranged in a way that facilities are automatically connected to the secondary power supply on failure of the primary source of power; and

(f) time interval between failure of the primary source of power and the complete restoration of the services, as prescribed in Document SA-CATS 139.

(7) Physical characteristics, obstacle limitation surfaces, visual aids, equipment and installations provided at an aerodrome shall comply with the appropriate aerodrome design standards and colour specifications, as prescribed in Document SA-CATS 139.

(8) Electrical installations and equipment other than those forming part of aerodrome ground lighting shall comply with relevant South African National Standards and the Occupational Health and Safety Act, 1993, (Act No. 85 of 1993).

(9) A holder of an aerodrome licence used for international operation shall ensure that an aerodrome has surface movement guidance and control system commensurate with the level of operation, as determined by the Director and as prescribed in Document SA-CATS 139.

(10) A holder of an aerodrome licence used for international operation shall ensure that the intensity in red light and beam spreads of stop bar lights are in accordance with the specifications as prescribed in Document SA-CATS 139, where—

(a) stop bars are specified as components of an advanced surface movement guidance and control system, and

(b) a higher intensity is required to maintain ground movements at a certain speed in very low visibilities or in bright daytime conditions.

(11) A holder of an aerodrome licence used for international operation shall ensure that taxiway centre line lights are in accordance with the specifications as prescribed in Document SA-CATS 139, where—

(a) taxiway centre line lights are specified as components of an advanced surface movement guidance and control system, and

(b) a higher intensity is required to maintain ground movements at a certain speed in very low visibilities or in bright daytime conditions.

(12) A holder of an aerodrome licence used for international operation shall ensure that surfaces of aircraft movement area provided at an aerodrome are designed to be able to carry the weight of the heaviest aircraft allowed to move on that aerodrome.

(13) A holder of an aerodrome licence used for international operation shall ensure an aerodrome reference code, code number and letter which is selected for aerodrome planning purposes is determined in accordance with the characteristics of an aircraft for which an aerodrome facility is intended, as prescribed in Document SA-CATS 139.

(nn) the substitution in regulation 139.02.11 for subregulation (1) of the following subregulation:

139.02.11 (1) An applicant for an aerodrome licence with a Category higher than 3 or for an aerodrome where regular commercial operations are to be conducted shall, on the basis of a risk assessment, provide the Director with an aerodrome manual which shall contain—

- (a) a statement by an accountable manager and compliance officer confirming that an aerodrome manual and any included manuals define the organisation of an applicant and demonstrate the procedures and methods for ensuring that the provisions of the regulations in this Part will be complied with at all times;
- (b) particulars of personnel referred to in regulation 139.02.13;
- (c) an organisational chart showing lines of responsibility of personnel referred to in regulation 139.02.13;
- (d) restrictions on the use of an aerodrome imposed in terms of regulation 139.01.3 or any other limitation considered necessary by the Director;
- (e) a description of the characteristics of and infrastructure available at an aerodrome, which, taking into consideration the restrictions or limitations

referred to in paragraph (d), comply with aerodrome design requirements referred to in regulation 139.02.10;

- (f) aerodrome emergency management system referred to in regulation 139.02.14;
- (g) a description of such aerodrome's rescue and firefighting capability which, taking into consideration restrictions or limitations referred to in paragraph (d), complies with the requirements prescribed in regulation 139.02.15;
- (h) aerodrome environment management programme referred to in regulation 139.02.19;
- (i) procedures for the notification of aerodrome data and information referred to in regulation 139.02.21;
- (j) quality assurance system referred to in regulation 139.02.12;
- (k) a description of security measures taken at such aerodrome to comply with the provisions of the Act;
- (l) procedures to control, **[amend and distribute]** distribute, periodically review and amend an aerodrome manual shall be as prescribed in Document SA-CATS 139;
- (m) intended air traffic services and associated airspace classification;
- (n) safety procedures pertaining to all apron operations that are carried out on such aerodrome; and
- (o) all pertinent information on such aerodrome site, facilities, services, equipment, operating procedures, organisation and management including a safety management system."

- (oo) the insertion in regulation 139.02.14 after subregulation (3) of the following subregulation:

“(4) An assessment in terms of regulation 139.02.14 shall take into consideration approach and departure areas within 1 000m of a runway threshold to determine options available for intervention.

(5) An aerodrome operator shall establish and submit to the Director, a family assistance plan for families and victims involved in an aircraft accident and incident, as prescribed in Document SA-CATS 139.

(6) A family assistance plan referred to in subregulation (5) shall be included in the emergency management system manual and be reviewed every two years.”.

- (pp) the substitution in regulation 139.02.15 for subregulation (1) of the following subregulation:

“139.02.15 (1) An applicant for, or a holder of an aerodrome **[licence with a Category higher than 2]** certificate or aerodrome licence when serving commercial air transport operations, shall ensure that an aerodrome is provided with a rescue and firefighting service capable of providing the required level of protection necessary for maintaining the minimum level of protection required for the appropriate category of the aerodrome.”.

- (qq) the deletion for regulation 139.02.15 of subregulation (2).

- (rr) the insertion in regulation 139.02.19 after subregulation (9) of the following subregulation:

“(10) An aerodrome operator shall establish and implement a process to mitigate against an increase or potential increase in the wildlife strike hazard due to land use development likely to attract wildlife around an aerodrome, as prescribed in Document SA-CATS 139.”.

- (ss) the deletion for regulation 139.02.23 subregulation (3) of paragraph (g).

- (tt) the deletion for regulation 139.02.23 of subregulation (4).
- (uu) the insertion in regulation 139.02.23 after subregulation (8) of the following subregulation:

(9) A holder of an aerodrome licence or aerodrome certificate shall develop a runway safety programme, as prescribed in Document SA-CATS 139 and shall include—

- (a) establishment of runway safety team;
- (b) identification of hazards related to runway safety;
- (c) development and implementation of action plans;
- (d) incident reporting, collection of data and the promulgation of safety information consisting of—
 - (i) classification of the severity of runway incursions;
 - (ii) reporting of bird and wildlife;
- (e) prevention of runway incursion, excursions and confusion;
- (f) suspension or closure of runway operations,
- (g) air traffic control best practice during suspension or closure of runway operations;
- (h) identification of hotspots;
- (i) reporting of runway surface conditions; and
- (j) taxiway design guidance for minimizing runway excursions.”.

- (vv) the substitution for regulation 139.02.36 of the following regulation:

(1) Airport plans for the development of aerodrome infrastructure shall, for aerodromes certified under this Subpart, be submitted to the Director and shall—

- (a) include architectural and infrastructure-related requirements for the optimum implementation of international civil aviation security measures;

(b) include physical planning which includes the development of facilities, as prescribed in Document SA-CATS 139;

(c) contain a schedule of priorities including a phased implementation plan; and

(d) be reviewed periodically to take into account current and future aerodrome traffic.

(2) An aerodrome operator shall consult with aerodrome affected parties, including air service operators, in order to facilitate the master planning process using a consultative and collaborative approach.”.

Amendment of Part 171 of the Regulations

9. Part 171 of the regulations is hereby amended by—

(a) the substitution for regulation 171.03.13 of the following regulation:

“**171.03.13** (1) Navigation equipment is subject to commissioning and periodic flight inspection as prescribed in Document SA-CATS 171.

(2) The Commissioner may on good grounds shown, waive or suspend the requirement for periodic flight inspections, as prescribed in Document SA-CATS 171 on application by an ANSP, provided that such ANSP—

(a) has previously complied with the requirement for periodic flight inspection;

(b) complies with the conditions stipulated in the approval for the period of the waiver or suspension; and

(c) remains compliant with acceptable safety levels as prescribed in Document SA-CATS 171.”.

Amendment of Part 173 of the Regulations

10. Part 173 of the regulations is hereby amended by—

- (a) the substitution in regulation 173.01.7 for subregulation (10) of the following subregulation:

“(10) **[The]** A training required **[by]** in terms of subregulation (8) **[(b)]** shall be provided on a recurrent basis at intervals **[not exceeding the duration is]** specified in Document SA-CATS 173.”.

- (b) the substitution in regulation 173.02.4 for subregulation (3) of the following:

“(3) A holder of a flight procedure design approval shall, subject to regulation 173.02.4, periodically at intervals and upon the conditions prescribed in Document SA-CATS 173, maintain each flight procedure.”.

Amendment of Part 185 of the Regulations

11. Part 185 of the Regulations is hereby amended by:

- (a) the substitution for regulation 185.04.2 of the following regulation:

“**185.04.2** (1) A person whose rights have been detrimentally affected by an administrative action taken by an inspector, authorised officer, authorised person or enforcement officer in terms of the Act or this Part, may, after payment of the fee prescribed in Part 187, appeal against such a decision.

(2) An appeal in terms of **[sub-regulation]** subregulation (1) must be lodged with the **[Director]** Commissioner within 30 days after the furnishing of reasons for the decision.

(3) The **[Director]** Commissioner must, **[must]** within **[three]** 14 days of receiving **[such]** an appeal contemplated in subregulation (1), in writing, confirm, amend or withdraw **[the]** a decision appealed against.

(4) The **[Director]** Commissioner must within 14 days furnish written reasons to the Appellant for any decision taken in terms of **[sub-regulation]** subregulation (3).

(5) Any person aggrieved by a decision taken in terms of **[sub-regulation]** subregulation (3) may appeal against such decision within **[five]** 30 days of receipt of the reasons referred to in **[sub-regulation]** subregulation (3) to an appeal committee contemplated under section 122 of the Act.

(6) In adjudicating the appeal contemplated in **[sub-regulation]** subregulation (3) the **[Director]** Commissioner may afford **[the]** an Appellant—

- (a) a reasonable opportunity to make representations;
- (b) **[the]** an opportunity to present and dispute information and arguments; and
- (c) **[the]** an opportunity to appear in person.

(7) The **[Director]** Commissioner may on good cause shown condone **[any]** non-compliance with the time period contemplated in **[sub-regulation]** subregulation (2).

(8) (a) If the **[Director]** Commissioner sets aside any decision of an authorised officer, authorised person, inspector or enforcement officer, the fee referred to in **[sub-regulation]** subregulation (1) must be refunded to **[the]** an Appellant.

(b) If the **[Director]** Commissioner varies any such decision, he or she may direct that the whole or any part of **[such]** fees paid in relation to an appeal be refunded to **[the]** an Appellant.

(9) An appeal lodged in terms of this section does not suspend **[the]** a decision of **[the]** an authorised officer, authorised person, inspector or enforcement officer.”.

- (b) the substitution for regulation 185.04.3 of the following regulation:

“**185.04.3(1) [Any]** A person who is directly affected by **[any of]** the following decisions may lodge an appeal with the **[Director] Commissioner**:

- (a) a decision by a designated body or institution to cancel his or her medical certificate;
- (b) a decision by a DAME, declaring him or her unfit or temporarily unfit; and
- (c) an endorsement made by a DAME or a designated body or institution on his or her medical certificate[; or].

(2) An appeal referred to in **[sub-regulation]** subregulation (1) must be lodged on the appropriate form within **[60] 30** days from the date of receipt of the reasons for such decision and must be accompanied by **[appropriate fees] an appropriate fee** prescribed in Part 187.

(3) In considering an appeal lodged in terms of this regulation, the **[Director] Commissioner** must be assisted by at least two medical practitioners, one of whom must have experience in aviation medicine.

(4) The **[Director] Commissioner** shall consider an appeal lodged in terms of **[sub-regulation] subregulation** (2) within 60 days of receipt thereof, and may set aside or confirm a decision in respect of which an appeal was lodged, or make such other decision as the **[Director] Commissioner** may consider equitable.

(5) The **[Director] Commissioner** must within 14 days furnish written reasons to **[the] an** Appellant for any decision taken in terms of **[sub-regulation] subregulation** (4).

[(6) A person appealing in terms of sub-regulation (2) is entitled to legal representation at his or her own cost.]

(6) The Commissioner may, on good cause shown, condone non-compliance with the time period for lodging an appeal.

(7) An appeal lodged in terms of this regulation does not suspend a decision or endorsement in respect of which such appeal is lodged.”.

Insertion of Part 186 of the Regulations

12. Part 186 is hereby inserted after Part 185 of the Regulations—

“PART 186 ARRANGEMENT OF REGULATIONS: PROCEDURES RELATING TO APPEALS

SUBPART 1: GENERAL

- 186.01.1 Applicability
- 186.01.2 Lodging of appeal
- 186.01.3 General provisions relating to appeal
- 186.01.4 Timeframes relating to appeal
- 186.01.5 Representation of parties

SUBPART 2: HANDLING OF APPEALS

- 186.02.1 Service of notices and other documents
- 186.02.2 Filing, preparation and inspection of documents
- 186.02.3 Pleadings
- 186.02.4 Amendment of pleadings
- 186.02.5 Discovery of documents
- 186.02.6 Subpoena

SUBPART 3: HEARING, RECORDING, ADJOURNMENT, POINT *IN LIMINE* AND APPEARANCE

- 186.03.1 Preparation of hearing
- 186.03.2 Hearing

186.03.3 Adjournment and postponement

186.03.4 Point *in limine*

186.03.5 Non-appearance of party

SUBPART 4: DECISIONS, RECORDS AND URGENT APPEALS

186.04.1 Decision

186.04.2 Record of proceedings

186.04.3 Urgent Appeals

SUBPART 1: GENERAL

Applicability

186.01.1 (1) This Part applies to an appeal against a decision of the Commissioner to—

(a) grant or refuse a request by any person appointed to perform a function in terms of the Act or the regulations, for approval to conduct aviation related business or activity, or to hold a financial interest in the aviation industry, which the Commissioner deems a conflict of interest as contemplated in section 98 of the Act;

(b) uphold the following decisions in terms of section 118(3) of the Act:

(i) approval or refusal of an application for registration, licence, certificate, approval, or authorisation;

(ii) refusal to issue registration, licence, certificate, approval, or authorisation; and

(iii) suspend, cancel, endorse, or vary a registration, licence, certificate, approval, or authorisation;

(c) lift or refuse to lift a grounding order as contemplated in section 115 (2) of the Act.

(2) Notwithstanding the provisions of subregulation (1), this Part applies to any appeal handled by the Appeal Committee.

Lodging of appeal

186.01.2 (1) A person or entity who feels aggrieved by a decision of the Commissioner as contemplated in regulation 186.01.1 may lodge an appeal to the Appeal Committee by delivering a notice of appeal to the Appeal Committee Secretariat;

(2) An appeal lodged as contemplated in subregulation (1) shall be accompanied by proof—

(a) of payment of the prescribed appeal fees to the Department, as provided for in Part 187; and

(b) that a copy of notice of appeal has been served on the Commissioner.

General provisions relating to appeal

186.01.3 (1) A party to an appeal may be represented by a legal practitioner.

(2) An appeal may be lodged by an Appellant concerned, a duly authorised employee, or a legal representative of such an Appellant.

(3) An appeal shall set forth—

(a) full names and identification or registration numbers of an Appellant;

(b) an Appellant's residential or business address;

(c) capacity in which an Appellant is lodging such appeal; and

(d) contact details of an Appellant, including telephone numbers, and where available, electronic mail communication.

(4) Any fees required to be paid in terms of this Part shall, unless otherwise expressly provided, be paid to the banking account of the Department as provided by the Appeal Committee Secretariat.

Timeframes relating to appeal

186.01.4 (1) A notice of appeal shall be lodged with the Appeal Committee within 30 days after receipt of the reasons for a decision against which an appeal is made.

(2) The Commissioner shall, within 21 days of receipt of an appeal, file a reply and arguments with the Appeal Committee and an Appellant, together with all relevant documents relating to a decision against which an appeal is made.

(3) An Appellant may, within 14 days of receipt of the reply together with documents referred to in subregulation (2), file supplementary information with the Appeal Committee and the Commissioner.

(4) An Appellant who fails to lodge an appeal within a period contemplated in subregulation (1), may apply to the Appeal Committee for condonation for the late filing of an appeal and serve the Commissioner with such an application.

(5) An application for condonation contemplated in subregulation (4) shall contain reasons for failure to comply and a proof of lodging thereof with the Commissioner.

(6) The Commissioner may, within 10 days of receipt of a copy of an application for condonation, make submission either in support or against such condonation.

(7) The Appeal Committee shall make a determination on whether to accept or refuse an application for condonation for late filing of an appeal as contemplated in subregulation (4).

Representation of parties

186.01.5 (1) A party may conduct his or her case in person or be represented by a legal practitioner: Provided that a juristic person may be represented by a duly authorised representative who is a legal practitioner, an employee, member or official of such a juristic person.

(2) A person appearing before the Appeal Committee in a representative capacity shall submit a power of attorney.

SUBPART 2: HANDLING OF APPEALS

Service of notices and other documents

186.02.1 (1) A party serving a notice or other document to the other party shall provide the Appeal Committee with an original or a certified copy of such notice or document and serve a copy to the other party.

(2) All notices or documents shall be served upon a person affected thereby by delivery of a copy thereof in one or other of the following manners:

- (a) to such person personally or to his or her duly authorised agent;
- (b) at a residential address or business address of such person or his or her duly authorised agent;
- (c) a manner as agreed upon with such person;
- (d) to a legal representative who is duly authorised, in writing, to accept service on behalf of such person or entity upon whom service is to be effected in any applicable manner provided for in this regulation; or
- (e) by electronic mail provided for that purpose by such party.

Filing, preparation and inspection of documents

186.02.2 (1) All documents filed with the Appeal Committee, other than exhibits, shall—

(a) be clearly and legibly printed or typewritten in permanent black or blue ink on one side only of an A4 standard size paper; and

(b) be deemed to be typewritten if it is reproduced clearly and legibly on suitable paper by duplicating, lithographic, photographic, or any other method of reproduction.

(2) Stated cases, affidavits, grounds of appeal and similar documents shall be divided into concise paragraphs which shall be consecutively numbered.

(3) Each notice filed shall bear the names of a filing party or, if such party is represented by a legal practitioner, the details of such legal practitioner.

(4) The Appeal Committee may reject any document which does not comply with the requirements of this Part.

Pleadings

186.02.3 (1) Pleadings shall be divided into paragraphs, which shall, as much as possible, each contain a distinct averment and consecutively numbered.

(2) A pleading shall contain a clear and concise statement of material facts upon which a party's averment is based with sufficient particularity to enable the other party to reply thereto.

(3) When in any pleading, a party denies an allegation of fact, such party shall not do so evasively but shall answer the point of substance.

(4) A party who, in such a party's pleading, relies upon a document, shall ensure that a copy thereof or of a part relied on is annexed to such pleading.

(5) A party who relies on an agreement governed by legislation shall state the nature and extent of such party's compliance with the relevant provisions of such legislation.

Amendment of pleadings

186.02.4 (1) A party desiring to amend a pleading or document other than an affidavit, filed in connection with an appeal, shall notify all other parties of his or her intention to amend and shall furnish the parties with particulars of such amendment.

(2) The notice referred to in subregulation (1) shall state that unless a written objection to the proposed amendment is delivered within 10 days of delivery of a notice of amendment, the amendment will be effected.

(3) An objection to a proposed amendment shall clearly and concisely state the grounds upon which such objection is founded.

(4) If an objection to amendment of a pleading is delivered within 10 days, a party desiring to amend may, within 10 days, lodge, with the Appeal Committee, an application for leave to amend.

(5) Unless the Appeal Committee directs otherwise, a party permitted to amend shall effect such amendment by delivering the relevant pages in its amended form.

(6) A party affected by an amendment may, within 15 days after such amendment has been effected or within such period as the Appeal Committee may determine, make any consequential adjustment to the documents filed by him or her.

Discovery of documents

186.02.5 (1) The Appeal Committee may, during any proceeding, order the production by any party thereto of any document or recording under such party's control relating to any matter in question in such proceeding as the Appeal Committee may deem fit.

(2) A document or recording referred to in subregulation (1) shall be produced within a reasonable time and circumstances as determined by the Appeal Committee.

Subpoena

186.02.6 (1) A party desiring the attendance of any person to give evidence at a hearing, may request the Appeal Committee to issue a subpoena calling such a person to appear before the Appeal Committee on a specified date, time, and place.

(2) A subpoena shall—

(a) stipulate how reasonable costs of attendance of a witness shall be covered by the party requiring his or her attendance;

(b) as much as possible, specify a document, instrument, or object which is required to be produced as evidence; and

(c) be served by a sheriff or a member of the South African Police Service.

(3) A party requesting attendance of a witness shall ensure that a subpoena is served as referred to in subregulation (2) and submit a proof of service to the Appeal Committee.

SUBPART 3: HEARING, RECORDING, ADJOURNMENT, POINT IN LIMINE, AND APPEARANCE

Preparation of hearing

186.03.1 (1) Upon closure of pleadings, an Appellant shall within the period of 10 days paginate and index the appeal papers and deliver six copies to the Appeal Committee Secretariat and a copy to the Commissioner.

(2) The Appeal Committee Secretariat shall within a period of 30 days after receipt of the files of paginated and indexed appeal papers, schedule a date for a hearing.

Hearing

186.03.2 (1) A hearing of an appeal shall take place at a place or virtually as determined by the Appeal Committee and as arranged by the Appeal Committee Secretariat.

(2) The Appeal Committee Secretariat shall communicate a date of hearing to all the parties at least 10 days before such hearing.

(3) The Appeal Committee Secretariat shall record the proceeding of the appeal.

(4) An Appellant shall first be given an opportunity to present his or her case, call any witnesses, and produce evidence.

(5) The Commissioner or his or her representative shall be afforded an opportunity to cross examine any witness that has given evidence in support of an Appellant's case.

(6) After closure of an Appellant's case, the Commissioner or his or her representative shall be afforded an opportunity to respond, call any witness, and produce evidence.

(7) An Appellant shall be afforded an opportunity to cross-examine any witness that has given evidence in support of the Commissioner's case.

(8) The Appeal Committee may call any witness that they feel can assist them in reaching a just and fair decision.

(9) The members of the Appeal Committee may ask any of the parties and the witnesses questions to clarify any issue that they may require clarity on.

(10) Both parties shall be afforded an opportunity to make closing arguments.

(11) The Appeal Committee shall require a witness to take an oath or make an affirmation before testifying.

(12) A witness who is not a party to the proceedings may be ordered by the Appeal Committee to leave a hearing until his or her evidence is required or after his or her evidence has been given.

(13) The Appeal Committee may order a witness to remain in attendance until such hearing is adjourned and, where necessary, to appear on a subsequent day determined by the Appeal Committee.

(14) The Appeal Committee may, before proceeding to hear evidence, require the parties to state shortly the issues of fact or questions of law which are in dispute and may record the issues so stated.

(15) If it appears to the Appeal Committee that there is a question of law or fact which may conveniently be decided either before any evidence is led or separately from any other question, the Appeal Committee may decide to dispose of such question in such a manner as it may deem fit and may order that all further proceedings be stayed until such question has been disposed of.

(16) If a question in dispute, is a question of law and the parties are agreeable upon the facts, the facts may be admitted in the hearing, either *viva voce* or by written statement, by the parties and recorded by the Appeal Committee and judgment may be given thereon without further evidence.

(17) When a question of law or of fact arises in the same case and the Appeal Committee is of the opinion that such case may be disposed of upon a question of law only, the Appeal Committee may require the parties to argue upon that question only and may give its decision thereon before taking evidence as to the issues of fact and may give final judgment without dealing with the issues of fact.

(18) In a proceeding involving a question of law or of fact, a party having a burden of proof shall first adduce his or her arguments and evidence.

(19) In a case of dispute as to the party upon whom the burden of proof rests, the Appeal Committee shall direct which party shall first adduce evidence.

(20) Any party may, with the leave of the Appeal Committee, adduce further evidence at any time before judgment: Provided that such leave may not be granted if it appears to the Appeal Committee that such evidence was intentionally withheld.

(21) The Appeal Committee may at any time before judgment, on the application of any party or of its own motion, recall any witness for further examination.

(22) At any time during the proceedings, the Appeal Committee may request the Department to make a statement or answer any question on policy and legislative matters.

(23) The Appeal Committee may adjourn the proceedings at any time to consult amongst themselves or with any person on any matter relevant to the proceedings.

(24) The parties may request adjournment of the proceedings in order to consult with each other with the intention of streamlining the issues under consideration.

Adjournment and postponement

186.03.3 (1) A hearing of an appeal may be adjourned or postponed by agreement between the parties or by the Appeal Committee, either on its own accord, by application or request by the parties.

(2) Where an adjournment or postponement is made *sine die*, any party may request the Appeal Committee to reinstate the matter for further hearing.

Point in limine

186.03.4 (1) If any of the parties wants to raise a point *in limine*, such party shall comply with the provisions of this Part relating to service of documents and pleadings.

(2) The Appeal Committee shall rule on a point *in limine* before proceeding to hearing the merits of an appeal.

(3) A party aggrieved by a decision of the Appeal Committee on a point *in limine* may challenge such decision at the final conclusion of an appeal hearing.

(4) The Appeal Committee may summarily dispose of a point *in limine* and continue hearing an appeal on the merits.

Non-appearance of a party

186.03.5 (1) If an Appellant fails to appear at the communicated time and place for a hearing of an appeal and fails to inform the Appeal Committee, in writing or in any other manner, about his or her reason for such non-appearance, such appeal may be dismissed and the appeal fee forfeited.

(2) If the Commissioner or his or her representative fails to appear at a communicated time and place for a hearing of an appeal and fails to inform the Appeal Committee, in writing or in any other manner, about his or her reason for such non-appearance, the Appeal Committee may make an appropriate order as it deems fit, including an order for the Commissioner to reimburse the appeal fee to an Appellant.

SUBPART 4: DECISION, RECORDS, AND URGENT APPEALS

Decision

186.04.1 (1) The Appeal Committee shall make its judgment within 21 days of conclusion of a hearing.

(2) The Appeal Committee may confirm, vary, or set aside any decision against which an appeal has been lodged.

(3) If the Appeal Committee decides to wholly set aside a decision of the Commissioner, the appeal fee shall be reimbursed to an Appellant by the Commissioner.

(4) Where the Appeal Committee decides to dismiss an appeal, the appeal fee shall be forfeited by an Appellant.

(5) Where the Appeal Committee refers the matter to the Commissioner for reconsideration or reversal of his or her original decision, the appeal fee shall be reimbursed to an Appellant by the Commissioner.

(6) A decision of the Appeal Committee shall be delivered to each of the parties in writing within 7 days, after a decision has been made, using any of the prescribed methods.

Record of proceedings

186.04.2 (1) The Appeal Committee Secretariat shall keep records of—

(a) proceedings of the Appeal Committee hearings;

(b) appeal files; and

(c) judgments given by the Appeal Committee.

(2) The Appeal Committee Secretariat shall produce a transcript of an appeal hearing when so requested by any of the parties, the Appeal Committee, or any other tribunal authorised to request such transcript.

(3) A copy of a transcript of an appeal hearing shall be provided to a requesting party upon receipt of proof of payment of the prescribed fee, unless otherwise ordered by a court of law.

Urgent Appeals

186.04.3 The Appeal Committee may, if satisfied that a matter is urgent, make an order dispensing with the prescribed time frame and hear such appeal at a time and place and in accordance with such procedures as the Appeal Committee deems appropriate: Provided that such procedures shall as far as practicable be in terms of these regulations."

Amendment of Part 187 of the Regulations

13. Part 187 of the regulations is hereby amended by the insertion the following regulation after regulation 187.02.3:

“Opening of trust account

187.03. 1 (1) A person or organisation that collects any money, fees, charges, or levies on behalf of the Authority, shall establish a trust account where such money, fees, charges, or levies shall be kept for transferral or transmission to the Authority.

(2) A trust account established in terms of subregulation (1) shall be maintained as a separate interest-bearing account with a commercial bank that is registered in the Republic in terms of Banks Act, 1990 (Act No. 94 of 1990).

(3) A person or organisation referred to in subregulation (1) shall deposit the money, fees, charges, or levies collected on behalf of the Authority into a trust account within 10 business days of collection.

(4) The money, fees, charges, or levies collected in terms of subregulation (3), excluding the passenger safety charge, shall be paid or transmitted to the Authority within 21 days from the end of the month during which such money, fees, charges, or levies have been deposited into a trust account.

(5) In the case of a passenger safety charge, the money collected in terms of subregulation (3) shall be paid or transmitted to the Authority within 21 days from the end of the month during which a passenger has departed on a flight for which a passenger safety charge is payable.

(6) A trust account established in terms of subregulation (2) shall bear the name or description which include the words “SACAA Trust” for easy identification of a trust account.

(7) Failure to deposit the money, fees, charges, or levies in terms of subregulation (3) into a trust account or failure to pay or transmit such money, fees, charges, or levies collected to the Authority as provided in terms of this regulation, shall constitute an offence in terms of regulation 185.01.2 and the Authority may—

(a) impose a penalty of 10% on the value of the money collected or due to the Authority after the expiry of 21 days referred to in subregulations (4) and (5); and

(b) institute civil action in a competent court to recover such money, fees, charges, or levies from such person or organization together with any further administrative penalty and action imposed as provided for in section 144 of the Act.

(8) The money, fees, charges, or levies paid to the Authority in this regulation, shall be paid free of interest and bank charges.

(9) A person or organisation referred to in subregulation (1) shall not invest or utilise any money, fees, charges, or levies collected on behalf of the Authority, for any other purpose than stipulated in this regulation.

(10) A monthly bank statement as well as a monthly reconciliation of a trust account shall be submitted to the Authority within 21 days after the last day of every month and such reconciliation shall contain, but not be limited to, the following:

(a) opening balance;

(b) receipts;

(c) refunds;

(d) interest received;

(e) bank charges;

(f) payments made to the Authority; and

(g) closing balance.

(11) A trust account opened and operated by any persons or organisation referred to subregulation (1) shall be subjected to an audit by the Authority or its nominee from time to time.”.

Substitution of certain words and expressions

14. The Regulations are hereby amended by the substitution for the word “Director” in relation to Director of Civil Aviation, wherever it occurs in the regulations, of the word “Commissioner”.

Short Title and Commencement

These Regulations are called the Thirty First Amendment of the Civil Aviation Regulations, 2025 and shall come into operation on the Proclamation by the President of the Civil Aviation Amendment Act (Act No. 22 of 2021) save for Part 139 which shall come into operation on a date of publication in the Gazette.