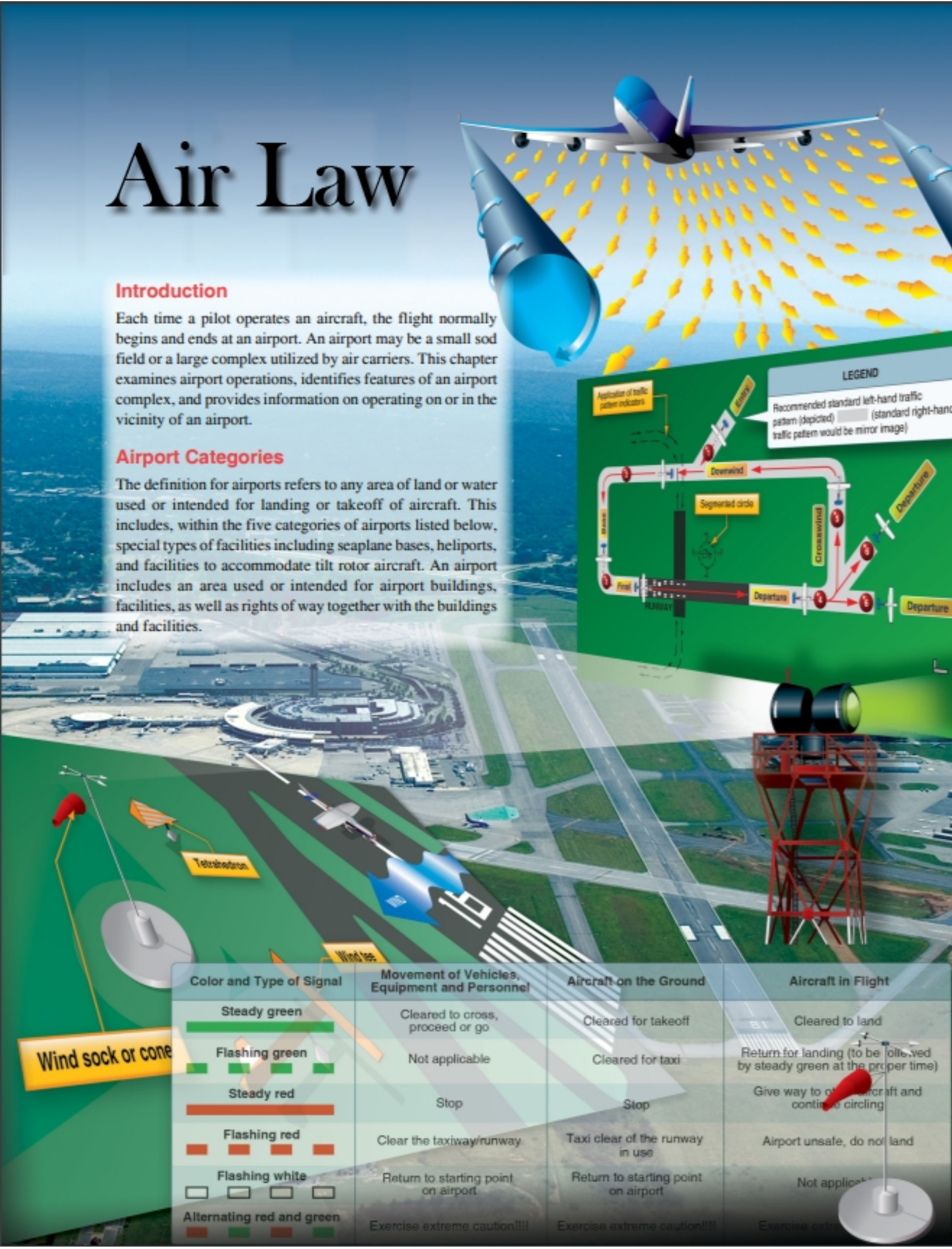
# Air Law

## Introduction

Each time a pilot operates an aircraft, the flight normally begins and ends at an airport. An airport may be a small sod field or a large complex utilized by air carriers. This chapter examines airport operations, identifies features of an airport complex, and provides information on operating on or in the vicinity of an airport.

## Airport Categories

The definition for airports refers to any area of land or water used or intended for landing or takeoff of aircraft. This includes, within the five categories of airports listed below, special types of facilities including seaplane bases, heliports, and facilities to accommodate tilt rotor aircraft. An airport includes an area used or intended for airport buildings, facilities, as well as rights of way together with the buildings and facilities.




| Color and Type of Signal | Movement of Vehicles, Equipment and Personnel | Aircraft on the Ground | Aircraft in Flight |
|---|---|---|---|
| Steady green | Cleared to cross, proceed or go | Cleared for takeoff | Cleared to land |
| Flashing green | Not applicable | Cleared for taxi | Return for landing (to be followed by steady green at the proper time) |
| Steady red | Stop | Stop | Give way to other aircraft and continue circling |
| Flashing red | Clear the taxiway/runway | Taxi clear of the runway in use | Airport unsafe, do not land |
| Flashing white | Return to starting point on airport | Return to starting point on airport | Not applicable |
| Alternating red and green | Exercise extreme caution!!!! | Exercise extreme caution!!!! | Exercise extreme caution!!!! |

Chapter 7

# AIR LAW

It is a far from comforting thought to realise how little some private pilots (in fact, even some of the “professional” variety) know of the laws that regulate aviation in South Africa. Ask anyone to explain the minimum fuel requirements for a flight, and the answer can be anything from “Enough”, to a lengthy diatribe based on what that person may have heard from someone else, who heard it from a friend! Very few pilots know enough about the law to honestly say that they are complying with all its intricacies.

This Chapter attempts to bridge the gap, and provide the private pilot with those parts of the law which are relevant to the type of flying that the PPL will be doing. Many PPLs are under the false impression that Aviation Law is for the professional pilot, but this is definitely not the case. Only Parts 121 and 135 (relating to the commercial operation of aircraft) are irrelevant as far as the PPL is concerned - everything else applies.

Included in this Chapter are the more important aspects of the more relevant parts, but as any law or regulation has to be changed from time to time to keep pace with progress, 43 Air School cannot guarantee the completeness and correctness of the content, and cannot be held liable for any omissions or inaccuracies in the event of any incident. Any amendments to the regulations have to be promulgated, and until such time as this actually happens, the existing legislation remains in force. Readers are therefore strongly urged to keep themselves properly aware of changes by means of the existing information updates, eg AICs, AIP SUPs, NOTAMs, etc. This Chapter contains amendments up to an including Amendment 20.

The new law, introduced in January 1998, comprises two main sections, namely the Civil Aviation Regulations (CARs) and the Civil Aviation Technical Standards (CATS). Every relevant aspect is covered under a different part in each section, and reference between the two is made simple by using the same numbering system in each. The CARs contain the necessary legislation, and one only need refer to the CARs, which will in turn, if required, direct the reader to the relevant section in the CATS document. The Commissioner has the power to amend the CATS as required, and this will be a more regular occurrence than any alteration to the CARs.

Your attention is drawn to the content of CARs Part 91 Subpart 2 : Flight Crew, and more particularly to 91.02.7 Duties of pilot-in-command regarding flight preparation in which detailed requirements are spelled out in respect of the responsibilities of any pilot, PPL or otherwise, in respect of the legal requirements before any flight.

1. The syllabus for the PPL as it currently stands includes several references to the Convention on International Civil Organisation, the “bible” of the International Civil Aviation Authority (ICAO). These are excluded as it is the responsibility of SA-CAA to ensure that our Air Law complies with the content of ICAO Articles. Only those Parts of the CARs which have relevance are included, and any reference to the CATS which are deemed necessary has also been included in italics after the relevant CARs reference. You are reminded once again that this Chapter was accurate and correct at the time of printing, and will be sufficient only for examination purposes. It is the responsibility of the reader to ensure that only the latest and correct information must be used if the need ever arises.

# SOUTH AFRICAN REGULATIONS

## Civil Aviation Regulations (CAR) and Technical Standards (CATS)

## PART 1: DEFINITIONS AND ABBREVIATIONS

### Definitions

1.00.1 In these regulations any word or expression to which a meaning has been assigned in the Act shall have that meaning and, unless the context otherwise indicates –

“ab initio”, when referring to flight training, means the practical training required towards the first issue of a recreational or private pilot licence, issued in terms of Part 61 or Part 62 of these regulations, or for the endorsement of such a licence with an additional category of aircraft, and for the purpose of regulation 91.02.3 excludes cross-country flight training;"

“accelerate-stop distance available” means the length of the take-off run available a plus the length of stopway, if such stopway is declared available and is capable of bearing the mass of the aeroplane under the prevailing operating conditions;

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

“accident” for the purposes of the definition of “accident” in section 1 of the Act, includes an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, during which –

(a) a person is fatally or seriously injured as result of –
  (i) being in the aircraft;
  (ii) direct contact with any part of the aircraft, including parts which have become detached or are released from the aircraft ; or
  (iii) direct exposure to jet blast, rotor or propeller wake, except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to passengers and flight crew; or

(b) the aircraft sustains damage or structural failure which –
  (i) adversely affects the structural strength, performance or flight characteristics of the aircraft; and
  (ii) would normally require major repair or replacement of the affected component, except for engine failure or damage when the damage is limited to the engine, its cowlings or accessories, or for damage limited to propellers, wing tips, antennae, tyres, brakes, fairings, small dents or puncture holes in the aircraft skin; or

(c) the aircraft is still missing after an official search has been terminated and the wreckage has not been located; or

(d) the aircraft is in a place where it is completely inaccessible;

“accredited representative” means an authorised officer or authorised person designated by the Commissioner in terms of Regulation 12.01.6;

“accuracy” in relation to GNSS refers to the degree of conformance between the estimated, measured, or desired position or velocity of a system at a given time and its true position or velocity, usually presented as a statistical measure of system error, and is specified as predictable, repeatable and relative;

“acrobatic flight” means manoeuvres intentionally performed by the pilot-in-command of an aircraft and involving an abrupt change in attitude of the aircraft, an abnormal attitude or an abnormal acceleration, not necessary for normal flight;

“acts of unlawful interference” means sabotage, unlawful seizure of aircraft or any other act by a person which endangers other persons, property or the aircraft;

“adjustable-pitch propeller” means a propeller, the pitch setting of which can be conveniently changed in the course of ordinary field maintenance, but which cannot be changed when the propeller is rotating;

"advisor" means an authorised person designated by the Commissioner in terms of Regulation 12.01.7;

"advisory airspace" means an airspace of defined dimensions, within which an air traffic advisory service is available;

"advisory area" means a designated area within a flight information region where air traffic advisory services are available;

"advisory route" means a designated route along which air traffic advisory services are available;

"aerodrome" means an aerodrome as defined in the Act, and for the purposes of these Regulations includes a heliport;

"aerodrome control service" means an air traffic control service provided for the control of aerodrome traffic;

"aerodrome control tower" means an air traffic control unit established to provide an air traffic control service;

"aerodrome flight information service" means a flight information service provided in the area of an aerodrome;

"aerodrome manager" means the person appointed as aerodrome manager in terms of Part 139 by the holder of an aerodrome licence;

"aerodrome operating minima" means the limits of usability of an aerodrome for either take-off or landing, usually expressed in terms of visibility or runway visual range, decision altitude/height or minimum descent altitude/ height and cloud conditions;

"aerodrome operational area" means –

(a) excluding restricted areas and aprons, the movement area at an aerodrome and its associated strips and safety areas; and
(b) any ground installation or facility provided at an aerodrome for the safety of aircraft operations;

"aerodrome traffic" means all traffic on the maneuvering area of an aerodrome and all aircraft in, entering or leaving an aerodrome traffic circuit;

"aerodrome traffic area" means an airspace of defined dimensions at an aerodrome where an aerodrome flight information centre is in operation;

"aerodrome traffic zone" means a controlled airspace at an aerodrome where aerodrome control, established for the protection of aerodrome traffic, is in operation as published in an AIP, AIC or NOTAM and designated as an aerodrome traffic zone;

"Aeronautical Information Circular" means a circular containing information which does not qualify for the origination of a NOTAM or for inclusion in the AIP but which relates to flight safety, air navigation, technical, administrative or legislative matters, issued by the Commissioner in terms of Regulation 11.01.2;

"Aeronautical Information Publication" means a publication containing aeronautical information of a lasting character essential to air navigation, issued by the Commissioner in terms of Regulation 11.01.2;

"aeronautical information regulation and control" means a system aimed at advanced notification based on common effective dates, of circumstances which require significant changes in operating practices;

"aeroplane" means a power-driven heavier-than-air aircraft deriving its lift in flight mainly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;

"AIP Supplement" means the temporary changes to the information contained in the AIP which are published by means of special pages;

“airborne navigation database” refers to an electronic memory device containing information on aerodromes, navigation aids reporting points, standard instrument departures, standard instrument arrivals, instrument approaches, special-use airspace, and any other data of value to the pilot;

“airborne collision avoidance system” means an aircraft system based on secondary surveillance radar (SSR) transponder signals that operates independently of ground-based equipment to provide advice to the pilot on potential conflicting aircraft that are equipped with SSR transponders by issuing either a traffic alert, a traffic advisory or a traffic resolution;

“aircraft” for the purposes of these Regulations, means an aircraft as defined in the Act, including its engines, propellers, rotor, components, parts, equipment, instruments, accessories and materials;

“aircraft avionics” means an electronic device, including the electrical part, for use in an aircraft, including radio, automatic flight control, and instrument systems;

“aircraft certificated for single-pilot operation” means a type of aircraft which the State of Registry has determined, during the certification process, can be operated safely with a minimum crew of one pilot;

“aircraft component” means any component part of an aircraft including a complete airframe or power plant and any operational or emergency equipment fitted to or provided in an aircraft;

“aircraft stand taxi lane” means a portion of an apron designated as a taxiway and intended to provide access to aircraft stands only;

“aircraft to be operated with a co-pilot” means a type of aircraft that is required to be operated with a co-pilot, as specified in the flight manual or by the air operator certificate;

“aircraft type” means all aircraft of the same basic design, including all modifications thereto, except those modifications which result in a change in handling or flight characteristics;

“airframe” means fuselage, empennage and wings or rotors;

“air navigation infrastructure” means an air navigation infrastructure as defined in section 1 of the Air Traffic and Navigation Services Company Act, 1993 (Act No. 45 of 1993);

“airmanship” means the consistent use of good judgement and well-developed knowledge, skills and attitudes to accomplish flight objectives;

“airship” means a power-driven lighter-than-air aircraft;

“air side” means the movement area of an aerodrome, adjacent terrain and buildings or portions thereof to which access is controlled by the aerodrome licensee;

“air traffic” means all aircraft in flight or operating on the manoeuvring area of an aerodrome;

“air traffic advisory service” means a service provided within advisory airspace to ensure separation, in so far as practical between aircraft which are operating on IFR flight plans;

“air traffic control clearance” means an authorisation for an aircraft to proceed under conditions specified by an air traffic control unit;

“air traffic controller” means the holder of a valid air traffic service licence and valid rating which permits such holder to provide an air traffic control service;

“air traffic control service” means a service provided for the purpose of –

(a) preventing collisions –

(i) between aircraft; and
(ii) on the manoeuvring area between aircraft and obstructions; and

(b) expediting and maintaining an orderly flow of air traffic;

“air traffic control unit” means an aerodrome control tower, an approach control office or an area control centre or a combination thereof;

“air traffic service” means a service provided for the purpose of safe and efficient conduct of flight, expeditious and orderly flow of air traffic, assisting in aircraft search and rescue, and includes –

(a) an aerodrome control service;
(b) an approach control service;
(c) an area control service;
(d) an approach radar control service;
(e) a flight information service;
(f) an aerodrome flight information service;
(g) an area radar control service;
(h) an advisory service; and
(i) an alerting service;

“air traffic service assistant” means the holder of an air traffic service licence and rating who provides –

(a) assistant services to an air traffic controller; or
(b) co-ordination services, clearance delivery services, flight information services or aerodrome flight information services;

“air traffic service flight plan” means specified information, relating to the intended flight or portion of a flight of an aircraft, which is provided to an air traffic service unit;

“air traffic service personnel” means air traffic controllers and air traffic service assistants;

“air traffic service reporting office” means an air traffic service unit established for the purpose of receiving reports concerning air traffic services and flight plans submitted before the departure of an aircraft from an aerodrome;

“air traffic service unit” means an air traffic service control unit, flight information centre or air traffic service reporting office;

“airway” means a control area or a portion thereof established in the form of a corridor equipped with radio navigation aids;

“airworthiness data” means any information necessary to ensure that an aircraft or aircraft component can be maintained in an airworthy condition;

“airworthiness standards” includes maintenance standards;

“airworthy” means, when used in relation to an aircraft, that the aircraft is serviceable and meets all the requirements prescribed for the issuing of a certificate of airworthiness and such other requirements as have been prescribed for the continuing validity of such a certificate;

“aisle” means a longitudinal passageway between seats;

“alerting service” means a service provided to notify and assist the appropriate organisations regarding aircraft in need of search and rescue aid and to assist such organisations as appropriate;

“alleged offender” means an individual or an organisation accused of an offence listed in regulation 185.00.1;

“all weather operations” means any take-off, en route or landing operations in IMC and operated in accordance with IFR;

“alternate aerodrome” means an aerodrome to which an aircraft may proceed when it becomes impossible or inadvisable to proceed to or to land at the aerodrome of intended landing, and includes a take-off alternate aerodrome, an en route alternate aerodrome and a destination alternate aerodrome;

“altitude” means the vertical distance of a level, a point or an object considered as a point, measured from mean sea level;

“appliance” means any instrument, mechanism, equipment, part, apparatus, appurtenance or accessory, including communications equipment, which is used or intended to be used in operating or controlling an aircraft, is installed in or attached to the aircraft, and is not part of an airframe, engine or propeller;

“approach control office” means an air traffic control unit established to provide an air traffic control service in the controlled airspace for which it is responsible, to controlled flights arriving at or departing from one or more aerodromes;

“approach control service” means an air traffic control service for arriving or departing controlled flights in controlled airspaces;

“appropriate authority” –

(a) means any institution, body or person in a State or territory which, on behalf of that State or territory carries out the provisions of the Convention; or
(b) if such Convention does not apply to a State or territory, means the institution, body or person in that State or territory which on behalf of the State or territory, performs the functions which are performed by an institution, body or person contemplated in paragraph (a), and which is recognised as such by the Commissioner;

“approved”, unless used with reference to another person, means approved in writing by the Commissioner, or in respect of Parts 24, 94 and 96, by the Commissioner or the organisation approved for the purpose in terms of Part 149, as the case may be;

“approved training” means training conducted under special curricula and supervision, approved by a Contracting State, that in the case of flight crew members is conducted within an approved training organisation;

“apron” means a defined area on a land aerodrome intended to accommodate aircraft for the purpose of loading or unloading passengers or cargo, refuelling, parking or maintenance;

“apron taxiway” means a portion of a taxiway system located on an apron and intended to provide a through taxi route across the apron;

“area control centre” means an air traffic control unit established to provide an air traffic control service to controlled flights in the control area for which it is responsible;

“area control service” means an air traffic control service for controlled flights in control areas;

“area navigation” refers to a method of navigation that permits aircraft operations on any desired course within the coverage of station-referenced navigation signals or within the limits of a self-contained system capability;

“authorised person” means any person as defined in section 1 of the Civil Aviation Offences Act, No. 10 of 1972;

“authority to fly” means the authority to fly issued in terms of Subpart 2 of Part 24 of these Regulations as a restricted certificate of airworthiness;

“availability” in relation to GNSS refers to an indication of the ability of the system to provide usable service within the specified coverage area and is defined as the portion of time during which –

(a) the system is to be used for navigation; and
(b) reliable navigation information is presented to the flight crew, autopilot or other system managing the flight of the aircraft;

“aviation recreation” means microlighting, gliding, ballooning, gyroplaning, hang gliding, or parachuting or involvement in aviation events;

“background check” means the checking of a person’s identity and previous experience, including any criminal history, where appropriate, as part of the assessment of an individual’s suitability to implement a security control and/or for unescorted access to a security restricted area;

“balloon” means a non-power-driven lighter-than-air aircraft, and for the purposes of Part 102, includes an airship;

“cargo” means any item, including unaccompanied baggage, tendered with an airway bill for carriage by air in commercial air transport operations;

“cargo aircraft” means any aircraft, other than a passenger aircraft, which is carrying goods or property;

“carry-on baggage” means baggage that a passenger carries with him or her on board an aircraft;

“cause” for the purpose of Part 12, means any action, omission, event, condition or any combination thereof, which leads to an accident or incident;

“ceiling” means the height above the surface of the base of the lowest layer of cloud below 20 000 feet covering more than half the sky;

“certificate of airworthiness” means the certificate of airworthiness referred to in Article 31 of the Convention, issued in terms of Subpart 8 of Part 21 of these Regulations, and includes an Authority to Fly issued in terms of Subpart 2 of Part 24;

“certificate of fitness” means the document issued to certify the acceptance of the applicant as being regarded as medically fit for appropriate flight duties;

“certificate of proficiency” means a certificate issued in terms of Part 108 to a natural person to certify that its holder has successfully completed the initial or refresher security training;

“certify as airworthy (to)” means to certify that an aircraft or parts thereof comply with current airworthiness requirements after maintenance has been performed on the aircraft or parts thereof;

“child” means a passenger who has reached his or her second but not his or her twelfth birthday;

“Class A helicopter-load combination” means a helicopter-load combination in which the external load can not move freely, or be jettisoned, and which does not extend below the landing gear;

“Class B helicopter-load combination” means a helicopter-load combination in which the external load is capable of being jettisoned and which is lifted free of land or water during the helicopter external-load operation;

“Class C airspace” means that portion of the airspace classified in terms of Regulation 172.02.2;

“Class C helicopter-load combination” means a helicopter-load combination in which the external load is capable of being jettisoned and which remains in contact with land or water during the helicopter external-load operation;

“Class D airspace” means that portion of the airspace classified in terms of Regulation 172.02.2;

“Class D helicopter-load combination” means a helicopter-load combination, other than a Class A, Class B or Class C helicopter-load combination, which has been approved by the Commissioner for a specific helicopter external-load operation;

“Class E airspace” means that portion of the airspace classified in terms of Regulation 172.02.2;

“Class G airspace” means that portion of the airspace classified in terms of Regulation 172.02.2;

“cloud ceiling” means the height above the ground or water of the base of the lowest layer of cloud situated below 20 000 feet and covering more than half the sky;

“communication failure procedure” means a procedure as published in the AIP;

“competency” means a combination of skills, knowledge and attitudes required to perform a task to the prescribed standard;

“condition” which may be imposed by the Commissioner or any person, body or institution as a functionary, on, and which must be complied with by, any other person, body or institution in case of applications for approval, consent or permission in connection with any matter, object or activity, or in any other case with regard to anything else, means, subject to other relevant provisions of the Act, these Regulations or any other applicable and relevant law, a condition –

(a) which is clear, reasonable, practically executable and appropriate to the relevant matter;
(b) which is calculated to achieve the particular objectives of the relevant empowering provision, read with the Act and these Regulations and any other relevant and appropriate law, and, in general, the promotion of civil aviation safety and the public interest;
(c) which may during the period of validity of the matter in respect of which the condition is imposed (if any) from time to time be amended on written application of the person, body or institution in respect of which the condition applies;
(d) which provides that if the functionary imposing the condition is satisfied, after the person, body or institution referred to in paragraph (c) has been afforded a reasonable opportunity to be heard, that a contravention or failure to comply with the condition or a provision thereof has occurred, the functionary may, in his, her or its discretion, permit the person, body or institution within a stated period to cease the contravention or rectify the failure to comply, to the satisfaction of the functionary, or to notify that person, body or institution that the condition is deemed as having lapsed and that such a person, body or institution shall forthwith cease carrying out any activity in respect of which the lapsed condition applied; and
(e) which is to be reduced to writing, delivered to the other person, body or institution in a manner ensuring proper receipt thereof, and recorded by the functionary imposing the condition in an appropriate manner;

“configuration” means a particular combination of the positions of the moveable elements which affect the aerodynamic characteristics of the aircraft;

“contaminated runway” means a runway of which more than 25 percent of the runway surface area within the required length and width being used is covered with –

(a) surface water more than three millimetres deep;
(b) slush or loose snow, equivalent to more than three millimetres of water;
(c) snow which has been compressed into a solid mass which resists further compression and will hold together or break into lumps if picked up; or
(d) ice, including wet ice; in relation to GNSS refers to the capability of the total system, comprising all elements necessary to maintain aircraft position within the defined airspace, to perform its function without non-scheduled interruptions during the intended operation;

“Contracting State” means a State that is a signatory to the Convention on International Civil Aviation of 1944 (signed at Chicago on the 7th December, 1944), and “non-Contracting State” means any other State;

“control area” means a controlled airspace extending upwards from a specified height above the surface without an upper limit, unless an upper limit is specified as published in an AIP, AIC or NOTAM and designated as a control area;

“controlled airspace” means an airspace of defined dimensions within which an air traffic control service is provided to IFR flights and to VFR flights in accordance with the airspace classification as prescribed in Regulation 172.02.2;

“controlled flight” means any flight which is subject to an air traffic control clearance;

“control system” means a system by which the flight path, attitude or propulsive force of an aircraft is changed, including the flight, engine and propeller controls, the related system controls and the associated operating mechanisms;

“control zone” means as controlled airspace extending upwards from the surface to a specified upper limit as published in an AIP, AIC or NOTAM;

“conveyance by air” means conveyance in an aircraft in flight;

“co-pilot” means a licensed, type-rated pilot required by these Regulations to serve in any piloting capacity other than as pilot-in-command, but excluding a pilot who is on board the aircraft for the purpose of receiving flight instruction;

“critical phases of flight” means recognition of alternate means of prior qualifications; includes all ground operations involving taxi, take-off, climb to cruise up to 10 000 feet and approach from cruise below 10 000 feet;

“cross country flight” when used in connection with the acquisition of flight experience required for a pilot licence, means a flight between a point of departure and a point of landing not less than 20 nautical miles apart;

“cull” includes the selection, counting and herding of game and livestock;

“current flight plan” means the air traffic service flight plan, including changes, if any, brought about by subsequent clearances;

“damp runway” means a runway of which the surface is not dry and on which the moisture does not give the runway a shiny appearance;

“Dangerous goods” means articles or substances which are capable of posing significant risk to health, safety or property when conveyed by air;

“dangerous goods accident” means an accident associated with and related to the conveyance of dangerous goods by air;

“dangerous goods incident” means an incident, other than a dangerous goods accident, associated with and related to the conveyance of dangerous goods by air, and for the purposes of Part 92, includes injury to a person, property damage, fire, breakage, spillage, leakage of fluid or radiation or other evidence that the integrity of the packaging has not been maintained or which seriously jeopardises the aircraft or its occupants;

“date of application” when used in connection with the issuing, renewal or re-issuing of a license, certificate or rating, means the date on which the application is received in the prescribed form by the Commissioner;

“day” means the period of time from 15 minutes before sunrise to 15 minutes after sunset, sunrise and sunset being as given in the publication “Times of Sunrise, Sunset and Local Apparent Noon of the South African Astronomical Observatory” or in a similar publication issued by a recognised astronomical observatory;

“decision altitude/height” means a specified altitude or height in a precision approach at which a missed approach is initiated if the required visual reference to continue the approach has not been established;

“defined point” -

(a) in relation to a defined point after take-off, means the point, within the take-off and initial climb phase, before which the helicopter’s ability to continue the flight safely, with one engine inoperative, is not assured and a forced landing may be required; and

(b) in relation to a defined point before landing, means the point, within the approach and landing phase, after which the helicopter’s ability to continue the flight safely, with one engine inoperative, is not assured and a forced landing may be required;

“designated aviation medical examiner” means an aviation medical examiner designated by the Commissioner in terms of Regulation 67.00.4;

“designated flight examiner” means persons with considerable experience as pilots and as instructors who conduct skill tests and proficiency checks on behalf of the Authority for the initial issue, revalidation or reissue of pilot licences and ratings as required by the Regulations;

“Document SA-CATS-ATO" means the technical standard relating to aviation training organisations, but excludes the format of any related forms and certificates, which is published by the Commissioner in terms of the Act;

“Document SA-CATS-ATS" means the technical standard relating to air traffic services, but excludes the format of any related forms and certificates, which is published by the Commissioner in terms of the Act;

“Document SA-CATS-DG" means the technical standard relating to the conveyance of dangerous goods, but excludes the format of any related forms and certificates, which is published by the Commissioner in terms of the Act;

“Document SA-CATS-FCL" means the technical standard relating to pilot licensing, but excludes the format of any related forms and certificates, which is published by the Commissioner in terms of the Act;

“Document SA-CATS-MR1" means the technical standard relating to medical requirements, but excludes the format of any related forms and certificates, which is published by the Commissioner in terms of the Act;

“Document SA-CATS-OPS 91" means the technical standard relating to general operating and flight rules, but excludes the format of any related forms and certificates, which is published by the Commissioner in terms of the Act;

“dry operating mass” means the total mass of the aircraft ready for a specific type of operation, excluding all usable fuel and traffic load, and includes–

(a) flight crew members and flight crew member baggage;
(b) catering and removable passenger service equipment; and
(c) portable water and lavatory chemicals;

“dry runway” means a dry runway which is neither wet nor contaminated, and includes those paved runways which have been specially prepared with grooves or porous pavement and maintained to retain “effectively dry” braking action even when moisture is present;

“elevated heliport” means a heliport located on a raised structure on land;

“emergency locator transmitter” means equipment which broadcast distinctive signals on designated frequencies and, depending on application, may either sense a crash and operate automatically or may be manually activated;

“en route alternare aerodrome” means an aerodrome at which an aircraft would be able to land after experiencing an abnormal or emergency condition while en-route;

“en route altitude” means an altitude which will ensure a separation height of at least 1 500 feet above the highest obstacle located within five nautical miles of the aircraft in flight;

“ensure” in relation to any person, body or institution and in respect of any matter, activity, process, condition, requirement or other person, or anything else, means to take, considering the nature and context of the provision requiring the ensuring, and any other appropriate legal provisions, in good faith, all necessary, and all reasonably incidental and practically executable preliminary, precedent and precautionary steps in order to be able and prepared to take, and afterwards to take, all necessary and reasonably incidental and practically executable steps, to substantially achieve the clear particular objectives of the provision requiring the ensuring and, in general, the promotion of civil aviation safety and the public interest;

“estimated time of arrival” –

(a) in respect of IFR flights, means the time at which it is estimated that the aircraft will arrive over that designated point, defined by reference to navigation aids, from which it is intended that an instrument approach procedure will be commenced or, if no navigation aid is associated with the aerodrome, the time at which the aircraft will arrive over the aerodrome; and
(b) in respect of VFR flights, means the time at which it is estimated that the aircraft will arrive over the aerodrome;

“examiner” means an authorised officer or authorised person designated by the Commissioner in terms of Regulation 61.01.17;
“extended range operations” means flights conducted over a route that contains a point further than one hour flying time at the approved one-engine inoperative cruise speed, under standard conditions in still air, from an adequate aerodrome;

“extended range operations with twin-engine aircraft” means flights conducted with a twin-engine aircraft, over a route that

contains a point further than one hour flying time at the approved one-engine inoperative cruise speed, under standard conditions in still air, from an adequate aerodrome;

“facility” for the purpose of Part 172, means any facility used for providing an air traffic control service;

“final approach fix” means the fix from which the final approach (IFR) to an aerodrome is executed and which identifies the beginning of the final approach segment;

“final decision” (for the purpose of Part 185) means a written verdict issued in writing by the Commissioner in terms of sub-regulation 185.00.03(14);

“first aid” means first aid appropriate to the type of aircraft, and includes –

(a) the recognition and treatment of food poisoning;
(b) the recognition and treatment of contamination of the skin and eyes by aviation fuel and other fluids;
(c) the recognition and treatment of hypoxia and hyperventilation;
(d) first aid associated with survival training, appropriate to the routes to be operated; and
(e) other related aeromedical aspects;

“flight” means from the moment an aircraft commences its take-off until the moment it completes its next landing;

“flight crew member” means a crew member licensed in terms of Part 61 or Part 63 of the regulations and charged with duties essential during flight time;

“flight information centre” means an air traffic service unit established to provide flight information services and alerting services;

“flight information region” means an airspace of defined dimensions within which flight information services and alerting services are provided;

“flight information service” means a service provided for the purpose of giving advice and information useful for the safe and efficient conduct of flights;

“flight instructor” means a pilot who is the holder of the appropriate flight instructor rating;

“flight level” means a surface of constant atmospheric pressure, expressed as a number of hundreds of feet, relating to a specific pressure datum of 1 013,2 millibars;

“flight plan” means specified information provided to air traffic services units, relative to an intended flight or portion of a flight of an aircraft;

“flight procedures trainer”: See “Flight Simulation Training Device” (FSTD);

“flight recorder” means a flight data recorder and a cockpit voice recorder;

“flight simulator training device (FSTD)” means any one of the following three types of apparatus in which flight conditions are simulated on the ground:

(a) a flight simulator, which provides an accurate representation of the flight deck of a particular aircraft type, to the extent that the mechanical, electrical, electronic, etc. aircraft systems, control functions, the normal environment of flight crew members, and the performance and flight characteristics of that type of aircraft are realistically simulated;
(b) a flight procedures trainer, which provides a realistic flight deck environment, and which simulates instrument responses, simple control functions of mechanical, electrical, electronic, etc. aircraft systems, and the performance and flight characteristics of aircraft of a particular class;
(c) a basic instrument flight trainer, which is equipped with appropriate instruments, and which simulates the flight deck environment of an aircraft in flight in instrument flight conditions;

“flight time – aeroplanes” means the total time from the moment an aeroplane first moves for the purposes of taking off until the moment it finally comes to rest at the end of the flight;

“flight time – helicopters” means the total time from the moment a helicopter’s rotor blades start turning until the moment the helicopter finally comes to rest at the end of the flight and the rotor blades are stopped;
“flight visibility” means the visibility forward from the cockpit of an aircraft in flight;

“glider” means a heavier-than-air aircraft, other than a hang-glider, that is supported in flight by the dynamic reaction of the air against its fixed, lifting surfaces, and whereof free flight does not depend on an engine; and for the purposes of these Regulations includes a power-assisted glider and a touring glider;

“GNSS” means Global Navigation Satellite System (GNSS). A worldwide position and time determination system that includes one or more satellite constellations, aircraft receivers and system integrity monitoring, augmented as necessary to support the required navigation performance for the intended
operation;

“GNSS incident” refers to an incident involving but not limited to, the malfunctioning of equipment, signals or human performance in the operation of a GNSS system;

“GNSS sensor” refers to a single GNSS unit used for navigation within a flight management system;

“ground visibility” means the visibility at an aerodrome;

“handicapped passenger” means a passenger who is physically or mentally handicapped due to illness, injury, congenital malfunction or other temporary or permanent incapacity or disability;

“hazard” means any act, omission, event or condition or a combination thereof that could lead to or result in an accident or incident;

“heavier-than-air aircraft” means any aircraft deriving its lift in flight mainly from aerodynamic forces;

“height” means –

(a) the vertical distance of a level, a point or an object considered as a point, measured from a specific datum;
(b) the vertical dimension of an object;

“helicopter” means a heavier-than-air aircraft supported in flight mainly by the reactions of the air on one or more power-driven rotors on substantially vertical axes;

“helicopter-load combination” means the combination of a helicopter and an external-load, including the external-load attaching means;

“helicopter sling load” means the externally carriage, lowering or picking up of a load, cargo, or passengers by means of a bucket, net, harness, sling or stretcher, suspended beneath the helicopter;

“helicopter winching” means the external lowering or picking-up of a load, cargo or person by means of a hoist fitted to the side of a helicopter;

“helideck” means a heliport located on a floating or fixed off-shore structure;

“heliport” means an aerodrome and any defined area or a structure, intended or designed to be used either wholly or partly for the landing, departure and surface movement of helicopters;
“heliport operating minima” means the limits of usability of a heliport for either take-off or landing, usually expressed in terms of visibility, decision altitude/height or minimum descent altitude/height and cloud conditions;
“ICAO flight plan form” refers to the International Civil Aviation Organisation flight plan form (MOT/AC 1565);

“incident” means an occurrence, other than an accident, associated with the operation of an aircraft, which affects or could affect

the safety of aircraft operations;

“individual” for the purpose of Part 185 includes a natural person, a partnership and a sole proprietorship;

“infant” means a passenger who has not reached his or her second birthday;

“initial approach fix” means the fix determined in terms of instrument approach procedures which identifies the beginning of the initial approach segment;

“inspection” means that part of the maintenance by which an aircraft or aircraft component is being examined to establish conformity with an approved standard;

“instrument approach procedure” means a series of predetermined manoeuvres by reference to flight instruments with specified protection from obstacles from the initial approach fix, or where applicable, from the beginning of a defined arrival route, to a point from which a landing can be completed and thereafter, if a landing is not completed, to a position at which holding or en route obstacle criteria apply;

“instrument flight time” means time during which the aircraft is piloted solely by reference to instruments and without external reference points, whether under actual or simulated flight conditions;

“instrument ground time” means time during which a pilot is practising, on the ground, simulated instrument flight in a synthetic flight trainer approved by the Commissioner;

“instrument meteorological conditions” means atmospheric conditions expressed in terms of visibility, distance from cloud, or ceiling, less than the minima prescribed for VFR flight in Regulations 91.06.21 and 91.06.22;

“instrument time” means instrument flight time or instrument ground time, as defined;

“integrated training”, as used in the context of flight training, means training, conducted under special curricula and supervision approved by a Contracting State, that – in the case of flight crew members – is conducted within an approved training organisation, and allows for reduced flight time experience for the issuance of a licence;

“integrity” in relation to GNSS refers to the ability of a system to provide timely warnings to users when the system performance has exceeded predetermined safe limitations and should not be used for navigation;

“Integrated Aeronautical Information Package” means a package which consists of –

(a) an AIP including an amendment service;
(b) supplements to the AIP;
(c) NOTAM;
(d) AIC; and
(e) checklists and summaries;

“international flight” means a flight which passes through the airspace over the territory of more than one State;

“investigation” in relation to accidents and incidents, means a process conducted for the purpose of accident prevention and includes the gathering and evaluation of information, the drawing of conclusions, including the determination of the cause, causes, probable cause or probable causes of an accident or the underlying cause or causes leading to an incident and, when appropriate, the making of recommendations in connections with aviation safety; “investigator” means an authorised officer or authorised person designated by the Commissioner in terms of Regulation 12.01.4;

“investigator-in-charge” means an authorised officer designated by the Commissioner on the basis of his or her qualifications and charged with the responsibility for the organisation, conduct and control of and the reporting on the investigation of an accident or incident;

“landing area” means that part of a movement area intended for the landing or take-off of aircraft;

“landing decision point” means the point used in determining landing performance from which, a power unit failure having been recognised at this point, the landing may be safely continued or a baulked landing initiated;

“landing distance available” means the length of the runway which is declared available and suitable for the ground run of an aeroplane landing;

“lateral navigation” refers to azimuth navigation without positive vertical guidance associated with non-precision approach procedures or en-route;

“licensing authority” means the authority designated by a Contracting State as responsible for the licensing of personnel;

“lighter-than-air aircraft” means any aircraft supported mainly by its buoyancy in the air;

“limit loads” means the maximum loads assumed to occur in the anticipated aircraft operating conditions;

“load” means the design strength requirements, prescribed for an aircraft in terms of its limit load and ultimate load;

“low-visibility procedures” means procedures applied at an aerodrome for the purpose of ensuring safe operations during low visibility approaches and take-offs;

“Mach number” means the ratio of true airspeed to the speed of sound;

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

“manoeuvring area” means that part of an aerodrome used for take-off, landing and taxiing of aircraft, excluding an apron;

“Master” means the Master as defined in section 1 of the Administration of Estates Act, 1965 (Act No. 66 of 1965);

“master minimum equipment list” means a list compiled for a particular aircraft type by the manufacturer of the aircraft with the approval of the appropriate authority of the State of Manufacture containing items, one or more
of which is permitted to be unserviceable at the commencement of a flight;

“maximum certificated mass” means the maximum permissible mass shown in the aircraft flight manual or other document associated with the certificate of airworthiness at which an aircraft may commence its take-off under standard atmospheric conditions at sea level;

“medical assessment” means the evidence issued by a Contracting State that the licence holder meets specific requirements of medical fitness;

“medical assessor” means a physician, qualified and experienced in the practice of aviation medicine, who evaluates medical reports submitted to the Authority by medical examiners;

“medically compromised passenger” means a person who is physically or mentally compromised due to illness, injury, congenital malfunction or other temporary or permanent incapacity or disability, who cannot assist himself or herself, and is not likely to require medical care, but needs to be accompanied by a person to provide comfort during the flight and to assist in any emergency flight procedure;

“medical examiner” means a physician, with training in aviation medicine and practical knowledge and experience of the aviation environment, who is designated by the Commissioner to conduct medical examinations of fitness of applicants for licences or ratings for which medical requirements are prescribed,
and in the context of these Regulations, refers to the aviation medical examiner designated by the Commissioner in terms of Part 67;

“meteorological information” means any meteorological report, analysis or forecast in support of aviation, and any other statement in support of aviation relating to existing or expected meteorological conditions;

"meteorological service" means any of the following services which provide meteorological information in support of aviation:

(a) climatology service, which is a service for the development and supply of climatological information for a specific place or airspace;
(b) forecast service, which is a service for the supply of forecast meteorological information for a specific area or portion of airspace;
(c) information dissemination service, which is a service for the collection and dissemination of meteorological information;
(d) meteorological briefing service, which is a service for the supply of written and oral meteorological information on existing and expected meteorological conditions;
(e) meteorological reporting service, which is a service for the supply of routine meteorological reports; and
(f) meteorological watch service, which is a service for maintaining a watch over meteorological conditions affecting aircraft operations in a specific area;

"minimum descent altitude/height" means a specified altitude or height in a non-precision approach or circling approach below which descent may not be made without visual references for the intended runway or touch-down area;

"minimum equipment list" means a list which provides for the operation of aircraft, subject to specified conditions, with particular equipment inoperative, prepared by an operator in conformity with, or more restrictive than, the master minimum equipment list established for the aircraft type;

"movement area" means that part of an aerodrome to be used for the takeoff, landing and taxiing of aircraft, consisting of the manoeuvring area and the apron;

"nautical mile" means the length equal to 1 852 metres exactly;

"night" means the period from 15 minutes after sunset to 15 minutes before sunrise, sunset and sunrise being as given in the publication "Times of Sunrise, Sunset and Local Apparent Noon of the South African stronomical Observatory" or a similar publication issued by a recognised astronomical observatory;

"notice of no further action" means a notice served in terms of subregulation 185.00.3(6)(a);

"Notice to Airmen" means a notice containing information concerning the establishment, condition or change in any aeronautical facility, service, procedure or hazard, the timely knowledge of which is essential to personnel concerned with flight operations, distributed by means of telecommunication by or with the authority of the Commissioner;

"official examiner" means a person, designated by the Commissioner, who may carry out the duties and functions of a designated flight examiner (DFE), as specifically authorised by the Commissioner for a period of not more than 90 days;

"officer" means an Authorised Officer, an Inspector, or an Authorised Person, as contemplated in sub-regulation 185.00.3(1);

"operational flight plan" means the operator's plan for the safe conduct of the flight based on considerations of aircraft performance, other operating limitations and relevant expected conditions on the route to be followed and at the aerodromes concerned;

"owner" means an owner as defined in the Act, and –

(a) for the purposes of these Regulations, includes a person who has the right of possession of the aircraft for 14 days or longer;
(b) for the purpose of Part 91, includes an operator of an aircraft engaged in non-commercial operations;

"package" means the complete product of the packaging consisting of the packaging and its contents prepared for conveyance;

"packaging" means a receptacle and any other component or material necessary for the receptacle to perform its containment function and to ensure compliance with the requirements and standards as prescribed in Document SA-CATS-DG;

"packing" means the process whereby an article or substance is enveloped in a wrapping, enclosed in a packaging or otherwise

secured;

“passenger aircraft” means an aircraft which carries any person other than a flight crew member, an operator’s employee in an official capacity, an authorised officer or a person accompanying a consignment or other cargo;

“penalty for a prescribed offence” means the administrative monetary penalties prescribed in terms of Regulation 185.00.3(2) and (4);

“penalty notice” means a notice served in terms of regulation 185.00.3(7)(a) the intention of which serves as a notice of enforcement action;

“performance criteria” means a simple, evaluative statement on the required outcome of the competency element and a description of the criteria used to judge if the required level of performance has been achieved;

“pilot (to)” means to manipulate the flight controls of an aircraft during flight time and may also be referred to as ‘pilot flying’ (PF);

“pilot-in-command” means the pilot responsible for the operation and safety of the aircraft in flight, without regard to whether or not he or she is manipulating the controls;

“pilot-in-command under supervision” means a co-pilot performing the duties and functions of a pilot-in-command under the supervision of the pilot-in-command in accordance with a method of supervision acceptable to the Authority;

“postal authority” means the authority established in terms of Post Office Act No. 44 of 1958 or an equivalent authority of a Contracting State;

“prescribed loads” in respect of an aircraft means limit loads, unless otherwise stated;

“prescribed offence” means an offence under these Regulations;

“pressure altitude” means an atmospheric pressure expressed in terms of altitude which corresponds to that pressure in the standard atmosphere;

“primary-means navigation system” refers to an air navigation system, approved by the Commissioner for a given operation or phase of flight, that meets accuracy and integrity requirements, but does not necessarily meet full availability and continuity requirements. Safety in a primary-means navigation system is inter alia achieved by limiting flights to specific time periods and through appropriate procedural restrictions;

“problematic use of psychoactive substances” means the use or abuse of, or dependence on, one or more psychoactive substances by aviation personnel in a way that:

(a) constitutes a potential physical or psychological hazard to the user or endangers the lives, health or welfare of others; or
(b) causes or complicates an occupational, social, mental or physical problem or disorder;

“prohibited area” means any area defined in Regulation 91.06.19;

“proper shipping name” means the name to be used to describe a particular article or substance in all shipping documents and notifications and, where applicable, on packagings;

“pro-tem investigator” means an authorised person designated by the Commissioner in terms of Regulation 12.01.5;

“psychoactive substances” means any substance with psychotropic effects, excluding caffeine and tobacco, but which includes the following:

(a) narcotic analgesics such as opiates;
(b) illicit substances such as cannabis and cocaine;

(c) sedative hypnotics;
(d) hallucinogens;
(e) central nervous system depressants; and
(f) central nervous system stimulants, including volatile solvents and alcohol;

"radio site" means a site for the location of communication, navigation, surveillance or meteorological ground equipment, or a collection thereof, for the purpose of aviation safety;

"RAIM warning" refers to a warning that the integrity of the navigation position solution derived from GNSS satellites signals may be unreliable;

"rapid exit taxiway" means a taxiway connected to a runway at an acute angle and designed to allow landing aeroplanes to turn off at higher speeds than are achieved on other exit taxiways and thereby minimising runway occupancy times;

"rating" means an authorisation entered on or associated with a licence and forming part of such licence, stating special conditions, privileges or limitations relating to such licence;

"Receiver Autonomous Integrity Monitoring" (RAIM) refers to a technique whereby the airborne GNSS system determines the integrity of the GNSS navigation signals, using only GNSS signals or GNSS signals augmented with altitude. This determination is achieved by a consistency check among redundant pseudo-range measurements;

"receptacle" means any container used for or capable of receiving and holding substances or articles, including any means of closing;

"register" means the register of South African aircraft referred to in Regulation 47.00.14;

"rejected take-off distance required" means the horizontal distance required from the start of the take-off to the point where the helicopter comes to a full stop following a power unit failure and rejection of the take-off at the take-off decision point;

"release to service" –

(a) in relation to an aircraft, means –
  (i) in respect of scheduled maintenance, the issuing of a certificate of release to service; and
  (ii) in respect of line maintenance, the appropriate entry in the technical log-book or flight folio, as the case may be; and
(b) in relation to an aircraft component, means the issuing of –
  (i) a serviceable label; or
  (ii) a certificate relating to the maintenance of an aircraft;

"rendering (a licence) valid" means the action taken by a Contracting State, as an alternative to issuing its own licence, in accepting a licence issued by any other Contracting State as the equivalent of its own licence;

"rescue service" means a service as defined in section 1 of the Fire Brigade Services Act, 1987 (Act No. 99 of 1987), a medical service or any other related service;

"resident of the Republic" means a person who has his or her ordinary residence in the Republic and who is a South African citizen or is in the possession of a permit for permanent residence in the Republic issued in terms of section 25 of the Aliens Control Act, 1991 (Act No. 96 of 1991);

"restricted area" means –

(a) any airspace as defined in regulation 91.06.20 of the Regulations;
(b) any area on an aerodrome or heliport defined as such by the aerodrome or heliport licence holder; or
(c) the area as defined in section 1 of the Civil Aviation Offences Act, 1972 (Act No. 10 of 1972);

"restricted category" means a category for special purposes operations;

"RNAV/BARO VNAV procedures" refers to non-precision instrument approach procedure which utilises RNAV for lateral guidance and a computed, barometrically referenced glide path for vertical navigation providing a vertical glide path reference on a cockpit display and which is promulgated with a Decision Altitude/Height (DA/H) – for minima determination;

"rotorcraft" means a power-driven heavier-than-air aircraft supported in flight by the reactions of the air on one or more rotors;

"runway" means a defined rectangular area on a land aerodrome prepared for the landing and take-off of aeroplanes;

"runway visual range" means the runway visual range over which the pilot of an aeroplane on the centre line of a runway can see the runway surface markings or the lights delineating the runway or identifying its centre line;

"safety" means the freedom from risk of bodily injury or death and the freedom from risk of loss or damage to property;

"seaplane" means an aeroplane designed and constructed to take off from and land on water surfaces only;

"seat" includes any area occupied by a passenger, excluding the area occupied by the baggage of such passenger, inside an aircraft;

"sector" includes take-off, en-route flight time and landing, but excludes circuit operations;

"serious incident" means an incident involving circumstances indicating that an accident nearly occurred;

"serious injury" means an injury which –

(a) requires hospitalisation for more than 48 hours, within seven days from the date on which the injury was sustained;
(b) results in a fracture of any bone (except simple fractures of fingers, toes or nose);
(c) involves lacerations which cause severe haemorrhage, or nerve, muscle or tendon damage;
(d) involves injury to any internal organ;
(e) involves second or third degree burns or any burns affecting more than five percent of the surface of the body; or
(f) involves verified exposure to infectious or toxic substances or injurious radiation;

"serviceable" means, when used in relation to an aircraft, that the aircraft has been maintained and inspected in accordance with the requirements of the approved maintenance schedule and that all adjustments and rectifications found to be necessary, have been satisfactorily made;

"SIGMET information" means information issued by a meteorological watch office concerning the occurrence or expected occurrence or specified en-route weather phenomena which may affect the safety of aircraft operations;

"significant", in the context of the medical provisions in Part 67, means to a degree or of a nature that is likely to jeopardise flight safety;

"simulator": See "flight simulation training device";

"skills test" means a test carried out for the purpose of issuing or reissuing or renewing a pilot licence or rating;

"sole means navigation system" refers to a navigation system, approved by the Commissioner for a given operation or phase of flight, that allows the aircraft to meet, for that operation or phase of flight, the four navigation system performance requirements: accuracy, integrity, availability and continuity;

"South African registered aircraft" means an aircraft which is registered by the Commissioner in terms of Regulation 47.00.6;

"special rules area" means airspace other than restricted airspace where special non-standard rules are applied in order to promote safety, efficiency and orderliness outside of controlled airspace;

"special VFR flight" means a VFR flight cleared by air traffic control to fly within a control zone under meteorological conditions below the visual meteorological conditions;

“standard category” means a category for normal, transport, utility and commuter operations, including acrobatic, emergency medical service, flying training, semi-acrobatic, helicopter external-load and manned free balloon operations;

“standard training” means ongoing training;

“student-pilot-in-command”: See “pilot-in-command under supervision”;

“student pilot-in-command instrument time” means flight time during which a flight instructor will only observe the student acting as pilot-in-command without influencing or controlling the flight of the aircraft;

“subsonic aeroplane” means an aeroplane incapable of sustaining level flight at speeds exceeding flight Mach number of one;

“supplemental-means navigation system” refers to an air navigation system that is used in conjunction with a sole-means navigation system in order for the aircraft to meet the following four navigation system criteria: accuracy, integrity, reliability and continuity;

“take-off alternate aerodrome” means an aerodrome to which a flight may proceed should the weather conditions at the aerodrome of departure preclude a return for landing;

“take-off decision point” means the point used in determining take-off performance from which, a power unit failure having been recognised at this point, either a rejected take-off may be made of a take-off safely continued;

“take-off distance available” means –

(a) in the case of an aeroplane, the length of the take-off run available plus the length of the clearway available; or

(b) in the case of a helicopter, the distance from the point of lift-off to the nearest obstacle in the take-off path of 50 feet or higher;

“take-off mass” means the mass of the aircraft, including everything and every person carried in the aircraft at the commencement of the take-off run or lift-off, as the case may be;

“take-off run available” means the length of runway which is declared available and suitable for the ground run of an aeroplane taking off;

“taxi” means the movement of an aircraft on the surface of an aerodrome under its own power, excluding take-off and landing;

“taxiway” means a defined path on a land aerodrome established for the taxiing of aircraft and intended to provide a link between one part of the aerodrome and another, and includes an aircraft stand taxilane, an apron taxiway and a rapid exit taxiway;

“temporary training” means any intermittent training;

“terminal control area” means a control area established at the confluence of air traffic service routes in the vicinity of one or more major aerodromes as published in an AIP, AIC or NOTAM and designated as a terminal control area;

“the Act” means the Aviation Act, 1962 (Act No. 74 of 1962);

“the Regulations” means the regulations contained in all the Parts of the Civil Aviation Regulations as amended from time to time and for the application of Subpart 4 of Part 11 includes any regulation of the Rules of the Air, Air Traffic Services, Search and Rescue and Overflight Regulations, 1975, (as amended) and the Air Navigation Regulations, 1976, (as amended) remaining in effect in terms of regulation 183.00.4 (3) and (4) (a);

“these Regulations” means the Regulations;

“threat”, as used in the context of operating an aircraft, means events or errors, as defined, that occur beyond the influence of the flight crew, increase operational complexity, and which must be managed to maintain the margin of safety;

"threat management" means the process of detecting and responding to the threats with countermeasures that reduce or eliminate the consequences of threats, and mitigate the probability of errors, as defined, or undesired aircraft conditions;

"threshold" means the beginning of that portion of the runway usable for landing;

"touch down area" means a load bearing area on which a helicopter may touch down;

"touch-down area available" means the length and width of the touchdown area which is declared available and suitable for the landing of a helicopter;

"tow" means the action of pulling an unmanned object behind an aircraft;

"tow pilot rating" means the rating required by a pilot who intends to act as pilot-in-command of an aircraft while towing a banner;

"traffic load" means the total mass of passengers, baggage and cargo, including any non-revenue load;

"training" means –

(a) the training; or
(b) the tests or the verifications of skill or proficiency, specified in these Regulations;

"tug" means the action of pulling a manned aircraft behind another aircraft;

"tug pilot rating" means the rating required by a pilot who intends to act as pilot-in-command of an aircraft while having under tow another aircraft;

"type certificate" means a design approval for Class I product issued in terms of Regulation 21.02.8;

"type of aircraft" means all aircraft of the same basic design including all modifications thereto except those modifications which result in a change in handling or flight characteristics;

"ultimate load" means the limit load, multiplied by the appropriate factor of safety;

"unit load device" means any type of freight container, aircraft container, aircraft pallet with a net, or aircraft pallet with a net over an igloo;

"valid" when used in connection with a licence, rating, certificate, validation, authority, approval or similar document means –

(a) that the expiry date on the document, if any, has not been exceeded;
(b) that the document has been issued legally and properly to its holder, and has not been suspended or cancelled by the issuing authority; and
(c) that all requirements, prescribed by these Regulations in respect of the document, have been complied with;

"validation" means an authorisation entered on a licence and forming part thereof to exercise one of the following:

(a) a specific rating at a specific air traffic service unit; or
(b) the privileges of the foreign licence to which it is attached, containing special conditions, privileges or limitations pertaining to such rating, as the case may be;

"validation examiner" means an official validation examiner appointed by the Commissioner or a validation examiner who has been designated in terms of the provisions of Regulation 65.01.9;

"variable-pitch propeller" means a propeller, the pitch setting of which changes or can be changed when the propeller is rotating, and includes –

(a) a propeller, the pitch setting of which is directly under the control of the flight crew;

(b) a propeller, the pitch setting of which is controlled by a governor or other automatic means, which may be either integral with the propeller or a separately mounted accessory, and which may, or may not, be controlled by the flight crew; and

(c) a propeller, the pitch setting of which may be controlled by a combination of (a) and (b) above;

“vertical navigation” refers to a method of navigation that permits aircraft operation on a vertical flight profile, using altimetry sources, external flight path references, or a combination thereof;

“visibility” means the ability, as determined by atmospheric conditions and expressed in units of measurement, to see and identify prominent unlighted objects by day and prominent lighted objects by night;

“visual approach” means an approach by an IFR flight when either part or all of an instrument approach procedure is not completed and the approach is executed with visual reference to the terrain;

“visual meteorological conditions” means atmospheric conditions expressed in terms of visibility, distance from cloud or ceiling, equal to or better than the minima prescribed for VFR flight in Regulation 91.06.21;

“wet runway” means a runway of which less than 25 percent of the surface is covered with water, slush or loose snow or when there is sufficient moisture on the runway surface to cause it to appear reflective, but without significant areas of standing water.

## Abbreviations

1.00.2 In these Regulations –

AGL means above ground level;
ACAS means airborne collision accordance system and in these regulations unless the context indicates otherwise, refers to ACAS II;
ACAS II means an airborne collision avoidance system meeting ICAO specifications;
ADF means Automatic Direction Finder;
AFM means Aircraft Flight Manual;
AIC means an Aeronautical Information Circular;
AIP means an Aeronautical Information Publication;
AIRAC means Aeronautical Information Regulation and Control;
AIR SUP means an AIP Supplement;
ALIM means altitude limit;
ARAC means aeronautical information regulation and control;
ATMS means air traffic management system;
ATPL means Airline Transport Pilot Licence;
ATS means Air Traffic Service;
ATZ means an aerodrome traffic zone;
BARO means barometric;
BIFT means Basic Instrument Flight Trainer;
CDI means Course Deviation Indicator;
CDL means a configuration deviation list;
CF means Course to a Fix;
CPA means the closest part of approach;
CPL means Commercial Pilot Licence;
CTA means a control area;
CTR means a control zone;
DA/H means decision altitude/height;
DAME means designated aviation medical examiner;
DFE means Designated Flight Examiner;
DME means Distance Measuring Equipment;
DP means departure procedure;
DR means dead reckoning;
DTK means Desired Track;
EFIS means Electronic Flight Instrument System;

ELT means emergency locator transmitter;
EMC means Electromagnetic Compatibility;
EROPS means extended range operations;
ETOPS means extended range operations with twin-engine aircraft;
FAF means Final Approach Fix;
FAWP means Final Approach Waypoint;
FL means flight level;
FMS means Flight Management System;
FPT means Flight Procedures Trainer;
FSTD means flight simulation training device;
FS means Flight Simulator;
FTE means Flight Technical Error;
GNSS means Global Navigation Satellite System;
GPS means Global Positioning System;
GS means Ground Speed;
IAF means Initial Approach Fix;
IAIP means an Integrated Aeronautical Information Package;
IAWP means Intermediate Approach Waypoint;
IFR means instrument flight rules;
ILS means instrument landing system;
IMC means instrument meteorological conditions;
LNAV means Lateral Navigation;
LOFT means line-orientated flight training;
MAWP means Missed Approach Waypoint;
MCM means maximum certificated mass;
MDA/H means minimum descent altitude/height;
MEL means a minimum equipment list;
MMEL means a master minimum equipment list;
MNPS means minimum navigation performance specifications;
MSL means mean sea level;
NDB means a non-directional radio beacon;
NM means nautical mile;
NOTAM means a Notice to Airmen;
PAR means Precision Approach Radar;
PBE means portable breathing equipment;
PF means pilot flying;
PIB means a Pre-flight Information Bulletin;
PICUS means pilot-in-command-under-supervision;
PNF means pilot not flying;
PPI means a Plan Position Indicator;
PPL means Private Pilot Licence;
RA means resolution advisory;
RAIM means Receiver Autonomous Integrity Monitoring;
RDH means Reference Datum Height;
RNAV (GNSS) means GNSS facilitated Area Navigation;
RNP means the required navigation performance;
RVR means runway visual range;
SA-CAR means South African Civil Aviation Regulations;
SPL means Student Pilot Licence;
STD means Synthetic Training Device;
STOL means short take-off and landing;
TA means traffic advisory;
TCAS means traffic alert and collision avoidance system (USA/New Zealand);
TCAS I means ACAS equipment meeting FAA TSO-C118 specifications;
TCAS II means ACAS equipment meeting FAA TSO-C119 specifications;
the equipment comes in two versions, namely “version 6.04A” meeting TSOC119a
specifications, and “version 7” meeting both TSO-C119b and ICAOACAS

II specifications;
TMA means a terminal control area;
TSO means Technical Standard Order;
VFR means visual flight rules;
VHF means very high frequency;
VMC means visual meteorological conditions;
VOR means VHF omni directional radio range;
ZTHR means altitude threshold.

SUBPART 2: ACCIDENT OR INCIDENT NOTIFICATION PROCEDURES
[ See also AIC 23.1.]

## Notification of accidents

12.02.1 (1) The pilot-in-command of an aircraft involved in an accident within the Republic, or if he or she is killed or incapacitated, a flight crew member, or if there are no surviving flight crew members or if they are incapacitated, the operator or owner, as the case may be, shall, as soon as possible but at least within 24 hours since the time of the accident, notify –

(a) the Commissioner;
(b) an Air Traffic Service Unit; or
(c) the nearest police station, of such accident.

(2) If an air traffic service unit or police station is notified of an accident in terms of sub-regulation (1), such air traffic service unit or police station shall, immediately on receipt of the notification, notify-

(a) the Commissioner; and
(b) where such accident occurs on an aerodrome, the aerodrome manager.

## Notification of incidents

12.02.2 (1) The pilot-in-command, and any other flight crew member, operator or owner, as the case may be, of an aircraft involved in an incident (including a serious incident), other than an air traffic service incident, within the Republic, shall, as soon as possible but at least within 24 hours since the time of such incident, notify–

(a) the Commissioner;
(b) an Air Traffic Service Unit; or
(c) the nearest Police Station, of such incident.

(2) If an air traffic service unit is notified of an incident in terms of subregulation (1), such air traffic service unit shall, immediately on receipt of the notification, notify –

(a) the Commissioner, and
(b) where such incident occurs on an aerodrome, the aerodrome manager.

(3) The pilot-in-command, any other flight crew member, operator or owner, as the case may be, of an aircraft involved in an air traffic service incident within the Republic, or any air traffic service personnel witnessing an air traffic service incident, shall, as soon as possible, notify an air traffic service unit of such air traffic service incident, and such air traffic service unit shall immediately on receipt of the notification, notify the Commissioner in the appropriate form as prescribed in Document SA-CATS-ACCID and INCID.

## Notification of accidents or incidents outside Republic

12.02.3 The pilot-in-command of a South African registered aircraft involved in an accident or incident outside the Republic, or if he or she is killed or incapacitated, a flight crew member, or if there are no surviving flight crew members, or if they are incapacitated, the operator or owner, as the case may be, shall as soon as possible, notify –

(a) the appropriate authority in the State or territory where the accident or incident occurred, directly or through any air traffic service unit; and
(b) the Commissioner;
(c) of such accident or incident.

Particulars of notification

12.02.4 Any notification of an accident or incident referred to in Regulation 12.02.1, 12.02.2 or 12.02.3 other than an air traffic service incident, shall –

(a) include the following particulars:

(i) Type, model, nationality and registration marks of the aircraft;
(ii) name of the owner or operator, as applicable;
(iii) surnames and initials of flight crew members;
(iv) the date and time of the accident or incident, specified in Coordinated Universal Time or local time;
(v) last point of departure and point of intended landing of the aircraft;
(vi) location of accident or incident with reference to an easily identifiable geographical point and, if known, with reference to latitude and longitude;
(vii) number of –

(aa) flight crew members and passengers aboard, killed or seriously injured; and
(bb) other persons killed or seriously injured;

(viii) nature of the accident or incident and extent of damage to aircraft as far as is known;
(ix) terrain characteristics of the area where the accident or incident occurred;
(x) details of any dangerous goods or hazardous substances known to be on board the aircraft; and
(xi) any other relevant information; and

(b) be submitted forthwith to the Commissioner, and any information which is not immediately available shall be submitted in writing as soon as it becomes available.

SUBPART 4: SCENE OF AN ACCIDENT

Guarding of aircraft involved in accident

12.04.1 Where an accident occurs within the Republic, the pilot-in-command of the aircraft involved in the accident, or if he or she is killed or incapacitated, a flight crew member, or if there are no surviving flight crew members, or if they are incapacitated, the operator or owner of such aircraft or where the accident occurs on an aerodrome, the aerodrome manager, shall –

(a) pending the arrival of a police guard, take such steps which may be necessary to prevent any interference with the aircraft, the wreck or wreckage and anything transported therein and any marks resulting from the accident which may be of assistance in an investigation, contrary to the provisions of this Part;
(b) forthwith arrange with a member of the South African Police Service to guard the aircraft, the wreck or wreckage and anything transported therein and any marks resulting from the accident which may be of assistance in an investigation.

Interference with objects and marks at scene of accident

12.04.4 (1) Subject to the provisions of this part, no person shall interfere with an aircraft which has been involved in an accident, the wreck or wreckage, a part or component thereof or anything transported therein or any marks resulting from the accident which may be of assistance in an investigation –

(a) until authorised to do so by the investigator-in-charge; and
(b) until, in the case of an aircraft which must be cleared by a customs officer by virtue of the provisions of the Customs and Excise Act, 1964 (Act No. 91 of 1964), clearance has been issued or permission granted by such officer.

(2) The provisions of sub-regulation (1) shall not prevent any action necessary for –

(a) the rescue or extrication of persons or animals from the aircraft or the wreck;
(b) the reasonable protection of the aircraft, the wreck or wreckage from destruction by fire or other causes;
(c) the safeguarding by the owner, operator or police guard of precious metals, jewellery or valuables;
(d) the prevention of danger or removal of an obstruction to other aircraft, other means of transport or to the public; and
(e) the removal of the aircraft, any part or component thereof or anything transported therein to a safe place, when in water or otherwise endangered.

# PART 61: FLIGHT CREW LICENSING

## Applicability

61.01.1 This Part applies to the issuing, revalidating and re-issuing of South African pilot licences and ratings; designation of examiners; validation of foreign pilot licences and ratings issued by a Contracting State; conversion of foreign pilot licences and ratings issued by a Contracting State; approval of flight simulation
training devices; and matters related thereto.

## Pilot licences

61.01.2 (1) No person may act as a pilot of a South African registered aircraft, except in the case of dual instruction with an appropriately rated flight instructor, unless such person holds a valid pilot licence with applicable ratings issued, revalidated or re-issued by the Commissioner or by an appropriate authority validated by the Commissioner in terms of this Part or Part 62: Provided that a student pilot licence may have been issued without a class rating or type rating.

(2) The following pilot licences may be issued in terms of this Part –

(a) Student Pilot Licence - (SPL);
(b) Private Pilot Licence (Aeroplane) - (PPL(A));
(c) Private Pilot Licence (Helicopter) - (PPL (H));
(d) Commercial Pilot Licence (Aeroplane) - (CPL (A));
(e) Commercial Pilot Licence (Helicopter) - (CPL (H));
(f) Airline Transport Pilot Licence (Aeroplane) - (ATPL (A));
(g) Airline Transport Pilot Licence (Helicopter) - (ATPL (H));
(h) Multi-Pilot Licence - (MPL)
(i) Glider Pilot Licence - (GPL);
(j) Free-balloon Pilot Licence - (FBPL);
(k) Airship Pilot Licence - (ASPL);

(3) The following licences other than licences for pilots may be issued in terms of this Part –

(a) Flight Operations Officer/Flight Dispatcher Licence.

## Ratings for pilots

61.01.3 (1) The ratings for pilots are as follows –

(a) category ratings –
  (i) aeroplane;
  (ii) helicopter;
  (iii) glider;
  (iv) free balloon;
  (v) airship; and
  (vi) powered-lift;

(b) class ratings –
  (i) all single-engine piston aeroplanes (land);
  (ii) all single-engine piston aeroplanes (sea);

(iii) all touring gliders;
(iv) each manufacturer of single-engine turbo-prop aeroplanes (land);
(v) each manufacturer of single-engine turbo-prop aeroplanes (sea);
(vi) all multi-engine piston aeroplanes (land);
(vii) all multi-engine piston aeroplanes (sea);
(viii) all conventional gliders;
(ix) all power-assisted gliders;
(x) all free balloons with an envelope up to and including 3 400m (20000 cu/ft) in size;
(xi) all free balloons with an envelope larger than 3 400m (20 000 cu/ft) in size;
(xii) rigid airships; and
(xiii) non-rigid airships;

(c) type ratings –
(i) aeroplane with a maximum certificated mass exceeding 5 700 kilogram;
(ii) multi-engine turboprop aeroplane;
(iii) aeroplane certificated for operation with a flight crew of at least two pilots;
(iv) aeroplane with unconventional handling characteristics that requires additional flying or flight simulation training device training;
(v) warbird;

(d) ratings for special purposes –
(i) night rating;
(ii) instrument rating;
(iii) flight instructor rating;
(iv) post-maintenance test flight rating;
(v) test pilot rating;
(vi) tug pilot rating;
(vii) helicopter sling load rating;
(viii) helicopter winching rating;
(ix) helicopter game or livestock cull rating;
(x) agricultural pilot rating;
(xi) aerobatics rating; and
(xii) tow rating.

(2) The class ratings for aeroplanes must be in accordance with the list as described in Document SA-CATS-FCL 61.13.

(3) The type ratings for helicopters issued in terms of this Part comprise a type rating by name for each type of helicopter.

(4) In order to act as a flight crew member of another variant of the aircraft within a particular class rating, differences or familiarisation training may be required as prescribed in sub-regulation 61.13.7(2).

(5) The holder of a licence issued in terms of Part 61 shall not be required to be issued with a national pilot licence in terms of Part 62. Prior to flying an aircraft of a similar category as regulated under Part 62, the pilot shall have differences or familiarisation training for the class or variant or type by name of the aircraft endorsed into his or her logbook.

## Maintenance of Competency and Skills tests

61.01.5 (1) Unless the holder of a pilot licence or rating maintains competency and recency by complying with the appropriate requirements prescribed in this Part or Part 62 and Part 91 of these Regulations, as the case may be, the licence holder shall not exercise the respective privileges granted by the licence.

(2) Unless the holder of a pilot licence is subject, in terms of these Regulation, to periodic proficiency checks for the revalidation of a rating, he or she shall not exercise the privileges of that licence unless he or she has successfully passed a revalidation check or an initial licence skills test in the same category of aircraft within the previous 24 months.

(3) A skills test for a night rating or initial instrument flying rating conducted after the first revalidation check of a licence holder, will revalidate the maintenance of competency.

(4) The revalidation check shall be conducted by a Designated Flight Examiner except that in the case of the holder of a Private Pilot Licence (Aeroplane or Helicopter) the revalidation check may be conducted by an appropriately rated Grade I or Grade II flight instructor.

(5) The contents of the revalidation check referred to in sub-regulation (2) are defined in Document SA-CATS-FCL 61 and shall be conducted in an aircraft or in an approved flight simulation training device FSTD of the category for which the pilot is licensed.

(6) The person who conducted the skills test shall enter the outcome in the pilot's logbook and sign it accordingly. The following rules shall apply –

(a) The application form shall be submitted within 30 days of the skills test or revalidation check.
(b) In the event of an unsuccessful skill or revalidation test a Notice of Denial shall be issued to the applicant and a copy submitted to the Commissioner.
(c) In the event of circumstances interrupting a skill or revalidation test, then a Notice of Discontinuance shall be issued. This notice will allow an applicant to complete those aspects of the test not yet assessed within a period of 30 days. The notice shall accompany the relevant skills test report and application. Failure to continue the test within this period shall result in the entire test being repeated.
(d) If the skills test or revalidation check is conducted within 90 days prior to the expiry date of competency, then the new expiry date will be calculated from the date of expiry.
(e) If the skills test or revalidation or proficiency check is conducted more than 90 days prior to the expiry date of competency, then the new expiry date will be calculated from the last day of the month in which the test or check was conducted.
(f) No flight test shall be conducted before successful completion of any applicable theoretical or oral examination.
(g) The navigation element of the skills test administered for the issuing of a private pilot licence may be conducted as a separate flight within a maximum period of 14 days without a Notice of Discontinuance being issued.

(7) The person who conducted the revalidation check must submit the relevant test report to the Commissioner and, where unsuccessful, must also submit a Notice of Denial of revalidation.

(8) The pilot concerned must countersign and receive a copy of the test report referred to in sub-regulation (7).

(9) If a pilot fails to demonstrate the required standard during the proficiency check the following rules shall apply –

(a) The person who conducted the revalidation check must inform him or her that he or she may not exercise the privileges of that particular licence.
(b) In the case of an unsuccessful skills test or revalidation check, the pilot must undergo corrective training with a flight instructor, other than the person who conducted the proficiency check, before submitting him or herself for a recheck. No recheck may be conducted within 72 hours of an unsuccessful skills test.
(c) No recheck may be conducted without a letter of recommendation by the flight instructor referred to in paragraph (a).

(10) The holder of a pilot licence must submit to the Commissioner, at least annually, a certified copy of the summary of his or her logbook in the format prescribed in Document SA-CATS-FCL 61 together with the prescribed licence currency fees.

(11) If the Commissioner has reasonable suspicion that a person, licensed in terms of this Part, has failed to maintain the minimum standard required to exercise the privileges of any licence or rating which he or she holds, the Commissioner may give the licensee reasonable notice in writing to undergo, by a date specified by the Commissioner, the skills test or all or some of the theoretical knowledge examinations prescribed in this Part in respect of such licence or rating.

(12) Should the tests or examinations, referred in sub-regulation (11), show that the standard of the licence or rating holder is below that required for the licence or rating concerned, the Commissioner must suspend the holder from exercising all or any of the privileges of that licence or rating until such time as the holder can show that he or she is again able to meet the skill or theoretical knowledge requirements for that licence or rating.

(13) If the person referred to in sub-regulation (11) fails without reasonable cause to undergo the test or examination as ordered

by the Commissioner, his or her standard shall be deemed to be below that required for the licence or rating concerned and the provisions of sub-regulation (12) shall mutatis mutandis apply.

## Medical requirements and fitness

61.01.6 (1) An applicant for a pilot licence in terms of this Part must hold an appropriate valid medical certificate issued in terms of Part 67 of these Regulations.

(2) The holder of a pilot licence issued in terms of this Part may not exercise the privileges of that licence –

(a) unless that person holds an appropriate valid medical certificate issued in terms of Part 67 and complies with all medical endorsements on that medical certificate;
(b) while he or she is aware of having a medical deficiency that would make him or her unable to meet the medical standards for his or her medical certificate, until he or she has been assessed medically fit again by an aviation medical examiner designated in terms of Part 67; or
(c) when he or she is unable to act as a flight crew member of an aircraft because of the circumstances prescribed in sub-regulations 91.02.3 (1) and (2) of Part 91 of these Regulations.

(3) If reasonable suspicion exists that a licence holder has contravened the provisions of paragraph (a) of sub-regulation 91.02.3(1) and paragraphs (a), (b) and (c) of sub-regulation 91.02.3(2), the authorised officer, inspector or authorised person may order the licence holder to undergo appropriate medical tests.

(4) Should the licence holder refuse to submit to the test referred to in subregulation (3), the authorised officer, inspector or authorised person must suspend the licence with immediate effect in terms of regulation 61.01.11.

(5) The holder of a pilot licence issued in terms of this Part must carry the medical certificate, referred to in paragraph (a) of sub-regulation (2), at all times when exercising the privileges of such licence, and must produce such certificate on demand by the Commissioner, an authorised officer, inspector or authorised
person.

(6) In the event that the aviation medical examiner is unable to submit an electronic data to the Commissioner, the licence holder must submit a copy of the medical certificate to the Authority within 90 days.

## Language

61.01.7 With the exception of a student pilots licence, no person may be issued with a pilot licence under this Part unless he or she has demonstrated or provided proof of the ability to speak the English language as set out in Document SA-CATS-FCL 61.

## Logging of flight time

61.01.8 (1) The holder of a pilot licence must maintain in a pilot logbook a record of all his or her flight time, instrument time, FSTD time and instruction time. Electronic logbooks may be used, provided that the electronic data is printed on paper at least every 90 days and the printed pages filed sequentially in a binder.

(2) The form of and information to be contained in the logbook, referred to in sub-regulation (1), and the manner in which such logbook must be maintained are as prescribed in Appendix A to Document SA-CATS-FCL 61.

(3) Entries in pilot logbooks must be made within the following periods after the completion of the flight to be recorded–

(a) in the case of flights not for hire and reward (Part 91 operations), flight training, and domestic commercial air transport operations: 7 days;
(b) in the case of international commercial air transport operations: 14 days;
(c) where a pilot is engaged in flight operations away from the base where the pilot logbook is normally kept, the periods specified in para graphs (a) and (b) may be extended to 48 hours after return to base.

(4) All pilots must retain their pilot logbooks for at least 60 months calculated from the date they no longer hold a valid pilot licence.

(5) If the holder of a pilot licence carries out a number of flights upon the same day and the interval between successive flights does not exceed one hundred and eighty minutes, such series of flights may be recorded as a single entry, provided that in the case of a cross-country flight the route and intermediate stops must be recorded.

(6) The holder of a pilot licence must make the logbook available for inspection upon a reasonable request by the Commissioner, an authorised officer, inspector or authorised person.

### Pilot-in-command time

(7) The holder of a valid pilot licence must log as pilot-in-command time only that flight time during which he or she is–

(a) the designated pilot-in-command of the aircraft; this shall be the case also if the designated pilot-in-command provides command supervision to another pilot in terms of paragraph (b) of sub-regulation 61.01.8(7).

(b) pilot-in-command-under-supervision (PICUS), provided there is no intervention by the supervising pilot-in-command and "PICUS" is indicated in the remarks column with the entry certified by the supervising pilot-in-command. PICUS may, irrespective of the licence held, be flown from either the left hand or the right hand seat, provided that the pilot is appropriately rated and the aircraft is either certificated for multi-pilot operations or required to be operated by two pilots in terms of Parts 91, 94, 96, 121, 127, 135 or 138.

(c) carrying out a student solo flight and is the sole occupant of the aircraft (except in the case of an airship requiring an additional crew member) and "SOLO" is indicated in the remarks column.

(d) giving flight instruction while occupying a pilot seat with access to the controls, provided that the time must also be logged as instructor time.

### Co-pilot time

(8) Any appropriately rated pilot occupying a pilot seat as co-pilot of an aircraft requiring more than one pilot under the type certification of the aircraft, or as prescribed by the regulations under which the flight is conducted, must log the flight time as co-pilot.

### Safety pilot time

(9) Any pilot acting as safety pilot in terms of regulation 91.07.32 in Part 91 of these Regulations, occupying a pilot seat, with an appropriate valid category, class or type rating, may log the flight as co-pilot. The flight time so acquired may not be credited towards the experience requirements for a higher grade pilot licence or a rating. The remarks column must be marked SAFETY PILOT.

### Dual flight instruction time

(10) Flight time during which the holder of a pilot licence is receiving dual instruction must be logged as dual flight time, and must include a record of the air exercises undertaken.

### Instrument flight time

(11) The pilot controlling an aircraft under actual or simulated instrument meteorological conditions solely by reference to instruments and without external reference points must log that time as instrument flight time.

### Flight simulation time

(17) All time accumulated during training on a flight simulation training device (FSTD) approved for instrument flight training must be logged as instrument time, but must be clearly recorded as flight simulation time and must be certified by the instructor in the pilot's logbook.

### Crediting of flight time and theoretical knowledge

61.01.9 (1) The Commissioner may only accept, for crediting purposes, flight time entered in a pilot logbook that has been lost or destroyed, if substantiated by means acceptable to the Commissioner.

(2) A person acting as pilot of an aircraft while not complying with any requirement of this Part applicable to that person may not credit that flight time for any purpose.

(3) A student pilot may be credited in full with all solo and dual instruction flight time towards the total flight time requirement for the initial issue of a pilot licence.

(4) A student, attending the integrated course referred to in sub-regulation 61.01.16 (2), may be credited with pilot-in-command instrument time when flying under supervision, provided that the entries have been certified by the instructor in the remarks column of the pilot's logbook. Of these hours a maximum of 50 hours may be credited towards the pilot-in-command time required for the issue of a Commercial or Airline Transport Pilot Licence (Aeroplane or Helicopter, as applicable).

(5) The holder of a valid Private Pilot Licence may be credited in full with all solo, dual flight instruction and pilot-in-command flight time towards the total flight time experience required for the issue of a rating or the Commercial Pilot Licence in the same aircraft category.

(7) The holder of a Private Pilot or higher Licence, with an appropriate rating, may be credited –

(a) in full with the flight time towards the total flight time required for a higher grade pilot licence when acting as co-pilot at a pilot station of an aircraft certified to be operated with a co-pilot;
(b) with not more than 50 percent of the co-pilot flight time towards the total time required for a higher grade pilot licence when acting as co-pilot at a pilot station of an aircraft certified for operation by a single pilot but required by Parts 121, 127 or 135 to be operated with a co-pilot.

(12) A pilot manipulating the flight controls of an aircraft under actual or simulated instrument flight conditions solely by reference to instruments and without external reference points may be credited with the instrument flight time thus acquired toward the total instrument flight time experience required for a higher grade pilot licence, an instrument rating and for keeping an instrument rating current.

(13) Dual instruction time must be counted in full towards the total flight time experience required for a higher-grade pilot licence.

(14) Time acquired as a pilot on a flight simulation training device approved for the purpose, while under the supervision of an appropriately qualified instructor, may be credited towards –

(a) required flight time experience for the issue of a pilot licence or rating, but only to the extent specified in each case in these Regulations;
(b) the instrument flight time experience required in terms of this Part and of Parts 91, 121, 127 or 135 for keeping the instrument rating current; and
(c) the revalidation of the instrument rating.

(24) In the case of foreign military-trained pilots who can produce certified proof of flying hours logged, such flying time shall be credited in full towards the issue of a South African civilian pilot licence and ratings.

(26) A student pilot having undergone all or part of the integrated course, referred to in regulation 61.01.16, who passed the theoretical knowledge examination for the Commercial Pilot Licence, shall be deemed to have passed the theoretical knowledge examinations prescribed for the issue of the Private Pilot Licence and a Part 96 authorisation issued in terms of Part 62 in the same category;

## Suspension and withdrawal of privileges and appeal

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

(a) immediate suspension is necessary in the interests of aviation safety;
(b) the authorised officer, inspector or authorised person is prevented by the holder of the license from carrying out any safety inspection and audit; or
(c) it is evident that the holder of the licence, rating or validation does not comply with the relevant requirements prescribed in this Part.

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

(3) A person who has been suspended from exercising any of the privileges of his or her pilot licence in terms of sub-regulation (1) must be afforded an opportunity to make representations against such suspension within seven days after such suspension.

(4) The authorised officer, inspector or authorised person making the suspension must consider the representations referred to in sub-regulation (3) within three days.

(5) The authorised officer, inspector or authorised person making the suspension may either confirm or vary the suspension and must within 7 days submit a report in writing to the Commissioner with a proof that a copy thereof is submitted to the person concerned, stating the reasons why, in his or her opinion, the suspended privileges should be withdrawn or restored.

(6) The holder of a licence, rating or validation who feels aggrieved by the suspension of the licence, rating or validation may appeal against such suspension to the Minister within 30 days after such holder becomes aware of such suspension.

(7) The appeal, referred to in sub-regulation (6), must be in writing, stating the reasons why, in the appellant's opinion, the suspension should be varied or set aside.

(8) The appellant must submit a copy of the appeal and any documents or records supporting such appeal to the authorised officer, inspector or authorised person concerned and must furnish proof of such submission for the information of the Minister.

(9) The authorised officer, inspector or authorised person concerned must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (8), deliver to the Minister his or her written reply to such appeal together with all the information submitted to the Commissioner in terms of sub-regulation (5).

(10) The Minister may –

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

(11) The Minister may confirm, vary or set aside the suspension referred toin sub-regulation (1).

(12) The Minister must cancel the licence, rating or validation concerned if he or she confirms the suspension in terms of sub-regulation (11).

(13) The Commissioner must cancel the licence, rating or validation concerned is suspended in terms of sub-regulation (1) and the holder thereof does not appeal against such suspension in terms of sub-regulation (6).

## Payment of currency fee

61.01.17 (1) The holder of a pilot licence must pay the annual currency fee as prescribed in Part 187 on the anniversary date of the licence.

(2) The payment must, where applicable, be accompanied by the annual summary as prescribed by sub-regulation 61.01.5(9).

## Endorsements and record keeping

61.01.19 (1) An applicant for a licence, revalidation, class or type rating or any familiarisation or differences training for an aircraft must have the applicable rating endorsed in his or her pilot logbook as described in Document SA-CATS FCL 61.

(2) The endorsement must include, but is not limited to, the following details–

(a) Date of the skills test;
(b) Aircraft registration and type;
(c) Name and licence number of examiner;
(d) Name of the aviation training organisation (ATO).

(3) The flight instructor or designated flight examiner conducting a skills test or revalidation check shall stamp, sign and date each page of the applicable form before forwarding to the South African Civil Aviation Authority for processing and record keeping. The stamp shall include the following details –

(a) Initials and surname of flight instructor or examiner;
(b) Pilot licence number of flight instructor or examiner;
(c) Designation applicable to the flight instructor or examiner, such as Grade II Instructor or DFE I (A), as the case may be.

## Requirements for a Private Pilot Licence (Aeroplane)

61.03.1 (1) An applicant for a Private Pilot Licence (Aeroplane) must –

(a) be 17 years or older;
(b) hold a valid Class 1 or Class 2 medical certificate, issued in terms of Part 67;
(c) hold at least a valid restricted certificate of proficiency in radiotelephony (aeronautical);
(d) show evidence of holding a valid Student Pilot Licence or having held, within the previous 60 months, any of the following –

(i) a pilot licence (aeroplane) issued by a Contracting State; or
(ii) a South African Air Force pilot qualification (aeroplane); or
(iii) a Recreational Pilot Licence issued in terms of Part 62;

(e) have successfully completed the training as prescribed in Document SA-CATS-FCL 61 at an approved Part 141 aviation training organisation;
(f) have passed the theoretical knowledge examination as prescribed in Document SA-CATS-FCL 61; and
(g) have undergone the skills test referred to in regulation 61.04.4.

(2) An applicant for a Private Pilot Licence (Aeroplane) must have completed not less than 45 hours flight time as pilot of an aeroplane of which –

(a) at least 25 hours are dual instruction in aeroplanes, which must include 5 hours instrument instruction time; and
(b) at least 15 hours are accumulated in solo flight, of which at least five hours are cross-country flight time; which must include one triangular cross-country flight of at least 150 NM, on which at least one point must be not less than 50 NM from base and must include full-stop landings at two different aerodromes away from base; and
(c) a maximum of five hours dual instruction may be in an approved FSTD.

(3) South African Air Force Pilots may apply for exemption for some or all of these requirements as indicated in regulation 61.01.9(23).

(4) Notwithstanding the provisions in sub-regulation (2) above, the experience required for the holder of a Glider or Gyroplane Pilot Licence or of a Recreational Pilot Licence endorsed with the category micro light aeroplane, may be substituted by the experience obtained to the maximum specified in subregulation 61.01.9(9).

## Application for and Issue of a Private Pilot Licence (Aeroplane)

61.03.2 (1) An application for a Private Pilot Licence (Aeroplane) must be made to the Commissioner on the appropriate form as prescribed in Document SA-CATS-FCL 61 within 30 days of the practical skills test.

(2) The application referred to in sub-regulations (1) must be accompanied by –

(a) a valid Class 1 or Class 2 medical certificate, issued in terms of Part 67;
(b) documentary evidence of compliance with sub-regulation 61.03.1 (1)(d);
(c) the original documentation proving that the applicant has passed the theoretical knowledge examination referred to in paragraph (f) of subregulation 61.03.1(1);
(d) the applicant's flying logbook summarised in the format as prescribed in Document SA-CATS-FCL 61;
(e) the skills test report as prescribed in Document SA-CATS-FCL 61;
(f) two recent passport-size photographs of the applicant, unless such applicant is the holder of another pilot

licence issued in terms of Part 61; and

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

(3) The Commissioner must issue a Private Pilot Licence (Aeroplane), if he or she is satisfied that the applicant complies with the requirements referred to in regulation 61.03.1.

(4) A Private Pilot Licence (Aeroplane) must be issued in the appropriate format, as prescribed in Document SA-CATS-FCL 61.

(5) The holder of a Private Pilot Licence (Aeroplane) must, upon receipt of the Private Pilot Licence (Aeroplane), immediately affix his or her signature thereon in ink in the space provided for such purpose.

## Theoretical knowledge examination for a Private Pilot Licence (Aeroplane)

61.03.3 The applicant must pass all the theoretical examinations for a Private Pilot Licence (Aeroplane) referred to in paragraph (f) of sub-regulation 61.03.1(1) within a period of 12 months and have passed the last theoretical knowledge examination within six months preceding the skills test for a Private Pilot Licence (Aeroplane).

## Skills test for a Private Pilot Licence (Aeroplane)

61.03.4 (1) The applicant must undergo the skills test for a Private Pilot Licence (Aeroplane) referred to in paragraph (g) of sub-regulation 61.03.1(1) within 30 days of the last period of dual instruction.

(2) The applicant must pass a skills test demonstrating to a Chief Flying Instructor (Aeroplane) (CFI/A) of an approved Part 141 aviation training organisation or a Grade II or I flight instructor (Aeroplane) appointed in terms of Document SA-CATS-FCL 61 by the CFI of the approved Part 141 aviation training organisation,
the ability to execute as pilot-in-command of an aeroplane the procedures and manoeuvres prescribed in Document SA-CATS-FCL 61 with a degree of competence appropriate to the privileges granted to the holder of a Private Pilot Licence (Aeroplane).

(3) The holder of a Private Pilot Licence (Aeroplane) shall have flown a minimum of 3 hours as pilot-in-command of aeroplanes in the six months preceding the relevant skills test.

(4) The skills test shall be conducted in an aircraft with a maximum certificated mass in excess of 450 kg.

## Privileges and limitations of a Private Pilot Licence (Aeroplane)

61.03.5 (1) The holder of a Private Pilot Licence (Aeroplane) may not exercise the privileges of that licence unless he or she –

(a) Is in possession of a valid Class 1 or Class 2 medical certificate, issued to him or her in terms of Part 67;
(b) has submitted a copy of the medical certificate to the licensing authority, as required in sub-regulation 61.01.6(6) in the event that the aviation medical examiner is unable to submit electronic data to the Commissioner;
(c) complies with the Maintenance of Competency requirements.

(2) The holder of a valid Private Pilot Licence (Aeroplane) may, by day under VMC, act as pilot-in-command or co-pilot of any aeroplane for which he or she holds the appropriate valid class rating or type rating by name.

(3) The holder of a Private Pilot Licence (Aeroplane) may fly in compliance with IFR or in IMC, in sight of the surface and clear of cloud, fog, mist within a control zone, after being authorised to do so by the responsible air traffic services unit.

(4) If the holder of a Private Pilot Licence (Aeroplane) has the appropriate valid rating, he or she may furthermore exercise the privileges of the licence for any of the special purposes referred to in regulation 61.03.9.

(5) The holder of a Private Pilot Licence (Aeroplane) may –

(a) act as co-pilot of any aeroplane on which a co-pilot is not a requirement.
(b) may not act as pilot-in-command of an aeroplane that is carrying passengers or freight for reward or hire.
(c) may not be remunerated for acting in any pilot capacity in an aeroplane.

(d) act as a pilot-in command of an aeroplane in the course of his or her own or employer's business, provided that –

(i) the flight is only incidental to that business or employment; and
(ii) the aeroplane does not carry passengers or freight for reward or hire.

## Period of validity of a Private Pilot Licence (Aeroplane)

61.03.6 A Private Pilot Licence (Aeroplane) issued is valid for a period of 10 years provided that –

(a) currency fees are paid in terms of regulation 61.01.17;
(b) maintenance of competency in terms of regulation 61.03.7 is complied with;
(c) annually, together with the fee referred to in paragraph (a), the completed application form as prescribed in sub-regulation 61.03.2(2) is submitted including certified copies of the last 3 pages of the logbook containing entries indicating a record of flight times, an annual summary indicating flight time per category, class, type and total time as well as certified copies of any endorsements entered into the logbook in the preceding 12 months.

## Maintenance of Competency for a Private Pilot Licence (Aeroplane)

61.03.7 (1) The holder of a Private Pilot Licence (Aeroplane) shall undergo a revalidation check within 12 months from the date of initial issue and thereafter within a period of 24 months calculated from –

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

(2) The holder of a Private Pilot Licence (Aeroplane) who has not maintained competency by passing a revalidation check or an initial licence skills test in the same category of aircraft within the 24 months following the issue or revalidation of such licence shall comply with the following requirements –

(a) in the case of a holder of a private pilots licence where the maintenance of competency has lapsed by less than 24 months, the licence holder shall be required to –

(i) undergo a minimum of one period of dual flight instruction and fly at least 3 hours as pilot-in-command; and
(ii) pass a revalidation check in the same category of aircraft.

(b) in the case of a holder of a private pilots licence where the maintenance of competency has lapsed by more than 24 months, but less than 36 months, the licence holder shall be required to –

(i) rewrite the Air Law examination;
(ii) undergo a minimum of one period of dual flight instruction and fly at least 3 hours as pilot-in-command; and
(iii) pass an initial licence skills test in the same category of aircraft.

(c) in the case of a holder of a private pilots licence where the maintenance of competency has lapsed by more than 36 months but less than 60 months, the licence holder shall be required to –

(i) rewrite the Air Law examination;
(ii) rewrite the meteorology examination;
(iii) rewrite the navigation examination;
(iv) rewrite the aircraft performance and planning examination;
(v) undergo a minimum of one period of dual flight instruction and fly at least 3 hours as pilot-in-command; and
(vi) pass an initial licence skills test in the same category of aircraft.

(d) in the case of a holder of a private pilots licence where the maintenance of competency has lapsed by more than 60 months, comply with the initial issue requirements of Subpart 61.03.

(3) In the event of the Maintenance of Competency requirements of a Private Pilot Licence (Aeroplane) not being complied with, the holder of a Private Pilot Licence (Aeroplane) may automatically continue to exercise the privileges of a Student Pilot Licence (Aeroplane), without being subject to the requirements of flight authorisation by a flight instructor acting at an approved Part 141 aviation training organisation.

### Ratings for special purposes for a Private Pilot Licence (Aeroplane)

61.03.8 (1) The ratings for special purposes associated with a Private Pilot Licence (Aeroplane) are –

(a) night rating;
(b) instrument rating;
(c) post-maintenance test flight rating;
(d) tug pilot rating;
(e) touring glider rating;
(f) agricultural pilot rating;
(g) aerobatics rating; and
(h) tow pilot rating.

(2) An application for any rating referred to in sub-regulation (1) must be made in accordance with the regulations in Subparts 14, 15, 27, 28, 29, 30, 35, 37 or 38, as the case may be.

### Recency requirements for a Private Pilot Licence (Aeroplane)

61.03.9 (1) The holder of a Private Pilot Licence (Aeroplane) shall comply with the recency requirements of Part 91, Regulation 91.02.4.

## SUBPART 4: PRIVATE PILOT LICENCE (HELICOPTER)

### Requirements for a Private Pilot Licence (Helicopter)

61.04.1 (1) An applicant for a Private Pilot Licence (Helicopter) must –

(a) be 17 years or older;
(b) hold a valid Class 1 or Class 2 medical certificate, issued in terms of Part 67;
(c) hold at least a valid restricted certificate of proficiency in radiotelephony (aeronautical);
(d) show evidence of holding a valid Student Pilot Licence or having held, within the previous 60 months, any of the following –

    (i) a pilot licence (helicopter) issued by a Contracting State; or
    (ii) a South African Air Force pilot qualification (helicopter); or
    (iii) a Recreational Pilot Licence issued in terms of Part 62;

(e) have successfully completed the training as prescribed in Document SA-CATS-FCL 61 at an approved Part 141 aviation training organisation;
(f) have passed the theoretical knowledge examination as prescribed in Document SA-CATS-FCL 61;
(g) have undergone the skills test referred to in regulation 61.04.4.

(2) An applicant for a Private Pilot Licence (Helicopter) must have completed not less than 50 hours flight time as pilot of an helicopter of which –

(a) at least 25 hours are dual instruction in helicopters; and
(b) at least 15 hours are accumulated in solo flight, of which five hours are cross-country flight time;

(3) The solo cross-country flight time referred to in sub-regulation (2)(b) above must include one triangular cross-country flight

of at least 100 NM, in the course of which full-stop landings at two different aerodromes away from base must have been made.

(4) A maximum of 5 hours dual instruction time may be accumulated in a helicopter flight simulation training device (FSTD) approved for the purpose by the Commissioner.

(5) South African Air Force pilots may apply for exemption for some or all of these requirements as indicated in sub-regulation 61.01.9(23).

## Application for and Issue of a Private Pilot Licence (Helicopter)

61.04.2 (1) An application for a Private Pilot Licence (Helicopter) must be made to the Commissioner on the appropriate form as prescribed in Document SA-CATS-FCL 61 within 30 days of the practical skills test.

(2) The application referred to in sub-regulation (1) must be accompanied by –

(a) a valid Class 1 or Class 2 medical certificate, issued in terms of Part 67;
(b) documentary evidence of compliance with sub-regulation 61.04.1(1)(d);
(c) the original documentation proving that the applicant has passed the theoretical knowledge examination referred to in paragraph (f) of subregulation 61.04.1(1);
(d) the applicant's flying logbook summarised in the format as prescribed in Document SA-CATS-FCL 61;
(e) the skills test report as prescribed in Document SA-CATS-FCL 61;
(f) two recent passport-size photographs of the applicant, unless such applicant is the holder of another pilot licence issued in terms of Part 61; and
(g) the appropriate fee as prescribed in Part 187.

(3) The Commissioner must issue a Private Pilot Licence (Helicopter), if he or she is satisfied that the applicant complies with the requirements referred to in regulation 61.04.1.

(4) A Private Pilot Licence (Helicopter) must be issued in the appropriate format, as prescribed in Document SA-CATS-FCL 61.

(5) The holder of a Private Pilot Licence (Helicopter) must, upon receipt of the Private Pilot Licence (Helicopter), immediately affix his or her signature thereon in ink in the space provided for such purpose.

## Theoretical knowledge examination for a Private Pilot Licence (Helicopter)

61.04.3 The applicant must pass all the theoretical examinations for a Private Pilot Licence (Helicopter) referred to in paragraph (f) of sub-regulation 61.04.1(1), within a period of 12 months and have passed the last theoretical knowledge examination within six months preceding the skills test for a Private Pilot Licence (Helicopter).

## Skills test for a Private Pilot Licence (Helicopter)

61.04.4 (1) An applicant for the issuing of a Private Pilot Licence (Helicopter) must undergo the skills test for a Private Pilot Licence (Helicopter), referred to in paragraph (g) of sub-regulation 61.04.1(1), within 30 days of the last period of dual instruction.

(2) The applicant must pass a skills test demonstrating to a Chief Flying Instructor (Helicopter) (CFI/H) of an approved Part 141 aviation training organisation, or a Grade II or Grade I Flight Instructor (Helicopter) appointed in terms of Document SA-CATS-FCL 61 by the CFI/H of the approved Part 141 aviation training organisation, the ability to execute as pilot-in-command of a helicopter the procedures and manoeuvres prescribed in Document SA-CATS-FCL 61 with a degree of competence appropriate to the privileges granted to the holder of a Private Pilot Licence (Helicopter).

(3) The holder of a Private Pilot Licence (Helicopter) shall have flown a minimum of 3 hours as pilot-in-command of helicopters in the six months preceding the relevant skills test.

## Privileges and limitations of a Private Pilot Licence (Helicopter)

61.04.5 (1) The holder of a Private Pilot Licence (Helicopter) may not exercise the privileges of that licence unless he or she –

(a) is in possession of a valid Class 1 or Class 2 medical certificate, issued to him or her in terms of Part 67;
(b) has submitted a copy of the medical certificate to the licensing authority, as required in sub-regulation 61.01.6(6) in the event that the aviation medical examiner is unable to submit electronic data to the Commissioner;
(c) complies with the Maintenance of Competency requirements.

(2) The holder of a valid Private Pilot Licence (Helicopter) may, by day under VMC, act as pilot-in-command or co-pilot of any helicopter for which he or she holds the appropriate valid type rating by name.

(3) The holder of a Private Pilot Licence (Helicopter) may fly in compliance with IFR or in IMC, in sight of the surface and clear of cloud, fog, mist within a control zone, after being authorised to do so by the responsible air traffic services unit.

(4) If the holder of a Private Pilot Licence (Helicopter) has the appropriate valid rating, he or she may furthermore exercise the privileges of the licence for any of the special purposes referred to in regulation 61.04.9.

(5) The holder of a Private Pilot Licence (Helicopter) may –

(a) act as co-pilot of any helicopter on which a co-pilot is not a requirement.
(b) may not act as pilot-in-command of an helicopter that is carrying passengers or freight for reward or hire.
(c) may not be remunerated for acting in any pilot capacity in an helicopter.
(d) act as a pilot-in command of a helicopter in the course of his or her own or employer's business, provided that –

(i) the flight is only incidental to that business or employment; and
(ii) the helicopter does not carry passengers or freight for reward or hire.

## Period of validity of a Private Pilot Licence (Helicopter)

61.04.6 A Private Pilot Licence (Helicopter) issued is valid for a period of 10 years provided that –

(a) currency fees are paid in terms of regulation 61.01.17;
(b) maintenance of competency in terms of regulation 61.04.7 is complied with;
(c) annually, together with the fee referred to in paragraph (a), the completed application form as prescribed in sub-regulation 61.04.2(2) is submitted including certified copies of the last 3 pages of the logbook containing entries indicating a record of flight times, an annual summary indicating flight time per category, class, type and total time as well as certified copies of any endorsements entered into the logbook in the preceding 12 months.

## Maintenance of Competency for a Private Pilot Licence (Helicopter)

61.04.7 (1) A Private Pilot Licence (Helicopter) shall undergo a revalidation check within 12 months from the date of initial issue and thereafter within a period of 24 months calculated from –

(a) the date of re-issue; or
(b) the beginning of the month following the date of –

(i) expiry of the rating if such rating is revalidated within 90 days immediately prior to expiry; or
(ii) revalidation of such rating if revalidated prior to the period referred to in sub-paragraph (I).

(2) The holder of a Private Pilot Licence (Helicopter) who has not maintained competency by passing a revalidation check or an initial licence skills test in the same category of aircraft within the 24 months following the issue or revalidation of such licence shall comply with the following requirements –

(a) in the case of a holder of a Private Pilot Licence where the maintenance of competency has lapsed by less than 24 months, the licence holder shall be required to –

(i) undergo a minimum of one period of dual flight instruction and fly at least 3 hours as pilot-in-

command; and

(ii) pass a revalidation check in the same category of aircraft;

(b) in the case of a holder of a Private Pilot Licence where the maintenance of competency has lapsed by more than 24 months, but less than 36 months, the licence holder shall be required to –

(i) rewrite the air law examination;
(ii) undergo a minimum of one period of dual flight instruction and fly at least 3 hours as pilot-in-command; and
(iii) pass a an initial licence skills test in the same category of aircraft;

(c) in the case of a holder of a Private Pilot Licence where the maintenance of competency has lapsed by more than 36 months but less than 60 months, the licence holder shall be required to –

(i) rewrite the air law examination;
(ii) rewrite the meteorology examination;
(iii) rewrite the navigation examination;
(iv) rewrite the aircraft performance and planning examination;
(v) undergo a minimum of one period of dual flight instruction and fly at least 3 hours as pilot-in-command; and
(vi) pass an initial licence skills test in the same category of aircraft;

(d) in the case of a holder of a Private Pilot Licence where the maintenance of competency has lapsed by more than 60 months, comply with the initial issue requirements of Subpart 61.04.

(3) In the event of the Maintenance of Competency requirements of a Private Pilot Licence (Helicopter) not being complied with, the holder of a Private Pilot Licence (Helicopter) may automatically continue to exercise the privileges of a Student Pilot Licence (Helicopter), without being subject to the requirements of flight authorisation by a flight instructor acting at an approved Part 141 aviation training organisation.

### Ratings for special purposes for a Private Pilot Licence (Helicopter)

61.04.8 (1) The ratings for special purposes associated with a Private Pilot Licence (Helicopter) are –

(a) night rating;
(b) instrument rating;
(c) post-maintenance test flight rating;
(d) agricultural pilot rating; and
(e) helicopter game or livestock cull rating.

(2) An application for any rating referred to in sub-regulation (1) must be made in accordance with the regulations in Subparts 14, 15, 27, 34 and 35, as the case may be.

### Recency requirements for a Private Pilot Licence (Helicopter)

61.04.9 The holder of a Private Pilot Licence (Helicopter) shall comply with the recency requirements of regulation 91.02.4 of Part 91 of the Regulations.

## SUBPART 13: CLASS AND TYPE RATINGS

### Requirements for the issue of class and type ratings

61.13.1 (1) This Subpart applies to the issuing, revalidating and re-issuing of South African pilot class and type ratings and warbird type endorsements; the privileges and limitations of such class and type ratings and warbird type endorsements; and matters related thereto.

(2) An aircraft class rating is required in order to pilot all types of aircraft within a particular aircraft class.

(3) A class rating is required for all single-pilot aircraft, except for those falling outside the classes defined in sub-regulation 61.13.8(7), or as designated by the Commissioner in terms of regulation 61.01.3 as requiring a type rating.

(4) An aircraft type rating is required in order to pilot a type of aircraft that is not included within any of the aircraft classes set out in sub-regulation 61.13.8(7).

(5) A type rating is required for all multi-pilot aircraft, other aircraft and warbirds as indicated in this Subpart.

(6) Exemptions to this Part may be provided for in Part 94 in respect of the operation of certain non-type certificated aircraft.

(7) All licence endorsements in respect of aircraft class and type ratings are set out in SA-CATS-FCL 61.

(8) Although an applicant will have an endorsement in his or her licence for a class rating in his or her licence, a change to another type or variant of the aeroplane within one class rating will require differences training, as indicated in Tables 1-10 of Technical Standard 61.13.7 and such training shall be endorsed into the pilot logbook. Differences training is also required for a transition between different types within a class rating. The differences training form indicated in Document SA-CATS-FCL 61 shall be forwarded to the Commissioner within 30 days of completion of the training.

### Multi-pilot aeroplanes

(9) An applicant for a type rating in respect of a multi-pilot aeroplane must have –

(a) at least 100 hours experience as pilot-in-command of aeroplanes;
(b) successfully completed appropriate training referred to in this Subpart;
(c) passed appropriate written examinations as prescribed in Document SA-CATS-FCL 61; and
(d) passed appropriate skills test referred to in this Subpart with an appropriately rated Designated Flight Examiner Cat I (Aeroplanes) (DFE I (A)).

### Single-pilot multi-engine aeroplanes

(10) An applicant for a class or type rating, as the case may be, in respect of a single-pilot multi-engine aeroplane must have –

(a) at least 70 hours as pilot-in-command of aeroplanes;
(b) successfully completed appropriate training referred to this Subpart;
(c) passed appropriate written examinations as prescribed in Document SA-CATS-FCL 61; and
(d) passed appropriate skills test referred to in this Subpart.

### Multi-pilot helicopters

(11) An applicant for a type rating in respect of a multi-pilot helicopter must have –

(a) at least 100 hours as pilot-in-command of helicopters;
(b) successfully completed appropriate training referred to in this Subpart;
(c) passed the appropriate written examinations as prescribed in Document SA-CATS-FCL 61; and
(d) passed appropriate skills test referred to in this Subpart.

### Single-pilot helicopters

(12) An applicant for a type rating in respect of a single-pilot helicopter must have –

(a) at least 25 hours flight time on helicopters of which a minimum of 3 hours shall be as pilot-in-command of helicopters;
(b) successfully completed appropriate training referred to in this Subpart;
(c) passed the appropriate written examinations as prescribed in Document SA-CATS-FCL 61; and
(d) passed appropriate skills test referred to in this Subpart.

### Warbird type aircraft

(13) An applicant for a type rating in respect of a warbird type aircraft must –

(a) hold the category and class rating for the relevant aircraft;
(b) have successfully completed appropriate training referred to in this Subpart;

(c) have passed the appropriate written examinations as prescribed in Document SA-CATS-FCL 61; and
(d) have passed appropriate skills test referred to in this Subpart.

Training

61.13.2 (1) An applicant for a class or type rating must have successfully completed the appropriate training as prescribed in Document SA-CATS-FCL 61.

(2) In the case of training for a single-pilot multi-engine class rating, or the applicant's first single-pilot multi-engine type rating, the training must consist of at least –

(a) 7 hours of theoretical knowledge instruction in multi-engine aeroplane operation; and
(b) 6 hours dual flight training in multi-engine aeroplane operation, including not less than 2 hours 30 minutes dual flight training under normal conditions and at least 3 hours 30 minutes dual flight training in engine failure procedures and asymmetric flight. At most 3 hours of the dual flight training may be acquired in an approved flight simulation training device (FSTD).

(3) An applicant for a type or class rating on a high performance single pilot aeroplane who is not the holder of an Airline Transport Pilot Licence (ATPL), or who has not obtained credit for the ATPL theoretical knowledge examinations, must undergo additional training as set out in Document SA-CATS-FCL 61.

(4) An applicant for a warbird type rating –

(a) who is the holder of an ATPL with applicable military type experience may be endorsed with the applicable warbird type rating.
(b) who is the holder of an ATPL without applicable military type experience must undergo training as described in Document SA-CATS-FCL 61 for endorsement of the warbird type rating contemplated.
(c) who is the holder of all ATPL theoretical knowledge credits and has applicable military type experience may be endorsed with the applicable warbird type rating.
(d) who is the holder of all ATPL theoretical knowledge credits but who does not have applicable military type experience, must undergo training as described in Document SA-CATS-FCL 61 for endorsement of the warbird type rating contemplated.

(5) Pilots operating in terms of Parts 91, 94, 96, 121, 127, 135 and 138, which require two or more pilots for the operation of the aircraft, must undergo a multi-crew cooperation training course detailed in Document SA-CATS-FCL 61.

Skills test

61.13.3 (1) An applicant for a type rating or multi-engine class rating must have demonstrated to a designated flight examiner the competence to perform as pilot-in-command of the aircraft concerned, the procedures and manoeuvres as described in Document SA-CATS-FCL 61.

(2) An applicant for a single-engine class or touring motor glider class rating must have demonstrated to a designated flight examiner, or an appropriately rated flight instructor, the competence to perform as pilot-in-command of the aircraft concerned the procedures and manoeuvres as described in Document SA-CATS-FCL 61.

(3) An applicant for a warbird type endorsement must have demonstrated to a designated flight examiner, or an appropriately rated flight instructor or other pilot authorised in writing by the Commissioner for the purpose, the competence to perform as pilot-in-command of the aircraft concerned, the procedures and manoeuvres as described in Document SA-CATS-FCL 61.

(4) The skills test must have been completed within 90 days of completion of the theoretical knowledge requirement referred to in regulation 61.13.1.

Type and class ratings

61.13.8 (1) The class ratings for single-pilot aeroplanes not requiring a type rating are as follows –

(a) all single-engine piston aeroplanes (land);
(b) all single-engine piston aeroplanes (sea);
(c) all touring motor gliders;
(d) each manufacturer of single-engine turbo-prop aeroplanes (land);
(e) each manufacturer of single-engine turbo-prop aeroplanes (sea);
(f) all multi-engine piston aeroplanes (land); and
(g) all multi-engine piston aeroplanes (sea).

(2) The class ratings for aeroplanes must be issued according to the list of classes of aeroplanes shown in Document SA-CATS-FCL 61.

(3) Differences or familiarisation training is required to change to another type or variant of the aeroplane within one class rating.

(4) Type rating for aeroplanes must be established for –

(a) each type of multi-pilot aeroplane;
(b) each type of single-pilot multi-engine aeroplane fitted with turbo-prop or turbojet engines;
(c) each type of single-pilot single-engine aeroplane fitted with a turbojet engine;
(d) each type of aeroplane with unconventional handling characteristics that requires additional flying or simulator training.

(5) Type ratings for aeroplanes must be issued according to the list of types of aeroplanes show in Document SA-CATS-FCL 61.

(6) Differences or familiarisation training is required in order to change to another variant of the aeroplane within one type rating as described in Document SA-CATS-FCL 61.

(7) Aeroplanes designated as high performance must be listed as such within the relevant class or type rating list using the annotation “HPA” as described in Document SA-CATS-FCL 61.

(8) Warbird type aircraft are –

(a) ex-military gas-turbine engine aircraft;
(b) ex-military piston-engine aircraft having a maximum power of 500 BHP or more; or
(c) any other ex-military type of aircraft specified by the Commissioner for the purpose of this regulation.

(9) The Commissioner must establish requirements for the issue of the following class ratings –

(a) sea-planes;
(b) multi-engine centreline-thrust aeroplanes; and
(c) single-seat aeroplanes.

## SUBPART 14: NIGHT RATING

### Requirements for a night rating

61.14.1 (1) An applicant for a night rating must –

(a) hold a valid pilot licence;
(b) submit proof of having have completed the training referred to in subregulation (2) below;
(c) submit proof of having undergone the theoretical examination referred to in sub-regulation (3) below; and
(d) have successfully undergone the prescribed skills test, referred to in sub-regulation (4).

(2) An applicant for a night rating must have completed under the auspices of an approved Part 141 aviation training organisation –

(a) 5 hours of theoretical knowledge instruction and have successfully completed the appropriate training as prescribed in Document SA-CATS-FCL 61;

(b) not less than 10 hours of instrument instruction, of which not more than 5 hours may be accumulated in an approved flight simulation training device (FSTD);
(c) in the case of a night rating on aeroplanes, not less than 5 take-offs and five landings by night as pilot manipulating the controls of the aircraft whilst under dual instruction; or
(d) in the case of a night rating on helicopters, not less than 5 circuits with 5 take-offs and five landings by night as pilot manipulating the controls of the aircraft whilst under dual instruction; and
(e) a dual cross-country flight by night consisting of at least –

(i) in the case of a night rating for aeroplanes a total distance of not less than 150 NM in the course of which full-stop landings at two different aerodromes away from base are made; or
(ii) in the case of a night rating for helicopters, a total distance of not less than 75 NM in the course of which landings at two different aerodromes away from base are made.

(3) A maximum of 5 hours instrument time can be credited towards the 10- hour requirement for a helicopter pilot if the applicant is the holder of an instrument or night rating on aeroplanes and vice versa.

### Application for a night rating

61.14.2 (1) An application for a night rating must be made to the Commissioner in the appropriate form as prescribed in Document SA-CATS-FCL 61.

(2) The application must be accompanied by –

(a) the skills test report as prescribed in Document SA-CATS-FCL 61;
(b) proof that the applicant meet the requirements of regulation 61.14.1; and
(c) the appropriate fee as prescribed in Part 187.

(3) If the applicant complies with the appropriate requirements, the Commissioner must issue a night rating in the appropriate form as prescribed in Document SA-CATS-FCL 61.

(4) A night rating is valid as long as the pilot licence of the holder of the rating is valid and the appropriate requirements for the rating are maintained.

### Theoretical knowledge examination for a night rating

61.14.3 The applicant for a night rating shall have completed a written examination at a Part 141 approved aviation training organisation on the theoretical knowledge requirements referred to in paragraph (a) of sub-regulation 61.14.1(2).

## PART 67: MEDICAL CERTIFICATION

### Classes of medical certificates

67.00.2 (1) The classes of medical certificates are –

(a) Class 1 –

(i) airline transport pilot: aeroplane and helicopter;
(ii) commercial pilot: aeroplane and helicopter;
(iii) flight test rating;
(iv) commercial microlight aeroplane pilot;
(v) gyroplane pilot for commercial purposes;
(vi) commercial glider pilot;
(vii) airship pilot for commercial purposes;
(viii) free balloon pilot for commercial purposes;
(ix) flight engineer; and
(x) powered paraglider pilot for commercial purposes;

(b) Class 2 –

(i) private pilot: aeroplane and helicopter;
(ii) student pilot; and
(iii) cabin crew member.

(c) Class 3 – air traffic controller; and
(d) Class 4 –

(i) microlight aeroplane pilot;
(ii) glider pilot;
(iii) gyroplane pilot for non-commercial purposes;
(iv) airship pilot for non-commercial purposes;
(v) free balloon pilot for non-commercial purposes;
(vi) hang-glider pilot;
(viii) paraglider pilot;
(viii) powered paraglider pilot for non-commercial purposes; and
(ix) air traffic service assistant.

(2) A flight crew member who holds a valid Class 1 medical certificate referred to in sub-regulation (1)(a), shall be deemed to hold a valid Class 2 medical certificate referred to in sub-regulation (1)(b) and a valid Class 4 medical certificate referred to in sub-regulation (1)(d).

(3) An air traffic service personnel member who holds a valid Class 3 medical certificate referred to in sub-regulation (1)(c), shall be deemed to hold a valid Class 4 medical certificate referred to in sub-regulation (1)(d).

(4) Upon expiry of a Class 1 medical certificate referred to in subregulation (1)(a), such medical certificate shall be deemed to be valid for the remainder of the period for which it would have been valid as a Class 2 medical certificate referred to in sub-regulation (1)(b) and a Class 4 medical certificate referred to in sub-regulation (1)(d), as specified in Regulation 67.00.6.

(5) Upon expiry of a Class 3 medical certificate referred to in subregulation (1)(c), such medical certificate shall be deemed to be valid for the remainder of the period for which it would have been valid as a Class 4 medical certificate referred to in sub-regulation (1)(d), as specified in Regulation 67.00.6.

(6) The medical requirements and standards to be complied with by an applicant for, or the holder of, a Class 1, 2, 3 or 4 medical certificate shall be as prescribed in Document SA-CATS-MR.

## Period of validity of medical certificates

67.00.6 (1) A Class 1 medical certificate shall be issued for a period not exceeding –

(a) 12 calendar months, calculated from the last day of the calendar month in which the medical certificate is issued, where the applicant is less than 40 years of age on the date on which the medical certificate is issued; and
(b) six calendar months in the case of an airline transport pilot: aeroplane and helicopter, a commercial pilot (aeroplane) or (helicopter) calculated from the last day of the calendar month in which the medical certificate is issued, where the applicant is 40 years of age or more on the date on which the medical certificate is issued.
(c) twelve months in the case of any pilot licensed to act as pilot in a commercial air transport operation, where the applicant is 40 years of age or more but less than 60 years of age calculated on the date on which the medical certificate is issued, provided that –

(i) the applicant submits a six-monthly report if he or she has a medical disease or risk factor for which he or she receives regular treatment, by his or her treating physician or Aviation Medical Examiner (treating his or her condition). The report must include:

(aa) nature of disease or risk factor;
(bb) information regarding control of risk factors or disease;

(cc) complications that have developed as a result of the disease or risk factor; and
(dd) type of treatment and side-effects of treatment.

(ii) the applicant submits an annual follow-up blood test where applicable.

(d) six months in the case of a pilot as specified in subparagraph (c), where the applicant is 60 years of age or more.

(2) A Class 2 and 3 medical certificate shall be issued for a period not exceeding–

(a) 24 calendar months, calculated from the last day of the calendar month in which the medical certificate is issued, where the applicant is less than 40 years of age on the date on which the medical certificate is issued; and
(b) 12 calendar months, calculated from the last day of the calendar month in which the medical certificate is issued, where the applicant is 40 years of age or more on the date on which the medical certificate is issued.

(3) A Class 4 medical certificate shall be issued for a period not exceeding–

(a) 60 calendar months, calculated from the last day of the calendar month in which the medical certificate is issued, where the applicant is less than 40 years of age on the date on which the medical certificate is issued; and
(b) 36 calendar months, calculated from the last day of the calendar month in which the medical certificate is issued, where the applicant is 40 years of age or more on the date on which the medical certificate is issued.

(4) Notwithstanding the provisions of subregulations (1), (2) and (3), a designated aviation medical examiner may –

(a) indications require that –

(i) medical examinations or tests be performed at shorter intervals; or
(ii) additional examinations or tests be performed; or

(b) when the safe performance of the duties essential to the operation of an aircraft, of the holder of such medical certificate, depends on compliance with any special limitation, endorse the medical certificate with such requirement or limitation.

## Duties of holder of medical certificate

67.00.9 (1) The holder of a medical certificate shall –

(a) carry such medical certificate on his or her person when carrying out the duties as a flight crew member, an air traffic service personnel member or a cabin crew member, as the case may be;
(b) not under any circumstances act as a pilot-in-command, or in any other capacity as a flight crew member, an air traffic service personnel member or a cabin crew member, as the case may be –

(i) while he or she is aware of any medical condition which could affect the validity of such medical certificate;
(ii) while he or she is receiving medical treatment, unless otherwise provided for in Document SA-CATS-MR;
(iii) if the holder has entered the thirtieth week of pregnancy;
(iv) if the holder has given birth in the preceding eight weeks; or
(v) after such medical certificate has expired;

(c) without undue delay, notify the designated body or institution of any –

(i) injury;
(ii) hospitalisation;
(iii) surgical operation or invasive procedure;

(iv) regular use of medication;
(v) pregnancy;
(vi) absence due to illness for a period of more than 21 days; or
(vii) psychiatric treatment, which renders such holder unable to comply with the appropriate medical requirements and standards referred to in Regulation 67.00.2(6).

(2) For the purposes of sub-regulation (1)(c), the holder of a medical certificate shall, before such holder resumes the exercising of the privileges of the licence held by him or her, furnish the designated body or institution with proof that he or she has fully recovered from the decrease in medical fitness.

(3) The holder of a Class 4 medical certificate shall, after the medical certificate has been issued to him or her, on an annual basis complete and submit to the designated body or institution the medical declaration as prescribed in Document SA-CATS-MR.

(4) No flight crew member shall –

(a) consume any liquor less than 8 hours prior to the specified reporting time for operational duty or the commencement of a shift;
(b) commence an operational duty while the concentration of alcohol in any specimen of blood taken from any part of his or her body is more than 0,02 gram per 100 millilitres;
(c) consume alcohol during the operational duty period or whilst on standby for operational duty; and
(d) commence an operational duty period while under the influence of liquor or any drug having a narcotic effect.

(5) Flight crew members shall not –

(a) exercise the privileges of their licences and related ratings while under the influence of any psychoactive substance which might render them unable to safely and properly exercise these privileges; and
(b) engage in any problematic use of substances.

## Validations

67.00.10A (1) The Commissioner may, in consultation with the designated body or institution, recognize any foreign medial report, medical assessment or medical certificate issued by an appropriate authority for the purpose of validating a foreign flight crew member's licence, air traffic service personnel member's licence or cabin crew member's licence.

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

(a) a single period of six months in the case of a flight crew member of an aircraft used in non-commercial operations; or
(b) two consecutive periods, each of three months, in the case of a flight crew member or a cabin crew member, as the case may be, of an aircraft used in commercial operations: Provided that the flight crew member or cabin crew member concerned –

(i) obtains in that State or territory, in either instance, a valid medical certificate after examination by an appropriate authority; and
(ii) undergoes the appropriate medical examination as soon as he or she returns to the Republic.

## Foreign medical examinations

67.00.10 (1) The Commissioner may recognize any foreign medical report, history and examination form and investigations issued by an appropriate authority for the purposes of renewing a flight crew member's licence.

(2) This law shall apply to flight crew members who already hold a South African licence, are based outside the borders of the Republic, and are unable, for whatever reason, to come to South Africa to undergo a medical examination.

(3) In case (2) above, it is the responsibility of the flight crew member to submit to the Commissioner all the medical records, which may include, but is not limited to, a history and examination form signed by the both the licence holder and the examining

doctor registered with the appropriate authority, and all relevant investigations.

(4) The Commissioner will then confirm that all the South African standards have been met by the licence holder.

(5) All medical records submitted should be in English, or, if originally in a foreign language, translated into English by an appropriate person who will then sign.

(6) The Commissioner reserves the right not to recognize any medical records if any doubt exists as to their authenticity.

(7) Flight crew members who have undergone an examination by a South African registered AME based in a foreign country, and have been issued with the appropriate medical certificate, will be deemed to have undergone a South African medical examination.

# PART 91 - GENERAL OPERATING AND FLIGHT RULES

## SUBPART 1: GENERAL PROVISIONS

### Applicability

91.01.1 (1) Subject to the provisions of subregulation (2), this part shall apply to –

(a) aircraft operated within the Republic;
(b) aircraft registered in the Republic and operated internationally;
(c) persons acting as flight crew members of aircraft registered in the Republic; and
(d) persons who are on board an aircraft operated under this part.

(2) Additional rules to, and exemptions from, the provisions of this part, are prescribed, in respect of –

(a) the conveyance of dangerous goods, in Part 92;
(b) the operation of powered paragliders, in Part 98;
(c) the operation of gyroplanes, in Part 100;
(d) the operation of unmanned free balloons, kites and remotely piloted aircraft, in Part 101;
(e) the operation of free balloons and airships, in Part 102;
(f) the operation of microlight aeroplanes, in Part 103;
(g) the operation of gliders, in Part 104;
(h) parachuting operations, in Part 105;
(i) the operation of hang gliders, in Part 106;
(j) large aeroplanes engaged in commercial air transport operations, in Part 121;
(k) helicopters engaged in commercial air transport operations, in Part 127;
(l) helicopters engaged in external-load operations, in Part 133;
(m) small aeroplanes engaged in commercial air transport operations, in Part 135;
(n) aircraft engaged in agricultural operations, in Part 137; and
(o) aircraft engaged in emergency medical service operations, in Part 138.

### Authority of pilot-in-command

91.01.2 All persons on board an aircraft shall obey all lawful commands given by the pilot-in-command of the aircraft for the purpose of securing the safety of such aircraft and of persons or property carried therein.

### Authorisation of personnel to taxi aeroplanes

91.01.3 No owner or operator of an aeroplane shall permit the taxiing of, and no person shall taxi, an aeroplane on the movement area of an aerodrome unless the person at the controls of the aeroplane –

(a) is the holder of a valid pilot licence; or
(b) has received instruction in the taxiing of an aeroplane from, and has been declared competent to taxi an aeroplane by, the holder of a flight instructor rating or, in the case of a foreign aeroplane, a person authorized by an appropriate authority; and

(c) if the person uses a radio apparatus, such person is authorized to use the radio apparatus; and
(d) is conversant with the aerodrome layout, routes, signs, markings, lighting, air traffic service signals and instructions, phraseology and procedures, if required, and is able to conform to the standards required for safe aeroplane movements at such aerodrome.

Search and rescue information

91.01.4 The pilot-in-command or, in the case of an aircraft engaged in commercial air transport operations, the operator, shall ensure that all essential information concerning the search and rescue services in the area over which it is intended that the aircraft will be flown, is available on board the aircraft.

Information on emergency and survival equipment carried

91.01.5 (1) The owner or operator of an aircraft shall have available for immediate communication to rescue coordination centres, a list containing information regarding the emergency and survival equipment carried on board the aircraft.
(2) The minimum information to be contained in the list referred to in subregulation (1) shall be as prescribed in Document SA-CATS-OPS 91.

Portable electronic devices

91.01.9 (1) Subject to the provisions of subregulation (2), no owner, operator or pilot-in-command of an aircraft or person shall permit the operation of, or operate on board the aircraft during flight time, any portable electronic device which may adversely affect the performance of the systems and equipment of the aircraft.

(2) The provisions of subregulation (1) shall not apply to –

(a) a heart pacemaker;
(b) a hearing aid;
(c) a portable voice recorder;
(d) an electric shaver; or
(e) any other portable electronic device, the operation of which-

(i) in the case of an aircraft engaged in a commercial air transport operation, the operator; or
(ii) in the case of an aircraft engaged in an operation other than a commercial air transport operation, the pilot-in-command, has determined will not cause interference with the systems and equipment of the aircraft in which it is to be used.

(3) A portable electronic device referred to in subregulation (2)(c), (d) or (e) shall not be used by any person during the critical phases of flight.

Endangering safety

91.01.10 No person shall, through any act or omission –

(a) endanger the safety of an aircraft or person therein; or
(b) cause or permit an aircraft to endanger the safety of any person or property.

Preservation of documents

91.01.11 (1) The owner or operator of an aircraft who is required to retain any of the documents for the specified period referred to in subpart 3, shall retain such documents for such specified period irrespective of the fact that such owner or operator, before the expiry of such period, ceases to be the owner or operator of the aircraft.

(2) The owner or operator of an aircraft operated in the mass category specified under Table 1 of Part 187 and issued with a certificate of airworthiness in any category in terms of Part 21, shall be liable for a currency fee, as prescribed in Part 187. Such fees shall be payable in advance on the anniversary date on which the certificate of airworthiness was issued or re-issued as the case may be. Should the aircraft be unserviceable and not in possession of a valid certificate of airworthiness at that time, the

currency fee mentioned will be waived until the aircraft is again serviceable and the certificate of airworthiness reissued. The fee for the re-issue of the certificate of airworthiness as prescribed by Part 187 shall then be applicable.

## SUBPART 2: FLIGHT CREW

### Composition of flight crew

91.02.1 (1) The number and composition of the flight crew shall not be less than the number and composition specified in the certificate of airworthiness, the aircraft flight manual referred to in Regulation 91.03.2 or any other document associated with the certificate of airworthiness.

(2) The flight crew members shall –

(a) be competent and qualified to perform the duties assigned to them; and
(b) hold the appropriate valid flight crew member licences and ratings.

(3) The flight crew shall include at least one member who holds a valid radiotelephony operator licence or an equivalent document issued by an appropriate authority, authorising such member to operate the type of radio transmitting equipment to be used.

Editorial note: See also AIC 30.9.

(4) In the case of a multi-pilot crew, the owner or operator shall designate one pilot among the flight crew as pilot-in-command of the aircraft and the pilot-incommand may delegate the conduct of the flight to another suitably qualified pilot.

### Flight crew member emergency duties

91.02.2 (1) The owner or operator and, where appropriate , the pilot-in-command of a multi-crew aircraft shall assign to each flight crew member concerned, the necessary functions to be performed in an emergency or a situation requiring emergency evacuation.

(2) The functions referred to in subregulation (1) shall be such as to ensure that any reasonably anticipated emergency can be adequately dealt with and shall take into consideration the possible incapacitation of individual flight crew members.

### Flight crew member responsibilities

91.02.3 (1) No person shall act as a flight crew member of an aircraft –

(a) whilst using any narcotic substance or drug which may affect his or her faculties in any manner that may jeopardize safety;
(b) within 24 hours following scuba diving by such flight crew member;
(c) within 72 hours following blood donation by such flight crew member;
(d) if the flight crew member knows or suspects that he or she is suffering from or, having due regard to the circumstances of the flight to be undertaken, is likely to suffer from fatigue to such an extent that it may endanger the safety of the aircraft or its occupants; or
(e) if the flight crew member is in any doubt of being able to accomplish his or her assigned duties on board the aircraft.

(2) No flight crew member shall –

(a) consume any alcohol less than 8 hours prior to commencing standby for operational duty or commencing operational duty, which operational duty shall be deemed to commence at the specified reporting time, if applicable;
(b) commence an operational duty period while the concentration of alcohol in any specimen of blood taken from any part of his or her body, is more than 0,02 gram per 100 millilitres; or
(c) consume alcohol during flight duty or whilst on standby, or within eight hours after an accident or reportable incident involving the aircraft, unless the accident or incident was not related to his or her duties.

(3) Subject to the provisions of sub-regulation (4), no person shall act as a flight crew member of an aircraft if, prior to each flight, the flight time exceeds, or is likely to exceed, the permissible aggregate of –

(a) in the case of an operation other than an operation referred to in paragraph (e), irrespective of whether such operation is carried out under a licence issued in terms of the Air Services Licensing Act, 1990 (Act No. 115 of 1990), or the International air Services Act, 1993 (Act No. 60 of 1993) –

(i) 400 hours, during the preceding 90 days;
(ii) 700 hours, during the preceding six months; or
(iii) 1000 hours, during the preceding 12 months;

(b) in the case of flight instructors conducting ab initio training, six hours within one calendar day;
(c) as part of a multi-pilot crew for a flight to be undertaken wholly or partly under instrument flight rules–

(i) 120 hours, during the preceding 30 days;
(ii) 300 hours, during the preceding 90 days; or
(iii) 1000 hours, during the preceding 12 months;

(d) as the sole pilot of an aircraft for a flight to be undertaken wholly or partly under instrument flight rules–

(i) 100 hours, during the preceding 30 days; or
(ii) 1000 hours, during the preceding 12 months; or

(e) in the case of an operation carried out in terms of Part 121, Part 127, Part 135, Part 138 or Part 141, the limitations of the flight time and duty scheme that have been approved for the operation by the Commissioner.

(4) If a flight crew member expects his or her cumulative flight hours projected for a particular operation, to exceed the appropriate limit referred to in sub-regulation (3), the flight crew member shall inform the operator accordingly.

Recency

91.02.4 (1) A pilot shall not act as pilot-in-command of an aircraft carrying passengers by day, unless such pilot has, within the 90 days immediately preceding the flight, carried out either by day or by night at least three take-offs and three landings in the same class or similar type and category of aeroplane, and in the case of a helicopter three circuits including three take-offs and three landings in the same type of helicopter, as that in which such flight is to be undertaken, or in an approved flight simulation device (FSTD). On the case of a
tail-wheel aeroplane, each landing shall be carried out to a full stop.

(2) A pilot shall not act as pilot-in-command of an aircraft carrying passengers by night, unless the pilot has, within the 90 days immediately preceding the flight, carried out at least three take-offs and three landings by night, in the same class or similar type and category of aeroplane, and in the case of a helicopter three circuits including three take-offs and three landings in the same type of helicopter, as that in which such flight is to be undertaken, or in an approved FSTD. In the case of a tail-wheel aeroplane, each landing shall be to a full stop.

(3) Where the take-off and landing requirement referred to in sub-regulations (1) and (2) have been satisfied in a multi-engine aircraft, the requirement shall be deemed to have been met in respect of single-engine aircraft as well.

(4) A pilot shall not act as pilot-in-command of an aircraft on an instrument approach to an aerodrome in IMC unless the pilot has, within the 90 days immediately preceding such approach by means of an instrument approach procedure or procedures established by the Commissioner or an appropriate authority –

(a) executed at least two approaches in an aircraft either under actual or simulated conditions, with reference to flight instruments only; or
(b) executed at least one approach in an aircraft, either under actual or simulated conditions with reference to flight instruments only and one approach in an approved simulation; or
(c) executed at least one approach in an aircraft under actual or simulated conditions with reference to flight instruments only and one approach in an approved FSTD; or

(d) undergone the appropriate skill test as prescribed in Subpart 61.15 of Part 61 of these Regulations.

## Flight crew members at duty stations

91.02.5 (1) In the case of a multi-crew aircraft –

(a) each flight crew member shall be at his or her assigned station or seat, properly secured by all seat belts and shoulder harnesses provided, during take-off and landing and whenever deemed necessary by the pilot- in-command in the interests of aviation safety;
(b) each flight crew member shall keep his or her seat belt fastened while at his or her assigned station, during phases of the flight, other than the phases referred to in sub-paragraph (a);
(c) each flight crew member required to be on flight deck duty, shall be at his or her assigned station, during take-off and landing;
(d) all flight crew members on flight deck duty shall remain at their assigned stations during all phases of the flight other than the phases referred to in sub-paragraph (c): Provided that –

(i) a flight crew member may leave his or her assigned station, in the course of the performance of his or her duties with regard to the operation of the aircraft or of for physiological needs; and
(ii) at least one suitably qualified pilot remains at the controls of the aircraft at all times.

(e) the pilot-in-command or, where applicable, the operator shall ensure that flight crew members do not perform any activities during critical phases of the flight other than those required for the safe operation of the aircraft.

(2) In the case of a single-pilot aircraft, the pilot-in-command shall, during all phases of the flight, remain at the controls of the aircraft.

## Laws, regulations and procedures

91.02.6 (1) In an emergency situation which endangers the aircraft, flight crew members or passengers, the pilot-in-command may, in the interests of aviation safety –

(a) take any action which he or she considers necessary under the circumstances; and
(b) deviate from any law, regulation and operational procedure of the State within or over the territory of which the aircraft is operated.

(2) If a pilot-in-command deviates from any law, regulation or operational procedure in an emergency situation referred to in subregulation (1), he or she shall notify the appropriate authority of the State within or over the territory of which the deviation occurs, of such deviation without delay.

(3) If the appropriate authority of the State within or over the territory of which the deviation occurs, requests the pilot-in-command to submit a report on such deviation, the pilot-in-command shall submit the report –

(a) within the period specified by such appropriate authority, to such appropriate authority; and
(b) within 10 days from the date on which such report is requested by such appropriate authority, to the Commissioner.

## Duties of pilot-in-command regarding flight preparation

91.02.7 (1) The pilot-in-command of an aircraft shall not commence a flight unless he or she is satisfied that –

(a) the aircraft is airworthy;
(b) the instruments and equipment required for the particular type of operation to be undertaken, are installed and are serviceable, except as provided for in the MEL, if any;
(c) the aircraft has been released to service in accordance with Part 43;
(d) the mass of the aircraft does not exceed the maximum certificated mass calculated from the performance information provided in the aircraft flight manual referred to in Regulation 91.03.2, in terms of which the operating limitations referred to in subpart 9 are complied with;

(e) the load carried by the aircraft is properly secured, fit to be conveyed in accordance with Part 92 and is so distributed that the centre of gravity is within the limits prescribed in the aircraft flight manual referred to in Regulation 91.03.2;

(f) in respect of aeroplanes operated in terms of Part 121 or Part 135, an operational flight plan which complies with the criteria in the operations manual, is completed for each intended flight;

(g) an air traffic service flight plan referred to in Regulation 91.03.4, has been properly completed and filed with the appropriate air traffic service unit, if such flight plan is required in terms of Regulation 91.03.4;

(h) all the documents and forms required to be carried on board, current maps, charts and associated documents, if any, are carried;

(i) a check has been completed indicating that the operating limitations referred to in subpart 9 will not be exceeded;

(j) the search and rescue information, referred to in Regulation 91.01.4, is available on board;

(k) the requirements in respect of fuel, oil, oxygen, minimum safe altitudes, aerodrome operating minima and availability of alternate aerodromes are complied with;

(l) the aerodrome operating minima are not less than the operating minima of the aerodrome being operated to or from, established by the appropriate authority of the State in which the aerodrome is located, unless such appropriate authority approves lower aerodrome operating minima;

(m) the status of the aircraft and the relevant airborne systems appropriate for the specific flight to be undertaken;

(n) the external surfaces are clear of any deposit which might adversely affect the performance or controllability of the aircraft, unless otherwise permitted in the aircraft flight manual referred to in Regulation 91.03.2;

(o) according to the information available to him or her, the weather at the aerodrome and, in respect of an aeroplane, the condition of the runway intended to be used, will not prevent a safe take-off and departure or a safe landing at the destination aerodrome or alternate aerodrome, as applicable;

(p) the RVR or visibility in the take-off direction of the aircraft is equal to, or better than, the applicable minimum;

(q) the flight crew members are properly qualified for the specific operation to be undertaken;

(r) the status of the visual and non-visual facilities is sufficient prior to commencing a low visibility take-off, or a Category II or III approach as specified in Document SA-CATS-OPS 91, if such approaches are planned;

(s) an adequate and suitable aerodrome as specified in Document SACATS-OPS 91, is available for take-off, en route and destination, should it become inadvisable to continue to or land at the destination aerodrome; and

(t) the flight crew members are not apparently incapacitated as a result of injury, sickness, fatigue or the consumption of alcohol or drugs having a narcotic effect.

(u) if flight in RVSM airspace is contemplated –

(i) the aircraft has been approved by the Commissioner for RVSM operations;

(ii) the minimum required equipment pertaining to height keeping and alerting systems is installed and serviceable; and

(iii) no airframe or operating restrictions prevent operation in the particular RVSM airspace.

(2) The pilot-in-command of an aircraft shall –

(a) not commence a flight unless he or she has ascertained through the relevant NOTAM, AIC, AIP or AIP SUP that the aerodromes, navigation aids and communication facilities are adequate for the manner in which the flight is to be conducted;

(b) prior to take-off from an aerodrome at which an air traffic service unit is in operation, determine through the aeronautical information services available from the unit or any other reliable source, that the unserviceability of any aerodrome, navigation aids or communication facilities required for such flight, will not prejudice the safe conduct of the flight; and

(c) advise an air traffic service unit, as soon as it is practical to do so, of any inadequate facilities encountered in the course of operations.

(3) Where a load and trim sheet is required in terms of these Regulations, the load and trim sheet shall be acceptable to and countersigned by the pilot-in-command before a flight commences: Provided that if the load and trim sheet is submitted to the pilot-in-command by electronic data transfer, commencement of the flight shall be deemed to be the acceptance thereof by such pilot-in-command.

(4) Before take-off and landing, and whenever deemed necessary in the interest of aviation safety, the pilot-in-command shall ensure that all flight crew, passengers, equipment and baggage is properly secured and all exit and escape paths are unobstructed.

Duties of pilot-in-command regarding flight operations

91.02.8 (1) The pilot-in-command of an aircraft shall be responsible for–

(a) the operation and safety of the aircraft while he or she is in command;
(b) the conduct and safety of flight crew members and passengers carried; and
(c) the maintenance of discipline by all persons on board;

(2) The pilot-in-command of the aircraft shall have the authority–

(a) to give such commands he or she deems necessary in the interest of the safety of the aircraft, persons or property; and
(b) to disembark any person or cargo which in his or her opinion, represents a potential hazard to the safety of the aircraft, persons or property.

(3) The pilot-in-command of the aircraft shall ensure that all passengers are informed as to–

(a) when and how oxygen equipment is to be used, if the carriage of oxygen is required;
(b) the location and use of life jackets or equivalent individual flotation devices, where the carriage thereof is required;
(c) the location and method of opening emergency exits;
(d) when seat belts are to be fastened;
(e) when smoking is prohibited; and
(f) when portable electronic devices may be used.

(4) The pilot-in-command of an aircraft shall –

(a) ensure that the pre-flight inspection has been carried out, and that the checklists, and where applicable, the flight deck procedures and other instructions regarding the operation of the aircraft, the limitations contained in the aircraft flight manual referred to in Regulation 91.03.2, or equivalent certification document, are fully complied with at the appropriate times during a flight;
(b) decide whether or not to accept an aircraft with unserviceabilities allowed by the CDL or MEL, where applicable;
(c) before take-off, ensure that the passengers are briefed on the location and general manner of use of the relevant emergency equipment carried for collective use and, when an emergency arises, shall instruct the passengers to take such emergency action as may be appropriate;
(d) ensure that during take-off and landing and whenever, by reason of turbulence or any emergency occurring during a flight, the precaution is considered necessary, all persons on board the aircraft are secured in their seats by means of the seat belts or shoulder harnesses provided;
(e) when replanning, whilst in flight, to proceed along a route or to a destination other than the route or destination originally planned, shall amend the operational flight plan, if such a plan was required in terms of Regulation 91.02.7(1)(f);
(f) report any accident or incident involving the aircraft in accordance with Part 12;
(g) report any dangerous goods accident or incident involving the aircraft in accordance with Part 92;
(h) if the aircraft is endangered in flight by a near collision with any other aircraft or object, faulty air traffic procedure or lack of compliance with applicable procedures by an air traffic service unit or a flight crew member or a failure of air traffic service facilities, submit an air traffic service incident report in accordance with Regulation 12.02.2;
(i) record any technical defect and the exceeding of any technical limitation which occurred while he or she was responsible for the flight, in the flight folio; and
(j) if a potentially hazardous condition such as bird accumulation, an irregularity in a ground or navigation facility, meteorological phenomena, a volcanic ash cloud or a greater than normal radiation level is observed during flight, notify an air traffic service unit as soon as possible.
(k) If the aircraft is equipped with an ELT, prior to engine shut-down at the end of each flight as part of the post-flight checks, tune the VHF receiver to 121,5 MHz to listen for ELT activation. If the ELT has been activated inadvertently as the result of a hard landing or for other reasons, this shall be reported–

(i) immediately through the nearest ATS unit to the ARCC; and
(ii) in the appropriate flight log as maintenance may be required before it is returned to service.

(l) report any occurrence of height keeping errors encountered in an RVSM environment, as prescribed in paragraph (7) of Section 8 of Technical Standard 91.07.31 in Document SA-CATS-OPS 91.

(5) The pilot-in-command of the aircraft shall ensure that –

(a) breathing oxygen is available to flight crew members and passengers if flights in a non-pressurised aircraft are contemplated above 10 000 feet and up to 12 000 feet in excess of 120 minutes intended flight time, or above 12 000 feet; and
(b) breathing oxygen is carried in sufficient quantities for all flights at such altitudes where a lack of oxygen might result in impairment of faculties of flight crew members, or harmfully affect passengers.

(6) The pilot-in-command of the aircraft shall not –

(a) require a flight crew member to perform any duties during a critical phase of the flight, except those duties required for the safe operation of the aircraft;
(b) permit any activity during a critical phase of the flight which could distract any flight crew member from the performance of his or her duties or which could interfere in any way with the proper conduct of those duties; and
(c) continue a flight beyond the nearest suitable aerodrome in the event of a flight crew member becoming unable to perform any essential duties as a result of fatigue, sickness or lack of oxygen.

(7) The pilot-in-command of an aircraft, or in his or her absence, the owner or operator thereof, shall report any act of unlawful interference with the operation of the aircraft, or the authority of the pilot-in-command –

(a) if the act of unlawful interference occurs within the Republic, to the Commissioner; or
(b) if the act of unlawful interference occurs within or over the territory of a foreign State, to the appropriate authority of the State and the Commissioner.

(8) The pilot in command of an aircraft, that is equipped with a flight deck door, shall ensure that at all times from the moment the passenger entry doors are closed in preparation for departure until they are opened on arrival, that the flight deck door is closed and locked from within the flight deck.

## SUBPART 3: DOCUMENTATION AND RECORDS

### Documents to be carried on board

91.03.1 The owner or operator of an aircraft shall ensure that the following documents, or certified true copies thereof, are carried on board the aircraft on each individual flight:

(a) If the aircraft is engaged in an international flight –

(i) the certificate of registration;
(ii) the certificate of airworthiness;
(iii) the appropriate licence of each flight crew member;
(iv) the journey logbook or general declaration;
(v) the aircraft radio station licence;
(vi) if passengers are carried, the passenger manifest, unless the information is included in the general declaration referred to in subparagraph (iv);
(vii) if cargo is carried, a manifest and detailed declaration of the cargo;
(viii) the certificate of release to service;
(ix) the navigation log when a navigator is carried;
(x) the aircraft flight manual, referred to in Regulation 91.03.2, or an equivalent document, which document shall include the statements referred to in paragraph (5) of Section 5 of Technical Standard 91.07.31 of Document SA-CATS-OPS 91, if flight in RVSM airspace is contemplated;

(xi) the mass and balance report;
(xii) the flight folio;
(xiii) the MEL, if applicable;
(xiv) the noise certificate, if such certificate has been issued for the type of aircraft; and
(xv) a list of visual signals for use by intercepting and intercepted aircraft;
(xvi) if a flight in RVSM airspace is contemplated –

(aa) a valid RVSM approval Certificate issued by the Commissioner; and
(bb) if applicable, a valid RVSM operational approval for the particular RVSM airspace.

(b) if the aircraft is engaged in a domestic flight –

(i) the certificate of registration;
(ii) the certificate of airworthiness;
(iii) the appropriate licence of each flight crew member;
(iv) the aircraft radio station licence;
(v) the certificate of release to service;
(vi) the aircraft flight manual referred to in regulation 91.03.2 or an equivalent document;
(vii) the mass and balance report;
(viii) the flight folio;
(ix) the MEL, if applicable;
(x) the noise certificate, if such certificate has been issued for the type of aircraft; and
(xi) the list of visual signals for use by intercepting and intercepted aircraft.

## Aircraft flight manual

91.03.2 (1) The owner or operator of an aircraft shall keep a current approved aircraft flight manual for each aircraft of which he or she is the owner or operator.

(2) The flight crew members of the aircraft shall, on each flight, operate such aircraft in accordance with the aircraft flight manual, unless an unforeseen emergency dictates otherwise.

## Aircraft checklists

91.03.3 The owner or operator of an aircraft shall, where applicable, establish and make available to the flight crew and other personnel in his or her employ needing the information, a checklist system for the aircraft, to be used by such flight crew and other personnel for all phases of the operation under normal, abnormal and emergency conditions.

## Air traffic service flight plan

91.03.4 (1) The owner or operator of an aircraft shall ensure that an air traffic service flight plan is completed if required in terms of sub-regulation (4).

(2) The items to be contained in the air traffic service flight plan referred to in sub-regulation (1) shall be as prescribed Document SA-CATS-OPS 91.

(3) The air traffic service flight plan shall be filed with the appropriate air traffic service unit and such unit shall be responsible for transmitting such air traffic service flight plan to all air traffic service units concerned with the flight.

(4) The air traffic service flight plan shall be filed in respect of –

(a) all flights to be conducted in controlled or advisory airspace: Provided that this requirement shall not apply in respect of –

(i) a local flight;
(ii) a flight crossing an airway or advisory routes at right angles; or
(iii) a VFR flight entering or departing from an aerodrome traffic zone or control zone, from or to an unmanned aerodrome and where no other controlled or advisory airspace will be entered during the

flight;

(b) an international flight;

(c) all flights undertaken in terms of a Class I or Class II licence issued in terms of the Air Services Licensing Act, 1990, or the International Air Services Act, 1993; and

(d) a flight for which alerting action is required.

(5) An air traffic control unit may instruct a flight for which an air traffic service flight plan is required in terms of subregulation (4) and for which an air traffic service flight plan has not been filed, to clear or to remain clear of controlled airspace, and not to cross the border of the Republic or to enter its airspace until such time as the required air traffic service flight plan has been filed.

(6) Unless otherwise authorized by the responsible air traffic service unit, an air traffic service flight plan for a flight to be conducted in controlled or advisory airspace, shall be filed at least 30 minutes before departure or, if filed during flight while outside controlled or advisory airspace for a flight to be conducted in such airspace, it shall be filed with the responsible air traffic service unit at least 10 minutes before the aircraft is estimated to reach the intended point of entry into the controlled or advisory airspace.

(7) The pilot-in-command of an aircraft shall ensure that all changes which become applicable to an air traffic service flight plan before departure or in flight, are reported, as soon as practicable, to the responsible air traffic service unit.

(8) If an air traffic service flight plan has been filed with an air traffic service unit prior to departure, and is not activated with an air traffic service unit within one hour of original estimated time of departure or amended estimated time of departure, the air traffic service flight plan shall be regarded as cancelled and a new air traffic service flight plan shall be filed.

(9) Where an air traffic service unit is not in operation at the aerodrome of intended landing a report shall be submitted to an air traffic service unit, by the quickest means of communication available, immediately before or after landing, in respect of a flight for which an air traffic service flight plan was submitted and not as yet closed.

(10) Subject to the provisions of subregulation (11), the pilot-in-command shall ensure that the aircraft adheres to the current air traffic service flight plan filed for a controlled flight, unless a request for a change has been made and accepted by the air traffic control unit responsible for the controlled airspace in which the aircraft is operating, or unless an emergency situation arises which necessitates immediate action, in which event the responsible air traffic control unit shall, as soon as circumstances permit, be notified of the action taken and that such action was taken under emergency authority.

(11) In the event of a controlled flight inadvertently deviating from its current air traffic service flight plan, the following action shall be taken:

(a) If the aircraft is off track, action shall be taken forthwith to adjust the heading of the aircraft to regain track as soon as practicable;

(b) if the average true airspeed at cruising level between reporting points varies, or is expected to vary, from that given in an air traffic service flight plan by approximately five per cent of the true airspeed, the responsible air traffic service unit shall be so informed;

(c) if the estimated time at the next applicable reporting point, flight information regional boundary, or aerodrome of intended landing, whichever comes first, is found to be in error in excess of three minutes from that notified to the responsible air traffic service unit, a revised estimated time shall be notified to such air traffic service unit as soon as possible; or

(d) if the aircraft deviates from its altitude, action shall be taken forthwith to correct the altitude of the aircraft.

(12) A pilot shall only operate an aircraft under IFR using GNSS equipment as a primary means navigation system if the letter "G" has been inserted in the block item 10 on the ICAO flight plan form.

(13) No person shall enter the letter "G" in the block item 10 on the ICAO flight plan form unless the requirements prescribed in this regulation have been complied with.

## Flight folio

91.03.5 (1) The owner or operator of a South African registered aircraft shall ensure that the aircraft carries a flight folio or any other similar document which contains the information as prescribed in Document SA-CATS-OPS 91, at all times.

(2) The flight folio shall be kept up-to-date and maintained in a legible manner.

(3) All entries shall be made immediately upon completion of the occurrence to which they refer.

(4) In the case of maintenance being undertaken on the aircraft, the entry shall be certified by the person taking responsibility for the maintenance performed.

(5) The owner or operator shall retain the flight folio for a period of five years calculated from the date of the last entry therein.

### Fuel and oil record

91.03.6 (1) The owner of operator of an aircraft shall maintain fuel and oil records for each flight undertaken by the aircraft under the control of such owner or operator.
(2) The pilot-in-command of the aircraft shall enter the fuel and oil records referred to in subregulation (1) in the flight folio.

### Certificate of release to service

91.03.7 (1) No owner or operator of an aircraft shall operate –

(a) a South African registered aircraft without holding a valid certificate of release to service signed by the holder of an appropriately rated aircraft maintenance engineer licence or aircraft maintenance organization approval; or
(b) a foreign aircraft without holding a valid certificate, equivalent to the certificate referred to in paragraph (a), issued by an appropriate authority.

(2) The owner or operator shall –

(a) ensure that one copy of the certificate of release to service or equivalent certificate is carried on board the aircraft to which it relates and, in the case of a South African registered aircraft, a second copy shall be filed at the normal station of the aircraft; and
(b) retain the certificate of release to service for a period of 12 months calculated from the date of issue of such certificate of release to service.

## SUBPART 4: INSTRUMENTS AND EQUIPMENT

### Use of instruments and equipment by pilot

91.04.1 (1) Instruments on an aircraft which are used by a pilot shall be so arranged in such a manner that the pilot can see their indications readily from his or her station, with the minimum practicable deviation from the position and line of vision which he or she normally assumes when looking forward along the flight path.

(2) If a single instrument or item of equipment in an aircraft is required to be operated by more than one pilot, such single instrument or item of equipment shall be installed in such a manner that it can be readily seen and operated from each pilot station.

(3) An aircraft shall be equipped with means for indicating the adequacy of the power being supplied to the required flight instruments.

### Circuit protection devices

91.04.2 (1) No owner or operator of an aircraft in which fuses are used, shall operate the aircraft unless there are spare fuses available for use in flight equal to at least ten per cent or three, whichever is the greater, of the number of fuses of each rating required for complete circuit protection, which spare fuses shall be accessible to the flight crew during flight.

(2) If the ability to reset a circuit breaker or replace a fuse is essential to safety in flight, such circuit breaker or fuse shall be located and identified in such a manner that it can be readily reset or replaced in flight.

(3) No person shall deactivate a circuit breaker in flight other than in accordance with the aircraft flight manual referred to in

Regulation 91.03.2.

## Aircraft operating lights

91.04.3 (1) No owner or operator of an aircraft shall operate such aircraft by night unless the aircraft is equipped with–

(a) serviceable navigation lights;
(b) (i) two serviceable landing lights; or
(ii) one single serviceable landing light housing with two separately energized filaments; and
(c) a serviceable rotating beacon or strobe light; and
(d) a serviceable electrical torch for each required flight crew member, readily accessible to such crew member when seated at his or her designated station.

(2) Power supplied from the electrical system of the aircraft shall –

(a) provide adequate illumination for all instruments and equipment, used by the flight crew and essential for the safe operation of the aircraft; and
(b) be adequate to provide illumination in all passenger compartments, if any.

(3) No owner or operator of a helicopter shall operate the helicopter by night unless such helicopter is equipped with–

(a) in the case of a flight by night within 10 nautical miles, a light or lights providing adequate illumination both forward and downward to facilitate safe approaches, landings and take-offs; or
(b) in the case of a flight by night of more than 10 nautical miles, two landing lights or a single light having two separately energised filaments which are capable of providing adequate illumination both forward and downward to facilitate safe approaches, landings and take-offs.

(4) No owner or operator of a seaplane or an amphibious aircraft shall operate the seaplane or amphibious aircraft unless it is equipped with –

(a) the instruments and equipment referred to in sub-regulation (1), (2) or (3), as the case may be; and
(b) when operating on water by night, display lights to conform with the International Regulations for Prevention Collisions at Sea.

(5) The navigation lights to be displayed by aircraft by night, on the water or on the manoeuvring area of an aerodrome, shall be as prescribed in Regulation 91.06.10.

## Flight, navigation and associated equipment for aircraft operated under VFR

91.04.4 No owner or operator of an aircraft shall operate the aircraft in accordance with VFR, unless such aircraft is equipped with–

(a) a magnetic compass;
(b) an accurate time-piece showing the time in hours, minutes, and seconds;
(c) a sensitive pressure altimeter with a subscale setting, calibrated in hectopascal, adjustable for any barometric pressure setting likely to be encountered during flight;
(d) an airspeed indicator; and
(e) if to be operated by night, a chart holder in an easily readable position which can be illuminated.

## Seats, seat safety belts, harnesses and child restraint devices

91.04.14 (1) No owner or operator of an aircraft shall operate the aircraft unless such aircraft is equipped, as applicable, with –

(a) a seat or berth for each person who is aged two years or more;
(b) a safety belt with or without a diagonal shoulder strap, or a safety harness, for use in each passenger seat for each passenger who is aged two or more;
(c) a restraining belt for use in each passenger berth;

(d) a child restraint device for each passenger who is less than two years of age;
(e) a safety harness for each flight crew member seat, incorporating a device which will automatically restrain the occupant's torso in the event of rapid deceleration; and
(f) a safety harness for each cabin crew member seat: Provided that a safety belt with one diagonal shoulder strap is permitted if the fitting of a safety harness is not reasonably practical.

(2) Seats for cabin crew members shall, where possible, be located near a floor-level emergency exits, the additional cabin crew member seats required shall be located such that a cabin crew member may best be able to assist passengers in the rearward facing within 15° of the longitudinal axis of the aircraft.

(3) If the pilot-in-command cannot see all the passenger seats in the aircraft from his or her own seat, a means of indicating to all passengers and cabin crew members that seat belts should be fastened, shall be installed.

(4) All safety harnesses and safety belts shall have a single point release.

### Stowage of articles, baggage and cargo

91.04.15 No owner or operator of an aircraft shall operate the aircraft unless all articles, baggage and cargo carried on board, except those items in use by either the flight crew or by passengers, if such use is not prohibited by the pilot-in-command in the interest of the safety of the aircraft or its occupants, are placed –

(a) in a manner which prevents movement likely to cause injury or damage and does not obstruct aisles and exits; or
(b) in stowages designed to prevent movement likely to cause injury or damage.

### Standard first aid kit

91.04.16 (1) No owner or operator of an aircraft shall operate the aircraft unless such aircraft is equipped with an appropriate first aid kit as prescribed in Document SA-CATS-OPS 91.

(2) The owner or operator shall carry out periodical inspections of the first aid kits to ensure that, as far as practicable, the contents thereof are in a condition necessary for their intended use.

(3) The supplies in the standard first aid kit shall be replenished at regular intervals, in accordance with instructions contained on their labels, or as circumstances require.

### Supplemental oxygen in the case of non-pressurised aircraft

91.04.19 (1) No owner or operator of a non-pressurised aircraft shall operate the aircraft at altitudes between 10 000 feet and 12 000 feet for longer than 120 minutes intended flight time, or above 12 000 feet, unless such aircraft is equipped with the supplemental oxygen as prescribed in Document SA-CATSOPS 91.

(2) The conditions, rules, requirements, procedures or standards for supplemental oxygen shall be as prescribed in Document SA-CATS-OPS 91.

### Hand-held fire extinguishers

91.04.21 No owner or operator of an aircraft shall operate the aircraft unless such aircraft is equipped with the appropriate hand fire extinguishers as prescribed in Document SA-CATS-OPS 91.

## SUBPART 6: RULES OF THE AIR

## Division One: Flight Rules

### Landing on roads

91.06.1 No pilot shall use a public road as a place of landing or take-off in an aircraft, except –

(a) in the case of an emergency involving the safety of the aircraft or its occupants;
(b) for the purpose of saving human lives; or
(c) when involved in civil defence or law-enforcement operations: Provided that at all times reasonable care is taken for the safety of others with due regard to the prevailing circumstances.

### Dropping objects, spraying or dusting

91.06.2 Except in an emergency or unless granted special permission by the Commissioner, no article shall be dropped from an aircraft in flight other than –

(a) fine sand or clean water used as ballast; or
(b) chemical substances for the purpose of spraying or dusting.

### Picking up objects

91.06.3 The pilot-in-command of an aircraft in flight shall not permit objects to be picked up, except –

(a) with the prior written approval of the Commissioner; or
(b) if licensed to do so under the International Air Services Act, 1993, or the Air Services Licensing Act, 1990.

### Towing

91.06.4 The pilot-in-command of an aircraft in flight shall not permit anything to be towed by the aircraft, except –

(a) with the prior written approval of the Commissioner; or
(b) if licensed to do so under the International Air Services Act, 1993, or the Air Services Licensing Act, 1990.

### Operation of vehicle- or vessel-towed aircraft

91.06.5 (1) Except with the prior written approval of the Commissioner and subject to such conditions as he or she may impose, an aircraft which is intended, for purposes of flight, to be towed by a vehicle or vessel traveling on the surface or to be moored on the surface, shall not –

(a) be flown higher than 150 feet above the surface on which the towing vehicle or vessel is travelling or to which such aircraft is moored;
(b) be flown closer than five nautical miles from the boundary of an aerodrome; or
(c) take-off from, land on or be flown above any public road.

(2) The provisions of subregulation (1)(a) and (b) shall not apply to the winching or towing of gliders at the aerodrome of departure.

### Proximity and formation flights

91.06.6 No pilot shall operate an aircraft-

(a) in such proximity to other aircraft so as to create a collision hazard;
(b) in formation flight, except by arrangement with the pilot-in-command of each aircraft in the formation; or
(c) in formation flight while carrying passengers for commercial purposes.

### Right of way

91.06.7 (1) An aircraft which has the right-of-way, shall maintain its heading and speed, but nothing in these provisions shall relieve the pilot-in-command of an aircraft from the responsibility of taking such action as will best avert collision.

(2) An aircraft which is obliged, by the provisions of this subpart, to keep out of the way of another aircraft, shall avoid passing over or under the other aircraft, or crossing ahead or such aircraft, unless passing well clear.

(3) When two aircraft are approaching head-on or approximately so and there is danger of collision, each aircraft shall alter its heading to the right.

(4) When two aircraft are converging at approximately the same level, the aircraft which has the other aircraft on its right, shall give way, except in the following circumstances:

(a) Power-driven heavier-than-air aircraft shall give way to airships, gliders and balloons;
(b) airships shall give way to gliders and balloons;
(c) gliders shall give way to balloons;
(d) power-driven aircraft shall give way to aircraft which are –

(i) seen to be towing other aircraft or objects;
(ii) carrying an underslung load or are engaged in winching operations; and
(iii) being towed or tethered.

(5) An aircraft which is being overtaken has the right-of-way and the overtaking aircraft, whether climbing, descending or in horizontal flight, shall keep out of the way of the overtaken aircraft by altering its heading to the right, and no subsequent change in the relative positions of the two aircraft shall absolve the overtaking aircraft from its obligation until such aircraft is entirely past and clear: Provided that where a right-hand circuit is being followed at an aerodrome, the overtaking aircraft shall alter its heading to the left.

(6) An aircraft in flight or operating on the ground or water, shall give way to other aircraft landing or on final approach to land.

(7) (a) When two or more heavier-than-air aircraft are approaching an aerodrome for the purpose of landing, the aircraft at the higher level shall give way to the aircraft at the lower level, but the latter aircraft shall not take advantage of this provision to cut in front of another aircraft which is on final approach to land, or to overtake such aircraft.
(b) Notwithstanding the provisions of paragraph (a), power-driven heavier-than-air aircraft shall give way to gliders.

(8) An aircraft about to take-off, shall not attempt to do so until there is no apparent risk of collision with other aircraft.

(9) An aircraft which is aware that another aircraft is compelled to land, shall give way to such aircraft.

(10) For the purposes of this regulation, an overtaking aircraft is an aircraft which approaches another aircraft from the rear on a line forming an angle of less than 70 degrees with the plane of symmetry of the latter aircraft, and will therefore be in such position with reference to the other aircraft, that by night it should be unable to see either of the other aircraft's wingtip navigation lights.

## Following line features

91.06.8 An aircraft flying at or below 1 500 feet above the surface and following a power line, a road, a railway line, a canal, a coastline or any other line feature within one nautical mile of such line feature, shall fly to the right of such line, road, railway line, canal, coastline or other line feature, except when the aircraft is instructed to do otherwise by an air traffic service unit.

## Aircraft speed

91.06.9 (1) Unless otherwise authorised by the Commissioner, no person shall, outside controlled airspace and below flight level 100, fly an aircraft at an indicated air speed of more than 250 knots.

(2) Unless otherwise authorised or required by an air traffic service unit, no person shall fly an aircraft within a control zone or an aerodrome traffic zone at an indicated air speed of more than –

(a) 160 knots, in the case of a reciprocating-engine aircraft; or
(b) 200 knots, in the case of a turbine-powered aircraft: Provided that if the minimum safe indicated air speed for a particular flight is greater than the maximum indicated air speed prescribed in this regulation, the aircraft may be flown at the minimum safe indicated air speed.

## Lights to be displayed by aircraft

91.06.10 The lights which have to be displayed by aircraft by night, on water or on the manoeuvring area of an aerodrome, shall be as prescribed in SACATS-OPS 91.

## Taxi rules

91.06.11 (1) Aircraft which are landing or taking off, shall be given right of way by other aircraft and by vehicles.

(2) An aircraft shall, after landing, unless otherwise authorised or instructed by an air traffic service unit, move clear of the runway in use, as soon as it is safely possible to do so.

(3) A vehicle which is towing an aircraft shall be given right of way by vehicles and by other aircraft which are not landing or taking off.

(4) An aircraft shall be given right of way by a vehicle which is not towing an aircraft.

(5) An aircraft or vehicle which is obliged by the provisions of this regulation to give right of way to another aircraft, shall, if necessary in the circumstances in order to do so, reduce its speed or stop.

(6) If danger of collision exists between an aircraft or vehicle and another aircraft or vehicle, such of the following procedures as may be appropriate in the circumstances, shall be applied:

(a) When the two are approaching head-on or nearly head-on, each shall turn to the right;
(b) when one is overtaking the other, the one which is overtaking shall keep out of the way of the other by turning to the right, and no subsequent change in the relative positions of the two shall absolve the one which is overtaking from this obligation, until it is finally past and clear of the other;
(c) subject to the provisions of subregulation (2), when the two are converging, the one which has the other on its right, shall give way to the other and shall avoid crossing ahead of the other unless passing well clear of it.

(7) A vehicle moving along a runway or taxiway, shall as far as practicable keep to the right side of the runway or taxiway.

(8) When an aircraft is being towed, the person in charge of the towing vehicle shall be responsible for compliance with the provisions of this regulation.

(9) Nothing in this regulation shall relieve the pilot-in-command of an aircraft or the person in charge of a vehicle, from the responsibility for taking such action as will best aid to avert collision.

## Operation on and in the vicinity of aerodrome

91.06.12 (1) The pilot-in command of an aircraft operated on or in the vicinity of an aerodrome, shall be responsible for compliance with the following rules:

(a) Observe other aerodrome traffic for the purpose of avoiding collision;
(b) conform with or avoid the pattern of traffic formed by other aircraft in operation;
(c) make all turns to the left when approaching for a landing and after taking off, unless otherwise instructed by an air traffic service unit, or unless a right hand circuit is in force: Provided that a helicopter may, with due regard to other factors and when it is in the interest of safety, execute a circuit to the opposite side;
(d) land and take-off, as far as practicable, into the wind unless otherwise instructed by an air traffic service unit;
(e) fly across the aerodrome or its environs at a height of not less than 2 000 feet above the level of such aerodrome: Provided that if circumstances require such pilot-in-command to fly at a height of less than 2 000 feet above the level of the aerodrome, he or she shall conform with the traffic pattern at such aerodrome; and
(f) taxi in accordance with the ground control procedures which may be in force at the aerodrome.

(2) If an aerodrome control tower is in operation, the pilot-in-command shall also, whilst the aircraft is within the aerodrome traffic zone –

(a) maintain a continuous radio watch on the frequency of the aerodrome control tower responsible for providing aerodrome control service at the aerodrome, establish two way radio communication as necessary for aerodrome control purposes and obtain such clearances for his or her movements as may be necessary for the protection of aerodrome traffic; or

(b) if this is not possible, keep a watch for and comply with such clearances and instructions as may be issued by visual means.

(3) If an aerodrome flight information service unit is in operation, the pilot-in-command shall also, whilst the aircraft is within the aerodrome traffic zone –

(a) maintain a continuous radio watch on the frequency of the aerodrome flight information service unit responsible for providing aerodrome flight information service at the aerodrome, establish two-way radio communication as necessary for aerodrome flight information service purposes and obtain information in respect of the surface wind, runway in use and altimeter setting and in respect of aerodrome traffic on the manoeuvring area and in the aerodrome traffic zone; or

(b) if this is not possible, keep a watch for visual signals which may be displayed or may be issued by the aerodrome flight information service unit.

(4) An aircraft which is unable to communicate by radio shall, before landing at an aerodrome, make a circuit of the aerodrome for the purpose of observing the traffic, and reading such ground markings and signals as may be displayed thereon, unless it has the consent of the appropriate air traffic service unit to do otherwise.

## Signals

91.06.13 The pilot-in-command of an aircraft in flight shall, upon observing or receiving any of the signals as prescribed in Document SA-CATS-OPS 91, take such action as may be required by the interpretation of the signal as prescribed in Document SA-CATS-OPS 91.

## Water operations

91.06.14 (1) In areas in which the International Regulations for Preventing Collisions at Sea are in force, aircraft operated on the water shall comply with the provisions thereof.

(2) Aircraft in flight near the surface of the water shall, as far as possible, keep clear of all vessels and avoid impeding their navigation.

## Reporting position

91.06.15 The pilot-in-command of an aircraft –

(a) flying in controlled airspace;

(b) flying in advisory airspace; or

(c) on a flight for which alerting action is being provided, shall ensure that reports are made to the responsible air traffic service unit, as soon as possible, of the time and level of passing each compulsory reporting point, together with any other required information, and he or she shall further ensure that position reports are similarly made in relation to additional reporting points, if so requested by the responsible air traffic service unit and that, in the absence of designated reporting points, position reports are made at the intervals specified by the responsible air traffic service unit or published by the Commissioner in terms of Part 175, for that area.

## Mandatory radio communication in controlled airspace

91.06.16 The pilot-in-command of an aircraft to be operated in or crossing a controlled airspace shall ensure that, before the aircraft enters such airspace, two-way radio contact is established with the responsible air traffic service unit on the designated radio frequency, and shall ensure, while the aircraft is within, and until it leaves, the controlled airspace, that continuous radio watch is maintained and that such further two-way radio communication as such air traffic service unit may require, is established: Provided that –

(a) the air traffic service unit may permit an aircraft not capable of maintaining continuous two-way radio communication, to fly in the control area, terminal control area, control zone or aerodrome traffic zone for which it is responsible, if traffic conditions permit, in which case the flight shall be subject to such conditions as such air traffic service unit deems necessary to ensure the safety of other air traffic; and

(b) in the case of radio failure, a flight for which an air traffic service flight plan was filed and activated by the air traffic service unit on receipt of a departure time, may continue in controlled airspace if the communication failure procedures are complied with.

Mandatory radio communication in advisory airspace

91.06.17 The pilot-in-command of an aircraft to be operated in advisory airspace shall ensure that, before the aircraft approaches or enters such airspace –

(a) two-way radio communication with the responsible air traffic service unit is established on the designated radio frequency;

(b) if such communication is not possible, two-way radio communication is established with any air traffic service unit which is capable of relaying messages to and from the responsible air traffic service unit; or

(c) if such communication is not possible, broadcasts are made on the designated radio frequency giving information on the aircraft's intention to enter the airspace, and such pilot-in-command shall ensure that, while the aircraft is within the advisory airspace and until it departs therefrom, a continuous radio watch is maintained on the designated radio frequency and that –

(i) such further two-way radio communication as the responsible air traffic service unit may require, is established with any other air traffic service unit which is capable of relaying messages to and from such responsible air traffic service unit;

(ii) if such communication is not possible, such further two-way radio communication is established with any other air traffic service unit which is capable of relaying messages to and from the responsible air traffic service unit, as such responsible air traffic service unit may require; or

(iii) if such communication is not possible, broadcasts are made on the designated radio frequency giving information on passing reporting points and when leaving the airspace concerned: Provided that –

(aa) an aircraft maintaining a Selcal watch while operating within an advisory route in the Johannesburg flight information region and whose Selcal call-sign has been communicated to the Johannesburg flight information centre, shall be deemed to be maintaining a continuous radio watch; and

(bb) in the case of a radio failure, a flight for which an air traffic service flight plan was filed and activated by an air traffic service unit on receipt of a departure time, may continue in advisory airspace if the communication failure procedures are complied with.

Compliance with air traffic control clearance and instructions

91.06.18 The pilot of an aircraft shall –

(a) comply with any air traffic control clearance which is obtained, unless the pilot obtains an amended clearance;

(b) not operate the aircraft contrary to an air traffic control instruction in an area in which an air traffic control service is provided; and

(c) when deviating from an air traffic control clearance or instruction, notify the air traffic control unit of the deviation, as soon as practicable.

Prohibited areas

91.06.19 (1) The Commissioner may by notice in the AIP, AIC or NOTAM declare any area to be a prohibited area and shall, for the purposes of the prohibition contained in subregulation (2), when so declaring an area to be a prohibited area –

(a) specify a height above the ground surface of such area; or

(b) specify an altitude in respect of such area, as the Commissioner may deem expedient, in the notice in question.

(2) No person shall fly any aircraft whatsoever in the air space above a prohibited area –

(a) below the height specified in terms of subregulation (1)(a); or
(b) below the altitude specified in terms of subregulation (1)(b), as the case may be, in respect of the prohibited area in question.

### Restricted areas

91.06.20 (1) The Commissioner may by notice in the AIP, AIC or NOTAM declare any area to be a restricted area and shall, when so declaring an area to be a restricted area, specify in the notice in question –

(a) the nature and extent of the restriction applicable in respect of the area in question; and
(b) the authorisation under which flights in such restricted area shall be permitted.

(2) No person shall, in contravention of a restriction contemplated in subregulation (1)(a), fly any aircraft to which the said restriction applies, in any restricted area, unless the flight in question has been permitted by virtue of an authorisation contemplated in subregulation (1)(b).

## Division Two: Visual Flight Rules

### Visibility and distance from cloud

91.06.21 Every VFR flight shall be so conducted that the aircraft is flown with visual reference to the surface by day and to identifiable objects by night and at no time above more than three eighths of cloud within a radius of five nautical miles of such aircraft and –

(a) in the case of aircraft excluding helicopters, under conditions of visibility and distance from cloud equal to, or greater than, the conditions specified in the following table:

| Airspace | Flight visibility | Distance from clouds | Ground visibility and ceiling |
|---|---|---|---|
| Control zones (1) | Five km | Horizontally:<br>2 000 feet<br><br>Vertically:<br>500 feet | Except in a case mentioned in footnote(1), no aircraft shall take-off from, land at, or approach to land at an aerodrome or fly within the control zone when the ground visibility at the aerodrome concerned is less than five km and the ceiling is less than 1 500 feet. |
| Within an aerodrome traffic zone (which does not also comprise a control zone or part of a control zone) or an aerodrome traffic area | Five km | Horizontally:<br>2 000 feet<br><br>Vertically:<br>500 feet | Except in a case mentioned in footnote(2), no aircraft shall take-off from, land at, or approach to land at an aerodrome or fly within the aerodrome traffic zone or aerodrome traffic area when the ground visibility within such aerodrome traffic zone or aerodrome traffic area is less than five km and the ceiling is less than 1 500 feet. |

Footnotes:

(1) Minima not applicable to special VFR flights.
(2) When a pilot in an aircraft maintains two-way radio communication with the aerodrome control tower or aerodrome flight information service unit, the pilot may, in respect of a cross-country flight, leave or enter the aerodrome traffic zone or aerodrome traffic area, as the case may be, when the ground visibility is equal to or greater than five km and the ceiling is equal to or higher than 500 feet.

| Airspace excluding control zones or aerodrome traffic zones or aerodrome traffic areas | Flight visibility | Distance from clouds | Ground visibility and ceiling |
|---|---|---|---|
| At or below 1 000 feet above the surface, by day only | One and a half km | Clear of cloud | – |
| At or below 1 500 feet above the surface, by night only | Five km | Horizontally:<br>2 000 feet<br><br>Vertically:<br>500 feet | – |
| From above 1 000 feet to 1 500 feet above the surface, by day only | Five km | Horizontally:<br>2 000 feet<br><br>Vertically:<br>500 feet | – |
| From above 1 500 feet above the surface up to and including flight level 100, by day and night | Five km | Horizontally:<br>2 000 feet<br><br>Vertically:<br>500 feet | – |
| From above flight level 100 up to and including flight level 200, by day and night | Eight km | Horizontally: One and a half km<br><br>Vertically:<br>1000 feet | – |
| Above flight level 200, by day and night | Eight km | Horizontally: One and a half km<br><br>Vertically:<br>1 000 feet | VFR flights shall not be conducted above flight level 200. VMC minima for IFR flights shall be above flight level 200. |

(b) in the case of helicopters, under conditions of visibility and distance from cloud equal to, or greater than, those conditions specified in the following table: Provided that the limitations as contained in the above-mentioned table shall not prevent a helicopter from conducting hover-in-ground effect or hover-taxi operations if the visibility is not less than 100 m.

| Airspace | Flight visibility | Distance from clouds | Ground visibility and ceiling |
|---|---|---|---|
| Control zones (1) | Two and a half km | Horizontally:<br>1 000 feet<br>Vertically:<br>Clear of cloud | Except in a case mentioned in footnote(1), no helicopter shall take-off from, land at, or approach to land at an aerodrome or fly within the control zone when the ground visibility at the aerodrome concerned is less than 2,5 km and the ceiling is less than 600 feet. |
| Within an aerodrome traffic zone (which does not also comprise a control zone or part of a control zone) or an aerodrome traffic area | Two and a half km | Horizontally:<br>1 000 feet<br>Vertically:<br>Clear of cloud | No helicopter shall take-off from, land at, or approach to land at an aerodrome or fly within the aerodrome traffic zone or an aerodrome traffic area when the ground visibility at the aerodrome concerned is less than 2,5 km and the ceiling is less than 600 feet. |
| At or below 1 500 feet above the surface, by day only | One km | Clear of cloud | - |
| At or below 1 500 feet above the surface, by night only | Five km | Clear of cloud | - |
| Above 1 500 feet above the surface, by day and night | Five km | Horizontally:<br>2 000 feet<br><br>Vertically:<br>500 feet | - |

Footnote:
(1) Minima not applicable to special VFR flights.

## Special VFR weather minima

91.06.22 (1) A pilot in command may conduct special VFR operations in weather conditions below the conditions prescribed in regulation 91.06.21 within a control zone –

(a) under the terms of an air traffic control clearance;
(b) by day only;
(c) with a cloud ceiling of at least 600 feet and visibility of at least 1 500m;
(d) in an aircraft equipped with two way radio equipment capable of communicating with an air traffic service unit on the appropriate frequency; and
(e) if leaving the control zone, in accordance with instructions issued by an air traffic service unit prior to departure.

(2) A pilot-in-command of a Class 1 or a Class 2 helicopter may within a CTR under the terms of an air traffic control clearance conduct special VFR operations for the purpose of an over-water operation in weather conditions below the minima prescribed in regulation 91.06.21 –

(a) by day or by night;
(b) when clear of clouds;
(c) with a cloud ceiling of at least 300 feet;
(d) a flight visibility of at least 900 metres; and
(e) if leaving a CTR, in accordance with instructions issued by the responsible air traffic service unit prior to departure;
(f) provided that –

(i) the flight is only conducted over water;
(ii) the special VFR clearance is only valid in the CTR;
(iii) the minima do not apply to any flight over any portion of land situated in the CTR;
(iv) the helicopter is operated in accordance with an MEL for IFR and night operations; and
(v) the Air Traffic Service Unit concerned is notified which helicopters have the MEL to perform such flights.

### Responsibility to ascertain whether VFR flight is permitted

91.06.23 Outside a control zone or an aerodrome traffic zone or an aerodrome traffic area, the ascertainment of whether or not weather conditions permit flight in accordance with VFR, shall be the responsibility of the pilot-in-command of an aircraft, and whenever weather conditions do not permit a pilot to maintain the minimum distance from cloud and the minimum visibility required by VFR, the pilot shall comply with IFR.

## Division Three: Instrument Flight Rules

### Compliance with IFR

91.06.24 A flight conducted above flight level 200 shall be flown in compliance with IFR as prescribed in this subpart.

### Aircraft equipment

91.06.25 Aircraft shall be equipped with suitable instruments and radio navigation apparatus appropriate to the route to be flown and in accordance with the provisions of subpart 5.

### Change from IFR flight to VFR flight

91.06.26 (1) The pilot-in –command of an aircraft who elects to change the conduct of flight of the aircraft from compliance with IFR to compliance with VFR shall, if a flight plan was submitted for the flight, notify the air traffic service unit concerned that the IFR flight is cancelled and communicate to such air traffic service unit the intended changes to be made to the current flight plan.

(2) When an aircraft operating under IFR is flown in or encounters visual meteorological conditions, the pilot-in-command shall not cancel its IFR flight unless it is anticipated, and intended, that the flight will be continued for a reasonable period in uninterrupted visual meteorological conditions.

### IFR procedures

91.06.27 (1) Unless otherwise authorised by the responsible air traffic service unit, aircraft flown in compliance with the rules contained in this Division, shall comply with IFR procedures applicable in the relevant airspace.

(2) Subject to the provisions of Regulation 91.06.25, the pilot-in-command of an aircraft may execute, or endeavour to execute, a cloud break or let-down procedure at an aerodrome, or nominate an aerodrome as an alternate aerodrome: Provided that the requirements relating to cloud break or let-down procedures and to flights under IMC, as published by the Commissioner in the NOTAM, can be complied with.

## Division Four: Aircraft on other than Scheduled International Air Services

### Foreign military aircraft

91.06.28 No foreign military aircraft shall fly over or land in the Republic except on the express invitation or with the express permission of the Minister, but any such aircraft so flying over or landing in the Republic shall be exempt from these Regulations to such extent and on such conditions as are specified in the invitation or permission.

### Identification and interception of aircraft

91.06.29 (1) An intercepted aircraft shall carry out the instruction of an intercepting aircraft, as prescribed in these Regulations.

(2) When an aircraft is intercepted, the pilot-in-command shall forthwith establish radio contact with the intercepting aircraft on 121,5 MHz, if the aircraft is so equipped, and if radio contact has not already been established.

(3) When the intercepting aircraft cannot establish radio contact or contact in any other practical way with the intercepted aircraft, visual signals as prescribed in Document SA-CATS-OPS 91 shall be used.

(4) The visual signals shall be used as follows:

(a) When an aircraft has been intercepted for identification purposes only, the intercepting aircraft shall use the second series to show that the aircraft may proceed;
(b) when an aircraft is to be led away from a prohibited or restricted area, the appropriate part of the first series shall be used, and the second series shall be used when the purpose has been achieved and the aircraft is released;
(c) when and aircraft is required to land, the appropriate part of the first series shall initially be used, followed by the third series when in the vicinity of the designated landing area;
(d) when the pilot of the intercepted aircraft considers the landing area designated as unsuitable for his or her aircraft type, he or she shall use the fourth series to indicate this, upon which new instructions shall be given by the intercepting aircraft;
(e) when an intercepted aircraft is in distress, the distress signals shall be used, where practical.

## Division Five: Air Traffic Rules

### Air traffic service procedures

91.06.30 The pilot-in-command of an aircraft to be operated in controlled airspace shall –

(a) ensure that an air traffic service flight plan is submitted and changes thereto are notified as prescribed in Regulation 91.03.4;
(b) ensure that radio contact is established with the responsible air traffic service unit and that radio communication is maintained as prescribed in Regulation 91.06.16; and
(c) comply with air traffic control clearances and instructions: Provided that –

(i) the pilot-in-command of an aircraft may deviate from an air traffic control clearance in exceptional circumstances, but such deviation shall be reported to the responsible air traffic service unit as soon as possible; and
(ii) the pilot-in-command of an aircraft may propose an amendment to an air traffic control clearance, but such amendment shall not be applied until acceded to by the responsible air traffic service unit.

### Priority

91.06.31 An air traffic service unit may, with regard to arrivals and departures, give priority to aircraft operating in accordance with air traffic service flight plan clearance over aircraft not so engaged.

## Division Six: Heights and Instrument Approach and Departure Procedures

### Minimum heights

91.06.32 (1) Except when necessary for taking off or landing, or except with prior written approval of the Commissioner, no aircraft–

(a) shall be flown over built-up areas or over an open-air assembly of persons at a height less than 1 000 feet above the highest obstacle, within a radius of 2 000 feet from the aircraft;
(b) when flown elsewhere than specified in paragraph (a), shall be flown at a height less than 500 feet above the

ground or water, unless the flight can be made without hazard or nuisance to persons or property on the ground or water; and

(c) shall circle over or do repeated overflights over an open-air assembly of persons at a height less than 3 000 feet above the surface.

(2) Except when necessary for take-off or landing, or with the express permission of the Commissioner, an aircraft shall at night, in IMC, or when operated in accordance with IFR, be flown –

(a) at a height of at least 1 000 feet above the highest terrain or obstacle where the height of such terrain or obstacle does not exceed 5 000 feet above sea level within five nautical miles of the aircraft in flight; or

(b) at a height of at least 2 000 feet above the highest terrain or obstacle located within five nautical miles of the aircraft in flight where the height of such terrain or obstacle exceeds 5 000 feet above sea level: Provided that within areas determined by the Commissioner the minimum height may be reduced to 1 000 feet above the highest terrain or obstacle located within 5 nautical miles of the aircraft in flight, and provided furthermore that the aircraft is flown in accordance with such procedures as the Commissioner may determine.

### Semi-circular rule

91.06.33 (1) Unless otherwise directed by an air traffic service unit, the pilot-in-command of an aircraft in level flight shall fly at an appropriate flight level selected according to magnetic track from the table as prescribed in Document SA-CATS-OPS 91.

(2) Aircraft flown in accordance with VFR at a height of less than 1 500 feet above the surface, shall not be required to comply with the provisions of subregulation (1), unless if otherwise directed by an air traffic service unit.

(3) A flight conducted from flight level 200 and above, shall be flown in compliance with IFR.

## SUBPART 7: FLIGHT OPERATIONS

### Routes and areas of operation

91.07.1 The owner or operator of an aircraft shall ensure that –

(a) operations are only conducted along such routes or within such areas, for which approval or authorisation has been obtained, where required, from appropriate authority concerned;

(b) the performance of the aircraft intended to be used, is adequate to comply with minimum flight altitude requirements; and

(c) the equipment of the aircraft intended to be used, complies with the minimum requirements for the planned operation.

### Minimum flight altitudes

91.07.2 (1) No pilot-in-command shall operate an aircraft at altitudes below –

(a) altitudes, established by the owner or operator, which provide the required terrain clearance, taking into account the operating limitations referred to in subpart 9; and

(b) the minimum altitudes referred to in subpart 6; except when necessary for take-off and landing.

(2) The method of establishing minimum flight altitudes referred to in subregulation (1)(a), shall be as prescribed in Document SA-CATS-OPS 91.

(3) Where the minimum flight altitudes established by the appropriate authority of a foreign State are higher than the minimum flight altitudes prescribed in this regulation, the minimum flight altitudes established by such appropriate authority shall apply in respect of a South African registered aircraft flying in the airspace of the foreign State concerned.

### Use of aerodromes

91.07.3 (1) No pilot shall use, and no owner or operator shall authorise the use of, an aerodrome as a destination or alternate

destination aerodrome, unless such aerodrome is adequate for the type of aircraft and operation concerned.

(2) Except in an emergency, no pilot-in-command of an aircraft shall takeoff or land by night, unless the place of take-off or landing is equipped with night flying facilities.

## Helicopter landings and take-offs

91.07.4 (1) No pilot-in-command of a helicopter shall land at or take-off from any place unless the place is so situated to permit the helicopter, in the event of an emergency arising during such landing or take-off, to land without undue hazard to persons or property on the surface.
(2) No pilot-in-command of a helicopter shall land on, or take-off from, any building, structure or place situated within 100 metres of any other building or structure, in the area of jurisdiction of a local government, unless such building, structure or place has been approved for the purpose by the Commissioner: Provided that this restriction shall not apply–

(a) to a helicopter landing on, or taking off from, a building, structure or place within an industrial area, a commercial warehouse area or an open farm land which is suitable for such purposes and in respect of which helicopter the pilot-in-command is the holder of a valid commercial or airline transport pilot licence (helicopter) or, in the case of the holder of a private pilot licence (helicopter), with the written permission of the Commissioner, unless specifically prohibited by the local government;
(b) to a helicopter engaged in an emergency medical service operation referred to in Part 138, or undertaking of a flight necessary for the exercising of any power in terms of any law.

(3) A local government may after consultation with the Commissioner, extend the scope of the provisions of subregulation (2)(a) to include other places in its area of jurisdiction.

(4) The Commissioner may, in the interests of aviation safety, impose conditions or institute restrictions as to the use of any building, structure or place for the landing or take-off of helicopters, or require special flight procedures to be adopted at, or special routes to be followed to or from, such building, structure or place by helicopters, and the Commissioner may impose different conditions, institute different restrictions or require different special flight procedures to be adopted in respect of different buildings, structures or places.

(5) Nothing in this regulation shall be construed as conferring any right to land at any building, structure or place against the wishes of the owner of, or any other person who has an interest in, the building, structure or place or as prejudicing the rights or remedies of any person in respect of any injury to persons or property caused by the helicopter or its occupants.

## Meteorological conditions

91.07.9 (1) On a flight to be conducted in accordance with IFR, the pilot-in-command of an aircraft shall not –

(a) commence take-off; or
(b) continue beyond the in-flight decision point, unless information is available indicating that conditions will, at the estimated time of arrival of such aircraft, be at, or above, the applicable aerodrome operating minima –

  (i) at the destination aerodrome; or
  (ii) where a destination alternate aerodrome is required, at the destination aerodrome and one destination alternate aerodrome or at two destination alternate aerodromes.

(2) On a flight conducted in accordance with VFR, the pilot-in-command of an aircraft shall not commence take-off unless current meteorological reports, or a combination of current reports and forecasts, indicate that the meteorological conditions along the route, or that part of the route to be flown under VFR, shall, at the appropriate time, be such as to render compliance with the provisions
prescribed in this part possible.

## VFR operating minima

91.07.10 The owner or operator of an aircraft shall ensure that –

(a) VFR flights are conducted in accordance with the visual flight rules prescribed in subpart 6; and
(b) special VFR flights are not commenced when the visibility is less than the visibility prescribed in Regulation 91.06.22(d).

## Mass and balance

91.07.11 (1) The owner or operator of an aircraft shall ensure that, during any phase of the operation, the loading, mass and the centre of gravity of the aircraft complies with the limitations specified in the approved aircraft flight manual referred to in Regulation 91.03.2, or the operations manual referred to in Part 121, Part 127 or Part 135, as the case may be, if the limitations therein are more restrictive.

(2) The owner or operator shall establish the mass and the centre of gravity of the aircraft by actual weighing prior to initial entry into operation and thereafter at intervals of five years.

(3) The accumulated effects of modifications and repairs on the mass and balance of the aircraft, shall be accounted for and properly documented by the owner or operator.

(4) The aircraft shall be weighed in accordance with the provisions of subregulation (2), if the effect of modifications on the mass and balance is not accurately known.

(5) The owner or operator shall determine the mass of all operating items and flight crew members included in the dry operating mass of the aircraft, by weighing or by using the appropriate standard mass as prescribed in Document SA-CATS-OPS 91.

(6) The influence of the mass of the operating items and flight crew members referred to in subregulation (5), on the centre of gravity of the aircraft shall be determined by the owner or operator of such aircraft.

(7) The owner or operator shall establish the mass of the traffic load, including any ballast, by actual weighing, or determine the mass of the traffic load in accordance with the appropriate standard passenger and baggage mass as prescribed in Document SA-CATS-OPS 91.

(8) The owner or operator shall determine the mass of the fuel load by using the actual specific gravity or, if approved by the Commissioner, a standard specific gravity.

## Fuel and oil supply

91.07.12 (1) The pilot-in-command of an aircraft shall not commence a flight unless he or she is satisfied that the aircraft carries at least the planned amount of fuel and oil to complete the flight safely, taking into account operating and meteorological conditions and the expected delays.

(2) The pilot-in-command shall ensure that the amount of usable fuel remaining in-flight, is not less than the fuel required to proceed to an aerodrome or, in the case of a helicopter, a suitable landing place, where a safe landing can be made.

(3) If the usable fuel on board the aircraft is less than the final reserve fuel, the pilot-in-command of such aircraft, shall–

(a) in the case of an aeroplane, declare an emergency; or
(b) in the case of a helicopter, land as soon as possible.

(4) The method of calculating the amount of fuel to be carried for each flight shall be as prescribed in Document SA-CATS-OPS 91.

## Refuelling or defuelling with passengers on board

91.07.13 (1) The owner or operator of an aircraft shall ensure that the aircraft is not refuelled or defuelled with aviation gasoline or wide-cut type fuel when passengers are embarking, on board or disembarking such aircraft.

(2) In cases other than the cases referred to in subregulation (1), necessary precautions shall be taken and the aircraft shall be properly manned by qualified personnel ready to initiate and direct an evacuation of such aircraft by the most practical and expeditious means available.

## Smoking in aircraft

91.07.14 (1) No person shall smoke in a South African registered aircraft or in any foreign registered aircraft when in or over the Republic, unless and except in so far as smoking is permissible in accordance with the aircraft flight manual referred to in Regulation 91.03.2 or other equivalent document for such aircraft.

(2) In an aircraft in which smoking is permitted, smoking shall nevertheless be prohibited –

(a) when the aircraft is on the ground;
(b) during take-off; and
(c) during an approach to land.

(3) In all South African registered aircraft, notices shall be displayed in a prominent place in all passenger and flight crew compartments, indicating to what extent, and when, smoking is permitted or prohibited.

## Submission of air traffic service flight plan

91.07.17 The owner or operator of an aircraft shall ensure that a flight is not commenced unless an air traffic service flight plan referred to in Regulation 91.03.4, has been filed, or adequate information has been deposited in order to permit alerting services to be activated, if required.

## Seats, safety belts and harnesses

91.07.18 (1) Before take-off and landing, and whenever deemed necessary in the interests of aviation safety, the pilot-in-command of an aircraft shall ensure that each person on board such aircraft, occupies a seat or berth with his or her safety belt or harness, where provided, properly secured.

(2) The pilot-in-command shall ensure that multiple occupancy of aircraft seats does not occur other than by one adult and one infant, who is properly secured by a child restraint device.

## Passenger seating

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

(2) The owner or operator of an aircraft shall ensure that if a medically compromised passenger is carried together with other passengers, such passenger shall not be positioned in such a way that access to emergency exits is blocked.

(3) Passengers may be carried in an aircraft, other than an air ambulance aircraft operated and equipped in terms of Part 138, on a stretcher only if such stretcher and the manner in which it is secured to the aircraft have been approved by the Commissioner and the condition of the passenger does not require the attention of an aviation health care provider or require the passenger to be connected to any external medical equipment.

(4) In the case of an emergency medical situation, where no air ambulance aircraft operated and equipped in terms of Part 138 can be made available within a reasonable time span at or near the place where the situation exists, an aircraft owner or operator may disregard subregulations (1), (2) and (3) in the interest of saving human life.

(5) Any non-standard emergency transport in terms of subregulation (4) shall be reported by the operator to the Commissioner on the appropriate form as described in Document SA-CATS-OPS 138, explaining the reasons for the deviation from Regulation 91.07.19, within fourteen days of the flight having taken place.

## Passenger briefing

91.07.20 (1) The owner or operator of an aircraft shall ensure that –

(a) passengers are verbally briefed about safety matters, parts or all of which may be given by an audio-visual presentation;

(b) in aircraft engaged in commercial air transport operations, passengers are provided with a safety briefing card on which picture type instructions indicate the operation of emergency equipment and exits likely to be used by passengers; and

(c) in an emergency during flight, passengers are instructed in such emergency action as may be appropriate to the circumstances.

(2) The owner or operator shall ensure that, before take-off –

(a) passengers are briefed, to the extent applicable, on –

(i) whether smoking is prohibited or permitted;
(ii) when the back of the seat is to be in the upright position and the tray table stowed;
(iii) the location of emergency exits;
(iv) the location and use of floor proximity escape path markings;
(v) the stowage of carry-on baggage;
(vi) any restrictions on the use of portable electronic devices; and
(vii) the location and the contents of the safety briefing card; and

(b) passengers receive, to the extent applicable, a demonstration of –

(i) the use of safety belts or safety harnesses, including the manner in which the safety belts or safety harnesses are to be fastened and unfastened;
(ii) the location and use of oxygen equipment and the extinguishing of all smoking materials when oxygen is being used; and
(iii) the location and use of life jackets.

(3) The owner or operator shall ensure that, after take-off, passengers are reminded of –

(a) whether smoking is prohibited or permitted; and
(b) the use of safety belts or safety harnesses.

(4) The owner or operator shall ensure that, before landing, passengers are reminded of –

(a) whether smoking is prohibited or permitted;
(b) the use of safety belts or safety harnesses;
(c) when the back of the seat is to be in the upright position and the tray table stowed, if applicable;
(d) the re-stowage of carry-on baggage; and
(e) any restrictions on the use of portable electronic devices.

(5) The owner or operator of an aircraft shall ensure that, after landing, passengers are reminded of –

(a) whether smoking is prohibited or permitted; and
(b) the use of safety belts or safety harnesses.

## Use of supplemental oxygen

91.07.23 (1) The pilot-in-command of an aircraft shall ensure that flight crew members engaged in performing duties essential to the safe operation of an aircraft in flight, use supplemental oxygen –

(a) continuously when the flight deck pressure altitude exceeds 10 000 feet for more than 120 minutes intended flight time, and
(b) at all times when the flight deck pressure altitude exceeds 12 000 feet.

(2) The pilot-in-command of an aircraft shall ensure that, with the exception of supersonic aeroplanes, when a flight is conducted above FL 410, at least on pilot at the pilot station wears an oxygen mask when the other pilot leaves the flight deck for any reason.

## In-flight testing on passenger- and cargo-carrying flights

91.07.26 The owner or operator of an aircraft, when passengers or cargo are on board such aircraft, shall ensure that no person–

(a) simulates emergency situations in the aircraft affecting the flight characteristics of such aircraft;
(b) conducts flight testing for the initial skills test or renewal of an instrument rating;
(c) conducts any flight or skills test other than a route proficiency test; or
(d) conducts any skills test for a class or type rating.

## Turning helicopter rotors

91.07.27 No person engaged in helicopter operations shall permit helicopter rotors to be turned under power without a qualified pilot at the controls of such helicopter.

## Starting of engines

91.07.28 (1) Except when the brakes are serviceable and are fully applied, chocks shall be placed in front of the wheels of an aeroplane before starting the engine or engines, and a competent person shall be seated at the controls when the engine or engines are running.

(2) Where the pilot of an aeroplane is the only competent person present and it has been necessary for chocks to be used, he or she shall ensure that the controls of the aeroplane are left unattended for as short a time as possible when removing the chocks.

## Acrobatic flights

91.07.29 (1) No aircraft shall be flown acrobatically so as to endanger air traffic.

(2) Except by individual permission from the Commissioner, aircraft shall not be flown acrobatically –

(a) unless the manoeuvre can be concluded and the aircraft brought on an even keel at a height of not less than 2 000 feet above the ground or water;
(b) within a five nautical mile distance of an aerodrome reference point of an aerodrome licensed and approved in terms of Part 139 unless at a height not less than 4 000 feet above ground level;
(c) in the vicinity of air traffic services routes; or
(d) over any populous area or public gathering.

## Simulated Instrument Flight in aircraft

91.07.32 (l) The owner or operator of an aircraft shall ensure that no person operates the aircraft in simulated instrument flight in visual meteorological conditions unless –

(a) the other aircraft control seat is occupied by a safety pilot who possesses at least a private pilot licence with category and class ratings appropriate to the aircraft being flown;
(b) the safety pilot has adequate vision forward and to each side of the aircraft, or there is a competent observer in the aircraft who adequately supplements the vision of the safety pilot; and
(c) except in the case of lighter-than-air aircraft, the aircraft is fitted with fully functioning dual controls: Provided that simulated instrument flight may be conducted in a single-engine aircraft, equipped with a single, functioning throwover control wheel in place of fixed dual controls of the elevator and ailerons, when –

    (i) the safety pilot has determined that the flight can be conducted safely; and
    (ii) the person manipulating the controls has at least a private pilot licence with appropriate category, class and type or group type ratings.

(2) When simulated instrument flight is being practised by a pilot, at least one of the two pilots shall hold the appropriate valid type or group type rating in respect of the aircraft being flown and act as the pilot-in-command.

(3) When a simulated instrument flight takes place at night in VMC, the safety pilot shall be the holder of a valid instrument rating.

(4) When simulated instrument flight is being practised for the purpose of obtaining an instrument rating, the safety pilot shall be an appropriately rated flight instructor.

# PART 139 AERODROMES AND HELIPORTS: LICENSING AND OPERATION

## SUBPART 1: GENERAL

### Applicability

139.01.1 (1) This part shall apply to –

(a) the licensing of areas demarcated for the development of aerodromes;
(b) the licensing and operation of aerodromes; and
(c) the approval or licensing and operation of heliports.

(2) No place in the Republic shall be used as a place of landing or departure by an aeroplane with a maximum certificated mass exceeding 5 700 kilograms, used in commercial air transport operations, unless it has been licensed in terms of the regulations in this part.

(3) No area on any land, water or building shall be used for the landing or take-off of aircraft if the air traffic in such area will in any way interfere with existing established procedures regarding controlled airspace.

### Use of military aerodromes and heliports

139.01.2 (1) Subject to the approval of the Minister of Defence, the Commissioner may, upon application in writing by any operator of an aircraft who desires to use a military aerodrome or heliport for civil aviation purposes, authorise the use of the military aerodrome or heliport for such purposes.

(2) An authorisation referred to in subregulation (1) may be granted under such conditions and for such period which the Commissioner may determine, if the Commissioner is satisfied that the use of such military aerodrome or heliport by such operator will not jeopardise aviation safety.

### Flights by night

139.01.5 The Commissioner may prohibit flights by night from or at any aerodrome or any heliport at which adequate facilities for night flights are lacking or where the terrain or other objects in the vicinity of the aerodrome or the heliport are such as to endanger operators of aircraft used in night flights.

### Safety measures against fire

139.01.10 No person shall on a licensed aerodrome or heliport –

(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.