

**DEPARTMENT OF TRANSPORT
DEPARTEMENT VAN VERVOER**

No. R. 1138

17 November 2006

AVIATION ACT 1962

PROPOSED AMENDMENT TO THE CIVIL AVIATION REGULATIONS, 1997

Under regulation 11.03.2(1)(a) of the Civil Aviation Regulations, the Chairperson of the Civil Aviation Regulations Committee (CARCOM) hereby publishes for comment the proposed amendments to the Civil Aviation Regulations, 1997, as set out in the schedules. Any comments or representations on the proposed amendments should be lodged in writing with the Chairperson of the Regulations Committee, for attention Mr. Jabulani Mashinini or Mr. Herman Wildenboer, Private Bag 73 Halfway House, 1685, fax: (011) 545-1201, or e-mail at mashinini@caa.co.za or wildenboerh@caa.co.za, before or on 17 December 2006.

SCHEDULE 1

Proposer

Civil Aviation Authority
Ikhaya Lokundiza
Building 16
Treur Close
WaterFall Park
Bekker Street
Midrand

Explanation of interest of the Proposer

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

1.0 PROPOSAL TO AMEND REGULATION 1.00.1 OF PART 1 OF THE CIVIL AVIATION REGULATIONS

1.1 It is proposed to amend regulation 1.00.1 of the Regulations by substituting the definitions of the various SA-CATS Documents by the following definitions:

”(a)“ Document SA-CATS-ACCID and INCID’ means the technical standard document

of the said regulations relating to Aviation Accident and Incident Investigation, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”

(b) “ Document SA-CATS-AH’ means the technical standard document of the said regulations relating to Aerodromes and Heliports, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”

(c) “ Document SA-CATS-AIRS’ means the technical standard document of the said regulations relating to Aeronautical Information and Related Services, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”

(d) “ Document SA-CATS-AMEL’ means the technical standard document of the said regulations relating to Aircraft Maintenance Engineer Licensing, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”

(e) “ Document SA-CATS-AMO’ means the technical standard document of the said regulations relating to Aircraft Maintenance Organisations, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”

(f) “ Document SA-CATS-AR” means the technical standard document of the said regulations relating to Airworthiness Requirements, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”

(g) “ Document SA-CATS-ARM’ means the technical standard document of the said regulations relating to Aircraft Registration and Marking, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”

(h) “ Document SA-CATS-ARO means the technical standard document of the said regulations relating to Aviation Recreational Organisations , but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”

(i) “ Document SA-CATS-ATO means the technical standard document of the said regulations 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.”

(j) “ Document SA-CATS- ATS’ means the technical standard document of the said

regulations 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.”

- (k) “ Document SA-CATS-ATSPL’ means the technical standard document of the said regulations relating to Aviation Accident and Incident Investigation, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”
- (l) “Document SA-CATS-DG’ means the technical standard document of the said regulations relating to Conveyance of Dangerous Goods , but excludes the format any related forms and certificates which is published by the Commissioner in terms of the Act.”
- (m) “Document SA-CATS-DO’ means the technical standard document of the said regulations relating to Design Organisations, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act’;
- (n) “Document SA-CATS-ENVIRO ‘ means the technical standard document of the said regulations relating to Environmental Protection , but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”
- (o) “Document SA-CATS-FC’L means the technical standard document of the said regulations relating to Flight Crew Licensing, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”
- (p) “Document SA-CATS-GMR” means the technical standard document of the said regulations relating to General Maintenance Rules , but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”
- (q) “Document SA-CATS-MORG’ means the technical standard document of the said regulations relating to Manufacturing Organisations, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”
- (r) “Document SA-CATS-MR’ means the technical standard document of the said regulations 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.”
- (s) “Document SA-CATS-OPS 91’ means the technical standard document of the said

regulations 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.”

- (t) “Document SA-CATS-OPS 98’ means the technical standard document of the said regulations relating to Powered Paragliders, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”
- (u) “Document SA-CATS- OPS 100’ means the technical standard document of the said regulations relating to Operation of Gyroplanes, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”
- (v) “Document SA-CATS-OPS 101’ means the technical standard document of the said regulations relating to Unmanned Balloons, Kites and Remotely Piloted Aircraft, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”
- (w) “Document SA-CATS-OPS 102’ means the technical standard document of the said regulations relating to Free Balloons and Airships, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”
- (x) “Document SA-CATS-OPS 103’ means the technical standard document of the said regulations relating to Operation of Microlight Aeroplanes, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”
- (y) “Document SA-CATS-OPS 104’ means the technical standard document of the said regulations relating to Operation of Gliders, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.’
- (z) “Document SA-CATS-OPS 105 ‘means the technical standard document of the said regulations relating to Operation of Parachutes, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”
- (aa) “Document SA-CATS-OPS 106’ means the technical standard document of the said regulations relating to Operation of Hang Gliders, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”
- (bb) “Document SA-CATSOPS 121’ ‘means the technical standard document of the said regulations relating to Air Transport Operations of Large Aeroplanes, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”

- (cc) "Document SA-CATS-OPS 127' means the technical standard document of the said regulations relating to Air Transport Operations of Helicopters, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act."
- (dd) "Document SA-CATS-OPS 133' means the technical standard document of the said regulations relating to Helicopter External-load Operations, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act."
- (ee) "Document SA-CATS-OPS 135' means the technical standard document of the said regulations relating to Air Transport Operations of Small Aeroplanes, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act."
- (ff) "Document SA-CATS-OPS 137' means the technical standard document of the said regulations relating to Agricultural Operations, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act."
- (gg) "Document SA-CATS-OPS' the technical standard document of the said regulations relating to Air Ambulance Operations, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act'; and
- (hh) "Document SA-CATS-ROA' means the technical standard document of the said regulations relating to Aviation Accident and Incident Investigation, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act."

1.2 MOTIVATION

It is intended to take all the forms and certificates out of the CATS documents. At present they form part and parcel of the CATS documents. Due to the fact that forms are from time to time amended in respect of relatively minor issues, it is necessary to invoke the CARCOM process, which is a lengthy and time-consuming process.

To prevent the commission of offences like fraud and forgery and uttering, it is suggested that certificates also not form part of CATS documents.

The proposed amendment is to the effect of limiting the content of CATS documents to The heading of Document SA-CATS-OPS 138 has also been amended to be in line with the heading of the corresponding Regulations.

1.3 CURRENT DEFINITIONS IN THE REGULATIONS

- (a) "Document SA-CATS-ACCID and INCID" means a document on the South African Civil Aviation Technical Standards relating to Aviation Accident and Incident Investigation, which is published by the Commissioner in terms of the Act;
- (b) "Document SA-CATS-AH" means a document on the South African Civil Aviation Technical Standards relating to Aerodromes and Heliports, which is published by the Commissioner in terms of the Act;
- (c) "Document SA-CATS-AIRS" means a document on the South African Civil Aviation Technical Standards relating to Aeronautical Information and Related Services, which is published by the Commissioner in terms of the Act;
- (d) "Document SA-CATS-AMEL" means a document on the South African Civil Aviation Technical Standards relating to Aircraft Maintenance Engineer Licensing, which is published by the Commissioner in terms of the Act;
- (e) "Document SA-CATS-AMO" means a document on the South African Civil Aviation Technical Standards relating to Aircraft Maintenance Organisations, which is published by the Commissioner in terms of the Act;
- (f) "Document SA-CATS-AR" means a document on the South African Civil Aviation Technical Standards relating to Airworthiness Requirements, which is published by the Commissioner in terms of the Act;
- (g) "Document SA-CATS-ARM" means a document on the South African Civil Aviation Technical Standards relating to Aircraft Registration and Marking, which is published by the Commissioner in terms of the Act;
- (h) "Document SA-CATS-ARO" means a document on the South African Civil Aviation Technical Standards relating to Aviation Recreation Organisations, which is published by the Commissioner in terms of the Act;
- (i) "Document SA-CATS-ATO" means a document on the South African Civil Aviation Technical Standards relating to Aviation Training Organisations, which is published by the Commissioner in terms of the Act;
- (j) "Document SA-CATS-ATS" means a document on the South African Civil Aviation Technical Standards relating to Air Traffic Services, which is published by the Commissioner in terms of the Act;
- (k) "Document SA-CATS-ATSPL" means a document on the South African Civil Aviation Technical Standards relating to Air Traffic Service Personnel Licensing, which is published by the Commissioner in terms of the Act;
- (l) "Document SA-CATS-DG" means a document on the South African Civil Aviation

Technical Standards relating to the Conveyance of Dangerous Goods, which is published by the Commissioner in terms of the Act;

- (m) "Document SA-CATS-DO" means a document on the South African Civil Aviation Technical Standards relating to Design Organisations, which is published by the Commissioner in terms of the Act;
- (n) "Document SA-CATS-ENVIRO" means a document on the South African Civil Aviation Technical Standards relating to Environmental Protection, which is published by the Commissioner in terms of the Act;
- (o) "Document SA-CATS-FCL" means a document on the South African Civil Aviation Technical Standards relating to Flight Crew Licensing, which is published by the Commissioner in terms of the Act;
- (p) "Document SA-CATS-GMR" means a document on the South African Civil Aviation Technical Standards relating to General Maintenance Rules, which is published by the Commissioner in terms of the Act;
- (q) "Document SA-CATS-MORG" means a document on the South African Civil Aviation Technical Standards relating to Manufacturing Organisations, which is published by the Commissioner in terms of the Act;
- (r) "Document SA-CATS-MR" means a document on the South African Civil Aviation Technical Standards relating to Medical Requirements, which is published by the Commissioner in terms of the Act;
- (s) "Document SA-CATS-OPS 91" means a document on the South African Civil Aviation Technical Standards relating to General Operating and Flight Rules, which is published by the Commissioner in terms of the Act;
- (t) "Document SA-CATS-OPS 98" means a document on the South African Civil Aviation Technical Standards relating to Operation of Powered Paragliders, which is published by the Commissioner in terms of the Act;
- (u) "Document SA-CATS-OPS 100" means a document on the South African Civil Aviation Technical Standards relating to Operation of Gyroplanes, which is published by the Commissioner in terms of the Act;
- (v) "Document SA-CATS-OPS 101" means a document on the South African Civil Aviation Technical Standards relating to Operation of Unmanned Free Balloons, Kits and Remotely Piloted Aircraft, which is published by the Commissioner in terms of the Act;
- (w) "Document SA-CATS-OPS 102" means a document on the South African Civil Aviation Technical Standards relating to Operation of Free Balloons and Airships, which is published by the Commissioner in terms of the Act;

- (x)“Document SA-CATS-OPS 103” means a document on the South African Civil Aviation Technical Standards relating to Operation of Microlight Aeroplanes, which is published by the Commissioner in terms of the Act;
- (y)“Document SA-CATS-OPS 104” means a document on the South African Civil Aviation Technical Standards relating to Operation of Gliders, which is published by the Commissioner in terms of the Act;
- (z)“Document SA-CATS-OPS 105” means a document on the South African Civil Aviation Technical Standards relating to Operation of Parachutes, which is published by the Commissioner in terms of the Act;
- (aa)“Document SA-CATS-OPS 106” means a document on the South African Civil Aviation Technical Standards relating to Operation of Hang Gliders, which is published by the Commissioner in terms of the Act;
- (bb)“Document SA-CATS-OPS 121” means a document on the South African Civil Aviation Technical Standards relating to Air Transport Operations of Large Aeroplanes, which is published by the Commissioner in terms of the Act;
- (cc)“Document SA-CATS-OPS 127” means a document on the South African Civil Aviation of Technical Standards relating to Air Transport Operations Helicopters, which is published by the Commissioner in terms of the Act;
- (dd)“Document SA-CATS-OPS 133” means a document on the South African Civil Aviation Technical Standards relating to Helicopter, External-load Operations, which is published by the Commissioner in terms of the Act;
- (ee)“Document SA-CATS-OPS 135” means a document on the South African Civil Aviation Technical Standards relating to Air Transport Operations of Small Aeroplanes, which is published by the Commissioner in terms of the Act;
- (ff)“Document SA-CATS-OPS 137” means a document on the South African Civil Aviation Technical Standards relating to Agricultural Operations, which is published by the Commissioner in terms of the Act;
- (gg)“Document SA-CATS-OPS 138” means a document on the South African Civil Aviation Technical Standards relating to Emergency Medical Service Operations, which is published by the Commissioner in terms of the Act;
- (hh)“Document SA-CATS-ROA” means a document on the South African Aviation Technical Standards relating to Rules of the Air and General Operating Rules which is published by the Commissioner in terms of the Act;”

SCHEDULE 2

Proposer

Civil Aviation Authority
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Building 16
Treur Close
WaterFall Park
Bekker Street
Midrand

Explanation of interest of the Proposer

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

2.0 PROPOSAL TO INSERT REGULATION 12.04.6 INTO PART 12 OF THE REGULATIONS

2.1 It is proposed to insert the following regulation after regulation 12.04.5
“NON-DISCLOSURE OF RECORDS

- 12.04.6
- (1) The following records shall not be made available for the purposes other than accident or incident investigations, unless a court of law determines that their disclosure outweighs the adverse domestic and international impact such action may have on that or future investigations, taking into account all applicable law.
 - (a) all statements taken from persons by the investigator/s of the investigation team in the course of the investigation
 - (b) all records of communications between persons having been involved in the operation of the aircraft
 - (c) medical and private information regarding persons involved in the accident or incident
 - (d) cockpit voice recordings and transcripts from such recordings
 - (e) recordings and transcriptions of recordings from air traffic control units, and
 - (f) opinions expressed in the analysis of information, including flight recorders

- (2) These Records shall be included in the final report or its appendices only when pertinent to the analysis of the accident or incident.
- (3) Parts of the record not relevant to the analysis shall not be disclosed”.

2.2 MOTIVATION

During a recent meeting of the Occurrence Investigations Section to review the provisions of ICAO Annex 13 in relation to accident/incident investigations in the South African context it seemed that the said Section does not have enough provisions in Part 12 of the Civil Aviation Regulations, 1997, for the protection of the recorded material gathered during accident/incident investigations as required by Part 12 or in a wider sense by ICAO Annex 12. The proposal put forward is an attempt to include a regulatory provision 4 of Part 12 to make provision for the above.

2.3 CURRENT REGULATION

“Does not exist. “

SCHEDULE 3

3. PROPOSAL TO INSERT PART 136 (AIR TRANSPORT OPERATIONS – COMMERCIAL OPERATION OF FREE AIR BALLOONS) INTO THE REGULATIONS

3.1 It is proposed to insert the following Part after Part 135 into the Regulations

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Midrand

Explanation of interest of the Proposer

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

Air Transport Operations – Commercial Operation of Free Air Balloons

SUBPART 1: GENERAL

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- 136.01.2 Intoxication
- 136.01.3 Dry lease-in of commercial air transport Balloon
- 136.01.4 Wet lease-in of commercial air transport balloon
- 136.01.5 Dry lease-out of commercial air transport balloon
- 136.01.6 Wet lease-out of commercial air transport balloon
- 136.01.7 Leasing of commercial air transport balloon between two South African Operators.....

- 136.01.8 Sub chartering
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SUBPART 3: TRAINING AND CHECKING

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 - 136.03.1 Training of flight crew members.....
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- 136.07.6 Fuel policy
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- 136.07.8 Carriage of infants and children.....
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- 136.07.10 Limitations on carriage of infants, children and
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- 136.07.11 Carriage on inadmissible passengers, deportees or
persons in custody
- 136.07.12 Passenger services
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SUBPART 8: BALLOON PERFORMANCE OPERATING LIMITATIONS

- 136.08.1 General
- 136.08.2 General provisions for all classes of balloons
- 136.08.3 Take-off

SUBPART 9: MAINTENANCE

- 136.09.1 General.....
- 136.09.2 Balloon maintenance schedule
- 136.09.3 Maintenance contracted to approved maintenance
Organisation

“SUBPART 1: GENERAL

Applicability

136.01.1

- (1) This part shall apply to –
 - (a) Free balloons engaged in commercial air transport operations within the Republic;
 - (b) Persons acting as flight crew members of a free balloon registered in the Republic; and
 - (c) Persons who are on board a free balloon operated under this part.
- (2) For the purposes of this part, a free balloon registered in another State and operated by the holder of Operating certificate issued in the Republic, shall be deemed to be registered in the Republic.
- (3) The provisions of Part 91 shall *mutatis mutandis* apply to any free balloon operated in terms of this part.

Intoxication

136.01.2

- (1) The operator of a free balloon shall not permit, and no person shall enter or be in, a free balloon while under the influence of alcohol or a drug having a narcotic effect, to the extent where the safety of such balloon or its occupants is, or is likely to be, endangered.
- (2) The operator shall establish procedures to ensure that any person referred to in sub regulation (1) is –
 - (a) Refused embarkation; or
 - (b) If such person is on board, restrained or disembarked.

Dry lease-in of free balloons

136.01.3

- (1) An operator who intends to dry lease-in a free balloon for commercial air transport purposes, shall –
 - (a) Ensure that such balloon can be operated and is operated in accordance with the requirements prescribed in this Part;
 - (b) Obtain prior approval from the Commissioner to operate such balloon.
- (2) The approval referred to in sub- regulation (1)(b) shall, subject to such conditions as the Commissioner may determine, be granted if such balloon is –

- (a) Type certificated in accordance with the requirements prescribed in Part 21;
 - (b) Maintained in accordance with a balloon maintenance schedule referred to in Part 136.09;
 - (c) Operated under the operating certificate held by the operator referred to in sub-regulation (1).
- (3) The conditions of approval referred to in sub regulation (2) shall be part of the lease agreement between the operator referred to in sub regulation (1) and the operator from which the balloon is leased.

Wet lease-in of free balloons

136.01.4

- (1) An operator who intends to wet lease-in a foreign registered free balloon for commercial air transport purposes shall, subject to such conditions as the Commissioner may determine, obtain prior approval from the Commissioner to operate such balloon.
- (2) The duration of the lease agreement concerned shall be limited to a maximum period of six calendar months in one year.
- (3) The approval referred to in sub- regulation (1) shall, subject to such conditions as the Commissioner may determine, be granted if such balloon –
 - (a) Is wet leased-in from an operator who is the holder of an operating certificate or similar document issued by an appropriate authority?
 - (b) Has been type certificated by the appropriate authority;
 - (c) holds a valid certificate of airworthiness or similar document issued by such appropriate authority;
 - (d) is maintained and operated in accordance with safety standards at least equivalent to the safety standards referred to in this Part; and
 - (e) Will be operated in terms of the operating certificate or similar document held by the operator referred to in paragraph (a).
- (4) The operator referred to in sub- regulation (1) shall –
 - (a) Satisfy the Commissioner that the safety standards of the lesser are not less than the safety standards referred to in this Part;
 - (b) Ensure that any law applicable to the balloon to be wet leased-in, the maintenance or operation thereof, is complied with.
- (4) The total number of wet leased-in balloons shall be such that an operator referred to in sub- regulation (1) will not be predominantly dependent on foreign registered balloons.
- (5) The conditions of approval referred to in sub- regulation (1) shall be part of the lease agreement between the operator referred to in sub- regulation (1) and the operator from which the foreign registered balloon is leased.

Dry lease-out of commercial air transport balloons

136.01.5

- (1) Subject to the provisions of sub-regulation (2), the operator of a South African registered balloon may dry lease-out the balloon to any operator in a contracting State.
- (2) On request of the operator of a South African registered balloon, the Commissioner may exempt the operator from the applicable provisions of this Part and remove the balloon from the operating certificate held by such operator: Provided that –
 - (a) the appropriate authority of the State of the Operator to which such balloon is dry leased has accepted, in writing, responsibility for surveillance of the maintenance and operation of such balloon; and
 - (b) such balloon is maintained according to an approved maintenance programme.

Wet lease-out of commercial air transport balloons

136.01.6 The operator of a South African registered balloon who intends to wet lease-out the balloon to any operator, other than an operator of a contracting State, shall remain the operator of the balloon for the purposes of Subpart 6, and responsibility for surveillance of the maintenance and operation of such balloon shall not be transferred to the appropriate authority of the State of the Operator to which such balloon is wet leased-out.

Leasing of a commercial air transport balloon between two South African operators

- 136.01.7
- (1) A South African operator who intends to lease out a balloon and complete crew to another South African operator, shall remain the operator of the balloon and shall retain the functions and responsibilities prescribed in Subpart 6.
 - (2) A South African operator, intending to utilise a balloon leased from, or to lease it to, another South African operator shall obtain prior approval from the Commissioner for the operation, and the conditions of approval shall be part of the lease agreement between the operators.
 - (3) The terms of an approved lease agreement, other than an agreement in terms of which a balloon together with crew is leased, and where no transfer of functions and responsibilities is intended, shall include –
 - (a) the arrangement concerning the operating certificate under which the flights with the leased balloon shall be operated; and
 - (b) any deviation from the operating certificate under which the flights with the leased balloon shall be operated.

Sub- chartering

- 136.01.8(1) In the exceptional circumstances as prescribed in Document SA-CATS-OPS 136, an operator may sub -charter a balloon and crew from any operator who holds a valid operating certificate for the balloon, issued by an appropriate authority: Provided that –
- (a) the sub charter period does not exceed five consecutive days; and
 - (b) the operator of the balloon so sub chartered, informs the Commissioner, within 24 hours, of such sub charter.
- (2) The provision of Regulations 136.01.3(1)(a) and (2), 136.01.4(3) and (4)(b) and 136.01.7(1) and (3) shall apply *mutatis mutandis* to any sub- charter referred to in this regulation.

Preservation of documents

- 136.01.9 The operator of a commercial air transport balloon who is required to retain any of the documents for the specified period referred to in S-subpart 4, shall retain such document for such specified period irrespective of the fact that such operator, before the expiry of such specified period, ceases to be the owner or possessor of the balloon concerned.

SUBPART 2: FLIGHT CREW

Composition of flight crew

- 136.02.1 (1) A minimum of one flight crew member shall be required for the operation of a commercial air transport balloon.
- (2) The operator shall ensure that the flight crew member –
 - (a) is competent to perform the duties assigned to them; and
 - (b) hold the appropriate valid licences and ratings.
 - (3) The flight crew member shall hold 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.
 - (4) The operator shall designate the pilot-in-command and the pilot-in-command may delegate the conduct of the flight to another suitably qualified pilot.

Flight crew member emergency duties

- 136.02.2 (1) An operator and, where appropriate, the pilot-in-command of a commercial air transport balloon, shall perform the necessary duties in an emergency or a situation requiring emergency evacuation.
- (2) The functions referred to in sub -regulation (1) shall be such as to ensure that any reasonably anticipated emergency can be adequately dealt with and shall take into consideration the possible incapacitation of individual flight crew members.
- (3) A flight crew member shall not accept an assignment of emergency functions unless such flight crew member has been trained to perform emergency functions in accordance with the requirements prescribed in Subpart 3.

Flight time and duty periods

- 136.02.3 (1) Flight crew members shall:
- (a) not work more than seven consecutive days between days off;
 - (b) have two consecutive days off in any consecutive fourteen days;
 - (c) have a minimum of six days off in any consecutive four weeks;
 - (d) have an average of at least eight days off in each consecutive four week period, averaged over three such periods.

SUBPART 3: TRAINING AND CHECKING

Division One: General

Training of flight crew members

- 136.03.1 (1) The operator of a commercial air transport balloon shall establish and maintain a ground and flight training programme for flight crew members in his or her employ.
- (2) The operator shall ensure that:
- (a) each flight crew member received training in accordance with this subpart and the appropriate syllabus prescribed in Document SA-CATS-OPS 136;
 - (b) each flight crew member passes a written examination with regard to all the subjects of the training syllabus referred to in paragraph (a).

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

Initial training of flight crew members

136.03.2 (1) A flight crew member employed by the operator of a commercial air transport balloon shall have successfully completed the initial training and skills tests as prescribed in Part 61 and through an approved Aviation Training Organisation and be:

- (a) the holder of a free balloon licence;
- (b) the holder of a valid Class 1 Medical Certificate; and
- (c) for balloons less than 120,000 cu ft, have

a minimum of 100 hours as pilot in command of any free hot air balloon plus a minimum of 5 hours of experience on supervised operational flights; and be the holder of a valid Flight Competence Certificate "for any hot air balloon less than 120,000 cu ft" issued by an approved examiner;
- (d) For balloons of 120,000 cu ft and less than 240,000 cu ft, have
 - (i) a minimum of 200 hours as pilot in command of any free hot air balloon plus a minimum of 5 hours of experience on supervised operational hot air balloon flights on a hot air balloon of 120,000 cu. ft. or more
and
 - (ii) be the holder of a valid flight test certificate "for any hot air balloon less than 240,000 cu ft" issued by an approved examiner;
- (e) For balloons of 240,000 cu ft and less than 360,000 cu ft, have
 - (i) A minimum of 300 hours as pilot in command of any free hot air balloon of which a minimum of 100 hours must have been on balloons in (d) plus a minimum of 5 hours of experience on supervised operational hot air balloon flights on a hot air balloon of 240,000 cu. ft. or more
and
 - (ii) be the holder of a valid flight test certificate "for any hot air balloon less than 360,000 cu ft" issued by an approved examiner;
- (f) For balloons of 360,000 cu ft and more
 - (i) A minimum of 400 hours as pilot in command of any free hot air balloon, of which 300 hours should be on balloons 120,000 cu ft and greater (of which a minimum of 100 hours must have been on balloons in (e) plus a minimum of 5 hours of experience on supervised operational hot air balloon flights on a hot air balloon of 360,000 cu. ft. or more

and

- (ii) be the holder of a valid flight test certificate "for any hot air balloon" issued by an approved examiner;

Division Two: Pilot Training

Conversion training

- 136.03.3 (1) The operator of a commercial air transport balloon shall ensure that –
- (a) a flight deck crew member completes a type conversion course in accordance with the applicable requirements prescribed in Part 61, when changing from one type of balloon to another type or class for which a new type or class rating is required;
 - (b) a flight deck crew member completes the operator's type conversion course before commencing unsupervised operational flying –
 - (i) when changing to a balloon for which a new type or class rating is required; or
 - (ii) when employed by such operator.

Recurrent training and checking

- 136.03.4 (1) The operator of a commercial air transport balloon shall ensure that –
- (a) each flight deck crew member undergoes recurrent training and checking and that all such training and checking is relevant to the type or variant of balloon on which the flight deck crew member is licensed to operate;
 - (b) a recurrent training and checking programme is included in the operations manual referred to in regulation 136.04.2;
 - (c) recurrent training is conducted by –
 - (i) a competent person, in the case of ground and refresher training;
 - (ii) competent personnel in the case of emergency and safety equipment training and checking.
- (2) The operator shall ensure that, in the case of the operator proficiency check referred to in sub- regulation (1)(a) –
- (a) each flight deck crew member undergoes such checks to demonstrate his or her competence in carrying out normal, abnormal and emergency procedures;
- (3) Upon successful completion of the operator proficiency check referred to in sub- regulation (1) (a), the operator shall issue a certificate of competency to the flight deck crew member concerned, which certificate shall be valid for a period of twelve calendar months calculated from the last day of the calendar month in which such certificate is issued.
- (4) The operator shall ensure that, in the case of emergency and safety equipment training and checking, each flight deck crew member undergoes training and checking on the location and use of all emergency and safety equipment carried.

- (5) Upon successful completion of the emergency and safety equipment check referred to in sub-regulation (4), the operator shall issue a certificate of competency to the flight deck crew member concerned, which certificate shall be valid for a period of 12 calendar months calculated from the last day of the calendar month in which such certificate is issued.
- (6) The operator shall ensure that, in the case of ground and refresher training, each flight deck crew member undergoes training every 12 calendar months.

SUBPART 4: DOCUMENTATION AND RECORDS

Documents to be retained on ground

136.04.1 (1) The operator of a commercial air transport balloon shall ensure that;

- (a) the load sheet;
- (b) the passenger list;
- (c) the special loads notification, if applicable; and

(2) The documents referred to in sub-regulation (1) shall be retained for a period of at least 90 days.

Operations manual

136.04.2 (1) The operator of a commercial air transport balloon shall draw up an operations manual containing all the information required under this part and setting out the manner in which such operator will operate the air service for which such operator is licensed in terms of the International Air Services Act, 1993 (Act No. 60 of 1993), or the Air Services Licensing Act, 1990 (Act No. 115 of 1990), as the case may be.

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

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

- (a) will comply with the provisions of regulation 136.06.7; and
- (b) will not operate the air service concerned contrary to any provision of the Act, the International Air Services Act, 1993, the Air Services Licensing Act, 1990, or the Civil Aviation Offences Act, 1972 (Act No. 10 of 1972), the Commissioner shall certify in writing on both copies of the operations manual that such manual has been approved, and shall return one copy of the approved operations manual to the operator.

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