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GOVERNMENT NOTICE

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Government Notice

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GOVERNMENT NOTICE
GOEWERMENTSKENNISGEWING

DEPARTMENT OF TRANSPORT
DEPARTEMENT VAN VERVOER

No. R. 917

18 September 2009

AVIATION ACT 1962, (ACT NO 74 OF 1962)

**PROPOSED AMENDMENT TO THE CIVIL AVIATION REGULATIONS,
1997**

Under regulation 11.03.2(1)(a) of the Civil Aviation Regulations, the Chairperson of the Civil Aviation Regulations Committee (CARCOM) hereby publishes for comment the proposed amendments to the Civil Aviation Regulations, 1997, as set out in the schedules. Any comments or representations on the proposed amendments should be lodged in writing with the Chairperson of the Regulations Committee, for attention Ms. Monica Sonjani or Mr. Herman Wildenboer, Private Bag 73 Halfway House, 1685, fax: (011) 545-1201, or e-mail at sonjanim@caa.co.za or wildenboerh@caa.co.za, before or on 18 October 2009.

SCHEDULE

**ALL THE PROPOSALS CONTAINED IN THE SCHEDULES EMANATE FROM
THE SOUTH AFRICAN CIVIL AVIATION AUTHORITY**

A. PROPOSER

SACAA
Private Bag X73
HALFWAY HOUSE
1685

B. PROPOSER'S INTEREST

The proposer has been established in terms of the South African Civil Aviation Act, 1998, (Act No. 40 of 1998), to control and regulate civil aviation in South Africa and to oversee the functioning and development of the civil aviation industry, and, in particular, to control, regulate and promote civil aviation safety and security.

C. GENERAL EXPLANATORY NOTE:

Words in strike through indicate deletions from the existing regulations.

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

1. PROPOSAL TO AMEND REGULATION 61.01.5 OF THE REGULATIONS

1.1 Regulation 61.01.5 is hereby amended by –

(a) the deletion in sub-regulation (6) of paragraphs (b) and (c).

~~“(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.”~~

(b) the deletion of sub-regulation (7):

~~“(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.”~~

1.2 MOTIVATION

Regulation 61.01.5(6)(b) and SA CAR 61.01.5(7) require that a **notice of denial** be issued to an applicant who fails to demonstrate competency during a skills test or revalidation check. Furthermore, SA CAR 61.01.5(7) requires that the **Examiner** must submit the relevant test report to the Commissioner. These requirements are impractical and it is extremely difficult to check whether there is compliance.

Regulation 61.01.5(6)(c) requires that in the event of circumstances interrupting a skill or revalidation test, a **Notice of Discontinuance** shall be issued. This requirement just complicates the licensing administration process without achieving any useful purpose and is also almost impossible to enforce.

2. PROPOSAL TO SUBSTITUTE REGULATION 61.03.3 OF THE REGULATIONS

2.1 The following regulation is hereby substituted for regulation 61.03.3:

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

61.03.3 The applicant must pass all the theoretical knowledge examinations for a Private Pilot Licence PPL (Aeroplane) referred to in paragraph (f) of sub-regulation 61.03.1(1) within a period of ~~42~~ 18 months of obtaining the first credit

and have passed the ~~last~~ final theoretical knowledge examination within ~~six~~ the 36 months preceding the skills test for a ~~Private Pilot Licence PPL~~ (Aeroplane).

2.2 Motivation

Due to the impracticality for PPL in particular and lack of consistency between the different sub-parts of Part 61 regarding number of attempts and validity period of examinations for different licences and ratings, an urgent need has been identified to exempt PPL candidates from the limitations of 14 attempts and 12 months to pass all 7 subjects of the PPL online theoretical knowledge examination, and 6 months to pass the practical skills test as stipulated in SA CAR 61.03.3, 61.04.3 and CATS-FCL 61.01.10 (11.1).

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Mobile Phone: 083-640 6121.

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