

PART 149

ORGANISATIONS : AVIATION RECREATION ORGANISATIONS

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SUBPART 1

GENERAL

Applicability

149.01.1 (1) This Part shall apply to the approval and operation of organisations whose members operate for recreational purposes -

- (a) microlight aeroplanes and powered paragliders;
- (b) gliders;
- (c) free balloons;
- (d) gyroplanes;
- (e) hang gliders and non-powered paragliders;
- (f) parachutes; or
- (g) non-certificated aircraft.

(2) This Part shall not apply in respect of -

- (a) the holder of an air service licence issued in terms of the Air Services Licensing Act, 1990 (Act No. 115 of 1990);
- (b) any person who wishes to operate an air service as defined in section 1 of the Air Services Licensing Act, 1990; or
- (c) any person exempted by the Commissioner in terms of Part 11.

Designation of body or institution

149.01.2 (1) The Commissioner may, subject to the provisions of section 4(2) and (3) of the Act, designate a body or institution to -

- (a) establish safety standards relating to aviation recreation;
- (b) exercise control over an aviation recreation organisation approved under the provisions of this Part;
- (c) determine standards for the operation or airworthiness of aircraft involved in aviation recreation;
- (d) issue special flight permits;
- (e) determine standards for the licensing of personnel involved in aviation recreation;
- (f) issue licences to such personnel; and
- (g) advise the Commissioner on any matter connected with the operation or airworthiness of aircraft or the licensing of personnel involved in aviation recreation.

(2) The designation referred to in subregulation (1) shall be made in writing and shall be published by the Commissioner in the Gazette within 30 days from the date of such designation.

(3) The powers and duties referred to in subregulation (1) shall be exercised and performed according to the conditions, rules, requirements, procedures or standards as prescribed in Document SA-CATS-ARO.

Display of aviation recreation organisation approval

149.01.3 The holder of an aviation recreation organisation approval shall display the approval in a prominent place, generally accessible to the public at such holder's principal place of business and, if a copy of the approval is displayed, shall produce the original approval to an authorised officer, inspector or authorised person if so requested by such officer, inspector or person.

Advertisements

149.01.4 Any advertisement by an organisation indicating that it is an aviation recreation organisation, shall -

- (a) reflect the number of the aviation recreation organisation approval issued by the Commissioner; and
- (b) contain a reference to the aviation recreation for which such approval was issued.

Safety inspections and audits

149.01.5 (1) An applicant for the issuing of an aviation recreation organisation approval shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits which may be necessary to verify the validity of any application made in terms of regulation 149.02.6.

(2) The holder of an aviation recreation organisation approval shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

Suspension and cancellation of aviation recreation organisation approval and appeal

149.01.6 (1) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, an aviation recreation organisation approval issued under this Part, if -

- (a) after a safety inspection and audit carried out in terms of regulation 149.01.5, it is evident that the holder of the approval does not comply with the requirements prescribed in this Part, and such holder fails to remedy such non-compliance within 30 days after receiving notice in writing from the authorised officer, inspector or authorised person to do so; or
- (b) the authorised officer, inspector or authorised person is prevented by the holder of the approval to carry out a safety inspection and audit in terms of regulation 149.01.5; or

(c) the suspension is necessary in the interests of aviation safety.

(2) The authorised officer, inspector or authorised person who has suspended an approval in terms of subregulation (1), shall deliver a report in writing to the Commissioner, stating the reasons why, in his or her opinion, the suspended approval should be cancelled.

(3) The authorised officer, inspector or authorised person concerned shall submit a copy of the report referred to in subregulation (2), to the holder of the approval which has been suspended, and shall furnish proof of such submission for the information of the Commissioner.

(4) The holder of an approval who feels aggrieved by the suspension of the approval may appeal against such suspension to the Commissioner, within 30 days after such holder becomes aware of such suspension.

(5) An appellant shall deliver an appeal in writing, stating the reasons why, in its opinion, the suspension should be varied or set aside.

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

(7) The authorised officer, inspector or authorised person concerned may, within 30 days of receipt of the copy of the appeal referred to in

subregulation (6), deliver his or her written reply to such appeal to the Commissioner.

(8) The Commissioner may -

- (a) adjudicate the appeal on the basis of the documents submitted to him or her;
- (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.

(9) The Commissioner may confirm, vary or set aside the suspension referred to in subregulation (1).

(10) The Commissioner shall -

- (a) if he or she confirms the suspension in terms of subregulation (9); or
- (b) if an approval is suspended in terms of subregulation (1) and the holder thereof does not appeal against such suspension in terms of subregulation (4),

cancel the approval concerned.

Register of approvals

149.01.7 (1) The Commissioner shall maintain a register of all aviation recreation organisation approvals issued in terms of the regulations in this Part.

(2) The register shall contain the following particulars:

- (a) The full name of the holder of the approval;
- (b) the postal address of the holder of the approval;
- (c) the date on which the approval was issued or renewed;
- (d) particulars of the scope of the approval issued to the holder of the approval; and
- (e) the nationality of the holder of the approval.

(3) The particulars referred to in subregulation (2) shall be recorded in the register within seven days from the date on which the approval is issued by the Commissioner.

(4) The register shall be kept in a safe place at the office of the Commissioner.

(5) A copy of the register shall be furnished by the Commissioner, on payment of the appropriate fee as prescribed in Part 187, to any person who requests the copy.

SUBPART 2

APPROVAL OF AVIATION RECREATION ORGANISATION

Requirement for approval

149.02.1 No organisation shall undertake aviation recreation except under the authority of, and in accordance with the provisions of, an aviation recreation organisation approval issued under this Subpart.

Manual of procedure

149.02.2 An applicant for the issuing of an aviation recreation organisation approval to undertake aviation recreation, shall provide the Commissioner with its manual of procedure which shall -

- (a) comply with the requirements prescribed in this Subpart;
- and
- (b) contain the information as prescribed in Document SA-CATS-ARO.

Quality control system

149.02.3 (1) The applicant shall establish a quality control system for the control and supervision of the aviation recreation covered by the application.

(2) The minimum standards for a quality control system shall be as prescribed in Document SA-CATS-ARO.

Personnel requirements

- 149.02.4** (1) The applicant shall engage, employ or contract -
- (a) a senior person identified as the accountable manager and compliance officer of the organisation concerned, to whom contractual authority has been granted to ensure that all activities undertaken by the organisation are carried out in accordance with the applicable requirements prescribed in this Subpart, and who shall in addition be vested with the following powers and duties in respect of the compliance with such requirements:
 - (i) Unrestricted access to work performed or activities undertaken by all other persons as employees of, and other persons rendering service under contract with, the organisation;
 - (ii) full rights of consultation with any such person in respect of such compliance by him or her;
 - (iii) powers to order cessation of any activity where such compliance is not effected;

- (iv) a duty to establish liaison mechanisms with the Commissioner with a view to ascertain correct manners of compliance with the said requirements, and interpretations of such requirements by the Commissioner, and to facilitate liaison between the Commissioner and the organisation concerned; and
 - (v) powers to report directly to the management of the organisation on his or her investigations and consultations generally, and in cases contemplated in subparagraph (iii), and with regard to the results of the liaison contemplated in subparagraph (iv);
- (b) a competent person who is responsible for quality control, and who has direct access to the accountable manager and compliance officer referred to in paragraph (a) on matters affecting airworthiness and aviation safety; and
 - (c) adequate personnel to carry out and supervise the aviation recreation covered by the application.
- (2) The applicant shall -
- (a) establish a procedure for initially assessing, and a procedure for maintaining, the competence of those personnel authorised by the applicant to carry out and

supervise the aviation recreation covered by the application; and

- (b) provide the personnel referred to in paragraph (a) with written proof of the scope of their authorisation.

Resource requirements

149.02.5 The applicant shall ensure that the resources are adequate to enable the personnel to carry out and supervise the aviation recreation covered by the application.

Application for approval or amendment thereof

149.02.6 An application for the issuing of an aviation recreation organisation approval to undertake aviation recreation, or an amendment thereof, shall be -

- (a) made to the Commissioner in the appropriate form as prescribed in Document SA-CATS-ARO; and
- (b) accompanied by -
 - (i) the appropriate fee as prescribed in Part 187; and
 - (ii) the manual of procedure referred to in regulation 149.02.2.

Issuing of approval

149.02.7 (1) The Commissioner shall issue an aviation recreation organisation approval to undertake aviation recreation, if the applicant complies with the requirements prescribed in regulations 149.02.2 to 149.02.5 inclusive.

(2) The Commissioner shall issue the approval on the appropriate form as prescribed in Document SA-CATS-ARO.

Scope of approval

149.02.8 An aviation recreation organisation approval to undertake aviation recreation shall specify -

- (a) the aviation recreation which the holder of the approval is entitled to undertake; and
- (b) the procedures which the holder of the approval is authorised to establish and administer.

Period of validity

149.02.9 (1) An aviation recreation organisation approval to undertake aviation recreation, shall be valid for the period determined by the Commissioner, which period shall not exceed five years, calculated from the date of issuing or renewal thereof.

(2) The approval shall remain in force until it expires or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Commissioner, in terms of regulation 149.01.6.

(3) The holder of an approval which expires, shall forthwith surrender the approval to the Commissioner.

(4) The holder of an approval which is suspended, shall forthwith produce the approval upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(5) The holder of an approval which is cancelled, shall, within 30 days from the date on which the approval is cancelled, surrender such approval to the Commissioner.

Transferability

149.02.10 (1) Subject to the provisions of subregulation (2), an aviation recreation organisation approval to undertake aviation recreation, shall not be transferable.

(2) A change in ownership of the holder of an approval to undertake aviation recreation, shall be deemed to be a change of significance referred to in regulation 149.02.11.

Changes in quality control system

149.02.11 (1) If the holder of an aviation recreation organisation approval to undertake aviation recreation, desires to make any change in the quality control system referred to in regulation 149.02.3, which is significant to the showing of compliance with the appropriate requirements prescribed in this Part, such holder shall apply to the Commissioner for the approval of such change.

(2) The provisions of regulation 149.02.6 shall apply *mutatis mutandis* to an application for the approval of a change in the quality control system.

(3) An application for the approval of a change in the quality control system shall be granted by the Commissioner if the applicant satisfies the Commissioner, upon submission of appropriate proposed changes to its manual of procedure, that it will continue to comply with the provisions of regulations 149.02.2 to 149.02.5 inclusive, after the implementation of such approved change.

Renewal of approval

149.02.12 (1) An application for the renewal of an aviation recreation organisation approval to undertake aviation recreation, shall be -

- (a) made to the Commissioner in the appropriate form as prescribed in Document SA-CATS-ARO; and
- (b) accompanied by -

- (i) the appropriate fee as prescribed in Part 187; and
- (ii) the manual of procedure referred to in regulation 149.02.2.

(2) The holder of the approval shall at least 60 days immediately preceding the date on which such approval expires, apply for the renewal of such approval.

Duties of holder of approval

149.02.13 The holder of an aviation recreation organisation approval to undertake aviation recreation, shall -

- (a) hold at least one complete and current copy of its manual of procedure referred to in regulation 149.02.2, at each recreation facility specified in the manual of procedure;
- (b) comply with all procedures detailed in the manual of procedure;
- (c) make each applicable part of the manual of procedure available to the personnel who require those parts to carry out their duties; and
- (d) continue to comply with the appropriate requirements prescribed in this Part.

Technical and regulatory data

149.02.14 (1) The holder of an aviation recreation organisation approval shall keep copies of all relevant equipment manuals, technical bulletins and instructions, legislation, and any other documents which may be necessary to establish procedures for the aviation recreation specified in its manual of procedure.

(2) The holder of the approval shall establish procedures to control and amend the documents referred to in subregulation (1).

(3) The procedures referred to in subregulation (2) shall ensure that -

- (a) all documents are reviewed and authorised before the issuing thereof;
- (b) changes to documents are reviewed and authorised by the holder of the approval;
- (c) the current version of each document can be identified to preclude the use of out of date editions;
- (d) current issues of data and documents are held by those personnel within the aviation recreation organisation who require such data and documents to carry out their duties; and
- (e) obsolete documents are promptly removed from circulation.

Records

149.02.15 (1) The holder of an aviation recreation organisation approval shall establish procedures to identify, collect, index, store, maintain and dispose of, the records which are necessary for the aviation recreation specified in its manual of procedure.

- (2) The procedures referred to in subregulation (1) shall ensure that -
- (a) a record is kept of each quality control review of the holder of the approval;
 - (b) all records are legible; and
 - (c) all records are kept for a period of at least five years calculated from the date of the last entry made in such records.

Operational and maintenance procedures

149.02.16 (1) The holder of an aviation recreation organisation approval which authorises operational and maintenance procedures to be established, shall establish operational and maintenance procedures for the aviation recreation specified in its manual of procedure.

- (2) The procedures referred to in subregulation (1) shall -
- (a) be relevant and not in conflict with the appropriate procedures prescribed in the Regulations; and

- (b) be administered to ensure that the requirements -
 - (i) remain valid for their intended use; and
 - (ii) are reviewed on a regular basis.
- (3) The procedures referred to in subregulation (1) shall include details of -
 - (a) the manner in which the holder selects launching, flying and landing sites;
 - (b) the holder's use of ground signals;
 - (c) the holder's use of aerodromes or heliports;
 - (d) the holder's launching methods; and
 - (e) an emergency response plan.