

PROPOSAL FOR THE AMENDMENT OF PART 139 OF THE CIVIL AVIATION REGULATIONS, 2011

PROPOSER

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PROPOSER'S INTEREST

This proposer has been established in terms of the Civil Aviation Act, 2009 (Act No. 13 of 2009), 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.

GENERAL EXPLANATORY NOTE

Words in **[bold and square brackets]** indicate deletions from the existing regulations
Words underlined with a solid line indicate insertions in the existing regulations

MOTIVATION

ICAO Annex 14 sets out the fundamental Standards and Recommended Practices (SARPs) for airport design and operations, which States undertake to apply through national legislation.

The objective of this amendment is to introduce new standards to improve safety performance standards in way that embed an effective safety culture in aviation organisations; and to ensure that South Africa meets its international obligations as a signatory to the Convention on International Civil Aviation. In addition, the numbering of existing regulations has been streamlined.

1. PROPOSAL FOR THE AMENDMENT OF SUBPART 5 OF PART 139

1.1 It is hereby proposed to insert Subpart 5 of Part 139 as follows:

SUBPART 5: LICENSING AND OPERATION OF AERODROMES

Requirements for licence

139.05.1 (1) An operator of an aerodrome category 1,2 and 3 shall be licenced in terms of this subpart as prescribed in Document SA-CATS 139.

(2) An operator of an aerodrome intended for public use with commercial operations, aerodromes where Pilot training takes place shall be licensed as a category 3 in terms of this subpart and as prescribed in Document SA-CATS 139.

(3) Aerodromes under TMA or Controlled Airspace shall be licensed in terms of this subpart and as prescribed in Document SA-CATS 139.

(4) An aerodrome licence shall be issued or renewed subject to the aerodrome complying with this subpart.

Application for licence or amendment thereof

139.05.2 (1) An application for issuing or amendment of an aerodrome licence shall be made to the Director in the appropriate prescribed form and accompanied by—

(a) plans of an aerodrome;

(b) written approval from the local government concerned;

(c) an environmental impact report, if required in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998);

(d) written approval from all relevant government institutions and/or relevant parties

(e) particulars of non-compliance with, or deviations from appropriate aerodrome design, operation or equipment standards prescribed in this subpart

(f) appropriate airspace classification requirements as prescribed in Part 172; and

(g) appropriate fee as prescribed in Part 187.

Processing of application for licence or amendment thereof

139.05.3 (1) The Director shall, as soon as practicable after the receipt of an application for an aerodrome licence, publish by notice in the Government Gazette the following particulars in respect of the application—

(a) full name of the applicant;

(b) full particulars of the location of the aerodrome;

(c) a date by which representations against or in favour of the application should be submitted to the Director; and

(d) any restrictions to the safe use of the aerodrome.

(2) Any person may, after the publication of the notice referred to in sub-regulation (1) submit written representation to the Director against or in favour of the application.

Adjudication of application for licence or amendment thereof

139.05.4 (1) The Director shall as soon as practicable, consider an application referred to in regulation 139.05.2 together with all representations and other documents relating to such application which are received within the period specified in the notice published in terms of regulation 139.05.3 (1).

(2) The Director may grant the application if the Director is satisfied that—

(a) an applicant has suitable personnel and necessary competence and experience to operate and maintain an aerodrome safely and meet the duties as contemplated in regulation 139.05.12;

(b) the aerodrome facilities, services and equipment meet the required standards;

(c) the aerodrome operating procedures will result in the safe operations of aircraft and the safety of air navigation;

(d) acceptable safety and quality assurance systems are in place to ensure continued compliance with the requirements of this Part and the safe operation of an aerodrome; and

(e) granting the application will not jeopardise aviation safety.

Issuing of licence

139.05.5 (1) An aerodrome licence shall be issued on the appropriate prescribed form.

(2) An aerodrome licence shall specify—

(a) fire category for which an aerodrome is licensed

(b) name of aerodrome

(c) coordinates

(d) license number

(e) Aerodrome services

(i) runway lights,

(ii) navigational aids

(iii) runway designation

(iv) Emergency power supply

(v) ATSU

Period of validity

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

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

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

(4) A holder of an aerodrome licence which is cancelled, shall, within 30 days from the date on which the licence is cancelled, surrender such licence to the Director.

139.05.7 Non-transferability

139.05.7 An aerodrome licence shall not be transferable.

(1) A change in ownership of the holder of a licence shall be deemed to be a change of significance and requires a new licence.

Renewal of licence

139.05.8 (1) An application for the renewal of an aerodrome licence shall be made to the Director in the appropriate prescribed form and accompanied by—

(a) Completed compliance check list

(c) appropriate fee as prescribed in Part 187.

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

Aerodrome design requirements

139.05.09(1) An applicant for the issuing of an aerodrome licence shall ensure that the aerodrome is provided with;

(a) the following physical characteristics –

(i) runway

(ii) runway turn pads

(iii) runway strips

(iv) taxiways

(v) taxiway strips

(vi) runway- holding positions, road holding positions.

(vii) aprons

(b) obstacle limitation surfaces;

(c) visual aids

(d) equipment and installations;

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

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

Aerodrome rescue and fire fighting

139.05.10 An applicant for, or a holder of an aerodrome licence shall ensure that:

(1) an aerodrome is provided with a rescue and firefighting services capable of providing the required level of protection as prescribed in Document SA-CATS 139.

(2) an appropriate level of firefighting services compliant with the license application, appropriate to the characteristics of the aircraft it intends to serve is provided

Aerodrome rescue and firefighting personnel training standards

139.05.11 (1) The holder of an aerodrome licence shall ensure that all rescue and firefighting personnel employed are properly trained to perform their functions in an efficient manner as prescribed in SA-CATS 139

General duties of holder of licence

139.05.12 (1) A holder of an aerodrome licence shall—

- (a) hold at least one complete and current copy of approved manuals as prescribed document SA-CATS 139;
- (b) comply with all procedures detailed in such approved manuals;
- (c) make each applicable part of such approved manuals available to the personnel who require those parts to carry out their duties; and
- (d) hold a full set of regulations that contains latest amendment to continue to comply with the appropriate requirements prescribed in this subpart.

(2) A holder of aerodrome licence shall ensure that—

- (a) an aerodrome is maintained in a serviceable condition
 - (b) an aerodrome is kept free of unauthorised persons, vehicles or animals which are not under proper control and management, as prescribed in SA-CATS 139;
 - (c) all significant obstructions are marked as prescribed in Document SA-CATS 139;
 - (d) the Director is informed of any alterations to or obstructions or workings on the aerodrome;
 - (e) an apparatus showing the surface direction of the wind, is installed and functions satisfactorily;
 - (f) VHF direction finding equipment is installed where an ATSU is present on an aerodrome and that it functions satisfactorily to the requirements and specifications as prescribed in Document SA-CATS 139. This requirement may be omitted if an ATSU is serviced by primary radar surveillance;
 - (g) markings are maintained in a conspicuous condition, readily visible to aircraft in the air or manoeuvring on the ground;
 - (h) facilities offered to the public are available and in a serviceable condition;
 - (i) all apparatus installed by such holder to promote safety in flight, are functioning efficiently;
 - (j) unserviceable areas on the landing terrain are appropriately marked as prescribed in Document SA-CATS 139;
 - (k) the Director is informed whenever an aerodrome becomes unserviceable through any cause or whenever any portion of the surface of the landing area deteriorates to such extent that the safety of aircraft may be endangered;
 - (l) when an aerodrome becomes unserviceable as contemplated in paragraph (k), aircraft operations are limited to those portions of an aerodrome not rendered unsafe by the existing condition;
 - (m) such reports on the condition of an aerodrome as may be required from time to time by the Director, are submitted;
 - (o) a survey is conducted by a registered surveyor when deemed necessary by the Director
 - (t) the surface of a runway is maintained in a condition such as to prevent formation of harmful irregularities;
- (3) A holder of an aerodrome licence shall—

(a) when an ATSU at an aerodrome is not in operation, be responsible for the maintenance of flying discipline on, and in the vicinity of, such aerodrome;

(4) A holder of an aerodrome aerodrome licence shall determine procedures to ensure that personnel operating on airside wear high visibility clothing at all times whilst on airside.