
GOVERNMENT NOTICE

DEPARTMENT OF TRANSPORT

No. R. 895

4 September 2009

AVIATION ACT, 1962 (ACT NO 74 OF 1962)

THIRTY EIGHT AMENDMENT OF THE CIVIL AVIATION REGULATIONS, 1997

The Minister of Transport has under section 22 (1) of the Aviation Act, 1962, (Act No 74 of 1962) made the Regulations in the schedule hereto.

SCHEDULE

Definition

1. In these Regulations, unless the context otherwise indicates, "the Regulations" means the Civil Aviation Regulations, 1997, published by Government Notice No R.1219 of 26 September 1997 and R.1255 of 17 October 1997, as amended by Government Notice No R. 1735 of 24 December 1997, Government Notice No R. 1041 of 14 August 1998, Government Notice No R. 1148 of 18 September 1998, Government Notice No R. 1664 of 14 December 1998, and Government Notice No R. 1701 of 31 December 1998, Government Notice No 1702 of 31 December 1998, Government Notice No R.639 of 21 May 1999, Government Notice No R. 170 of 17 February 2000, Government Notice No R. 171 of 18 February 2000, Government Notice No R. 558 of 22 June 2001 Government Notice No R. 559 of 30 August 2002, Government Notice No R. 1367 of 15 November 2002, Government Notice No R. 1368 of 15 November 2002, Government Notice No 1369 of 15 November 2002, Government Notice No R. 1370 of 15 November 2002, Government Notice No R. 1371 of 15 November 2002, Government Notice No R. 1372 of 15 November 2002, Government Notice No R. 434 of 28 March 2003, Government Notice No 435 of 28 March 2003 Government Gazette No R.1375 of 1 October 2003 and Government Gazette No R.1340 of 31 March 2004, Government Notice No R.807 dated 4 August 2006, Government Notice No R. 1371 dated 28 December 2006, Government Notice No R. 364 dated 26 April 2006, Government Notice No R. 571 dated 13 July 2007, Government Notice No R. 572 dated 13 July 2007, Government Notice No R. 573 dated 13 July 2007, Government Notice No R. 574 dated 13 July 2007, Government Notice No R. 572 dated 13 July 2007, Government Notice No R. 573 dated 13 July 2007, Government Notice No R. 574 dated 13 July 2007, Government Notice No R.1233 dated 20 December 2007, Government Notice No R. 1234 dated 20 December 2007, Government Notice No R. 601 dated 30 May 2008, Government Notice No R.700 dated 30 June 2008, Government Notice No R. 936 dated 5 September 2008, Government Notice No R. 181 of 20 February 2009, Government Notice No R.666 of 20 March 2009 and Government Notice No R. 674 of 12 June 2009.

Amendment of Regulation 1.00.1 of the Regulations

2. Regulation 1.00.1 is hereby amended by –

- (a) the insertion of the following definition after the definition of “accelerate-stop distance available”:

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

- (b) the insertion after the definition of “AIP Supplement” of the following definition:

“**air ambulance**’ means an aircraft used for the purposes of transporting a patient, or a person for whom there can be reasonable expectations that they will require medical attention during the transportation, and equipped in accordance with the provisions of Part 138 of the Regulations;”;

- (c) the substitution for the definition of “air ambulance operation” of the following definition:

“**air ambulance operation**’ means air transportation of a patient, or a person for whom there can be a reasonable expectation that they will require medical attention during the transportation which is operated in terms of Part 138 of the Regulations;”;

- (d) the insertion of the following definition after the definition of “aircraft”:

“**aircraft security search**’ means an inspection of the exterior and interior of an aircraft to which passengers or cargo may have had access and an inspection of the cargo and baggage hold for the purposes of searching for suspicious objects, weapons, explosives or other dangerous devices, articles and substances;”;

- (e) the substitution for the definition of “area navigation” of the following definition:

“**area navigation (RNAV)**’ means a method of navigation which permits aircraft operation on any desired flight path within the coverage of ground or space based navigation aids or within the limits of the capability of self contained aids, or a combination of these;”;

- (f) the insertion after the definition of “availability” of the following definition:

“**aviation security training organisation**’ any organisation registered in terms of the Companies Act, 1973 (Act No 61 of 1963) or Close Corporations Act, 1984 (Act No 69 of 1984) and approved to conduct aviation security training by the appropriate authority;”;

- (g) the insertion of the following definition after the definition of “cabin crew member”:

“**cargo**’ means any property carried on an aircraft other than mail, stores, unaccompanied or mishandled baggage;”;

- (h) the insertion after the definition of “certificate of proficiency” of the following definition:

“**certification**’ means formal evaluation and confirmation by or on behalf of the appropriate authority for aviation security that a person possesses the necessary competencies to perform assigned functions to an acceptable level as defined by the appropriate authority;”;

- (i) the substitution for the definition of “consignee” of the following definition:

“**consignee**’ means the person whose name appears on the air waybill as the party to whom the goods are to be delivered by the air carrier;”;

- (j) the substitution for the definition of “consignment” of the following definition:

“**consignment**’ means one or more pieces of goods accepted by the air carrier from one consignor at one time and at one address, receipted for in one lot and moving on one air waybill to one consignee at one destination;”;

- (k) the substitution for the definition of consignor of the following definition:

“**consignor**’ means the person whose name appears on the air waybill as the party contracting with the air carrier(s) for carriage of goods;”;

- (l) the substitution for the definition of “courier service” of the following definition:

“**courier service**’ means an operation whereby cargo tendered by one or more consignors are transported as the baggage of a courier passenger on board a scheduled air transport service under normal passenger hold baggage documentation;”;

- (m) the deletion of definition of “express air cargo and mail”;

- (n) the insertion of the following definition after the definition of “examiner”:

“**express air cargo**’ means particular time-sensitive shipments, requiring reliable, time-measured transport;”;

- (o) the substitution for the definition of “known cargo” of the following definition:

“**known cargo**’ means a consignment to which the appropriate security controls, prescribed by Part 108, have been applied;”;

- (p) the substitution for the definition of “mail” of the following definition:

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

- (q) the insertion after the definition of “medical personnel” of the following definition:

“**medical service provider**” means the person, associated with an air ambulance operator for the purposes of taking responsibility for the medical aspects of the operation and who is subject to the legislation administered by the Department of Health;”;

- (r) the insertion after the definition of “nautical mile” of the following definition:

“**navigation specification**” means a set of aircraft and flight crew requirements needed to support performance-based navigation operations within a defined airspace;”;

- (s) the deletion of the definition of “postal authority”;

- (t) the insertion of the following definition after the definition of “pilot in command under supervision”:

“**Postal Company**” means the company incorporated in terms of section 3 (1) of the Postal Office Act, (Act No 44 of 1958), or an equivalent authority of a Contracting State to the Chicago Convention;”;

- (u) the deletion of the definition of “proficiency”;

- (v) the insertion after the definition of “quality systems” of the following definition:

“**radio navigation service**” means a service providing guidance information or position data for the efficient and safe operation of aircraft supported by one or more radio navigational aids;”;

- (w) the insertion after the definition of “RNAV/BARO VNAV procedures” of the following definitions:

“**RNAV specification**” means a navigation specification based on area navigation that does not include the requirement for performance monitoring and alerting, designated by the prefix RNAV, e.g. RNAV 5, RNAV 1;

“**RNP specification**” means a navigation specification based on area navigation that includes the requirements for performance monitoring and alerting, designated by the prefix RNP, e.g. RNP 4, RNP APCH;”;

- (x) the insertion of the following definitions after the definition of “security control”:

“**security inspection**’ means an examination of the implementation of or compliance with the relevant security requirements by an airline, airport, or other entity involved in security;

‘**security restricted area**’ means those areas of the airside of an airport, which are identified as priority risk areas where in addition to access control, other security controls are applied. Such areas will normally include, inter alia, all commercial aviation passenger departure areas between the screening checkpoint and the aircraft, the ramp, baggage make-up areas, including those where aircraft are being brought into service and screened baggage and cargo are present, cargo sheds, mail centres, airside catering and aircraft cleaning premises;

‘**security survey**’ means an evaluation of security needs including the identification of vulnerabilities which could be exploited to carry out an act of unlawful interference, and the recommendation of corrective actions;

‘**security test**’ means a covert or overt trial of an aviation security measure which simulates an attempt to commit an unlawful act;”;

- (y) the insertion of the following definition after the definition of “unaccompanied baggage”:

“**shipper**” means any person who prepares or offers a package or overpack of goods for conveyance by air;”;

- (z) the substitution for the definition of “transshipment cargo and mail” of the following definition:

“**transshipment cargo and mail**’ means cargo or mail is destined for onward carriage by air;”;

- (aa) the substitution for the definition of “unaccompanied baggage” of the following definition:

“**unaccompanied baggage**’ means baggage which is transported as cargo and may or may not be carried on the same aircraft with the person to whom it belongs;” and

- (bb) the insertion of the following definition after the definition of “unaccompanied baggage”:

“**unidentified baggage**’ means baggage at an airport, with or without a baggage tag, which is not picked up by or identified with a passenger;”.