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PART 24: AIRWORTHINESS STANDARDS: NON-TYPE CERTIFIED AIRCRAFT

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SUBPART 1: GENERAL

Applicability

24.01.1 (1) This Part applies to –

- (a) Amateur-built aircraft;
- (b) Production-built non type certified aircraft;
- (c) Veteran and historical aircraft;
- (d) Ex-military aircraft;
- (e) Any other aircraft not qualifying, no longer qualifying, or not meeting the standards for the issue of a certificate of airworthiness in terms of Part 21 of these Regulations.

(2) The aircraft referred to in sub-regulation (1) are classified in the following sub-groups –

- (a) Aeroplanes, including microlight aeroplanes
- (b) Helicopters
- (c) Gyroplanes and gyrogliders
- (d) Gliders, including self-launching gliders and touring gliders
- (e) Manned captive and manned free balloons
- (f) Airships
- (g) Powered hang-glider, paraglider trikes and powered parachutes
- (h) Paragliders, including foot launched powered paragliders
- (i) Hang-gliders, including foot launched powered hang-gliders
- (j) Parachutes
- (k) Radio controlled model aircraft
- (l) Model rockets

(3) This Part does not apply to any aircraft that, for the purpose of flight –

- (a) is to be attached to and towed by a vehicle or vessel travelling on the surface;
- (b) other than a manned captive balloon, is to be moored to the surface or any construction on the surface; and
- (c) is to be flown line-controlled by a person on the surface:

Provided that such aircraft shall not be operated in contravention of these regulations, or cause an obstruction to aviation.

(4) The airworthiness design standards for each sub-group of aircraft referred to in sub-regulation (2) are those referred to in Document SA-CATS 24.

Build approval

24.01.2 (1) In the case of –

- (a) amateur built aircraft, only those aircraft of which the design standard has been submitted to the Director or body designated for the purpose in terms of Part 149, as the case may be, may be built or imported within the Republic: Provided that –
 - (i) Before any person commences with the construction of an aircraft, which is intended to be put on the South African Civil Aircraft Register, such person shall apply for a build number.
 - (ii) The application shall be made to the Director or body designated for the purpose in terms of Part 149, as the case may be, in the format prescribed in Document SA-CATS 24 and shall be accompanied by a copy of the design criteria of the aircraft, as prescribed in Document SA-CATS 24.
 - (iii) The Director or the body designated for the purpose in terms of the Part 149, as the case may be, shall on receipt of the prescribed documentation issue the build number to the applicant.
 - (iv) The Director or the body designated for the purpose in terms of Part 149, as the case may be, must retain a register of build numbers issued and make relevant information available to any authorised officer, inspector or authorised person who needs such information for the purpose of oversight and inspection.
 - (v) The applicant, on being issued with the build number, shall enter a record of the build number in the aircraft's logbook or any other document associated with the construction of the aircraft.
- (b) production built non-type certified aircraft, only those aircraft, of which the design standard, the local or foreign manufacturing organisation or facility, or the local assembling organisation or facility has been approved or accepted by the Director or body designated for the purpose in terms of Part 149, as the case may be, may be built or imported within the Republic.

(2) For the purposes of sub-regulation (2), the Director or the body designated for the purpose in terms of Part 149, as the case may be, may consider a foreign

manufacturing organisation as being approved if that facility was approved by an appropriate authority.

(3) The design criteria and the build standard for an amateur- or production-built non-type certified aircraft must –

- (a) comply with the appropriate design criteria as prescribed in Document SA-CATS 24;
- (b) comply with any special conditions prescribed in regulation 24.02.4 or by the Director or the body designated for the purpose in terms of Part 149, as the case may be; and
- (c) incorporate no feature or characteristic that makes the aircraft type unsafe for its intended use.

Airworthiness

24.01.3 (1) Before a non-type certified aircraft, other than an aircraft classified in paragraphs (h) to (l) in regulation 24.01.1(2), is considered to be airworthy in the case of –

- (a) amateur built aircraft, only those aircraft of which the build standard has been approved or accepted to the Director or body designated for the purpose in terms of Part 149, as the case may be, may be flown within the Republic; or
- (b) production built non-type certified aircraft, only those aircraft, of which the build standard has been approved or accepted by the Director or body designated for the purpose in terms of Part 149, as the case may be, may be flown within the Republic:

It shall –

- (i) have been issued with an authority to fly or a proving flight authority or special flight permit, as the case may be in terms of this Part;
- (ii) have been maintained in accordance with the provisions of Part 44;
- (iii) have no known condition which could make the aircraft unsafe for flight; and
- (iv) have on board, and in working order, the relevant communication and navigation equipment prescribed in Part 94 or Part 96, as applicable, for the operation of the particular type of aircraft.

(2) In the case of –

- (a) amateur built aircraft, static tests, if required, are to be carried out on the aircraft prior to its first flight or after a structural modification, referred to in Regulation 44.01.10.

- (b) production built non-type certified aircraft, in the absence of static test documentation from an appropriate authority acceptable to the Director or body designated for the purpose in terms of Part 149, as the case may be, static tests, as required, are to be carried out on the aircraft prior to its first flight or after a structural modification, referred to in regulation 44.01.10.

(3) The airworthiness of the aircraft, classified in sub-paragraphs (h) to (l) in regulation 24.01.1(2), shall be the sole responsibility of the owner or operator in accordance with generally accepted practices for such aircraft, or if applicable, as laid down by the applicable ARO approved for the purpose in terms of Part 149.

Registration

24.01.4 No non-type certified aircraft classified in the sub-groups (a) to (g) of sub-regulation 24.01.1(2) shall be flown unless it has been registered and marked in accordance with the provisions of Part 47.

Aircraft documentation

24.01.5 (1) The owner of a non-type certified aircraft specified under regulation 24.01.1(1) and classified in the sub-groups (a) to (g) of sub-regulation 24.01.1(2) shall submit to the Director or, the body designated for the purpose in terms of Part 149, as the case may be, for approval, the documentation prescribed in SA-CATS 24.

(2) In the case of a production-built non-type certified aircraft, a copy of the approved manuals, together with the aircraft logbook/s, shall accompany the aircraft, the kit, or the approved build standards on its delivery to a customer.

(3) In the case where proving flights for the purpose of consideration and issue of an authority to fly are carried out, the owner of the non-type certified aircraft shall retain all documents and records, generated in the process, for the duration of the life of the aircraft.

Instruments, equipment and placards

24.01.6 (1) Any flight instrument, required to be installed in terms of these Regulations, shall be calibrated before first flight, and be checked for calibration as per Document SA-CATS 44.

(2) The minimum instrumentation and equipment and the placards to be installed in non-type certified aircraft shall be as prescribed in Document SA-CATS 24.

Issuing of airworthiness directives

24.01.7 (1) The Director or body designated for the purpose in terms of Part 149, as the case may be may issue appropriate airworthiness directives in respect of design changes that are necessary to correct the unsafe condition of a non-type certified aircraft.

(2) If the Director or body designated for the purpose in terms of Part 149, as the case may be, issues an airworthiness directive in terms of sub-regulation (1), the holder of any certificate issued in terms of this Part for the aircraft or its component, shall –

- (a) upon the request of the Director or body designated for the purpose in terms of Part 149, as the case may be, submit appropriate design changes to the Director or body designated for the purpose in terms of Part 149, as the case may be for approval; and
- (b) upon approval of the design changes, if applicable, make the descriptive data covering the changes available to all operators of the product.

Safety inspections and audits

24.01.8 (1) An applicant for the issuing of any certificate, approval or authorisation in terms of this Part, shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and flight and ground tests which may be necessary to verify the validity of any application made in terms of this Part.

(2) The holder of any certificate, approval or authorisation issued under this Part, shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits, including safety inspections and audits of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

(3) Any inspection carried out on a non-type certified aircraft in terms of sub-regulation (1) is of a conditional nature, in that the inspector, an approved AMO or appropriately rated technical approved person, rated in accordance with Part 56 shall not be required to guarantee the airworthiness of the aircraft. The owner or operator of the aircraft shall at all times be responsible for the airworthiness status of the aircraft and, if called upon, shall prove to an authorised officer, inspector or authorised person that the aircraft is in an airworthy condition.

Register of certificates

24.01.9 (1) The Director or, the body designated for the purpose in terms of Part 149, as the case may be, shall maintain a register of all certificates, approvals or authorisations 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 certificate, approval or authorisation;
- (b) the physical and postal address of the holder of the certificate, approval or authorisation; and
- (c) the date on which the certificate approval or authorisation was issued.

(3) The particulars referred to in sub-regulation (2) shall be recorded in the register within thirty days from the date on which the certificate, approval or authorisation is issued.

(4) The register, and a true, certified copy of the issued certificate, approval or authorisation shall be kept in a safe place at the office of the Director or, the body designated for the purpose in terms of Part 149, as the case may be.

(5) A copy of the register shall be furnished by the Director or, the body designated for the purpose in terms of Part 149 as the case may be, on payment of the appropriate fee as prescribed in Part 187, to any person who requests the copy.

SUBPART 2: AUTHORITY TO FLY, PROVING FLIGHT AUTHORITY AND SPECIAL FLIGHT PERMIT

Application

24.02.1 (1) (a) An owner of a non-type certified aircraft classified in the paragraphs (a) to (g) of sub-regulation 24.01.1(2), or their or its authorised representative, may apply for the issuing of an authority to fly for the aircraft, or for an amendment thereof.

(b) In respect of an aircraft, classified in paragraphs (h) to (l) of sub-regulations 24.01.1(2), no authority to fly or proving flight authority is required.

(2) An application for the issuing of an authority to fly, or an amendment thereof, shall be –

- (a) made to the Director or, the body designated for the purpose in terms of Part 149, as the case may be, on the prescribed form;
- (b) accompanied by –
 - (i) the appropriate fee as prescribed in Part 187;
 - (ii) proof of compliance with the provisions of regulation 24.01.2(5);
 - (iii) the aircraft logbook/s or similar document, or certified copies of all entries;
 - (iv) certified copies of all documents and records in the construction or testing file;
 - (v) a certified copy of the flight manual, if applicable; and

- (vi) a certified copy of the approved maintenance schedule, referred to in Part 44.

Requirements

24.02.2 (1) An applicant for the issuing of an authority to fly for a non-type certified aircraft, or an amendment thereof, shall provide the Director or, the body designated for the purpose in terms of Part 149, as the case may be, with proof that, in the case of –

- (a) a non-type certified aircraft, built in the Republic, –
 - (i) the provisions of Document SA-CATS 24 in respect of proving flights and of performance, handling and strength tests have been complied with; and
 - (ii) the aircraft, other than an amateur-built aircraft, was manufactured or assembled by an organisation approved by the Director or body designated for the purpose in terms of Part 149, as the case may be, in terms of regulation 24.03.1;
- (b) an imported non-type certified aircraft, where the owner requests the aircraft to be registered in the South African Civil Aircraft Register, the aircraft –
 - (i) has been de-registered in the country of export or was never registered;
 - (ii) had been issued with a certificate of airworthiness, an authority to fly, or similar certificate by the appropriate authority of the country of de-registration; and
 - (iii) complies with all the applicable provisions of this Part; or
 - (iv) where the aircraft is a production-built non-type certified aircraft which has not been previously issued with an authority to fly or similar certificate by an appropriate authority, it was manufactured or assembled by an organisation or facility approved by the Director or body designated for the purpose in terms of Part 149, as the case may be, in terms of regulation 24.03.1.

(2) Prospective owners of an aircraft referred to in paragraph (b) of sub-regulation (1) shall first consult the Director or body designated for the purpose in terms of Part 149, as the case may be, and obtain approval before importing such an aircraft.

(3) Examples of documentation, required to show compliance with the provisions of sub-regulation (1), are outlined in Document SA-CATS 24.

(4) Except for the production-built non-type certified aircraft referred to in sub-regulation (1)(b)(iv), only aircraft which previously have been registered and issued with a certificate of airworthiness, an authority to fly, or similar document by the appropriate authority of the country of deregistration may be imported into the Republic.

(5) The applicant shall, in addition to the provisions of sub-regulation (1), submit proof that –

- (a) any modification to the aircraft conforms to the design changes approved for the type;
- (b) the aircraft complies with all appropriate airworthiness directives issued in terms of regulation 24.01.6;
- (c) the aircraft is issued with the appropriate flight manual, and any logbooks, repair and alteration forms and documents which the Director or body designated for the purpose as the case may be may require;
- (d) an annual inspection has been carried out in accordance with the requirements of regulation 44.01.6; and
- (e) the aircraft is in a condition for safe operation.

(6)(a) Where the application is in respect of a previously type-certified aircraft, other than a veteran or historical aircraft, the applicant shall provide proof that the original identification plate has been removed and handed to the appropriate authority and the aircraft re-registered as a different make and type of aircraft.

(b) The Director or body designated for the purpose in terms of Part 149, as the case may be shall inform the original manufacturer of the fact that the aircraft no longer conforms to its type certificate.

(7) In addition to the provisions of sub-regulation (1), (5) and (6), the applicant shall provide –

- (a) any other airworthiness data which the Director or the body designated for the purpose in terms of Part 149, as the case may be, may require; and
- (b) any document relating to the operation of the aircraft which the Director or, the body designated for the purpose in terms of Part 149, as the case may be, may require.

(8) An application referred to in sub-regulation (1) shall be accompanied by the appropriate fee as prescribed in Part 187.

Issuing

24.02.3 (1) An application in terms of regulation 24.02.1 shall be granted and an authority to fly issued if the applicant complies with the provisions of regulation 24.02.2.

(2) An authority to fly is issued subject to such conditions and limitations which may be determined by the Director or, the body designated for the purpose in terms of Part 149, as the case may be.

(3) Whether the authority to fly will include permission to operate the aircraft at night, under IMC, aerial work, in commercial air transport operations or to conduct semi-aerobatic or aerobatic flights, depends on the results of the proving flights and the installed equipment.

(4) In the case of a locally built amateur-built aircraft, or in the case of any aircraft that previously has been issued with a certificate of airworthiness in terms of Part 21 or a similar document issued by another State in accordance with Annex 8 to the Convention, or of which the certificate of airworthiness or authority to fly has become invalid as a result of a proposed major modification, the authority to fly may normally be granted, or re-issued as the case may be, in two stages, namely, a proving flight authority and, thereafter, where applicable, the authority to fly.

(5) (a) Before a proving flight authority or an authority to fly is issued, the aircraft may be required to be inspected by an authorised officer, inspector or authorised person, and the owner shall be advised accordingly.

(b) The owner shall make the aircraft available for such inspection, where and when required.

Proving flight authority

(1) A proving flight authority shall show the base from which the proving flights are to be carried out.

(2) A proving flight authority may be extended for further periods at the discretion of the Director, the body designated for the purpose in terms of Part 149, as the case may be, on the submission of an inspection report equivalent to an annual inspection.

(3) The constructor, as required, may effect modifications and repairs during the periods of validity of the proving flight authority. However, should a major modification or repair be required, the Director or the body designated in terms of Part 149, as the case may be, may require that the proving flights be commenced anew.

(4) Proving flights shall be carried out as prescribed in document SA-CATS 24.

(5) Flights conducted in terms of a proving flight authority –

(a) are limited to an area not exceeding 100 km radius from the specified base from which such flights are to be undertaken, unless stated otherwise on the proving flight authority;

(b) may only be conducted under VMC by day;

(c) are forbidden over open-air assemblies of persons; and

- (d) are forbidden over built-up areas, except where necessary for take-off and landing.
- (6) Only essential crew members, including those persons assigned to carry out in-flight inspections may be carried on board the aircraft during flights conducted in terms of a proving flight authority.
- (7) Where a proving flight authority is issued in respect of an aircraft of a new design, or of which the originally approved design has undergone major modification, the first flight or flights shall be conducted by a pilot with the appropriate test flight rating.
- (8) With the approval of the Director or body designated for the purpose in terms of Part 149, as the case may be, the flight or flights referred to in sub-regulation (12), the owner of the aircraft, if suitably qualified, may carry out additional proving flights. For the purpose of this sub-regulation, where the 'owner' consists of more than one natural person, one of these persons shall be designated by the test pilot to carry out the proving flights.
- (9) The owner, referred to in sub-regulation (13), shall be a licensed pilot, holding the appropriate category and class rating, and having been converted on type by an appropriately rated flight instructor.
- (10) Apart from any conversion training, which may be required in terms of sub-regulation (14), no flight training may be conducted on an aircraft, operated in terms of a proving flight authority.
- (11) Where the limitations for flight still have to be established, such proving flight or flights shall be carried out by a pilot with the appropriate test flight rating.
- (12) The final proving flight for the issue of an authority to fly shall be carried out by a pilot with the appropriate test flight rating who, if applicable, shall be the pilot who carried out the proving flights, referred to in sub-regulation (16).

Special flight permit

24.02.4 (1) The Director or body designated for the purpose in terms of Part 149, as the case may be, may issue a special flight permit.

- (2) A special flight permit for an aircraft may be issued for the purposes of –
- (a) ferrying an aircraft, where the authority to fly has become invalid, to a base where maintenance can be carried out;
 - (b) delivering or exporting the aircraft;
 - (c) evacuating the aircraft from areas of impending danger;

- (d) carrying out a flight or a series of flights while the aircraft does not conform to the appropriate airworthiness design standards referred to in regulation 24.01.2; or
- (e) operation of an aircraft at a mass in excess of its maximum certificated take-off mass for flights beyond the normal range over water or over land areas where adequate landing facilities or appropriate fuel is not available. The excess mass that may be authorised under this sub-regulation is limited to the additional fuel, fuel-carrying facilities, and navigation and emergency equipment necessary for the flight.

(3) An application for the issuing of a special flight permit for an aircraft or an amendment thereto shall be made on the prescribed form.

(4) A special flight permit issued in terms of this Part shall be valid only for flights within the borders of the Republic and over international waters. For flights over or within the territory of another State permission of the responsible aeronautical authority is required.

Form

24.02.5 An authority to fly and a proving flight authority shall be issued on the appropriate prescribed form.

Period of validity

24.02.6 (1) An authority to fly and a proving flight authority shall be valid until –

- (a) the expiry date;
- (b) it is surrendered by the holder thereof, or is suspended by an authorised officer, inspector or authorised person;
- (c) cancelled by the Director, or the body designated for the purpose in terms of Part 149, as the case may be;
- (d) a major modification is effected to the aircraft; or
- (e) the aircraft is involved in an incident or accident that results in major damage to its primary structure.

(2) Subject to the provisions of sub-regulation (1), an authority to fly or proving flight authority shall remain valid for as long as –

- (a) the aircraft remains registered on the South African Civil Aircraft Register; and
- (b) the aircraft is maintained in accordance with the regulations.

(3) The holder of an authority to fly or proving flight authority which expired shall forthwith surrender the authority to fly or proving flight authority to the Director or, the body designated for the purpose in terms of Part 149, as the case may be.

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

(5) The holder of an authority to fly or proving flight authority which is cancelled shall, within 30 days from the date on which the authority to fly or proving flight authority is cancelled, surrender such certificate to the Director or the body designated for the purpose in terms of Part 149, as the case may be.

(6) An authority to fly or a proving flight authority, which has been suspended, shall be reinstated when the cause for the suspension has been corrected to the satisfaction of the Director or the body designated for the purpose in terms of Part 149, as the case may be.

International operations

24.02.7 (1) An authority to fly is only valid for flight in South African airspace.

(2) Notwithstanding the provision of sub-regulation (1), a non-type certified aircraft, issued with a South African Authority to fly, may be flown outside the Republic's borders if the appropriate authority with jurisdiction over the relevant airspace has given prior permission for the aircraft to be flown in such airspace, in the full knowledge that the authority to fly is not equivalent to a certificate of airworthiness issued in terms of ICAO Annex 8 to the Convention.

(3) In the case of the owner or operator of a non-type certified aircraft registered in a foreign state may be flown in South Africa airspace after first obtaining written approval from the Director or the body designated in terms of Part 149, as the case may be, and having met those requirements contained in 24.02.1 and 24.02.2.

Currency fee

24.02.8 (1) (a) A currency fee, as prescribed in Part 187 shall be payable by the holder of an authority to fly on the anniversary date of such authority to fly.

(b) Should the authority to fly not be valid at the time for any of the reasons stated in regulation 24.02.6, the currency fee will be waived until such time that the authority to fly is reinstated and the relevant fee for reinstatement becomes payable.

(2) The reinstatement date shall become the new anniversary date.

Transferability

24.02.9 (1) Although a proving flight authority or an authority to fly may be transferred in the name of a new owner, the aircraft may be re-registered in the new owner's name only –

- (a) if all documents related to the airworthiness of the aircraft, including reports related to proving flights and the aircraft's logbooks, have been handed over to the new owner; or
- (b) if, when the provisions of paragraph (a) have not or cannot be met, an inspection equivalent to an annual inspection has been carried out by a suitably qualified person other than the original owner, and the aircraft has been certified to be airworthy.

(2) After the transfer of a proving flight authority, the provisions of regulation 24.02.3 (6) to (17) shall apply with the necessary changes.

(3) The Director or the body designated for the purpose in terms of Part 149, as the case may be, shall determine the conditions for the continuation of the proving flights by or on behalf of the new owner, which conditions may include the instruction that the proving flights shall be commenced anew.

(4) The provisions of Part 47 of these Regulations shall apply with the necessary changes in respect of an application for the re-registration of an aircraft following a change of ownership.

Aircraft type approval

24.02.10 (1) An application for an aircraft type approval for an amateur-built aircraft to qualify as a production-built aircraft, shall be made in the prescribed form, and accompanied by –

- (a) the appropriate fee as prescribed in Part 187;
- (b) proof of compliance with the provisions of regulation 24.01.2, and in particular the technical standard 24.01.2. (2.2);
- (c) a copy of the authority to fly issued for the prototype aircraft; and
- (d) proof that the applicant meets the requirements of regulation 24.03.1.

(2) The Director or body designated for the purpose in terms of Part 149, as the case may be, shall issue a production-built aircraft -certificate in the prescribed form, if they are satisfied that –

- (a) the applicant has been or may be approved as a manufacturing facility in terms of regulation 24.03.1; and
- (b) the aircraft will be manufactured according to the approved build standard.

SUBPART 3: APPROVAL OF NTCA MAINTENANCE AND MANUFACTURING AND ASSEMBLY FACILITIES

Application

24.03.1 (1) An application for the approval of a NTCA manufacturing and assembly facility shall meet the provisions of Part 58.

(2) An application for the approval of a maintenance facility or repair facility shall meet the provisions of Part 55.

Cost recovery

24.03.2 The cost incurred by the Director or body designated for the purpose in terms of Part 149, as the case may be, for approving a local NTCA manufacturing or maintenance facility i.e. travel, accommodation and subsistence, shall be at the expense of the applicant, manufacturer or agent, as the case may be.

Approved organisations

24.03.3 A list of approved NTCA manufacturing or maintenance facilities, if any, shall be provided in Document SA-CATS 24