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## AIRWORTHINESS

### PROOF OF 3<sup>RD</sup> PARTY INSURANCE FOR ATF APPLICATION

Effective date: 29 August 2016

It has come under RAASA's attention that particular registered owner and operator of aircraft do not have the prescribed 3<sup>rd</sup> party insurance as section 8 of the Civil Aviation Act No.13 of 2009 requires.

In terms of section 8 (5) it is compulsory for a registered owner or operator of an aircraft to have insurance for the risks of damage the flight may cause to third parties or property.

In view of this RAASA has been distributing notes to aircraft owners with the renewal of ATF's since April this year, advising them of this requirement.

An extraction of the Civil Aviation Act at section 8 is included herewith for ease of reference:

Section 8 (1) of the Civil Aviation Act No.13 of 2009 states that: No action lies in respect of trespass or in respect of nuisance, by reason only of the flight of aircraft over any property at a height, which, having regard to wind, weather and other circumstances of the case, is reasonable, or the ordinary incidents of such flight, so long as this Act, the Convention and the Transit Agreement are duly complied with.

(2) Where material damage or loss is caused by—

(a) an aircraft in flight, taking off or landing;

(b) any person in any such aircraft; or

(c) any article falling from any such aircraft, to any person or property on land or water, damages may be recovered from the registered owner of the aircraft in respect of such damage or loss, without proof of negligence or intention or other cause of action as though such damage or loss had been caused by his or her wilful act, neglect or default.

(3) Subsection (2) does not apply where the damage or loss was caused by or contributed to by the negligence or wilful act of the person by whom it was suffered.

(4) Where any damages recovered from or paid by the registered owner of an aircraft under this section arose from damage or loss caused by the wrongful or negligent action or omission of any person other than the registered owner or some person in his or her employment, the registered owner is entitled to recover from that person the amount of such damages.

(5) *A registered owner or operator of an aircraft must have insurance as prescribed for any damage or loss that is caused by an aircraft to any person or property on land or water.*

**On application for an ATF, the applicant will have to sign an amended ATF application form in which the owner accepts responsibility in this regard.**

***USE OF APPROPRIATE APPLICATION FORMS***

*All current application forms, with their effective dates and form numbers are regularly updated and published on the website. Please ensure that on submission of any application, that the appropriate form is used. This would assist in the efficient and speedily processing of your application.*

**- RECREATION AVIATION ADMINISTRATION SOUTH AFRICA -**