

GENERAL NOTES ON FLIPPING CONDUCTED AT DECLARED TRAINING ORGANISATIONS

1. APPLICABLE REGULATION

- 1.1. The 21st amendment to the Civil Aviation Regulations as contained in the Government Gazette No 11359 Vol 677 of 15 November 2021 contains a complete replacement of the Part 141 regulations and the amendment of SA CATS 2/2021 dated 5 Nov 2021 completely replaces SA-CATS 141.
- 1.2 In addition to the provisions contained in Part 91, Part 94 and Part 105, the following regulations and technical standards of The Civil Aviation Regulations, 2011 (As amended) and Civil Aviation Technical Standards are applicable –
- 1.3 The following regulations and technical standards of The Civil Aviation Regulations, 2011 (As amended) and Civil Aviation Technical Standards are applicable –

1.1.1 PART 62

Requirements for the national pilot learner's certificate

62.02.1 (1) An applicant for the issuing of a national pilot learner's certificate shall—

- (a) be not less than 16 years of age, except as provided for in subregulation (2);

(2) Notwithstanding the provisions of subregulation (1), an applicant for the issuing of a national pilot learner's certificate in the category paraglider shall be not less than 14 years of age.

1.1.2 PART 96 SUBPART 1

Applicability

96.01.1 (1) This Part applies to—

- (a) non-type certificated aircraft engaged in flying training or commercial air transport operations within the Republic;
- (b) non-type certificated aircraft registered in the Republic;
- (c) persons acting as flight crew members of non-type certificated aircraft registered in the Republic and engaged in flying training or commercial air transport operations; and
- (d) persons on board a non-type certificated aircraft engaged in flying training or commercial air transport operations.

(2) A non-type certificated aircraft shall not be used in commercial air transport operations unless the operator is the holder of the appropriate air service licence issued in terms of the Air Services Licensing Act, 1990 or International Air Services Act, 1993: Provided that no amateur-built, production-built or ex-military aircraft shall be issued with a Class I or a Class II domestic air service licence, nor with any international air service licence.

(3) An amateur-built, production-built or ex-military aircraft may be issued with a Class 2, type G16, domestic air service licence for the purpose of flipping, as defined in sub regulation (7).

(4) A non-type certificated aircraft shall not be used for flight training unless the operator is the holder of the appropriate ATO approval, issued in terms of Part 141 of these regulations.

(5) The provisions of Part 24, Part 91 and Part 94 of these regulations shall apply with the necessary changes to any non-type certificated aircraft unless specifically exempted by the provisions of this Part.

(6) For the purpose of sub regulation (2), tandem operations with hang-gliders, paragliders or parachutes, even if carried out for remuneration or reward, shall not be considered to be the providing of an air service as defined in the Air Services Licensing Act, 1990 or International Air Services Act, 1993 nor to be a commercial air transport operation, as defined in Part 1 of these regulations.

(7) For the purpose of sub regulation (3), flipping is defined as the carrying of fare-paying passengers for the purpose of sight-seeing, and such operations shall be restricted as follows—

- (a) flights shall commence and end at the same aerodrome or helicopter landing site without any intermediate landing, and without any disembarking taking place by any means while the aircraft is in flight;
- (b) the duration of flights shall not exceed one hour of flight time; and
- (c) the number of passengers carried, whether fare-paying or carried for free, shall not exceed nine.

1.1.3 PART 141 SUBPART 8

Applicability

141.08.1 (1) This Subpart is applicable to a DTO which is approved by the Director to provide training required for the issuance of a licence or rating issued under Part 62, Part 68, Part 69 and Part 105.

(2) This Subpart prescribes the operating regulations for a holder of a Part 141 DTO certificate.

Advertisements

141.08.4 (1) An organisation shall not advertise as an approved DTO without a valid DTO certificate issued in accordance with this Part.

(2) A DTO may not make any statement, either in writing or orally, about itself that is false or is designed to mislead.

(3) When the advertising of a DTO indicates that it has been approved, such advertisement shall clearly state a DTO certificate number.

Facilities, Equipment, Material, Aerodromes and Operating Sites

141.08.11 (1) A DTO shall ensure that its facilities, equipment and material are appropriate for a training to be conducted.

(2) A DTO shall have necessary information, technical data, equipment, training devices and material to conduct training for which it is approved.

1.1.4 PART 149

149.01.1 Applicability. - (1) This Part applies to the approval and operation of an organisation whose members operate, for recreational purposes, any of the following –

- (a) a microlight aeroplane or powered paraglider;
- (b) a glider;
- (c) a free balloon;
- (d) a gyroplane;
- (e) a hang glider or a non-powered paraglider;
- (f) a parachute;
- (g) a non-certificated aircraft; or
- (h) a model aircraft.

(2) This Part does not apply to—

- (a) the holder of an air service licence issued in terms of the Air Services Licensing Act, 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 Director in terms of Part 11.

149.01.3 Display of aviation recreation organisation approval. - 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.

149.01.4 Advertisements. - 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 Director; and
- (b) contain a reference to the aviation recreation for which such approval was issued.

2. CLARIFICATION ON 96.01.1 (6)

2.1 The provision in Part 96.01.1 (6) does not exempt any person, aviation recreation organisation, club, association, or any other provider of tandem operations with hang-gliders, paragliders, or parachutes from applying for an obtaining an AOC approval certificate in terms of Part 96 for commercial aviation operations.

2. This regulation clarifies that such operations are not deemed to provide an air service or to be a commercial air transport operation, and therefore does not require such persons or operator to be the holder of an Air Service License.

3. CLARIFICATION ON 149.01.1.

1. ARO's are approved to by the SACAA to permit bona fide members of bona fide sport and recreational flying clubs affiliated thereunder to conduct sport and recreational aviation operations at approved and appropriate locations.
2. ARO's are not approved to conduct training or permit any person, club, association, or organisation affiliated thereunder to conduct training, other than ATO's or DTO's approved for the purpose by the SACAA.
3. Accordingly, no person, club, association, or organisation thereunder may conduct introductory flights, or any other flight disguised as a training, introduction, or recreational flight for remuneration under the auspices of an ARO.
4. ARO's are not approved to conduct and commercial aviation operations or provide any air service or permit any person, club, association, or organisation affiliated thereunder to conduct commercial aviation operations or provide any air service, other than AOC, s approved for the purpose.
5. Accordingly, no person, club, association, or organisation thereunder may conduct flips or scenic flights which include hang and para-gliding tandem flights, or tandem parachute jumps for remuneration under the auspices of an ARO.

4. TRAINING PROGRAMS

1. The flight training programs for Part 62, Part 68 and Part 69 as approved by the SACAA are contained in Forms CA 141-36, 141-37, 141-38, 141-39 and 141-40 are aligned with Part 61 training and indicate:-

Exercise 3 Air Experience

- Flight Exercise;
- Introduce student to Aircraft Type Specific flight.

2. It is common knowledge that Exercise 3 has been used as a guise to conduct flipping operations under the guise of training flights.

5. INTRODUCTORY FLIGHTS AT AN ARO vs AN ATO OR DTO

1. ARO's are not approved to conduct introductory flights or training flights.
2. Introductory flights conducted at an ATO in terms of Exercise 3 are for the purpose of providing air experience to a student or learner and it is common cause that such flight is preceded by a full pre-flight briefing and concluded with a full post flight debriefing with comments entered in a student training file.
3. A student or learner is deemed to be a person whose sole intention is to be enrolled at an ATO or DTO for the purposes of receiving training towards the issuance of a licence issued under Part 61, Part 62, Part 68 and Part 69 of the regulations.
4. Guidance on introductory flights is taken from the UK CAA - <https://www.caa.co.uk/General-aviation/Aircraft-ownership-and-maintenance/Introductory-flights/>.
- 5.4.1 Introductory flights are designed to allow students or learners to undergo an air experience flight in aircraft. Provided the following conditions are met;-The flight must be performed at a SACAA approved training organisation (ATO) or declared training organisation (DTO) with its principal place of business in South Africa.
- 5.4.2. Type and Non-Type Certificated aircraft may be used; however, they must have either a valid Certificate of Airworthiness, or Authority to Fly endorsed for training and/or Part 96 operations in terms of the provisions contained in the SA Civil Aviation Regulations, 2011 (As amended).
- 5.4.3 The flights should replace the traditional trial lesson in which a qualified instructor would typically give a demonstration of the controls and some flight training exercises with the participant handling the aircraft.

6. FLIPPING AND SCENIC FLIGHTS AT A DTO

- 6.1. Any flights including tandem hang or paragliding flights, or tandem parachute jumps for remuneration, other than with bona fide students or learners as section 5.2 and 5.3 above and conducted at an approved ATO or DTO, or by the holder of an AOC approval certificate in terms of Part 96 shall be deemed to be a commercial flipping operation as defined in regulation CAR 96.01.1(7).
- 6.2 Flipping and scenic flights is not training nor is it an introductory flight and is therefore prohibited by Part 141 of the regulations.
- 6.3 Any flight conducted with a student in contravention of regulation 62.02.1 (1) or (2) will be subjected to enforcement action by the SACAA.
- 6.4 Any person, aviation recreation organisation, club or association who advertises, provides and/or conducts flipping operations or scenic flights including tandem hang & paragliding flights or tandem parachute jumps for reward under the guise introductory flight by an ARO, club or association without being the holder of an AOC approval certificate in terms of Part 96 is committing an offence and shall be subjected to enforcement action by the SACAA., and shall cease all such activities with immediate effect; and
- 6.5 Any person wanting to conduct flipping or scenic flight operations including tandem hang or para-gliding and tandem parachute operations for remuneration shall apply the SACAA for the appropriate Part 96 AOC approval certificate.