

Final Draft: 30 June 2016

**PART 115: RECREATIONAL ADVENTURE FLIGHT OPERATOR CERTIFICATE
(RAFOC)**

INDEX

- Subpart 1: General**
- Subpart 2: Operations Personnel Requirements**
- Subpart 3: Training And Checking**
- Subpart 4: Documentation And Records**
- Subpart 5: Aeroplane Instruments And Equipment**
- Subpart 6: Recreational Adventure Flight Operator Certificate**
- Subpart 7: Flight Operations**
- Subpart 8: Aeroplane Performance Operating Limitations**
- Subpart 9: Maintenance Control**
- Subpart 10: Safety Management Systems**

SUBPART 1: GENERAL

Applicability

115.01.1 (1) This Part applies to any South African operator engaged in a recreational adventure flight operation using –

- (a) aircraft registered in the Republic of South Africa, that require the pilot to be the holder of a part 62 part 68 or part 105 licence in order to operate the aircraft as pilot in command;
- (b) aircraft having a maximum passenger seating capacity of not more than 2 as approved in the authority to fly issued to such aircraft; or
- (c) amateur-built, production-built or ex-military NTCA that are approved by the Director or the body designated for the purpose in terms of Part 149, as the case may be, to be operated under this Part;
- (d) aircraft where the operator is the holder of the appropriate RAFOC approval, issued in terms of this part;
- (e) persons employed, or otherwise engaged by the operator who perform functions essential to the operation of aircraft or parachutes operated referred to in under this Part, and
- (f) all persons on board an aircraft or parachutes operated under this Part.

Purpose

115.01.2 (1) This Part prescribes the requirements for the approval and operation of a person or organisation conducting a recreational adventure flights for reward.

(2) No person may perform a recreational adventure flight unless approved by Director or the body designated for the purpose in terms of Part 149, as the case may be, or the body designated for the purpose for the purpose in terms of the Act, as the case may be.

(3) For the purpose this regulation, recreational adventure flights, including tandem operations with hang-gliders, paragliders or parachutes, even if carried out for remuneration or reward, shall not be considered to be the provision of an air service as defined in the Air Services Licensing Act, 1990 nor to be a commercial air transport operation, as defined in Part 1 of these Regulations.

(4) For the purpose of this Part, recreational adventure flying is defined as the carrying of a single passenger whether fare-paying or carried for free where the purpose of a recreational adventure flying experience including sight-seeing, and such operations shall be restricted as follows:

- (a) Category 1: flights shall commence and end at the same aerodrome without any intermediate landing of which the duration of a flight shall not exceed a duration of one hour of flight time as approved in the RAFOC OpSpec; or
- (b) Category 2: flights may land at one destination and return to the point of departure of which each leg shall not exceed a duration of one hour of flight time as approved in the RAFOC OpSpec; or
- (c) Category 3: safari flights may land at more than one destination for the purpose of a safari experience as approved in the RAFOC OpSpec;
- (d) Notwithstanding (a) above, gliders (excluding TMG) may occasionally be required to perform a landing at a site other than an airfield or the point of departure and such recreational adventure flights may exceed a duration of one hour flight time.
- (e) Notwithstanding (a) above, tandem foot launched hang-gliders and paragliders excluding the powered derivatives thereof, may perform a landing at a site other than the point of departure or approved launch sites.
- (f) Notwithstanding (a) above, tandem parachutes may perform a landing at an approved drop zone other than the point of departure.

Application

115.01.3. (1) The applicant for the approval of a recreational adventure flight operator certificate shall submit an application to the Director or the body designated for the purpose in terms of Part 149, as the case may be, on the prescribed form, together with:

- (a) the applicant's Operations Manual of Procedures required in terms of this Part; and
- (b) the applicable fee as determined in Part 187.

Issue of recreational adventure flight operator certificate (RAFOC)

115.01.4 (1) A recreational adventure flight operator certificate shall be issued by the Director or the body designated for the purpose in terms of Part 149, as the case

may be, once satisfied that the applicant meets the applicable requirements of this Part;

Passenger intoxication and unruly behaviour

115.01.5 (1) A recreational adventure flight operator shall not permit a person to enter or be in the aircraft and parachute if the operator is under the impression or believes with good authority, that this person while under the influence of alcohol or a drug or substance having a narcotic, hallucinogenic or stimulating effect, to the extent where it is reasonably foreseeable to the operator or PIC, that the safety of such aeroplane or its occupants is, or is likely to be endangered.

(2) An operator shall establish procedures to ensure that any person referred to in sub-regulation (1) or one whose behaviour otherwise represents a threat to the safety of the aircraft or its occupants or to the maintenance of good order and discipline on board the aircraft is –

- (a) refused embarkation; or
- (b) if such person is on board, restrained or disembarked, if possible.

Compliance with domestic regulations

115.01.6 (1) An operator shall ensure that all pilots and personnel are familiar with the laws, regulations and procedures pertinent to the performance of their duties, prescribed for the areas to be traversed, the aerodrome, airfields, launch sites or drop zones to be used and the air navigation facilities relating thereto.

SUBPART 2: OPERATIONS PERSONNEL REQUIREMENTS

Flight crew requirements

115.02.1 Flight crew shall be specified in the operations manual of procedures, and be approved by the Director or the body designated for the purpose in terms of Part 149, as the case may be.

Minimum requirements for assignment as PIC

115.02.2 (1) The operator shall not assign a PIC, and no flight crew member may accept any assignment to act as a PIC of any aircraft unless such person meets the minimum license, ratings and flight experience requirements for command and the experience requirements prescribed in Document SA-CATS 115.

(2) The Director or the body designated for the purpose in terms of Part 149, as the case may be, may in the interests of safety, require a PIC to have additional flight time experience prior to operating in that position.

Flight crew emergency duties

115.02.3 (1) An operator or the PIC of any aeroplane operated in terms of this Part, shall assign the necessary functions to be performed in an emergency or a situation.

(2) The functions referred to in sub-regulation (1) shall be such as to ensure that any reasonably anticipated emergency can be adequately dealt with.

(3) A flight crew member shall not accept an assignment of emergency functions unless such flight crew member has been trained in the performance of such emergency functions

Area, route and aerodrome or airfield qualifications

115.02.4 (1) A recreational adventure operator shall not assign, and a pilot shall not act as PIC of an aeroplane engaged in a recreational adventure operation, unless the PIC has familiarised him or herself with the area, route and aerodrome, airfields, launch sites or drop zones to be operated over or into prior to operating there, including consideration of –

- (a) the aerodrome or airfield operating minima, terrain and minimum safe altitudes;
- (b) the en-route and aerodrome or airfield meteorological conditions, in particular any localized adverse weather patterns;
- (2) The operator shall establish in its operations manual the means by which the PIC to become familiar with the area, route and aerodrome or airfields, launch sites or drop zones over or into which they are to operate.

Flight crew member qualifications

115.02.5 (1) A recreational adventure flight operator shall not assign a person to act and no person shall act as the PIC of an aeroplane in a recreational adventure flight operation unless the person –

- (a) is the holder of a valid part 62, 68 or part 105 licence and rating appropriate to their assignment; and
- (b) has completed the training and checking requirements specified in Subpart 3 as appropriate to the intended flight.

Flight time and duty limitations

115.02.6 (1) A recreational adventure flight operator shall –

- (a) establish a program for the regulation of flight time and duty periods, rest periods and days free of duty as applicable for each flight crew member –
- (b) publish the program referred to in sub-regulation (1)(a) in the operations manual referred to in this regulation
- (2) The operator shall not schedule a flight crew member for flight time for a period exceeding four consecutive hours during any given duty period without a minimum of a one hour break unless authorised in the program referred to in sub-regulation (1)(a).
- (3) Not cause or permit any flight crew member to fly in the aircraft if such operator knows or has been made aware that such flight crew member –

- (a) will exceed the flight time and duty periods referred to in sub-regulation (1)(a) while on flight duty; or
- (b) is suffering from or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from fatigue which may endanger the safety of the aircraft or its passengers.

Operation personnel

Comment [RK1]: develop this paragraph

SUBPART 3: TRAINING AND CHECKING

Recreational Adventure flight operator approved training programme

115.03.1 (1) A recreational adventure flight operator shall implement and maintain a training and checking programme for all personnel referenced in this Subpart that will ensure such personnel are adequately trained and qualified to perform their assigned duties and such personnel shall undergo the training from that operator, except as provided in Document SA-CATS 115.

(2) The training programme referred to in sub-regulation (1) shall be conducted by an ATO or RATF approved in accordance with Part 51 or by the operator, if approved by the Director or the body designated for the purpose in terms of Part 149, as the case may be, and as provided for in this Regulation. Provided that, in the latter case,

- (a) such programme is conducted for the operator's employees only; and
- (b) with respect to any licence, rating or validation, the training is restricted to Part 62 or 68, and –
- (c) initial type rating, familiarisation and differences training; and

(3) Training shall be in accordance with the syllabi prescribed in Document SA-CATS 115.

(4) The operator shall ensure that each person required to receive the training referred to in paragraph (1), shall pass a written examination acceptable to the Director or the body designated for the purpose in terms of Part 149, as the case may be, and where applicable, complete a skills test as prescribed in Document SA-CATS 115.

(5) The training and checking programme referred to in sub-regulation (1) shall meet the content prescribed in Document SA-CATS 115.

SUBPART 4: DOCUMENTATION AND RECORDS

Documentary requirements

115.04.1 (1) A recreational adventure flight operator shall ensure that a copy of the Authority to Fly, where applicable, is carried on board the aircraft during flight.

- (2) The operator shall ensure that –
 - (a) a copy of the passenger log; and

- (b) copies of the relevant parts of the flight folio, where applicable;

are retained in a safe place at the point of departure in respect of each flight undertaken by the aircraft.

(3) Except when otherwise instructed by the Director or the body designated for the purpose in terms of Part 149, as the case may be, the document referred to in sub-regulation (1) shall be retained at the operator's base of operations, or other location if approved by the Director or the body designated for the purpose in terms of Part 149, as the case may be, for a period of at least 180 days.

Operations manual

115.04.2 (1) A recreational adventure flight operator shall prepare an operations manual containing all the information required under this Part and setting out the manner in which such operator will operate the adventure flights for which such operator is approved.

- (2) The operator shall ensure that –
 - (a) all parts of the manual are consistent and compatible in form and content and not contravene the conditions contained in this regulation the operating certificate or, operations specifications issued to the operator in terms of this regulation.
 - (b) the manual can be readily amended;
 - (c) the manual contains an amendment control page and a list of effective pages (LEP) that are in effect showing the effective date for each page in the manual; and
 - (d) the manual has the date of the last amendment to each page specified on that page that agrees with the LEP.
- (3) The operator shall submit the operations manual in duplicate to the Director or the body designated for the purpose in terms of Part 149, as the case may be, for approval.
- (4) If the Director or the body designated for the purpose in terms of Part 149, as the case may be, is satisfied that the operator –
 - (a) will comply with the provisions of this regulation, and
 - (b) will not operate the recreational adventure flights contrary to any provision of the SA-CAR 2011 the Director or the body designated for the purpose in terms of Part 149, as the case may be, shall certify in writing on both copies of the operations manual that such manual has been approved and shall return one copy of the approved operations manual to the operator.
- (5) The operator shall amend its operations manual –
 - (a) where there is a change in any aspect of the operator's operation;
 - (b) where the operations manual no longer meets the requirements of these regulations or associated technical standards; or
 - (c) when so required by the Director or the body designated for the purpose in terms of Part 149, as the case may be.

(6) The operator shall submit an amendment to its operations manual in duplicate to the Director or the body designated for the purpose in terms of Part 149, the case may be, for approval and if the Director or the body designated for the purpose in terms of Part 149, as the case may be, is satisfied that the operator will comply with the provisions of sub-regulation (4), the Director or the body designated for the purpose in terms of Part 149, as the case may be, shall certify in writing on both copies of the amendment to the operations manual that such amendment has been approved and shall return one copy of the approved amendment to the operator.

(7) The operator shall at all times operate its aeroplanes in accordance with the approved operations manual or an approved amendment thereto.

(8) The operator shall –

- (a) ensure that all operations personnel are able to understand the technical language used and that the information provided will ensure that such personnel are properly instructed in their particular duties and responsibilities and the relationship of such duties to the operation as a whole;
- (b) ensure that every flight is conducted in accordance with the operations manual;
- (c) make the operations manual available for the use and guidance of operations personnel;
- (d) keep the operations manual in a safe place.

(9) The structure and contents of the operations manual referred to in sub-regulation (1) shall be as prescribed in Document SA-CATS 115.

Standard operating procedures

115.04.3 (1) A recreational adventure flight operator shall compile standard operating procedures (SOPs) for each aeroplane type, class or category being operated and make them available to all flight crew members assigned to the aeroplane and each flight crew member shall operate the aeroplane in accordance with such procedures.

(2) The operator shall provide such portions of the SOPs to the operator's employees if required in the performance of their duties.

(3) The SOPs shall meet the requirements of, and contain the information specified in Document SA-CATS 115.

(4) The operator shall ensure that such SOPs are current.

Pilots Operating Handbook

115.04.4 (1) A recreational adventure flight operator shall operate its aircraft in accordance with the approved pilot's operating handbook

(2) An operator shall maintain a system that ensures timely receipt and insertion of all POH revisions as published by the aircraft manufacturer or as required by the

Director or the body designated for the purpose in terms of Part 149, as the case may be.

Operational flight plan

115.04.5 (1) A recreational adventure flight operator shall ensure that an operational flight plan is completed for each flight undertaken by the aeroplane in terms of this Part.

(2) The operational flight plan and its use shall be contained in the operations manual referred to in regulation 115.04.2.

(3) All entries in the operational flight plan shall be current.

Flight time and duty period records

115.04.6 (1) A recreational adventure flight operator shall –

(a) maintain current flight time and duty period records of all flight crew members such operator's employ; and

(b) retain the flight time and duty period records for a period of 24 calendar months calculated from the date of the last flight of each flight crew member.

(2) A flight crew member who is employed by more than one operator or otherwise accumulates flight time outside of their employment shall maintain an accurate record of flight time and duty periods and shall provide copies thereof to all operators by whom such flight crew member is employed.

Records of emergency and survival equipment

115.04.7 (1) A recreational adventure flight operator shall have a list of the applicable survival and emergency equipment to be carried in the aircraft, and shall have such a list available at the operator's facility at all times for immediate communication to rescue coordination centres.

(2) The format and minimum information to be included in the survival and emergency equipment list shall be as prescribed in technical standard of Document SA-CATS 115.

Training records

115.04.8 (1) A recreational adventure flight operator shall establish a training file for each person required to receive training and retain on such file a record of all training and checking required in terms of Subpart 3. The records of training and checking shall contain at least the information prescribed and be retained for the period of time specified in Document SA-CATS 115.

(2) The operator shall establish procedures to make an employee's training file available for supervised review by such employee but all training files shall remain in the custody of the operator.

Preservation of documents

115.04.9 A recreational adventure flight operator shall retain any document required in terms of Subpart 4, for the period of time specified therein even where, prior to the expiry of such retention period, the operator ceases to maintain ownership or possession of the aeroplane or no longer employs the person concerned.

Flight planning for a series of flights

115.04.10 (1) A recreational adventure flight operator shall ensure that a flight plan is completed for each flight operated under this Part, unless the flight is operated on a series of flights as provided in sub-regulation (2) when the aircraft does –

- (a) depart and arrive at a controlled aerodrome or airfield;
- (b) operate within or transit through any controlled or advisory airspace; or

(2) For the purposes of sub-regulation (1), a series of flights is deemed to occur as long as the series of flights shall not result in single period longer than four hours.

SUBPART 5: AIRCRAFT INSTRUMENTS AND EQUIPMENT

General

115.05.1(1) A recreational adventure flight operator shall ensure that a flight does not commence unless the instruments and equipment referred to in sub-regulation (2) are such that will enable the PIC to control the flight path of the aircraft, and observe the operating limitations of the aeroplane in the expected operating conditions and are –

- (a) subject to the provisions of sub-regulation (3), approved and installed in accordance with the requirements, including operational and airworthiness requirements, applicable to such instruments and equipment; and

- (b) in a condition for safe operation of the kind being conducted.

(2) Except as provided in sub-regulations (1)(b) and (4), no person shall conduct a take-off in an aircraft with instruments or equipment that are not serviceable or that have been removed, where such instruments or equipment are required by –

- (a) the standards of airworthiness that apply to the type of flight being operated;
- (b) any equipment list published by the aeroplane manufacturer respecting aeroplane equipment that is required for the intended flight;
- (c) an airworthiness directive; or
- (d) these Regulations.

(3) A recreational adventure flight operator shall operate the aircraft in accordance with VFR by day only, providing the aircraft is equipped with –

- (a) a magnetic compass;
- (b) an accurate time-piece showing the time in hours and minutes;

- (c) a sensitive pressure altimeter;
- (d) an airspeed indicator system;
- (e) a vertical-speed indicator, where applicable;
- (f) a turn-and-slip indicator or a turn coordinator, incorporating a slip indicator, where applicable
- (g) equipment for making distress signals.

(4) Notwithstanding anything in 115.05.2 (1), foot launched hang gliders, para gliders and parachutes may be exempt from these requirements as applicable, providing that all alternate instrumentation is used as determined in the applicable regulations and manual of procedure.

- (5) A recreational adventure flight operator shall not operate the aeroplane;
- (a) in accordance with IFR, or
 - (b) at night, or
 - (c) in IMC, or
 - (d) Without the appropriate lifesaving equipment during flight over open water.

(6) A recreational adventure flight operator shall not operate an aircraft over water at a distance greater than the gliding distance from shore, unless each person on board has access to one life jacket or equivalent individual flotation device.

(7) Each life jacket and equivalent individual flotation device shall be equipped with a means of electric illumination for the purpose of facilitating the location of persons.

Equipment requirements for seaplanes

115.05.2 All seaplanes, including amphibian aircraft operated as seaplanes, for all flights shall be equipped with –

- (a) one life jacket, or equivalent individual flotation device, for each person on board,
- (b) equipment for making the sound signals prescribed in the International Regulations for Preventing Collisions at Sea, where applicable; and

First aid kit

115.05.3 (1) A recreational adventure flight operator shall not operate an aircraft unless such aircraft is equipped with a suitable first aid kit consisting of the medical supplies as prescribed in Document SA-CATS 115.

(2) The owner or operator shall carry out periodical inspections of the first aid kit specified in sub-regulation (1) to ensure that, as far as practicable, the contents thereof are in a condition necessary for their intended use.

(3) The contents of the first aid kit specified in sub-regulation (1) shall be replenished at regular intervals, in accordance with instructions contained on their labels, or as circumstances require.

(4) The first aid kit specified in sub-regulation (1) shall be readily accessible to the crew or passengers.

SUBPART 6: Recreational Adventure Flight Operator Certificate

Requirements to hold RAFOC

115.06.1 (1) No recreational adventure flight operator shall operate an aeroplane unless the operator is the holder of, and complies with the conditions of a valid RAFOC including the operations specifications attached thereto, issued in terms of this Part.

(2) The operations specifications of an RAFOC shall contain a record of at least the type, class, category, and registration of each aircraft approved for use by an operator.

Application for issuance or amendment of RAFOC and operations specifications

115.06.2 (1) An application for the issuance or amendment of an RAFOC or associated operations specifications (Opspec) shall be made to the Director or the body designated for the purpose in terms of Part 149, as the case may be, in the form and manner prescribed in Document SA-CATS 115 and shall be accompanied by the appropriate fee prescribed in Part 187.

(2) Each application made in terms of sub-regulation (1), subject to the approval of the Director or the body designated for the purpose in terms of Part 149, as the case may be, shall demonstrate that the applicant –

(a) has adequate equipment, facilities and personnel to operate the proposed recreational adventure flight operation; and

(b) is able to conduct the proposed recreational adventure flights in a safe and proper manner and in full compliance with all applicable rules and regulations.

(3) The submission of an application under this Subpart does not place any obligation upon the Director or the body designated for the purpose in terms of Part 149, as the case may be, to issue a RAFOC until they have been given reasonable time, as agreed in the schedule of events, to review the application and the application has been adjudicated in terms of this regulation.

(4) The holder of an RAFOC may add to its RAFOC an aircraft registered on another

RAFOC provided that –

(a) the aircraft is not registered on more than three RAFOCs; and

(b) the aircraft is maintained by an approved AMO or appropriately rated technical approved person in terms of Part 44; and

(c) the aircraft has been issued with an ATF for recreational adventure flights in terms of this part.

(d) the manual of procedures and maintenance control manual, as applicable, for all operators shall specify the AMO or appropriately rated technical approved person, responsible for the maintenance of each shared aircraft, by aircraft registration number;

(e) the aircraft flight folio used is the same for all operators, such that there is but one continuous record of the aircraft's operations, and all flight crew members are trained in the procedures for completion of the flight folio;

(f) there is one method with respect to the entry, reporting and rectification of defect procedures and the flight crew members are trained in those procedures;

(g) the flight crew members receive ground and flight training covering any differences between the model(s) operated by the operator and that being added to the RAFOC, including at least –

- (i) safety equipment contained on board;
- (ii) systems differences, engine/airframe limitations, performance considerations and operating characteristics, and the results of such training are recorded on the flight crew member's training file.

(5) The personnel referred to in sub-regulation (2)(a) shall be comprised of the following positions, the incumbents of which shall be approved by the Director or the body designated for the purpose in terms of Part 149, as the case may be, –

- (a) person responsible for flight operations;
- (b) person responsible for aircraft;

(6) When, after consideration of the scope and size of an operator applicant, the Director or the body designated for the purpose in terms of Part 149, as the case may be, is of the opinion that it would be appropriate, they may approve the assignment of more than one position to one person or approve different positions.

(7) The nominated post-holders required by sub-regulation (6) shall meet the qualifications and be responsible for the functions specified in Document SA-CATS 115.

(8) Any post-holder of the positions listed in sub-regulation (6), who held such position on the commencement of these Regulations, shall be deemed to meet the qualifications required by Document SA-CATS 115 provided that for a nominated post-holder, such person is satisfactory to the Director or the body designated for the purpose in terms of Part 149, as the case may be;

(9) Notwithstanding any provision of the Regulations, where any post-holder no longer meets the qualifications required for that position or fails to discharge the responsibilities of that position, the Director or the body designated for the purpose in terms of Part 149, as the case may be, may withdraw such approval.

(10) The Director or the body designated for the purpose in terms of Part 149, as the case may be, may amend any RAFOC if –

(a) they determine that safety in public interest requires the amendment; or

(b) the holder of the RAFOC applies for an amendment, and the Director or the body designated for the purpose in terms of Part 149, as the case may be, determines that safety in the public interest requires such amendment.

(11) If the Director or the body designated for the purpose in terms of Part 149, as the case may be, stipulates in writing that an emergency exists requiring immediate amendment in the public interest with respect to safety, such an amendment becomes effective on the date the holder of an RAFOC receives such notice.

(12) A holder of a RAFOC may make representations to the Director or the body designated for the purpose in terms of Part 149, as the case may be, against the amendment contemplated in sub-regulation (11)(a) or (12), but shall continue to operate in accordance with such amendment, unless it is subsequently varied or withdrawn.

(13) Amendments approved by the Director or the body designated for the purpose in terms of Part 149, as the case may be, other than emergency amendments referred to in sub-regulation (12), become effective 30 days after notice to the holder of an RAFOC, unless the holder of the RAFOC makes representations against such proposal as contemplated in sub-regulation (13) prior to the effective date.

(14) Amendments proposed by the holder of an RAFOC shall be made at least 30 days prior to the intended date of any operation under the proposed amendment.

(15) No person may perform a recreational adventure flight for which an RAFOC amendment is required, unless that person has received notice of the approval from the Director or the body designated for the purpose as the case may be.

Application, adjudication of and issuance of RAFOC or operations specifications

115.06.3 (1) On considering an application referred to in regulation 115.06.2, the Director or the body designated for the purpose in terms of Part 149, as the case may be, may conduct any investigation they deem necessary to determine the applicant's ability to meet the requirements specified in this Part.

(2) An application shall be granted and the appropriate aviation document issued, containing such conditions as the Director or the body designated for the purpose in terms of Part 149, as the case may be, determines, if the Director or the body designated for the purpose in terms of Part 149, as the case may be, is satisfied that the applicant will comply with the provisions of its RAFOC and operations specifications; and

(3) Where in the opinion of the Director or the body designated for the purpose in terms of Part 149, as the case may be, an applicant has failed to provide satisfactory

evidence of qualification for the document being sought, the applicant will be informed by the Director or the body designated for the purpose in terms of Part 149, the case may be, as to the deficiencies and will be given a reasonable opportunity to rectify such deficiencies after which time the Director or the body designated for the purpose in terms of Part 149, as the case may be, shall grant or refuse the application concerned.

(4) A RAFOC and associated operations specifications shall be issued in a prescribed form and shall contain at least the information prescribed in Document SA-CATS 115.

Validity of a RAFOC

115.06.4 (1) unless otherwise specified by the Director or the body designated for the purpose in terms of Part 149, as the case may be, a RAFOC may be issued for a period not exceeding two years unless suspended or cancelled provided that –

(a) the operator submits on or before the anniversary date of initial issue, the appropriate annual fee as prescribed in Part 187;

(b) the operator successfully completes such audits and inspections as were carried out by the Director or the body designated for the purpose in terms of Part 149, as the case may be, including the satisfactory resolution of any findings reported to the operator by the Director or the body designated for the purpose in terms of Part 149, as the case may be;

(c) the operator continues to meet the requirements for issue of an RAFOC; and

(d) the RAFOC is not voluntarily returned to the Director or the body designated for the purpose in terms of Part 149, as the case may be,.

(2) A RAFOC is not transferable to any other entity.

(3) Where an operator is notified by the Director or the body designated for the purpose in terms of Part 149, as the case may be, that its RAFOC has been suspended or cancelled, the operator shall return the RAFOC to the Director or the body designated for the purpose in terms of Part 149, as the case may be, within seven days of such notification.

Safety and security inspections and audits

115.06.4 (1) An applicant for the issuance of a RAFOC shall permit an authorised officer, inspector or authorised person to carry out such safety and/or security inspections and audits which may be necessary to verify the validity of an application made in terms of this part.

(2) The holder of an operating certificate shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits which may be

necessary to determine compliance with the appropriate requirements prescribed in this part.

Administrative duties of a RAFOC holder

115.06.6 (1) The holder of a RAFOC shall keep the RAFOC in a safe place and produce such RAFOC to an authorised officer or inspector for inspection if so requested by such officer or inspector.

(2) A recreational adventure flight operator shall advise the Director or the body designated for the purpose in terms of Part 149, as the case may be, of any changes in the personnel occupying the management positions specified in regulation 115.06.2(5) and shall submit the names and qualifications of the replacement person(s) to the Director or the body designated for the purpose in terms of Part 149, as the case may be, for approval before effecting such changes provided that,

(a) in the case of the sudden departure of an incumbent, the operator shall immediately notify the Director or the body designated for the purpose in terms of Part 149, as the case may be, of the event and the means by which safety of operations will be ensured while replacing such person.

(3) An operator shall notify the Director or the body designated for the purpose in terms of Part 149, as the case may be, in the event of any change in the ownership of the operator, including the names and contact details of the new owners.

Register of RAFOCs

115.06.7 (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 RAFOCs issued in terms of these regulations.

(2) The register shall contain the following particulars –

- (a) the full name and, if any, the business name of the holder of the RAFOC;
- (b) the physical address of the holder of the RAFOC;
- (c) the number of the RAFOC issued to the holder;
- (d) particulars of the operation for which the RAFOC was issued, including a list of operations specification issued;
- (e) particulars of the type, class or category of aeroplane for which the RAFOC was issued; and
- (f) the date on which the RAFOC was issued.

(3) The particulars referred to in sub-regulation (2) shall be recorded in the register within 30 days from the date on which the RAFOC is issued by the Director or the body designated for the purpose in terms of Part 149, as the case may be.

(4) The register 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.

Demonstration flights

115.06.8 (1) No person may operate a recreational adventure flight unless they first conduct satisfactory demonstration flight as specified in Document SA-CATS 115.

(3) The Director or the body designated for the purpose in terms of Part 149, as the case may be, may authorise deviations from this regulation if they find that special circumstances make full compliance with the provisions of this regulation unnecessary.

SUBPART 7: FLIGHT OPERATIONS

Routes and areas of operation and aerodrome or airfield facilities

115.07.1 (1) An aircraft shall not be operated unless –

- (a) the aircraft is capable of maintaining the minimum route and altitude published or established by the operator for such route; or
- (b) the duration of the flight from the departure and arrival aerodrome or airfield, for a period of at least one hour before and one hour after the estimated time of arrival, a reasonable certainty exists that the approach and landing may be made under VMC; or
- (c) available current meteorological information indicates that the following meteorological conditions will exist from two hours before time of arrival –
- (d) a cloud base of at least 1000ft above the minimum height
- (e) visibility of at least 5.5 km.

Defect reporting

115.07.2 (1) A recreational adventure flight operator shall establish adequate inspection and reporting procedures to ensure that defective equipment is reported to the operator or PIC of the aircraft before take-off, or where a defect is observed during flight, the PIC shall be responsible to ensure such defect is recorded and reported in the manner established in the operator's operations manual.

(2) The procedures referred to in sub-regulation (1) shall be extended to include the reporting to the operator of all incidents of exceeding engine or airframe limitations that may occur.

Refuelling and defueling with passengers on board

115.07.3 No person shall refuel or defuel any aeroplane when passengers are embarking, disembarking.

Reporting acts of unlawful interference

115.07.4 Following an act of unlawful interference, the PIC shall where, in their opinion the safety of the flight would not be jeopardized, report the events to the Director or the body designated for the purpose in terms of Part 149, as the case may be, or the nearest ATS authority, or the nearest SAPS station by the most discrete method possible.

In-flight simulation of emergencies

115.07.5 No person shall simulate any emergency or abnormal condition during flight that would effectively alter the flight characteristics of the aircraft or otherwise induce a potentially unsafe condition when a passenger is on board an aircraft.

Familiarity with technical information

115.07.6 A recreational adventure flight operator shall not permit a flight to be released unless the PIC is thoroughly familiar with any technical information relevant to the proposed flight, including aeroplane performance, maintenance status, bulletins or operational directives issued by the person responsible for flight operations and that nothing in such information indicates there is a threat to the safety of the flight.

Retention of flight operations documents and reports

115.07.7 (1) Unless otherwise specified by the Director or the body designated for the purpose in terms of Part 149, as the case may be, every operator shall retain all flight documents made in terms of this Part, for a period of not less than 180 days.

Maintenance status

115.07.8 No person may operate an aircraft unless it is airworthy and all known defects have been rectified and appropriately recorded by an AMO or appropriately rated technical approved person for the purpose.

Minimum equipment list

115.07.9 (1) A recreational adventure flight operator shall establish a MEL for each type of aircraft used.

Aerodrome or airfield operating minima

115.07.10 (1) A recreational adventure flight operator shall establish aerodrome or airfield operating minima in a manner approved by the Director or the body designated for the purpose in terms of Part 149, as the case may be.

Minimum flight altitudes

115.07.11 (1) A recreational adventure flight operator shall establish minimum flight altitudes and the methods to determine such minimum flight altitudes for all routes be flown which provide the required terrain clearance, taking into account the operating limitations referred to in this Part and the minimum altitudes prescribed in regulation 91.06.32.

(2) The operator shall take into account the following factors when establishing minimum flight altitudes –

- (a) the accuracy with which the position of the aircraft can be determined;
- (b) the characteristics of the terrain, people on the ground and built up areas along the routes or in the areas where operations are to be conducted; and
- (c) the probability of encountering unfavourable meteorological conditions.

Fuel policy

115.07.12 (1) A recreational adventure flight operator shall establish a fuel policy that meets the standards prescribed in Document SA-CATS 115 for the purpose of flight planning to ensure that every flight carries sufficient fuel for the planned operation and reserve fuel to cover deviations from the planned operation.

Low visibility operations

115.07.13 No recreational adventure flight operator shall assign and no person shall conduct low visibility flights.

Briefing of passengers

115.07.14 (1) The PIC shall ensure that passengers are given a safety briefing in accordance with Document SA-CATS 115 prior to departure.

(2) Where the safety briefing referred to in sub-regulation (1) is insufficient for a passenger because of that passenger's physical, sensory or comprehension limitations, the PIC shall ensure that the passenger is given an individual safety briefing that is appropriate to the passenger's needs.

(3) The PIC shall ensure that, in the event of an emergency and where time and circumstances permit, all passengers are given an emergency briefing in accordance with the Document SA-CATS 115.

SUBPART 8: AEROPLANE PERFORMANCE OPERATING LIMITATIONS

General requirements

115.08.1 (1) Any determination made for the purposes of this Subpart shall be based on approved performance data set out in the pilot operator handbook for the aeroplane concerned.

(2) Except if authorised by the Director or the body designated for the purpose in terms of Part 149, as the case may be, single-engine aircraft shall only be operated

in conditions, and over such routes and diversions therefrom, that permit a forced landing to be executed in the event of engine failure.

(3) An aeroplane shall be operated in compliance with the terms of its Authority to Fly and within the approved operating limitations contained in its flight manual.

(4) In complying with any of the provisions in this Subpart, all factors that significantly affect the performance of the aeroplane, as applicable to the phase of flight, shall be taken into account and which shall include as a minimum –

- (a) the mass of the aeroplane;
- (b) the operating procedures employed by the operator;
- (c) the pressure-altitude appropriate to the elevation of the aerodrome or airfield;
- (d) the ambient temperature;
- (e) the wind;
- (f) the runway slope; and
- (g) the surface conditions of the runway.

Take-off mass limitations

115.08.2 (1) No person shall conduct a take-off in an aircraft if the mass of the aircraft exceeds the maximum take-off mass specified in the aeroplane flight manual for the pressure altitude and the ambient temperature at the aerodrome or airfield where the take-off is to be made.

(2) In the determination of the maximum take-off mass referred to in sub-regulation (1) –

- (a) the required accelerate-stop distance shall not exceed the accelerate-stop distance available (ASDA);
- (b) the required take-off run shall not exceed the take-off run available (TORA); and
- (c) the required take-off distance shall not exceed the take-off distance available (TODA).

(3) For the purposes of sub-regulation (2), the factors to be taken into account are –

- (a) mass of the aeroplane;
- (b) specific operating procedures;
- (c) the pressure altitude at the aerodrome or airfield;
- (d) the ambient temperature;
- (e) the runway slope in the direction of take-off;
- (f) the runway surface conditions;
- (g) not more than 80 per cent of the approved head, cross or tailwind component;
- (h) any other factor that may significantly affect aeroplane performance.

SUBPART 9: MAINTENANCE CONTROL

General

115.09.1 (1) A recreational adventure flight operator shall not operate any aircraft under this Part unless such aircraft is maintained in accordance with Part 24 and 44.

(2) A recreational adventure flight operator shall ensure that the aircraft is maintained in accordance with an approved aircraft maintenance control manual as per regulation 115.09.5.

(3) An operator may contract its maintenance out as provided in regulation 115.09.3.

Operator's maintenance responsibilities

115.09.2 (1) A recreational adventure flight operator shall establish procedures acceptable to the Director or the body designated for the purpose in terms of Part 149, as the case may be, that ensure

(a) each aircraft they operate is maintained in an airworthy condition;

(b) the operational equipment necessary for an intended flight are serviceable;
and

(c) the Authority to Fly of each aeroplane they operate, including any appropriate special conditions, remains valid.

(2) The operator shall not operate an aircraft unless it is maintained and released to service by an approved AMO or appropriately rated technical approved person in the manner referred to in regulation 115.09.3.

Operator's maintenance control manual

115.09.3 (1) The Maintenance Control Manual shall –

(a) be drawn up in the format as prescribed in Technical Standard 44.03.2 in Document SA-CATS 44;

(b) prescribe who may carry out maintenance on the aircraft, and incorporate the terms of the contract between the operator and any outside maintenance personnel or organisation responsible for all or part of the maintenance, if any;
and

(c) prescribe the environmental conditions under which maintenance may be carried out and, if applicable, the maintenance manuals, special tools and equipment that are to be used in maintenance.

(2) If the operator develops a separate MCM as part of the operations manual system, two copies of the proposed MCM shall be provided to the Director or the body designated for the purpose in terms of Part 149, as the case may be.

(3) The operator shall amend its MCM as necessary in accordance with the amendment procedures contained in the MCM, in order to keep the information contained therein up-to-date and accurately reflect company policy with respect to the maintenance of its aircraft. The operator shall forward two copies of all amendments to the MCM to the Director or the body designated for the purpose in terms of Part 149, as the case may be, for approval.

(4) Upon receipt of any approved amendments, each holder of an MCM shall be furnished a copy of such amendment with clear instructions to insert the amended pages in a timely manner into the MCM.

(5) The Director or the body designated for the purpose in terms of Part 149, as the case may be, may require an operator to produce an amendment where they are of the opinion that the MCM requires updating.

SUBPART 10: SAFETY MANAGEMENT SYSTEMS

Requirement for safety management system

115.10.1 (1) A recreational adventure flight operator shall ensure it maintains an acceptable level of safety by establishing and maintaining a SMS that meets the requirements of this Subpart and is approved by the Director or the body designated for the purpose in terms of Part 149, as the case may be.

(2) The operator shall adhere to its approved SMS.

Components of safety management system

115.10.2 (1) A SMS shall include –

- (a) a process for defining expected levels of safety performance and setting safety targets for the improvement of aviation safety and for measuring the attainment of those targets;
- (b) a process for identifying hazards to aviation safety and for evaluating and managing the associated risks;
- (c) safety meetings, a means of informing interested parties of those and a means of informing company personnel of relevant information and actions arising out of such meetings.

Exemptions

115.10.3 (1) Notwithstanding the provisions of regulation 91.03.1, a person may operate an amateur-built or production-built aircraft, including a microlight aeroplane, while conducting flight training or in a recreational adventure flying operation without carrying on board any of the documents prescribed in the foregoing regulation should such carriage not be safely or practically possible.

Disclosure

115.10.4 (1) A provider of a recreational adventure flying operation with a non-type certificated aircraft shall disclose to any fare-paying passenger to be carried on board the aircraft, as applicable, the warning that the aircraft is an aircraft not required to comply with all the regulations for type-certificated aircraft and that boarding the aircraft is at one's own risk.

(2) The disclosure referred to in sub-regulation (1) shall be made to any potential passenger before commencing a recreational adventure flight before a ticket is purchased by means suitable to the kind of operation and shall be repeated in the flight declaration or on the passenger ticket or similar contract, as applicable.