

# PROPOSAL FOR THE AMENDMENT OF PART 92 OF THE CIVIL AVIATION REGULATIONS, 2011.

## PROPOSER

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Civil Aviation Authority  
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## PROPOSER'S INTEREST

The proposer has been established in terms of the Civil Aviation Act, 2009 (Act No.13 of 2009), to control and regulate Civil Aviation in South Africa and to oversee the functioning and development of the Civil Aviation industry and in particular, to control, regulate and promote Civil Aviation Safety and Security.

## GENERAL EXPLANATORY NOTE

Words in **[bold and solid square bracket]** indicate deletions from the existing regulations.

Words underlined with a solid line indicate insertions in the existing regulations.

### 1. PROPOSAL FOR AMENDMENT OF PART 92

1.1 It is hereby proposed to amend Part 92 by:

(a) the substitution for regulation 92.01.2 paragraph (b) of the following paragraph:

#### **Prohibition of conveyance of dangerous goods**

**92.01.2** (1) A person shall not offer for conveyance in an aircraft, convey in an aircraft, or accept for conveyance in an aircraft—

- (a) dangerous goods specifically identified by name or by generic description prohibited for conveyance by air under any circumstances as prescribed in Document SA-CATS 92;
  - (b) dangerous goods prohibited for conveyance by air under normal circumstances as prescribed in Document SA-CATS 92, unless allowed to do so by the Commissioner in terms of regulation 92.01.3;
  - (c) other dangerous goods, unless in accordance with the provisions of the Act, this Part, and as prescribed in Document SA-CATS 92; and
  - (d) live animals infected with contagious disease.
- (b) the substitution for regulation 92.01.3 for the following regulation:

**[Exemptions] Director's discretionary powers**

**92.01.3** (1) Notwithstanding the provisions of regulation 92.01.2, **[a person may]** the Commissioner may consider a request to allow the conveyance of dangerous goods **[apply to the Director in terms of Part 11 for an exemption]** in instances of—

- (a) extreme urgency; and
  - (b) other forms of conveyance **[being]** that are inappropriate; **[; or**
  - (c) **full compliance with the provisions of this Part being contrary to public interest,]**
- (2) **[A person applying for exemption]** The Commissioner shall in considering a request for the conveyance of dangerous goods as contemplated in subregulation (1) **[shall satisfy the Director,]** satisfy himself or herself that **[in the]** during such conveyance, **[he or she will achieve an]** acceptable level of safety which is equivalent to the level of safety as prescribed in Document SA-CATS 92 is achievable.

## **MOTIVATION**

In anticipation of the proclamation of the Civil Aviation Amendment Act which places the power to grant exemptions on the Minister, the SACAA has considered the capacity constraints that may be faced by the DoT in the processing applications for exemptions, for consideration and approval by the Minister. The SACAA has further considered potential delays in the approval of exemptions and the impact thereof on the industry and proposes this amendment as a way of curbing any potential delays and prejudice on the industry, by granting certain discretionary powers to the Director in cases where there are frequency of requests for exemption.

Regulation 92.01.2 (b) and Part 92.01.3 are operational in nature and cannot be standardised as each application for exemption needs to be considered and reviewed in its own merit, hence the high frequency of applications received by the SACAA.