



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Regulation Gazette

No. 7763

Regulasiekoerant

Vol. 459

Pretoria, 12 September 2003

No. 25452



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CONTENTS*No.**Page
No. Gazette
 No.***GOVERNMENT NOTICE****Transport, Department of***Government Notice*

R. 1300 Aviation Act (74/1962): Proposed amendment to the Civil Aviation Regulations, 1997 3 25452

GOVERNMENT NOTICE

DEPARTMENT OF TRANSPORT

No. R. 1300

12 September 2003

AVIATION ACT, 1962(ACT NO 74 OF 1962)

PROPOSED AMENDMENT TO THE CIVIL AVIATION REGULATIONS, 1997

Under regulation 11.03.2(1)(a) of the Civil Aviation Regulations, 1997, the Chairperson of the Civil Aviation Regulations Committee (CARCOM), hereby publishes for comment the proposed amendment to the Civil Aviation Regulations, 1997, as set out in the schedule below. Any comments or representations on the proposed amendment should be lodged in writing with the Chairperson of the Civil Aviation Regulations Committee, for attention Mr. Kim Gorrington or Mr. Herman Wildenboer, South African Civil Aviation Authority, Private Bag X08, Waterkloof, 0145, fax number: (012) 346-5979, or e-mail address at gorringtonk@caa.co.za or wildenboerh@caa.co.za, before or on 12 October 2003.

SCHEDULE

1. Proposal to amend the Civil Aviation Regulations of 1997

Proposer:

Civil Aviation Authority
Private Bag X08
Waterkloof
0145

Explanation of interest of the Proposer

The Proposer administers the Aviation Act, 1962 (Act No. 74 of 1962) and regulations and technical standards issued in terms thereof.

Proposed amendment of Part 11 of the CAR

- 1.1 It is proposed to amend regulation 11.03.2 (Processing and consideration of proposals) by the substitution of paragraph (b) of sub-regulation (4) with the following paragraph:

- “(b) Publish the proposed regulation or technical standard, amendment or withdrawal, as agreed upon by the committee following its deliberations referred to in sub-

regulation (3), as proposed rule-making by notice in the Gazette if it relates to the regulations, and by notice on the CAA website if it relates to the technical standards.”.

1.2 Motivation

The process of publishing proposals for technical standards, their amendment or withdrawal is a lengthy and costly process. It is difficult to synchronise such proposals with the proposals for the making, amendment or withdrawal of related regulations. Furthermore, technical standards are often of interest only to a limited number of people.

By utilising the internet for communication and consultation, the process can be speeded up and reduced in cost dramatically without either participation or transparency being adversely affected. In fact, as will be explained in the motivation for the insertion of a new regulation 11.03.3, the proposed new system will alert interested parties to any proposed changes in the regulations.

1.3 Current regulation

- “(b) Publish the proposed regulation or technical standard, amendment or withdrawal, as agreed upon by the committee following its deliberations referred to in sub-regulation (3), as proposed rule-making by notice in the Gazette if it relates to the regulations, and by notice in an AIC if it relates to the technical standards.”.

2.1 It is proposed to insert the following new regulation 11.03.3:

“Rule-making notification subscriber service

11.03.3 (1) To facilitate the consultation process, the Commissioner shall make available on the CAA website a rule-making notification subscriber service to which any person may subscribe and unsubscribe at no cost. Subscribers shall be notified by email of any proposal to make, amend or withdraw any regulation or technical standard, and of any related matter, including the proposals referred to in paragraph (4)(b) above.

- (2) Any technical standard issued shall be published on the CAA website for free downloading, and may be ordered from the CAA in either hard copy or electronic format at the published price.”.

2.2 Motivation

As explained in the motivation for the amendment of paragraph (b) of sub-regulation 11.03.2(4) above, a more efficient and cost-effective process for the consultation on any proposed issue, amendment or withdrawal of technical standards is required. The proposed rule-making notification subscriber service meets this requirement, and has the advantage that subscribers may also be alerted to other legislation-related matters.

A similar system is in operation with the Australian CASA.

2.3 Current regulation

The proposal is for a new regulation.

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Publications: Tel: (012) 334-4508, 334-4509, 334-4510
Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504
Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737
Cape Town Branch: Tel: (021) 465-7531

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001
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