



GOVERNMENT GAZETTE

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GENERAL NOTICE

No. 250 Proposed Civil Aviation Regulations: Part 139 - Aerodromes and Heliports 1

General Notice

MINISTRY OF WORKS, TRANSPORT AND COMMUNICATION

No. 250

1997

PROPOSED CIVIL AVIATION REGULATIONS :

PART 139 - AERODROMES AND HELIPORTS

The Ministry of Works, Transport and Communication recently initiated the project to update the current Namibian aviation legislation. There are two main reasons for updating the aviation legislation, namely, the current legislation does not adequately reflect the policies of Namibia for the aviation sector and does not reflect recent developments within SADC. The project further aims to enhance the safety of civil aviation by ensuring that the Namibian legislation complies with the minimum

standards prescribed by the International Civil Aviation Organization.

Part of the short-term legislative reform involves the updating of the regulations made under the Aviation Act, 1962 (Act 74 of 1962).

Due to the nature and extensive range of subjects which need to be regulated, this part of the project will be executed in phases and regulations will be published accordingly. The proposed structure of the Civil Aviation Regulations is set out in Schedule 1.

All the definitions for the proposed civil aviation regulations will be contained and published in Part 1. The definitions for each Part will however be published with each set of proposed regulations, to facilitate the interpretation thereof. The definitions associated with the proposed regulations on aerodromes and heliports are set out in Schedule 2.

The Director : Civil Aviation invites all interested parties to comment on the proposed structure of the Civil Aviation Regulations, the proposed definitions associated with the proposed regulations, as well as the proposed regulations on Aerodromes and Heliports set out in Schedule 3. The proposed regulations represent Part 139 of the proposed structure.

The proposed regulations on Aerodromes and Heliports make provision for certain information to be contained in a document called Document NA-CATS-AH. The compilation of the document does not form part of this project, but it is envisaged as a document that will contain all the technical standards regarding aerodromes and heliports.

Comments or representations should be lodged in writing and should reach the

Ministry not later than **90 days** from the date of publication of this notice.

Correspondence should be addressed to:

The Director : Civil Aviation

Ministry of Works, Transport and Communication

Department of Transport

Private Bag 12003

WINDHOEK

Attention : Mr Louis Lourens

Telephone : 208-2159

Fax : 238-884

Upon expiry of the aforementioned 90 day period, all comments which have been received will be evaluated for possible incorporation into the proposed regulations on Aerodromes and Heliports and if necessary, a workshop will be held to finalise the proposed regulations.

SCHEDULE 1
NAMIBIAN CIVIL AVIATION REGULATIONS STRUCTURE

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SCHEDULE 2

Definitions

In these regulations, unless the context otherwise indicates -

“aerodrome” means an aerodrome as defined in the Act, and for the purposes of these Regulations includes a heliport;

“aerodrome control service” means an air traffic control service provided for the control of aerodrome traffic;

“aerodrome flight information service” means a service provided for the purpose of giving advice and information useful for the safe and efficient conduct of flights in the vicinity of an aerodrome;

“aerodrome operational area” means -

- (1) excluding restricted areas and aprons, the movement area at an aerodrome and its associated strips and safety areas; and
- (2) any ground installation or facility provided at an aerodrome for the safety of aeroplane operations;

“aeroplane” means a power-driven heavier-than-air aircraft deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;

“air traffic service unit” means an air traffic control unit, flight information centre or air traffic service reporting office;

“aircraft”, for the purposes of these Regulations, means an aircraft as defined in the Act, including its engines, propellers, rotor, components, parts, equipment, instruments, accessories and materials;

“approved”, unless used with reference to another person, means approved in writing by the Director;

“apron” means a defined area on a land airport intended to accommodate aeroplanes for the purpose of loading or unloading passengers or cargo, refuelling, parking or maintenance;

“apron management service” means a service provided to regulate the activities and the movements of aeroplanes and vehicles on an apron;

“controlled airspace” means an airspace of defined dimensions within which an air traffic control service is provided to IFR flights and to VFR flights in accordance with the airspace classification as prescribed in regulation 172.02.2;

“Document NA-CATS-AH” means a document on the Namibian Civil Aviation Technical Standards relating to Airports and Heliports, which is published by the Director in terms of the Act;

“helicopter” means a heavier-than-air aircraft supported in flight chiefly by the reactions of the air on one or more power-driven rotors on substantially vertical axes;

“heliport” means any defined area of land or water, and any defined area on a structure, intended or designed to be used either wholly or partly for the landing, departure, and surface movement of helicopters;

“manoeuvring area” means that part of an aerodrome used for the take-off, landing and taxiing of aircraft, excluding an apron;

“Master” means the Master as defined in section 1 of the Administration of Estates Act, 1965 (Act 66 of 1965);

“resident of Namibia” means a person who has his or her ordinary residence in Namibia and who is a Namibian citizen or is in possession of a permit for permanent residence in Namibia issued in terms of section 25 of the Immigration Control Act, 1991 (Act 96 of 1991);

“runway” means a defined rectangular area on a land aerodrome prepared for the landing and take-off of aeroplanes;

“the Act” means the Aviation Act, 1962 (Act 74 of 1962);

“touch-down area” means a load bearing area on which a helicopter may touch down.

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SUBPART 1**GENERAL****Applicability**

139.01.1 (1) This Part shall apply to -

- (a) the licensing of areas demarcated for the development of aerodromes;
- (b) the licensing and operation of aerodromes; and
- (c) the approval or licensing and operation of heliports.

(2) No place in Namibia shall be used as a place of landing or departure by -

- (a) aircraft with a maximum certificated mass exceeding 5 700 kilograms, used in commercial air transport operations; or
- (b) aircraft used in aviation training,

unless it has been licensed in terms of the regulations in this Part.

(3) No place in an urban area in Namibia shall be used as a place of landing or departure by helicopters, unless it has been approved in terms of the regulations in this Part.

(4) No area on any land, water or building shall be used for the landing or take-off of aircraft if the air traffic in such area will in any way interfere with existing established procedures regarding controlled airspace.

Use of military aerodromes and heliports

139.01.2 (1) Subject to the approval of the Minister of Defence, the Director may, upon application in writing by any operator of an aircraft who desires to use a military aerodrome or heliport for civil aviation purposes, authorise the use of the military aerodrome or heliport for such purposes.

(2) An authorisation referred to in subregulation (1) may be granted under such conditions and for such period which the Director may determine, if the Director is satisfied that the use of such military aerodrome or heliport by such operator will not jeopardise aviation safety.

Restrictions

139.01.3 The Director may impose restrictions as to the use of an aerodrome or a heliport and may limit or totally prohibit the operation of any aircraft -

- (a) not equipped with radio equipment; or
- (b) the radio equipment of which is not complementary to the radio equipment installed for the control of air traffic at such aerodrome or heliport, if the Director is satisfied that such restriction, limitation or prohibition is necessary in the interests of aviation safety.

Publication of restrictions and deviations

139.01.4 The Director shall, upon the -

- (a) imposition of any restriction, limitation or prohibition referred to in regulation 139.01.3;
- (b) issuing of an aerodrome licence in terms of regulation 139.02.13;
- (c) renewal of an aerodrome licence in terms of regulation 139.02.17;
- (d) issuing of a heliport licence in terms of regulation 139.03.13; or
- (e) renewal of a heliport licence in terms of regulation 139.03.17,

publish in an AIP, according to the provisions of Part 175 -

- (i) particulars of the restriction, limitation or prohibition referred to in paragraph (a);
- (ii) the category for which the aerodrome is licensed;
- (iii) the restrictions, if any, relating to non-compliance with, or deviations from -

- (aa) the appropriate aerodrome design, operation
or equipment standards prescribed in this
Part; or
- (bb) the appropriate airspace classification
requirements prescribed in Part 172;
- (iv) the restrictions, if any, relating to non-compliance
with, or deviations from -
 - (aa) the appropriate heliport design, operation
and equipment standards prescribed in this
Part; or
 - (bb) the appropriate airspace classification
requirements prescribed in Part 172.

Flights by night

139.01.5 The Director may prohibit flights by night from or at any aerodrome or any heliport at which adequate facilities for night flights are lacking or where the terrain or other objects in the vicinity of the aerodrome or the heliport are such as to endanger operators of aircraft used in night flights.

Register of licences

139.01.6 (1) The Director shall maintain a register of all licences of intent, aerodrome licences and heliport licences issued in terms of the regulations in this Part.

(2) The register shall contain the following particulars:

- (a) The full name and, if any, the trade name of the holder of the licence;
- (b) the postal address of the holder of the licence;
- (c) the name and the location of the aerodrome for which the licence was issued;
- (d) the name and the location of the heliport for which the licence was issued;
- (e) the proposed name and the location of the area demarcated for the development of an aerodrome, for which the licence of intent was issued;
- (f) the number of the licence issued to the holder;
- (g) the date on which the licence was issued;
- (h) file reference numbers of initial and subsequent safety inspection records and audit reports in respect of all aerodromes and heliports licensed; and
- (i) the nationality of the holder of the licence.

(3) The particulars referred to in subregulation (2) shall be recorded in the register within seven days from the date on which the licence is issued by the Director.

(4) The register shall be kept in a safe place at the office of the Director.

(5) A copy of the register shall be furnished by the Director, on payment of the appropriate fee as prescribed in Part 187, to any person who requests the copy.

Safety inspections and audits

139.01.7 (1) An applicant for the issuing of an aerodrome or heliport licence shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits which may be necessary to verify the validity of the application concerned.

(2) The holder of an aerodrome licence shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits of such holder's aerodrome, documents and records which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

(3) The holder of a heliport licence shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits of such holder's heliport, documents and records which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

Suspension and cancellation of licence and appeal

139.01.8 (1) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, an aerodrome or heliport licence issued under this Part, if -

- (a) after a safety inspection and audit carried out in terms of regulation 139.01.7, it is evident that the holder of the licence does not comply with the requirements prescribed in this Part, and such holder fails to remedy such non-compliance within 30 days after receiving notice in writing from the authorised officer, inspector or authorised person to do so;
- (b) the authorised officer, inspector or authorised person is prevented by the holder of the licence to carry out a safety inspection and audit in terms of regulation 139.01.7; or
- (c) the suspension is necessary in the interests of aviation safety.

(2) The authorised officer, inspector or authorised person who has suspended a licence in terms of subregulation (1), shall deliver a report in writing to the Director, stating the reasons why, in his or her opinion, the suspended licence should be cancelled.

(3) The authorised officer, inspector or authorised person concerned shall submit a copy of the report referred to in subregulation (2), to the holder of the licence which has been suspended, and shall furnish proof of such submission for the information of the Director.

(4) The holder of a licence who feels aggrieved by the suspension of the licence or approval may appeal against such suspension to the Director, within 30 days after such holder becomes aware of such suspension.

(5) An appellant shall deliver an appeal in writing, stating the reasons why, in his or her opinion, the suspension should be varied or set aside.

(6) The appellant shall submit a copy of the appeal and any documents or records supporting such appeal, to the authorised officer, inspector or authorised person concerned and shall furnish proof of such submission for the information of the Director.

(7) The authorised officer, inspector or authorised person concerned may, within 30 days of receipt of the copy of the appeal referred to in subregulation (6), deliver his or her written reply to such appeal to the Director.

(8) The Director may -

- (a) adjudicate the appeal on the basis of the documents submitted to him or her; or
- (b) order the appellant and the authorised officer, inspector or authorised person concerned to appear before him or her, either in person or through a representative, at a time and place determined by him or her, to give evidence.

(9) The Director may confirm, vary or set aside the suspension referred to in subregulation (1).

(10) The Director shall -

- (a) if he or she confirms the suspension in terms of subregulation (9); or

- (b) if a licence is suspended in terms of subregulation (1) and the holder thereof does not appeal against such suspension in terms of subregulation (4),

cancel the licence concerned.

Storage of flammable goods

139.01.9 Fuel, pyrotechnic stores and all highly flammable matter shall be stored on a licensed aerodrome or heliport only in buildings or receptacles which comply with the appropriate standards prescribed in any other law.

Safety measures against fire

139.01.10 No person shall on a licensed aerodrome or heliport -

- (a) smoke in, or bring an open flame into -
 - (i) any place where such act is prohibited by a notice displayed; or
 - (ii) any place within 15 metres of an aircraft or of any vehicle used for the supply of fuel to an aircraft or a store or dump of liquid fuel or explosives;
- (b) wilfully give a false fire alarm;
- (c) tamper or interfere with any fire hose reel, hydrant or any other item of equipment provided for fire-fighting purposes;

- (d) keep, store, discard or discharge any flammable liquid, gas, signal flares or other like material except in an aircraft in the receptacle appropriate for the purpose or in a place on the aerodrome or heliport specifically approved by the aerodrome or heliport operator for the purpose; or
- (e) store or stack any material or equipment in a manner which constitutes, or is likely to constitute, a fire hazard.

Lights which endanger the safety of aircraft

139.01.11 Whenever in Namibia any light or pattern of lights is exhibited -

- (a) in the neighbourhood of an aeronautical light or system of aeronautical lights which by reason of the possibility of it being mistaken for such aeronautical light or lights, is calculated to endanger the safety of aircraft; or
- (b) which, being in the neighbourhood of a licensed aerodrome or heliport, is liable by its glare to endanger the safety of aircraft arriving at or departing from such aerodrome or heliport,

the Director may cause a notice to be served upon the owner of the place where the light is exhibited or upon the person having charge of the light or upon the person owning or having charge of the pattern of lights or any portion of such pattern, directing such owner or person within the period specified in such notice to extinguish or screen effectively the light or lights under his, her or its control and to prevent in the future the exhibition of any light or particular type of light either at all or when ineffectively screened.

Use of runways or taxiways and landing at or taking off from aerodrome**139.01.12** Save in an emergency -

- (a) or on the direction of the aerodrome operator given in terms of regulation 139.01.14, no person shall move an aircraft in the restricted area except on a runway or taxiway;
- (b) no person shall move an aircraft or vehicle onto a runway or a taxiway or go onto a runway or a taxiway -
 - (i) without the permission of the air traffic service unit operating at the licensed aerodrome, if the air traffic service unit is manned at the time;
 - (ii) except according to the instructions issued by the air traffic service unit operating at such aerodrome, if the air traffic service unit is not manned at the time;
 - (iii) except in a manner that shall not endanger aircraft traffic, if the air traffic service unit is not manned at the time and no instructions have been issued by such air traffic service unit;
- (c) or with the approval of such holder, no person shall use a portion of a licensed aerodrome other than a runway for landing an aircraft or for taking off; and

- (d) no person shall land on a runway an aircraft fitted with a tailskid nor take off from a runway using such aircraft.

Points of entry to or exit from restricted area

139.01.13 (1) No -

- (a) person other than a person carried in an aircraft or in or on a vehicle;
- (b) aircraft travelling on the surface of a licensed aerodrome or heliport; or
- (c) vehicle,

may enter or leave the restricted area except at points established by the aerodrome or heliport operator for such purpose.

(2) Save in an emergency no person -

- (a) other than a person carried in an aircraft or in or on a vehicle shall enter or leave the restricted area; or
- (b) shall move an aircraft travelling on the surface of a licensed aerodrome or heliport, or a vehicle into or from the restricted area,

except at an appropriate point of entry or exit stipulated in terms of subregulation

(1).

Movement of aircraft or vehicles in restricted area on direction of aerodrome operator

139.01.14 (1) The operator of an aircraft which is travelling on the surface of a licensed aerodrome and which is in the restricted area but not on a runway or a taxiway or the person in lawful charge of a vehicle which is in the restricted area shall, on being directed to do so by the aerodrome operator, move that aircraft along the surface of the aerodrome or that vehicle -

- (a) to another place in the restricted area indicated by the aerodrome operator; or
- (b) from the restricted area,

and if such operator or person refuses or fails or is not present to comply forthwith with such direction, the aerodrome operator may have that aircraft or vehicle moved to comply with such direction and may recover from such operator or person the costs incurred in having that aircraft or vehicle so moved and any such action by the aerodrome operator shall not exempt such operator or person from a prosecution in respect of such refusal or failure.

(2) Any direction given by the aerodrome operator in terms of subregulation (1) shall not authorise any person to move the aircraft or a vehicle onto a runway or a taxiway -

- (a) without the permission of the air traffic service unit operating at the licensed aerodrome, if the air traffic service unit is manned at the time;

- (b) except according to the instructions issued by the air traffic service unit operating at such aerodrome, if the air traffic service unit is not manned at the time;
- (c) except in a manner that shall not endanger aircraft traffic, if the air traffic service unit is not manned at the time and no instructions have been issued by such air traffic service unit.

Access to apron

139.01.15 (1) Except with the approval of the aerodrome operator no person other than -

- (a) a person carried in an aircraft travelling on the surface of a licensed aerodrome or in or on a vehicle;
- (b) a person about to embark in an aircraft parked on the apron, who is proceeding under the supervision of the operator of that aircraft or his or her employee from the terminal building to that aircraft;
- (c) a person who has disembarked from an aircraft parked on the apron, who is proceeding under the supervision of the operator of that aircraft or his or her employee from that aircraft to the terminal building;
- (d) the operator of an aircraft parked on or moving on the surface of the apron or his or her employee only when

the performance of his or her duties or the course of his or her employment requires his or her presence on the apron; or

- (e) a person who operates a trade or a business at the aerodrome, or his or her employee only when the performance of his or her duties or the course of his or her employment requires his or her presence on the apron,

shall have access to the apron.

(2) Except with the approval of the aerodrome operator no person shall move an aircraft travelling on the surface of a licensed aerodrome or a vehicle onto the apron.

(3) The aerodrome operator shall determine procedures according to which permission to have access to the apron shall be granted.

Points of access to or egress from apron

139.01.16 (1) No -

- (a) person other than a person carried in an aircraft or in or on a vehicle;
- (b) aircraft travelling on the surface of a licensed aerodrome;
or
- (c) vehicle,

may enter or leave the apron except at points established by the aerodrome operator for such purpose.

(2) Save in an emergency no person -

(a) other than a person carried in an aircraft or in or on a vehicle shall enter or leave the apron; or

(b) shall move an aircraft travelling on the surface of a licensed aerodrome or a vehicle onto or from the apron,

except at an appropriate point of access or egress stipulated in terms of subregulation (1).

Movement of aircraft or vehicles on apron

139.01.17 (1) No person shall move an aircraft or any vehicle on the apron of a licensed aerodrome -

(a) if there is any reasonably foreseeable danger of a collision with a person or any object on the aerodrome; and

(b) unless a speed is maintained which is safe and reasonable under the circumstances, but which does not in any case exceed 30 kilometres per hour:

Provided that any signals given by hand or otherwise by an official on duty at the aerodrome by instruction of the aerodrome operator to a pilot in control of an aircraft which is being moved on the aerodrome or to a driver or other person in control of

any vehicle which is being moved on the apron, or any mark or light on the aerodrome having the purpose of serving as an aid to a pilot in control of an aircraft or driver or person in control of a vehicle to indicate a specific route or parking bay on the aerodrome, by no means exempts such pilot, driver or other person from the obligation to stop such aircraft or vehicle or to take any other steps which might under the specific circumstances be imperative in order to avoid such collision or damage to property or loss of life.

(2) No person shall move an aircraft travelling under its own power on the surface of a licensed aerodrome on the apron unless he or she is the holder of an appropriate licence issued in terms of Part 61 which entitles him or her to pilot that aircraft: Provided that a student pilot who is not the holder of a student pilot licence, may move an aircraft on the apron while undergoing training with and accompanied in the aircraft by the holder of a flight instructor rating.

Parking of aircraft on apron

139.01.18 (1) The operator of an aircraft shall ensure -

- (a) that the aircraft is parked in the place on the apron allocated to it by the aerodrome operator; and
- (b) that the aircraft is parked in the place so allocated in the position required by the aerodrome operator,

and if such operator refuses or fails or is not present to comply forthwith with the terms of such allocation or requirement, the aerodrome operator may have that aircraft parked or positioned so as to comply with the terms of such allocation or requirement and may recover the costs incurred in so parking or positioning that aircraft from the

operator of that aircraft and any such action by the aerodrome operator shall not exempt such operation for a prosecution in respect of such refusal or failure.

- (2) Save in an emergency no person shall move an aircraft -
 - (a) from the parking place allocated to it in terms of subregulation (1)(a); or
 - (b) from the position in which it was placed in terms of subregulation (1)(b),

except with the approval of the aerodrome operator.

Movement of aircraft on apron on direction of aerodrome operator

139.01.19 (1) The operator of an aircraft which is on the apron shall, on being directed to do so by the aerodrome operator, move such aircraft -

- (a) from the position in which it was placed in terms of regulation 139.01.18(1)(b) to another position in the same parking place;
- (b) from the parking place in which it was parked in terms of regulation 139.01.18(1)(b) to any other parking place on the apron; or
- (c) from the apron,

and if the operator of such aircraft refuses or fails or is not present to comply forthwith

with such direction, the aerodrome operator may have such aircraft moved to comply with such direction and may recover the costs incurred in having such aircraft so moved from the operator of such aircraft and any such action by the aerodrome operator shall not exempt such operator from a prosecution in respect of such refusal or failure.

(2) An aircraft moved to another position under the provisions of subregulation (1)(a) shall be deemed to have been placed in its new position in terms of regulation 139.01.18(1)(b) and an aircraft moved to another parking place under the provisions of subregulation (1)(b) shall be deemed to have been parked in its new parking place in terms of regulation 139.01.18(1)(a).

Movement of vehicles on apron on direction of aerodrome operator

139.01.20 The person in lawful charge of a vehicle on the apron shall, on being directed to do so by the aerodrome operator, move such vehicle -

- (a) to another place on the apron indicated by the aerodrome operator; or
- (b) from the apron,

and if such person refuses or fails or is not present to comply forthwith with such direction, the aerodrome operator may have such vehicle moved to comply with such direction and may recover from such person the costs incurred in having such vehicle so moved and any such action by the aerodrome operator shall not exempt such person from a prosecution in respect of such refusal or failure.

Securing of parked aircraft

139.01.21 An aircraft parked on the apron and unattended shall be properly moored or otherwise secured by the operator of such aircraft.

Embarkation or disembarkation of persons in or from aircraft

139.01.22 (1) The operator of an aircraft in which persons are to be embarked or from which persons are to be disembarked on the apron shall -

- (a) supervise the embarking or disembarking of persons from such aircraft;
- (b) if the construction of such aircraft requires the use of passenger steps for embarking or disembarking persons in or from such aircraft, ensure that passenger steps have been correctly and securely placed at each aircraft door which is to be used for embarking or disembarking persons in or from such aircraft before persons embark in or disembark from such aircraft.

(2) Save in an emergency or with the approval of the aerodrome operator, no person shall on a licensed aerodrome embark in or disembark from an aircraft except on the apron.

Loading or unloading of cargo in or from aircraft

139.01.23 (1) The operator of an aircraft which is to be loaded or unloaded on the apron shall -

- (a) ensure that all working holds and doors of such aircraft are open to permit the efficient loading or unloading of such aircraft;
- (b) ensure that proper labels are affixed to all items of cargo which are to be carried in such aircraft; and
- (c) supervise the loading or unloading of such aircraft and ensure, when such aircraft is being loaded, that each item of cargo is placed in its appropriate place in such aircraft.

(2) Save in an emergency or with the approval of the aerodrome operator, no person shall, on a licensed aerodrome, load cargo in or unload cargo from an aircraft except on the apron.

Loading or unloading of dangerous cargo in or from aircraft

139.01.24 (1) The operator of an aircraft in which dangerous cargo is to be loaded or from which dangerous cargo is to be unloaded, as the case may be, on the apron, shall before loading or unloading such dangerous cargo inform the aerodrome operator of the nature of such dangerous cargo and the proposed time and method of its loading or unloading.

(2) If the operator of an aircraft has in terms of subregulation (1), informed the aerodrome operator of the proposed loading or unloading and the aerodrome operator considers that persons or property on the licensed aerodrome will be endangered by the proposed loading or unloading, the aerodrome operator may -

- (a) permit such loading or unloading subject to such conditions as the aerodrome operator may deem necessary to impose with a view to safeguarding persons or property on the aerodrome;
- (b) prohibit such loading or unloading; or
- (c) direct that such loading or unloading be undertaken at another time or by another method or both at another time and by another method and the aerodrome operator may, in addition, impose any condition which the aerodrome operator may deem necessary for the purpose of safeguarding persons or property on the aerodrome.

(3) If dangerous cargo has been loaded in or unloaded from an aircraft without the permission of the aerodrome operator, the aerodrome operator may direct that such dangerous cargo be unloaded from or reloaded in such aircraft, or give such other directions or impose such conditions as the aerodrome operator may deem necessary with a view to safeguarding persons or property on the aerodrome.

(4) The operator of an aircraft which is carrying dangerous cargo on an aerodrome shall, if directed to do so by the aerodrome operator, move such aircraft to another place on the aerodrome and keep such aircraft in that place until the aerodrome operator grants permission for such aircraft to be moved.

(5) If the operator of an aircraft in which dangerous cargo is carried refuses or fails or is not present to comply forthwith with any prohibition made by the aerodrome operator in terms of subregulation (2) or with any direction given by

the aerodrome operator in terms of subregulations (2), (3) or (4) or refuses or fails or is not present to comply forthwith with a condition imposed by the aerodrome operator in terms of subregulation (2) or (3), the aerodrome operator may take all steps necessary to ensure that any such prohibition, direction or condition is complied with as expeditiously and safely as possible and may recover from the operator of such aircraft the costs incurred in ensuring compliance with such prohibition, direction or condition and any such action by the aerodrome operator shall not exempt such operator from a prosecution in respect of such refusal or failure.

Supply of fuel to aircraft

139.01.25 (1) No person shall on a licensed aerodrome or heliport supply any fuel to any aircraft except at a place and in a manner approved by the aerodrome or heliport operator.

(2) The aerodrome or heliport operator may subject any approval granted in terms of subregulation (1), to compliance with such conditions as the aerodrome or heliport operator may consider necessary to impose in order to safeguard persons or property on the aerodrome.

Boarding or tampering with aircraft

139.01.26 Except with the permission of the person in lawful charge of an aircraft no person shall, on a licensed aerodrome or heliport -

- (a) board such aircraft; or
- (b) tamper or interfere in any way whatsoever with such aircraft or anything used in connection with such aircraft.

Test-running of aircraft engines

139.01.27 No person shall test-run an aircraft engine on a licensed aerodrome or heliport except at a place designated for the purpose by the aerodrome or heliport operator.

Regulation of vehicular or other traffic in restricted area

139.01.28 The Road Traffic Ordinance, 1967 (Ordinance 30 of 1967), shall apply *mutatis mutandis* to all roads inside the restricted area of a licensed aerodrome or heliport.

Entering or leaving aerodrome or heliport

139.01.29 (1) No person, other than a person entering or leaving a licensed aerodrome or heliport by means of an aircraft landing at or taking off from the aerodrome or heliport, shall enter or leave the aerodrome or heliport otherwise than through a gate or entrance provided by the aerodrome or heliport operator.

(2) Any person who is directed by an authorised officer, inspector or authorised person to leave the aerodrome or heliport, or any part thereof, shall forthwith do so.

Animals in restricted area of aerodrome or heliport

139.01.30 (1) No person shall cause or permit any animal to graze or feed in the restricted area of a licensed aerodrome or heliport.

(2) Any person bringing an animal into the restricted area of the

aerodrome or heliport, or receiving an animal in the restricted area of the aerodrome or heliport, shall ensure that such animal is at all times under proper control while it remains in the restricted area of the aerodrome or heliport.

Acts prohibited in terminal building

139.01.31 Except with the approval of the aerodrome or heliport operator, no person shall -

- (a) bring a vehicle into or drive a vehicle in or into the terminal building; or
- (b) obstruct an entrance to or a passage in the terminal building in such a manner as to inconvenience other users of the entrance or passage concerned.

Acts prohibited on aerodrome or heliport

139.01.32 (1) No person shall on a licensed aerodrome or heliport -

- (a) obstruct or interfere with the proper use of the aerodrome or heliport;
- (b) obstruct any person in the full-time employment of the aerodrome or heliport operator acting in the execution of his or her duty in relation to the aerodrome or heliport;
- (c) remove any notice board erected by the aerodrome or heliport operator, or with the permission of the aerodrome

or heliport operator, or any writing or document displayed on such notice board, or deface any such writing or document or any marking on such notice board or document;

- (d) throw, leave or drop anything capable of causing injury to any person or animal or damage to any property;
- (e) dump any waste matter whatsoever elsewhere than at a place approved for the purpose by the aerodrome or heliport operator;
- (f) commit any nuisance or disorderly or indecent act or be in a state of intoxication or behave in a violent or offensive manner to the offence or annoyance of other persons on the aerodrome or heliport or make use of offensive language;
- (g) write, draw or affix any profane, obscene, indecent or abusive word, matter, presentation or character on the aerodrome or heliport, or on property on the aerodrome or heliport;
- (h) dump or spill any substance capable of causing water pollution, whether such substance is a solid, liquid, vapour or gas or combination thereof, elsewhere than at a place approved for that purpose by the aerodrome or heliport operator.

(2) Except with the permission of the aerodrome or heliport operator, no person shall on a licensed aerodrome or heliport -

- (a) damage, interfere or tamper with any part of the aerodrome or heliport or any equipment associated with the operation of the aerodrome or heliport;
- (b) climb any wall, fence, barrier, railing, gate or post;
- (c) wash or otherwise clean or polish a vehicle elsewhere than at a place approved for that purpose by the aerodrome or heliport operator;
- (d) cut, dig, damage or remove any soil, grass, tree, shrub or flower;
- (e) go on to or damage any flower-bed or anything growing therein;
- (f) remove, pick or otherwise damage any tree, shrub, plant or flower;
- (g) go on to a lawn or on to ground which has been seeded or planted for the purpose of growing grass to form a lawn;
- (h) advertise;
- (i) display any poster, banner or anything similar; or

- (j) handle any baggage or confront passengers to carry their baggage.

Obstacle limitation and marking outside aerodrome or heliport

139.01.33 (1) No buildings or structure higher than 45 metres above the mean level of the landing area, or, in the case of a water aerodrome or heliport, the normal level of water, shall without the approval of the Director be erected within a distance of 8 km measured from the nearest point on the boundary of an aerodrome or heliport which has been licensed under this Part.

(2) No building, structure or other obstruction which projects above a slope of 1 in 20 and which is within 3 000 metres measured from the nearest point on the boundary of a licensed aerodrome or heliport shall, without the prior approval of the Director, be erected or be allowed to come into existence.

(3) No building, structure or other obstruction which will project above the approach, transitional or horizontal surfaces of a licensed aerodrome or heliport shall, without the prior approval of the Director be erected or allowed to come into existence.

SUBPART 2**LICENSING AND OPERATION OF AERODROMES****Requirement for licence**

139.02.1 (1) No person shall operate an aerodrome which serves -

- (a) aircraft with a maximum certificated mass exceeding 5 700 kilograms, used in public air transport operations;
or

- (b) aircraft used in aviation training,

except under the authority of, and in accordance with the provisions of, an aerodrome licence issued under this Subpart.

(2) An aerodrome operator who is not required under paragraph (a) to hold an aerodrome licence, may apply for an aerodrome licence in terms of this Subpart.

Aerodrome design requirements

139.02.2 (1) An applicant for the issuing of an aerodrome licence shall ensure that the aerodrome is provided with -

- (a) physical characteristics;
- (b) obstacle limitation surfaces;

- (c) visual aids for -
 - (i) navigation;
 - (ii) denoting obstacles; and
 - (iii) denoting the restricted area;
- (d) equipment and installations; and
- (e) an airspace classification referred to in Part 172, appropriate to the characteristics of the aircraft it intends to serve, the lowest meteorological minima for each runway, and the ambient light conditions during the operation of aircraft.

(2) The physical characteristics, obstacle limitation surfaces, visual aids, and equipment and installations provided at the aerodrome shall comply with the appropriate aerodrome design standards as prescribed in Document NA-CATS-AH.

Operations manual

139.02.3 An applicant for the issuing of an aerodrome licence shall provide the Director with an operations manual which shall contain -

- (a) a statement by the accountable manager confirming that the operations manual and any included manuals define the organisation of the applicant and demonstrate the

procedures and methods for ensuring that the provisions of the regulations in this Part will be complied with at all times;

- (b) particulars of the personnel referred to in regulation 139.02.5(1);
- (c) an organisational chart showing lines of responsibility of the personnel referred to in regulation 139.02.5(1);
- (d) the limitations on the use of the aerodrome referred to in regulation 139.02.3;
- (e) a description of the characteristics of and the infrastructure available at the aerodrome, which, taking into consideration the limitation referred to in paragraph (d), comply with the aerodrome design requirements referred to in regulation 139.02.2;
- (f) the aerodrome emergency management system referred to in regulation 139.02.7;
- (g) a description of the aerodrome's rescue and fire fighting capability which, taking into consideration the limitations referred to in paragraph (d), complies with the requirements prescribed in regulation 139.02.8;
- (h) the aerodrome environment management programme referred to in regulation 139.02.9;

- (i) the procedures for the notification of aerodrome data and information referred to in regulation 139.02.10;
- (j) the quality assurance system referred to in regulation 139.02.5;
- (k) an aviation safety programme;
- (l) a description of the security measures taken at the aerodrome to comply with the provisions of the Civil Aviation Offences Act, 1972 (Act 10 of 1972), and the regulations made thereunder;
- (m) the procedures to control, amend and distribute the operations manual; and
- (n) where applicable, the intended air traffic services and the approach and airspace categories.

Quality assurance system

139.02.4 (1) The applicant shall establish a quality assurance system containing an aviation safety programme, for the control and supervision of the operation and maintenance of the aerodrome and its services and facilities.

(2) The minimum standards for a quality assurance system shall be as prescribed in Document NA-CATS-AH.

Personnel requirements

139.02.5 (1) The applicant shall engage, employ or contract -

- (a) a senior person identified as the accountable manager who has the authority to ensure that all activities at the aerodrome are carried out according to the appropriate requirements prescribed in this Subpart;
- (b) a competent person who is responsible for quality assurance, and who has direct access to the accountable manager referred to in paragraph (a) on matters affecting the aviation safety programme; and
- (c) adequate personnel, including an aerodrome manager and air traffic service personnel, to operate and maintain the aerodrome and its services and facilities according to the requirements prescribed in this Subpart.

(2) The applicant shall establish a procedure for initially assessing, and a procedure for maintaining, the competence of those personnel involved in operating and maintaining the aerodrome and its services and facilities.

Establishment of aerodrome emergency management system

139.02.6 (1) The applicant shall establish an aerodrome emergency management system designed to minimise the possibility and extent of personal injury to, and property damage on, or in the vicinity of, the aerodrome.

(2) The aerodrome emergency management system referred to in subregulation (1) shall -

- (a) provide for all types of emergencies likely to take place on, or in the vicinity of, the aerodrome; and
- (b) include -
 - (i) an index depicting all aspects contained in the system;
 - (ii) the types of emergencies planned for;
 - (iii) call out procedures for prompt response to the emergencies planned for;
 - (iv) the persons involved in executing the allocated tasks;
 - (v) sufficient detail to provide adequate guidance to each person responsible for executing such system;
 - (vi) provision for a fully equipped emergency operations centre and command post for each type of emergency which may be encountered;
 - (vii) a description of all available rescue and medical equipment and the location of such equipment;

- (viii) information on the particulars of personnel and persons to be contacted in the case of a particular emergency; and
 - (ix) a grid map of the aerodrome and its immediate vicinity up to a radius of at least 10 kilometres.
- (3) The applicant shall -
 - (a) coordinate the proposed emergency management system with all personnel and persons who have allocated responsibilities in terms of the system; and
 - (b) to the extent practicable, provide for participation of all personnel and persons referred to in paragraph (a), in the establishment of the system.

Aerodrome rescue and fire fighting

139.02.7 (1) The applicant shall ensure that the aerodrome is provided with a rescue and fire fighting service, capable to provide the required level of protection necessary for maintaining the minimum level of protection required for the appropriate category of aerodrome.

(2) The rescue and fire fighting category of the aerodrome shall be determined as prescribed in Document NA-CATS-AH.

Establishment of aerodrome environment management programme

139.02.8 The applicant shall, in the area within its authority and where any

bird and wildlife presents or is likely to present a hazard to aircraft operating to or from the aerodrome, establish an aerodrome environment management programme to minimise the effects of such hazard or potential hazard.

Notification of aerodrome data and information

139.02.9 (1) An applicant for the issuing of an aerodrome licence shall establish a procedure to notify the air traffic service unit concerned and the Director -

- (a) of the aerodrome data and information;
- (b) of any limitation on the use of the aerodrome contemplated in regulation 139.02.3;
- (c) as soon as practicable, of any change which may affect the use of the aerodrome; and
- (d) any other information required in terms of the regulations in Part 175.

(2) A notification contemplated in subregulation (1) shall be made in the appropriate form as prescribed in Document NA-CATS-AH.

Application for licence or amendment thereof

139.02.10 An application for the issuing of an aerodrome licence, or an amendment thereof, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NA-CATS-AH; and

(b) accompanied by -

- (i) the operations manual referred to in regulation 139.02.4;
- (ii) the plans of the aerodrome;
- (iii) written approval from the local authority concerned;
- (iv) an environmental impact report, if required;
- (v) written approval from all interested Government institutions;
- (vi) proof that the applicant is financially capable of operating the aerodrome;
- (vii) particulars of non-compliance with, or deviations from -
 - (aa) the appropriate aerodrome design, operation or equipment standards prescribed in this Part; or
 - (bb) the appropriate airspace classification requirements prescribed in Part 172; and
- (viii) the appropriate fee as prescribed in Part 187.

Processing of application for licence or amendment thereof

139.02.11 (1) The Director shall, as soon as practicable after the receipt of an application for an aerodrome licence, or an amendment thereof, publish by notice in the *Gazette* the following particulars in respect of the application concerned:

- (a) The full name of the applicant;
- (b) full particulars of the location of the aerodrome; and
- (c) a reference to the date by which the representations referred to in subregulation (2) must be submitted to the Director.

(2) Any person may, after the publication of the notice referred to in subregulation (1) address in writing representations to the Director against or in favour of the application concerned.

Adjudication of application for licence or amendment thereof

139.02.12 (1) The Director shall as soon as practicable consider an application referred to in regulation 139.02.11 together with all representations, information and other documents relating to such application which are received within the period specified in the notice published in terms of regulation 139.02.12(1).

(2) The Director may grant the application if the Director is satisfied that -

- (a) the applicant complies with the requirements prescribed in regulations 139.02.2 to 139.02.10 inclusive; and

- (b) granting the application will not jeopardise aviation safety.

Issuing of licence

139.02.13 (1) An aerodrome licence shall be issued on the appropriate form as prescribed in Document NA-CATS-AH.

(2) The licence shall specify -

- (a) the category for which the aerodrome is licensed; and
- (b) the restrictions, if any, relating to non-compliance with, or deviations from -
 - (i) the appropriate aerodrome design, operation or equipment standards prescribed in this Part; and
 - (ii) the appropriate airspace classification requirements prescribed in Part 172.

Period of validity

139.02.14 (1) An aerodrome licence shall be valid for the period determined by the Director, which period shall not exceed five years, calculated from the date on which the licence is issued or renewed.

(2) The licence shall remain in force until it expires or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Director,

in terms of regulation 139.01.8.

(3) The holder of a licence which expires, shall forthwith surrender the approval to the Director.

(4) The holder of a licence which is suspended, shall forthwith produce the licence upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(5) The holder of a licence which is cancelled, shall, within 30 days from the date on which the licence is cancelled, surrender such licence to the Director.

Transferability

139.02.15 (1) Subject to the provisions of subregulation (2), an aerodrome licence shall not be transferable.

(2) A change in ownership of the holder of a licence shall be deemed to be a change of significance referred to in regulation 139.02.17.

Changes in quality assurance system

139.02.16 (1) If the holder of an aerodrome licence desires to make any change in the quality assurance system referred to in regulation 139.02.5, which is significant to the showing of compliance with the appropriate requirements prescribed in this Part, such holder shall apply to the Director for the approval of such change.

(2) The provisions of regulation 139.02.11 shall apply *mutatis mutandis* to an application for the approval of a change in the quality assurance system.

(3) An application for the approval of a change in the quality assurance system shall be granted by the Director if the applicant satisfies the Director, upon submission of appropriate proposed changes to his, her or its operations manual, that the applicant will continue to comply with the provisions of regulations 139.02.2 to 139.02.10 inclusive, after the implementation of such approved change.

Renewal of licence

139.02.17 (1) An application for the renewal of an aerodrome licence shall be -

(a) made to the Director in the appropriate form as prescribed in Document NA-CATS-AH; and

(b) accompanied by -

(i) the operations manual referred to in regulation 139.02.4;

(ii) proof of adequate funding;

(iii) particulars of non-compliance with, or deviations from -

(aa) the appropriate aerodrome design, operation

or equipment standards prescribed in this
Part; or

(bb) the appropriate airspace classification
requirements prescribed in Part 172; and

(iv) the appropriate fee as prescribed in Part 187.

(2) The holder of the licence shall at least 60 days immediately
preceding the date on which such licence expires, apply for the renewal of such
licence.

Licence of intent

139.02.18 (1) Where a particular area has been demarcated for the
development of an aerodrome, the proposed holder of an aerodrome licence in respect
of the aerodrome, may apply to the Director for the issuing of a licence of intent for
such area.

(2) An application for the issuing of a licence of intent shall be -

(a) made to the Director in the appropriate form as prescribed
in Document NA-CATS-AH; and

(b) accompanied by -

(i) full particulars of the particular area demarcated
for the development of the aerodrome, and the
location thereof;

- (ii) written approval from the local authority concerned;
- (iii) an environmental impact study;
- (iv) written approval from all interested Government institutions;
- (v) proof of adequate funding for the development of the aerodrome; and
- (vi) the appropriate fee as prescribed in Part 187.

(3) The provisions of regulations 139.02.11 and 139.02.12(1) shall apply *mutatis mutandis* to the processing of an application for the issuing of a licence of intent.

(4) The Director may grant the application if the Director is satisfied that the development of the aerodrome will not jeopardise aviation safety.

(5) A licence of intent shall be issued on the appropriate form as prescribed in Document NA-CATS-AH.

(6) The licence of intent shall specify the conditions and the restrictions which the Director deems necessary in the interests of aviation safety.

(7) A licence of intent shall -

- (a) not be transferable; and

- (b) be valid for the period determined by the Director, which period shall not exceed five years, calculated from the date on which the licence of intent is issued.

General duties of holder of licence

139.02.19 (1) The holder of an aerodrome licence shall -

- (a) hold at least one complete and current copy of the operations manual referred to in regulation 139.02.3, at the aerodrome;
- (b) comply with all procedures detailed in such operations manual;
- (c) make each applicable part of such operations manual available to the personnel who require those parts to carry out their duties; and
- (d) continue to comply with the appropriate requirements prescribed in this Part.

(2) The holder of the licence shall ensure that -

- (a) the aerodrome is maintained in a serviceable condition;
- (b) the aerodrome is kept free of unauthorised persons, vehicles or animals not under proper control, in compliance with the Civil Aviation Offences Act, 1972, and the regulations made thereunder;

- (c) all obstructions are marked as prescribed in Document NA-CATS-AH;
- (d) the Director is informed of any alterations to or obstructions or workings on the aerodrome;
- (e) an apparatus to show the surface direction of the wind, is installed and functions satisfactorily;
- (f) the markings as prescribed in Document NA-CATS-AH, are maintained in a conspicuous condition, readily visible to aircraft in the air or manoeuvring on the ground;
- (g) the accommodation and facilities offered to the public are available and in a serviceable condition;
- (h) all apparatus installed by such holder to promote safety in flight, is functioning efficiently;
- (i) unserviceable areas on the landing terrain are appropriately marked as prescribed in document NA-CATS-AH;
- (j) the Director is informed whenever an aerodrome becomes unserviceable through any cause or whenever any portion of the surface of the landing area deteriorates to such extent that the safety of an aircraft may thereby be endangered, and aircraft operations are limited to those portions of the aerodrome not rendered unsafe by those conditions;

- (k) such reports on the condition of the aerodrome as may be required from time to time by the Director, are submitted to the Director; and
 - (l) an annual survey is carried out on the aerodrome for the purposes of the approval of let-down procedures by the Director;
- (3) The holder of the licence shall -
 - (a) furnish the Director with the aerodrome financial data and the aerodrome traffic statistics as prescribed in Document NA-CATS-AH;
 - (b) in the case of an aerodrome which serves aircraft used in international public air transport operations, establish a facilitation committee and compile a facilitation plan in accordance with the requirements and standards as prescribed in Document NA-CATS-AH;
 - (c) be responsible for the monitoring of aircraft noise on and in the vicinity of an aerodrome, and the reporting of violations to the Director, in accordance with the requirements and standards as prescribed in Document NA-CATS-AH; and
 - (d) when the air traffic service unit at the aerodrome is not in operation, be responsible for the maintenance of flying discipline on, and in the vicinity of, such aerodrome.

Works on aerodrome

139.02.20 (1) The holder of an aerodrome licence shall establish procedures and take precautions to ensure that any works carried out on the aerodrome, do not endanger any aircraft operations.

(2) The procedures to be established and precautions to be taken in terms of subregulation (1), shall be established and taken in accordance with the requirements and standards as prescribed in Document NA-CATS-AH.

Maintenance of aerodrome emergency management system

139.02.21 The holder of an aerodrome licence shall -

- (a) establish procedures to ensure that all participants to the effectiveness of the aerodrome emergency management system with allocated duties or responsibilities, are familiar with, and are properly trained for, their assignments;
- (b) test the effectiveness of such aerodrome emergency management system by -
 - (i) undertaking a full-scale aerodrome emergency exercise at intervals not exceeding two years; and
 - (ii) arranging special emergency exercises in the intervening year to correct any deficiencies identified during the full-scale aerodrome emergency exercise;

(c) submit a comprehensive written report to the Director within 14 days from the date on which -

(i) a full-scale aerodrome emergency exercise referred to in paragraph (b)(i); or

(ii) a special emergency exercise referred to in paragraph (b)(ii),

has been undertaken or arranged; and

(d) review such aerodrome emergency management system for effectiveness after each of the exercises referred to in paragraph (b), as well as after an actual emergency, to address any deficiencies identified and to adapt such system for the enhancement of its efficiency.

Aerodrome rescue and fire fighting

139.02.22 (1) The holder of an aerodrome licence shall provide on the aerodrome the rescue and fire fighting capability which complies with the minimum requirements prescribed in regulation 139.02.7.

(2) The rescue and fire fighting capability shall be provided in accordance with the requirements and standards as prescribed in Document NA-CATS-AH.

(3) The holder of the licence may deviate from any requirement prescribed in this Subpart to the extent required to attend to an emergency arising from any aviation accident or incident which occurs on, or within a radius of 10

kilometres from, the aerodrome.

(4) A deviation in terms of subregulation (3) shall only be permitted -

- (a) for the period during which the emergency exists; and
- (b) for the sole purpose of protecting life or property.

(5) The holder of the licence shall ensure that the remainder of the rescue and fire fighting personnel and equipment will be able to attend to any possible aviation accident or incident which may occur as a result of the emergency referred to in subregulation (3) until assistance is obtained from other participants in the aerodrome emergency management system.

(6) The holder of the licence who deviates in terms of subregulation (3) from any requirement prescribed in this Subpart, shall -

- (a) notify the Director immediately of the nature of the emergency and the extent of the deviation; and
- (b) submit a comprehensive report to the Director within 14 days from the date on which the emergency arose.

Maintenance of aerodrome environment management programme

139.02.23 The holder of an aerodrome licence shall maintain the aerodrome environment management programme referred to in regulation 139.02.10.

Aerodrome inspection programme

139.02.24 The holder of an aerodrome licence shall establish and maintain an aerodrome inspection programme, including -

- (a) procedures to ensure that competent aerodrome personnel execute the programme effectively; and
- (b) a reporting system to ensure prompt correction of unsafe aerodrome conditions noted during any inspection,

to ensure compliance with the regulations in this Subpart.

Demarcation of restricted area

139.02.25 (1) The holder of an aerodrome licence shall, on the aerodrome, demarcate a restricted area and indicate its boundaries by means of -

- (a) markings on the surface of such aerodrome;
- (b) fences or obstructions or notices erected along the boundaries of such restricted area; or
- (c) a combination of such markings, fences, obstructions or notices.

(2) Subject to the provisions of subregulation (1) relating to the manner in which such boundary shall be indicated, the holder of the licence may alter any boundary or any portion of a boundary of the restricted area.

Control of entry into restricted area

139.02.26 (1) The holder of an aerodrome licence shall exercise control over entry into a restricted area.

(2) The control referred to in subregulation (1) shall be exercised according to the procedures and criteria approved by such holder.

(3) An authorised officer, inspector or authorised person may -

- (a) prohibit any person from entering a restricted area;
- (b) order any person to leave a restricted area immediately, whether such person has been granted permission to be within a restricted area or not.

Demarcation of routes on apron

139.02.27 (1) The holder of an aerodrome licence may by means of markings on the surface of an aerodrome or by notices, or by means of both such markings and notices demarcate routes on the apron for use by -

- (a) a person other than a person carried in an aircraft or in or on a vehicle;
- (b) an aircraft travelling on the surface of an aerodrome; or
- (c) a vehicle,

and such holder may similarly restrict any such route to use by such person or aircraft or vehicle for the purpose of movement in one direction only.

(2) Save in an emergency no person -

(a) other than a person carried in an aircraft or in or on a vehicle shall proceed on foot on the apron; or

(b) shall move an aircraft travelling on the surface of an aerodrome or a vehicle on the apron,

except along an appropriate route demarcated in terms of subregulation (1).

Safety measures against fire

139.02.28 (1) The holder of an aerodrome licence shall establish preventative measures against possible fires on the aerodrome and identify a person or group of persons to maintain a fire prevention programme for the aerodrome and aerodrome buildings.

(2) If the aerodrome has no rescue and fire fighting service, the holder of the licence shall arrange with the local authority concerned to maintain a fire prevention programme for the aerodrome and to advise such holder of any dangerous conditions for rectification.

(3) The holder of the licence shall ensure that no unsafe practice is performed on the aerodrome or within its parameters.

(4) If unsafe practices have to be performed during any day-to-

day maintenance of, or on, the aerodrome, the holder of the licence shall alert the rescue and fire fighting service concerned to be on standby for the duration of such practices.

Access of ground vehicles to aerodrome movement area

139.02.29 The holder of an aerodrome licence shall -

- (a) limit access to the aerodrome manoeuvring area of those ground vehicles which are necessary for aerodrome and aircraft operations;
- (b) if an air traffic service unit is in operation at the aerodrome, provide adequate procedures for the safe and orderly access to, and operation in the aerodrome manoeuvring area of ground vehicles, in order to ensure that each ground vehicle operating in the aerodrome manoeuvring area is controlled by -
 - (i) two-way radio communication between the vehicle and the air traffic service unit;
 - (ii) if the vehicle has no radio, an accompanying vehicle with two-way radio communication with the air traffic service unit; or
 - (iii) if it is not practical to have two-way radio communication or an escort vehicle, adequate measures including signs, signals or guards for controlling the vehicle;

- (c) if an air traffic service unit is not in operation at the aerodrome, provide adequate measures to ensure that ground vehicles operating in the aerodrome movement area are controlled by the signs, prearranged signals or standards as prescribed in Document NA-CATS-AH; and
- (d) ensure that each employee, tenant or contractor who operates a ground vehicle on any portion of the aerodrome which has access to the aerodrome movement area is familiar with, and complies with, the rules and procedures for the operation of ground vehicles as prescribed in Document NA-CATS-AH.

Protection of navigation aids

139.02.30 The holder of an aerodrome licence shall -

- (a) prevent any construction of facilities on the aerodrome which may adversely affect the operation of any electronic or visual navigation aid or air traffic service facility on such aerodrome;
- (b) prevent, as far as it is within the authority of the such holder, any interruption of visual or electronic signals of navigation aids; and
- (c) liaise with the local authority concerned and the Director with regard to any structure higher than the obstacle limitation surfaces on or in the vicinity of the aerodrome.

Aerodrome abandoned or not maintained

139.02.31 (1) In order that adequate warning may be given to the users of an aerodrome, the holder of an aerodrome licence shall give the Director at least 60 days written notice of its intention to discontinue the maintenance of the aerodrome or to abandon the aerodrome.

(2) If, after the expiry of the period of notice referred to in subregulation (1), an aerodrome is abandoned or is not being maintained in accordance with the conditions of the licence, the holder of the licence shall remove, obliterate or modify the appropriate aerodrome markings referred to in regulation 139.02.2.

SUBPART 3

LICENSING AND OPERATION OF HELIPORTS

Requirement for licence

139.03.1 (1) No person shall operate a heliport in an urban area, unless the heliport is approved by the Director.

(2) Any heliport operator may apply for a heliport licence in terms of this Subpart.

Heliport design requirements

139.03.2 (1) An applicant for the issuing of a heliport licence shall ensure that the heliport is provided with -

- (a) physical characteristics;
- (b) obstacle limitation surfaces;
- (c) visual aids for -
 - (i) navigation;
 - (ii) denoting obstacles; and
 - (iii) denoting the restricted area;
- (d) equipment and installations; and

- (e) an airspace classification referred to in Part 172,

appropriate to the characteristics of the helicopters it intends to serve, the lowest meteorological minima for each touch-down area, and the ambient light conditions during the operation of helicopters.

(2) The physical characteristics, obstacle limitation surfaces, visual aids, and equipment and installations provided at the heliport shall comply with the appropriate heliport design standards as prescribed in Document NA-CATS-AH.

Operations manual

139.03.3 An applicant for the issuing of a heliport licence shall provide the Director with an operations manual which shall contain -

- (a) a statement by the accountable manager confirming that the operations manual and any included manuals define the organisation of the applicant and demonstrate the procedures and methods for ensuring that the provisions of the regulations in this Part will be complied with at all times;
- (b) particulars of the personnel referred to in regulation 139.03.5(1);
- (c) an organisational chart showing lines of responsibility of the personnel referred to in regulation 139.03.5(1);
- (d) the limitations on the use of the heliport referred to in regulation 139.03.3;

- (e) a description of the characteristics of and the infrastructure available at the heliport, which, taking into consideration the limitation referred to in paragraph (d), comply with the heliport design requirements referred to in regulation 139.03.2;
- (f) the heliport emergency management system referred to in regulation 139.03.7;
- (g) a description of the heliport's rescue and fire fighting capability which, taking into consideration the limitations referred to in paragraph (d), complies with the requirements prescribed in regulation 139.03.8;
- (h) the heliport environment management programme referred to in regulation 139.03.9;
- (i) the procedures for the notification of heliport data and information referred to in regulation 139.03.10;
- (j) the quality assurance system referred to in regulation 139.03.5;
- (k) an aviation safety programme;
- (l) a description of the security measures taken at the heliport to comply with the provisions of the Civil Aviation Offences Act, 1972 (Act 10 of 1972), and the regulations made thereunder;

- (m) the procedures to control, amend and distribute the operations manual; and
- (n) where applicable, the intended air traffic services and the approach and airspace categories.

Quality assurance system

139.03.4 (1) The applicant shall establish a quality assurance system containing an aviation safety programme, for the control and supervision of the operation and maintenance of the heliport and its services and facilities.

(2) The minimum standards for a quality assurance system shall be as prescribed in Document NA-CATS-AH.

Personnel requirements

139.03.5 (1) The applicant shall engage, employ or contract -

- (a) a senior person identified as the accountable manager who has the authority to ensure that all activities at the heliport are carried out according to the appropriate requirements prescribed in this Subpart;
- (b) a competent person who is responsible for quality assurance, and who has direct access to the accountable manager referred to in paragraph (a) on matters affecting the aviation safety programme; and

- (c) adequate personnel, including a heliport manager and air traffic service personnel, to operate and maintain the heliport and its services and facilities according to the requirements prescribed in this Subpart.

(2) The applicant shall establish a procedure for initially assessing, and a procedure for maintaining, the competence of those personnel involved in operating and maintaining the heliport and its services and facilities.

Establishment of heliport emergency management system

139.03.6 (1) The applicant shall establish a heliport emergency management system designed to minimise the possibility and extent of personal injury to, and property damage on, or in the vicinity of, the heliport.

(2) The heliport emergency management system referred to in subregulation (1) shall -

- (a) provide for all types of emergencies likely to take place on, or in the vicinity of, the heliport; and
- (b) include -
 - (i) an index depicting all aspects contained in the system;
 - (ii) the types of emergencies planned for;
 - (iii) call out procedures for prompt response to the emergencies planned for;

- (iv) the persons involved in executing the allocated tasks;
- (v) sufficient detail to provide adequate guidance to each person responsible for executing such system;
- (vi) provision for a fully equipped emergency operations centre and command post for each type of emergency which may be encountered;
- (vii) a description of all available rescue and medical equipment and the location of such equipment;
- (viii) information on the particulars of personnel and persons to be contacted in the case of a particular emergency; and
- (ix) a grid map of the heliport and its immediate vicinity up to a radius of at least 10 kilometres.

(3) The applicant shall -

- (a) coordinate the proposed emergency management system with all personnel and persons who have allocated responsibilities in terms of the system; and
- (b) to the extent practicable, provide for participation of all personnel and persons referred to in paragraph (a), in the establishment of the system.

Heliport rescue and fire fighting

139.03.7 (1) The applicant shall ensure that the heliport is provided with a rescue and fire fighting service, capable to provide the required level of protection necessary for maintaining the minimum level of protection required for the appropriate category of heliport.

(2) The rescue and fire fighting category of the heliport shall be determined as prescribed in Document NA-CATS-AH.

Establishment of heliport environment management programme

139.03.8 The applicant shall, in the area within its authority and where any bird and wildlife presents or is likely to present a hazard to helicopters operating to or from the heliport, establish a heliport environment management programme to minimise the effects of such hazard or potential hazard.

Notification of heliport data and information

139.03.9 (1) An applicant for the issuing of a heliport licence shall establish a procedure to notify the air traffic service unit concerned and the Director -

- (a) of the heliport data and information;
- (b) of any limitation on the use of the heliport contemplated in regulation 139.03.3;
- (c) as soon as practicable, of any change which may affect the use of the heliport; and

- (d) any other information required in terms of the regulations in Part 175.

(2) A notification contemplated in subregulation (1) shall be made in the appropriate form as prescribed in Document NA-CATS-AH.

Application for licence or amendment thereof

139.03.10 An application for the issuing of a heliport licence, or an amendment thereof, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NA-CATS-AH; and
- (b) accompanied by -
 - (i) the operations manual referred to in regulation 139.03.4;
 - (ii) the plans of the heliport;
 - (iii) written approval from the local authority concerned;
 - (iv) an environmental impact report, if required;
 - (v) written approval from all interested Government institutions;

- (vi) proof that the applicant is financially capable of operating the heliport;
- (vii) particulars of non-compliance with, or deviations from -
 - (aa) the appropriate heliport design, operation or equipment standards prescribed in this Part;
or
 - (bb) the appropriate airspace classification requirements prescribed in Part 172; and
- (viii) the appropriate fee as prescribed in Part 187.

Processing of application for licence or amendment thereof

139.03.11 (1) The Director shall, as soon as practicable after the receipt of an application for a heliport licence, or an amendment thereof, publish by notice in the *Gazette* the following particulars in respect of the application concerned:

- (a) The full name of the applicant;
- (b) full particulars of the location of the heliport; and
- (c) a reference to the date by which the representations referred to in subregulation (2) must be submitted to the Director.

(2) Any person may, after the publication of the notice referred to in subregulation (1) address in writing representations to the Director against or in favour of the application concerned.

Adjudication of application for licence or amendment thereof

139.03.12 (1) The Director shall, as soon as practicable, consider an application referred to in regulation 139.03.11, together with all representations, information and other documents relating to such application which are received within the period specified in the notice published in terms of regulation 139.03.12(1).

(2) The Director may grant the application if the Director is satisfied that -

- (a) the applicant complies with the requirements prescribed in regulations 139.03.2 to 139.03.10 inclusive; and
- (b) granting the application will not jeopardise aviation safety.

Issuing of licence

139.03.13 (1) A heliport licence shall be issued on the appropriate form as prescribed in Document NA-CATS-AH.

(2) The licence shall specify -

- (a) the category for which the heliport is licensed; and

- (b) the restrictions, if any, relating to non-compliance with, or deviations from -
 - (i) the appropriate heliport design, operation or equipment standards prescribed in this Part; and
 - (ii) the appropriate airspace classification requirements prescribed in Part 172.

Period of validity

139.03.14 (1) A heliport licence shall be valid for the period determined by the Director, which period shall not exceed five years, calculated from the date on which the licence is issued or renewed.

(2) The licence shall remain in force until it expires or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Director, in terms of regulation 139.01.8.

(3) The holder of a licence which expires, shall forthwith surrender the approval to the Director.

(4) The holder of a licence which is suspended, shall forthwith produce the licence upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(5) The holder of a licence which is cancelled, shall, within 30 days from the date on which the licence is cancelled, surrender such licence to the Director.

Transferability

139.03.15 (1) Subject to the provisions of subregulation (2), a heliport licence shall not be transferable.

(2) A change in ownership of the holder of a licence shall be deemed to be a change of significance referred to in regulation 139.03.17.

Changes in quality assurance system

139.03.16 (1) If the holder of a heliport licence desires to make any change in the quality assurance system referred to in regulation 139.03.5, which is significant to the showing of compliance with the appropriate requirements prescribed in this Part, such holder shall apply to the Director for the approval of such change.

(2) The provisions of regulation 139.03.11 shall apply *mutatis mutandis* to an application for the approval of a change in the quality assurance system.

(3) An application for the approval of a change in the quality assurance system shall be granted by the Director if the applicant satisfies the Director, upon submission of appropriate proposed changes to his, her or its operations manual, that the applicant will continue to comply with the provisions of regulations 139.03.2 to 139.03.10 inclusive, after the implementation of such approved change.

Renewal of licence

139.03.17 (1) An application for the renewal of a heliport licence shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NA-CATS-AH; and
- (b) accompanied by -
 - (i) the operations manual referred to in regulation 139.03.4;
 - (ii) proof of adequate funding;
 - (iii) particulars of non-compliance with, or deviation from -
 - (aa) the appropriate heliport design, operation or equipment standards prescribed in this Part; or
 - (bb) the appropriate airspace classification requirements prescribed in Part 172; and
 - (iv) the appropriate fee as prescribed in Part 187.

(2) The holder of the licence shall at least 60 days immediately preceding the date on which such licence expires, apply for the renewal of such licence.

Licence of intent

139.03.18 (1) Where a particular area has been demarcated for the

development of a heliport, the proposed holder of a heliport licence in respect of the heliport, may apply to the Director for the issuing of a licence of intent for such area.

(2) An application for the issuing of a licence of intent shall be -

(a) made to the Director in the appropriate form as prescribed in Document NA-CATS-AH; and

(b) accompanied by -

(i) full particulars of the particular area demarcated for the development of the heliport, and the location thereof;

(ii) written approval from the local authority concerned;

(iii) an environmental impact study;

(iv) written approval from all interested Government institutions;

(v) proof of adequate funding for the development of the heliport; and

(vi) the appropriate fee as prescribed in Part 187.

(3) The provisions of regulations 139.03.11 and 139.03.12(1) shall apply *mutatis mutandis* to the processing of an application for the issuing of a licence of intent.

(4) The Director may grant the application if the Director is satisfied that the development of the heliport will not jeopardise aviation safety.

(5) A licence of intent shall be issued on the appropriate form as prescribed in Document NA-CATS-AH.

(6) The licence of intent shall specify the conditions and the restrictions which the Director deems necessary in the interests of aviation safety.

(7) A licence of intent shall -

- (a) not be transferable; and
- (b) be valid for the period determined by the Director, which period shall not exceed five years, calculated from the date on which the licence of intent is issued.

General duties of holder of licence

139.03.19 (1) The holder of a heliport licence shall -

- (a) hold at least one complete and current copy of the operations manual referred to in regulation 139.03.3, at the heliport;
- (b) comply with all procedures detailed in such operations manual;
- (c) make each applicable part of such operations manual available to the personnel who require those parts to carry

out their duties; and

- (d) continue to comply with the appropriate requirements prescribed in this Part.

(2) The holder of the licence shall ensure that -

- (a) the heliport is maintained in a serviceable condition;
- (b) the heliport is kept free of unauthorised persons, vehicles or animals not under proper control, in compliance with the Civil Aviation Offences Act, 1972, and the regulations made thereunder;
- (c) all obstructions are marked as prescribed in Document NA-CATS-AH;
- (d) the Director is informed of any alterations to or obstructions or workings on the heliport;
- (e) an apparatus to show the surface direction of the wind, is installed and functions satisfactorily;
- (f) the markings as prescribed in Document NA-CATS-AH, are maintained in a conspicuous condition, readily visible to helicopters in the air or on the ground;
- (g) the accommodation and facilities offered to the public are available and in a serviceable condition;

- (h) all apparatus installed by such holder to promote safety in flight, is functioning efficiently;
 - (i) unserviceable areas on the touch-down terrain are appropriately marked as prescribed in document NA-CATS-AH;
 - (j) the Director is informed whenever a heliport becomes unserviceable through any cause or whenever any portion of the surface of the touch-down area deteriorates to such extent that the safety of a helicopter may thereby be endangered, and helicopter operations are limited to those portions of the heliport not rendered unsafe by those conditions;
 - (k) such reports on the condition of the heliport as may be required from time to time by the Director, are submitted to the Director; and
 - (l) an annual survey is carried out on the heliport for the purposes of the approval of let-down procedures by the Director.
- (3) The holder of the licence shall -
- (a) furnish the Director with the heliport financial data and the heliport traffic statistics as prescribed in Document NA-CATS-AH;

- (b) in the case of a heliport which serves helicopters used in international public air transport operations, establish a facilitation committee and compile a facilitation plan in accordance with the requirements and standards as prescribed in Document NA-CATS-AH;
- (c) be responsible for the monitoring of helicopter noise on and in the vicinity of a heliport, and the reporting of violations to the Director, in accordance with the requirements and standards as prescribed in Document NA-CATS-AH; and
- (d) when the air traffic service unit at the heliport is not in operation, be responsible for the maintenance of flying discipline on, and in the vicinity of, such heliport.

Works on heliport

139.03.20 (1) The holder of a heliport licence shall establish procedures and take precautions to ensure that any works carried out on the heliport, do not endanger any helicopter operations.

(2) The procedures to be established and precautions to be taken in terms of subregulation (1), shall be established and taken in accordance with the requirements and standards as prescribed in Document NA-CATS-AH.

Maintenance of heliport emergency management system

139.03.21 The holder of a heliport licence shall -

- (a) establish procedures to ensure that all participants to the effectiveness of the heliport emergency management system with allocated duties or responsibilities, are familiar with, and are properly trained for, their assignments;
- (b) test the effectiveness of such heliport emergency management system by -
 - (i) undertaking a full-scale heliport emergency exercise at intervals not exceeding two years; and
 - (ii) arranging special emergency exercises in the intervening year to correct any deficiencies identified during the full-scale heliport emergency exercise;
- (c) submit a comprehensive written report to the Director within 14 days from the date on which -
 - (i) a full-scale heliport emergency exercise referred to in paragraph (b)(i); or
 - (ii) a special emergency exercise referred to in paragraph (b)(ii),

has been undertaken or arranged; and

- (d) review such heliport emergency management system for

effectiveness after each of the exercises referred to in paragraph (b), as well as after an actual emergency, to address any deficiencies identified and to adapt such system for the enhancement of its efficiency.

Heliport rescue and fire fighting

139.03.22 (1) The holder of a heliport licence shall provide on the heliport the rescue and fire fighting capability which complies with the minimum requirements prescribed in regulation 139.03.7.

(2) The rescue and fire fighting capability shall be provided in accordance with the requirements and standards as prescribed in Document NA-CATS-AH.

(3) The holder of the licence may deviate from any requirement prescribed in this Subpart to the extent required to attend to an emergency arising from any aviation accident or incident which occurs on, or within a radius of 10 kilometres from, the heliport.

(4) A deviation in terms of subregulation (3) shall only be permitted -

(a) for the period during which the emergency exists; and

(b) for the sole purpose of protecting life or property.

(5) The holder of the licence shall ensure that the remainder of the rescue and fire fighting personnel and equipment will be able to attend to any possible aviation accident or incident which may occur as a result of the emergency referred to in subregulation (3) until assistance is obtained from other participants in the heliport emergency management system.

- (6) The holder of the licence who deviates in terms of subregulation (3) from any requirement prescribed in this Subpart, shall -

- (a) notify the Director immediately of the nature of the emergency and the extent of the deviation; and
- (b) submit a comprehensive report to the Director within 14 days from the date on which the emergency arose.

Maintenance of heliport environment management programme

139.03.23 The holder of a heliport licence shall maintain the heliport environment management programme referred to in regulation 139.02.10.

Heliport inspection programme

139.03.24 The holder of a heliport licence shall establish and maintain a heliport inspection programme, including -

- (a) procedures to ensure that competent heliport personnel execute the programme effectively; and
 - (b) a reporting system to ensure prompt correction of unsafe heliport conditions noted during any inspection,
- to ensure compliance with the regulations in this Subpart.

Demarcation of restricted area

139.03.25 (1) The holder of a heliport licence shall, on the heliport, demarcate

a restricted area and indicate its boundaries by means of -

- (a) markings on the surface of such heliport;
- (b) fences or obstructions or notices erected along the boundaries of such restricted area; or
- (c) a combination of such markings, fences, obstructions or notices.

(2) Subject to the provisions of subregulation (1) relating to the manner in which such boundary shall be indicated, the holder of the licence may alter any boundary or any portion of a boundary of the restricted area.

Control of entry into restricted area

139.03.26 (1) The holder of a heliport licence shall exercise control over entry into a restricted area.

(2) The control referred to in subregulation (1) shall be exercised according to the procedures and criteria approved by such holder.

(3) An authorised officer, inspector or authorised person may -

- (a) prohibit any person from entering a restricted area;
- (b) order any person to leave a restricted area immediately, whether such person has been granted permission to be within a restricted area or not.

Safety measures against fire

139.03.27 (1) The holder of a heliport licence shall establish preventative measures against possible fires on the heliport and identify a person or group of persons to maintain a fire prevention programme for the heliport and heliport buildings.

(2) If the heliport has no rescue and fire fighting service, the holder of the licence shall arrange with the local authority concerned to maintain a fire prevention programme for the heliport and to advise such holder of any dangerous conditions for rectification.

(3) The holder of the licence shall ensure that no unsafe practice is performed on the heliport or within its parameters.

(4) If unsafe practices have to be performed during any day-to-day maintenance of, or on, the heliport, the holder of the licence shall alert the rescue and fire fighting service concerned to be on standby for the duration of such practices.

Access of ground vehicles to heliport movement area

139.03.28 The holder of a heliport licence shall -

- (a) limit access to the heliport manoeuvring area of those ground vehicles which are necessary for heliport and helicopter operations;
- (b) if an air traffic service unit is in operation at the heliport, provide adequate procedures for the safe and orderly access to, and operation in the heliport manoeuvring area

of ground vehicles, in order to ensure that each ground vehicle operating in the heliport manoeuvring area is controlled by -

- (i) two-way radio communication between the vehicle and the air traffic service unit;
 - (ii) if the vehicle has no radio, an accompanying vehicle with two-way radio communication with the air traffic service unit; or
 - (iii) if it is not practical to have two-way radio communication or an escort vehicle, adequate measures including signs, signals or guards for controlling the vehicle;
- (c) if an air traffic service unit is not in operation at the heliport, provide adequate measures to ensure that ground vehicles operating in the heliport movement area are controlled by the signs, prearranged signals or standards as prescribed in Document NA-CATS-AH; and
- (d) ensure that each employee, tenant or contractor who operates a ground vehicle on any portion of the heliport which has access to the heliport movement area is familiar with, and complies with, the rules and procedures for the operation of ground vehicles as prescribed in Document NA-CATS-AH.

Protection of navigation aids

139.03.29 The holder of a heliport licence shall -

- (a) prevent any construction of facilities on the heliport which may adversely affect the operation of any electronic or visual navigation aid or air traffic service facility on such heliport;
- (b) prevent, as far as it is within the authority of the such holder, any interruption of visual or electronic signals of navigation aids; and
- (c) liaise with the local authority concerned and the Director with regard to any structure higher than the obstacle limitation surfaces on or in the vicinity of the heliport.

Heliport abandoned or not maintained

139.03.30 (1) In order that adequate warning may be given to the users of a heliport, the holder of a heliport licence shall give the Director at least 60 days written notice of its intention to discontinue the maintenance of the heliport or to abandon the heliport.

(2) If, after the expiry of the period of notice referred to in subregulation (1), a heliport is abandoned or is not being maintained in accordance with the conditions of the licence, the holder of the licence shall remove, obliterate or modify the appropriate heliport markings referred to in regulation 139.03.2.