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**GOVERNMENT NOTICE**

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**DEPARTMENT OF TRANSPORT**

No. R. 333

20 March 2009

**AVIATION ACT, 1962 (ACT NO 74 OF 1962)****THIRTY-SIXTH AMENDMENT OF THE CIVIL AVIATION REGULATIONS, 1997**

The Minister of Transport has under section 22(1) of the Aviation Act, 1962 (Act No 74 of 1962) made the regulations in the Schedule hereto.

**SCHEDULE****Definition**

1. In these regulations unless the context otherwise indicates "the Regulations" means the Civil Aviation Regulations, 1997, published by Government Notice No R.1219 of 26 September 1997 and R.1255 of 17 October 1997, as amended by Government Notice No R.1735 of 24 December 1997, Government Notice No R.1041 of 14 August 1998, Government Notice No R. 1148 of 18 September 1998, Government Notice No R. 1664 of 14 December 1998, and Government Notice No R.1701 of 31 December 1998, Government Notice No R.1702 of 31 December 1998, Government Notice No R.639 of 21 May 1999, Government Notice No R. 170 of 17 February 2000, Government Notice No R. 171 of 18 February 2000, Government Notice No R. 558 of 22 June 2001, Government Notice No R.559 of 30 August 2002, Government Notice No R.1367 of 15 November 2002, Government Notice No R.1368 of 15 November 2002, Government Notice No R.1369 of 15 November 2002, Government Notice No R.1370 of 15 November 2002, Government Notice No R.1371 of 15 November 2002, Government Notice No R.434 of 28 March 2003, Government Gazette No R.435 of 28 March 2003, Government Gazette No R.1375 of 1 October 2003, Government Gazette No R.1340 of 31 March 2004, Government Notice No R.807 dated 4 August 2006, Government Notice No R.1371 dated 28 December 2006, Government Notice No R.364 dated 26 April 2006, Government Notice No R.571 dated 13 July 2007, Government Notice No R.572 dated 13 July 2007, Government Notice No R.573 dated 13 July 2007, Government Notice No R.574 dated 13 July 2007, Government Notice No R. 1233 dated 20 December 2007, Government No R.601 dated 30 May 2008, Government Notice No R.700 dated 30 June 2008, Government Notice No R.936 dated 05 September 2008 and Government Notice No R.181 dated 20 February 2009.

**Amendment of heading of Division Four of Part 91 of the Regulations**

1. The heading of Division Four of Part 91 of the Regulations is herewith amended by the substitution of the said heading of the following heading –

**"Division Four: Specific Provisions Regarding Aircraft"**

## **Amendment of Regulation 91.06.29 of the Regulations**

2. Regulation 91.06.29 is herewith substituted for the following regulation: -

### **"Identification and Interception of Aircraft**

(1) No person shall institute in-flight surveillance against, give an interception signal in connection with or give an instruction to land to a civilian aircraft suspected to be in contravention of the Act except -

- (a) on instruction by the Minister, the Commissioner, an authorized officer or authorized person designated in terms of section 5(4) of the Act, or
- (b) if the person is a member of the South African Police Services or South African National Defence Force, acting within the course and scope of his or her duties; and
- (c) the in-flight surveillance, interception signal or instruction to land is in the public interest.

(2) The in-flight surveillance, interception signal or instruction to land must be executed in a manner that does not unduly affect aviation safety.

(3) The intercepted aircraft must follow out the instructions of the intercepting aircraft as prescribed in the Regulations.

(4) When the aircraft is intercepted, the pilot-in command must immediately establish radio contact with the intercepting aircraft on 121,5 MHz.

(5) If the intercepting aircraft cannot establish radio contact with or contact in any other practical way the intercepted aircraft, visual signals as prescribed in Document SA-CATS-OPS 91 must be used.

(6) The visual signals must be used as follows:

- (a) the intercepting aircraft shall use the second series to indicate that the intercepted aircraft may proceed if it had been intercepted for identification purposes only;
- (b) the appropriate part of the first series must be used if the aircraft is to be led away from the prohibited or restricted area, and the second series must be used to indicate that the purpose has been achieved and the aircraft is released;
- (c) if the aircraft is required to land, the appropriate part of the first series must initially be used, followed by the third series if in the vicinity of a designated landing area;
- (d) if the pilot of the intercepted aircraft considers the designated landing area to be unsuitable for the aircraft type, he or she must use the fourth series to indicate that fact;
- (e) upon the use of the fourth series by the intercepted aircraft as prescribed in paragraph (d), the intercepting aircraft must give new instructions; and
- (f) if the intercepted aircraft is in distress, the distress signals must be used, where practical".

### **Short title and commencement**

21. This Amendment is called the Thirty Sixth Amendment of the Civil Aviation Regulations, 1997, and comes into operation on the date of publication.

**NDZAWULO YA VUTLEKETLI**

No. R. 333

20 Nyenyankulu 2009

**NAWU WA VUHAHISI BYA SWIHAHAMPFHUKA, 1962 (NAWU WA 74 WA 1962)****KU CINCA KA VU 36 KA MILAWU-NTSONGO YA VUHAHISI BYA SWIHAHAMPFHUKA, 1997**

Holobye wa Ndzawulo ya Vutleketli u endlile milawu-ntsongo leyilandzelaka hi ku tirhisa xiyenga xa 22(1) xa Nawu wa Vuhahisi bya Swihahampfhuka, 1962 (Nawu wa 74 wa 1962).

**Nhlamuselo**

1. Eka milawu-ntsongo leyi "Milawu-ntsongo" swi vula Milawu-ntsongo ya Vuhahisi bya Swihahampfhuka, 1997, leyi nga humelerisiwa hi Papila ra Mfumo hi Xitiviso xa R.1219 xa 26 Ndzhati 1997 na R.1255 xa 17 Nhlangua 1997, leswi nga cinciwa hi Xitiviso xa R.1735 xa 24 N'wendzambahala 1997, Xitiviso xa R.1041 xa 14 Mhawuri 1998, Xitiviso xa R.1148 xa 18 Ndzhati 1998, Xitiviso xa R.1664 xa 14 N'wendzambahala 1998, Xitiviso xa R.1701 xa 31 N'wendzambahala 1998, Xitiviso xa R. 1702 xa 31 N'wendzambahala 1998, Xitiviso xa R.639 xa 21 Mudyaxihi 1999, Xitiviso xa R.170 xa 17 Nyenyenyani 2000, Xitiviso xa R.171 xa 18 Nyenyenyani 2000, Xitiviso xa R.558 xa 22 Khotavuxika 2001, Xitiviso xa R.559 xa 30 Mhawuri 2002, Xitiviso xa R.1367 xa 15 Hukuri 2002, Xitiviso xa R.1368 xa 15 Hukuri 2002, Xitiviso xa R.1369 xa 15 Hukuri 2002, Xitiviso xa R.1370 xa 15 Hukuri 2002, Xitiviso xa R.1371 xa 15 Hukuri 2002, Xitiviso xa R.1372 xa 15 Hukuri 2002, Xitiviso xa R.434 xa 28 Nyenyankulu 2003, Xitiviso xa R.435 xa 28 Nyenyankulu 2003, Xitiviso xa R.1375 xa 1 Nhlangua 2003, Xitiviso xa R.1340 xa 31 Nyenyankulu 2004, Xitiviso xa R.807 xa 4 Mhawuri 2006, Xitiviso xa R.1371 xa 28 N'wendzambahala 2006, Xitiviso xa R.364 xa 26 Dzivamisoko 2006, Xitiviso xa R.571 xa 13 Mawuwani 2007, Xitiviso xa R.572 xa 13 Mawuwani 2007, Xitiviso xa R.573 xa 13 Mawuwani 2007, Xitiviso xa R.574 xa 13 Mawuwani 2007, Xitiviso xa R.1233 xa 20 N'wendzambahala 2007, Xitiviso xa R.601 xa 30 Mudyaxihi 2008, Xitiviso xa R.700 xa 30 Khotavuxika 2008, Xitiviso xa R.936 xa 05 Ndzhati 2008 na Xitiviso xa R.181 xa 20 Nyenyenyani 2009.

**Ku cinca ka nhlokomhaka ya Xiyenge xa Vumune xa Ntlawa wa 91 wa Milawu-ntsongo**

1. Nhlokomhaka ya Xiyenge xa Vumune xa Ntlawa wa 91 wa Milawu-ntsongo yi ta siviwa hi nhlokomhaka leyi landzelaka –

**"Xiyenge xa Vumune: Swiringanyeto swo Tiyisisa leswi nga kongomana na Swihahampfhuka"**

**Ku cinca ka Nawu-ntsongo 91.06.29 wa Milawu-ntsongo**

2. Nawu-ntsongo 91.06.29 wu ta siviwa hi nawu-ntsongo lowu landzelaka: -

**"Ku titivisa na ku siveriwa ka Swihahampfhuka**

(1) A ku na munhu loyi a nga pfumeleriwa ku endla migingiriko ya vunhlorhi eka xihahampfhuka lexi nga riendzweni, ku nyika swikoweto swo komba ku sivela xihahampfhuka kumbe ku lerisa leswaku xihahampfhuka xi phatsama, loko xi ehleketeleriwa ku va xi tlule nawu ehandle ka loko -

- (a) a nyikiwe swileriso hi Holobye, Khomixinara, mutirhi loyi anga nyikiwa matimba yalawo kumbe munhu loyi a nyikiweke matimba yalawo hi ku landza xiyenge xa 5(4) xa Nawu, kumbe
- (b) munhu wa kona a ri xirho xa Maphorisa ya Afrika Dzonga kumbe xirho xa Masocha ya Rixaka ra Afrika Dzonga, loko va endla tano hi ku landza matirhelo ya vona ya le nawini; na
- (c) ku endla migingiriko ya vunhlorhi, swikoweto swo sivela kumbe ndzeriso wa leswaku xihahampfhuka xi phatsama swi endleriwa hi ku sirhelela kunavela ka vaakatiko.

(2) Mintirho ya vunhlorhi eka xihahampfhuka lexi nga riendzweni, ku humesa swikoweto swo xisivela kumbe ku xi lerisa ku phatsama swifanele ku endliwa hi ndlela leyi swi nga onheki vuhlayiseki bya mintirho ya swihahampfhuka.

(3) Xihahampfhuka lexi nga kombiwa swikoweto swo xisivela xi fanele ku landzela swileriso swa xihahampfhuka lexi xi xi sivelaka ku ya hilaha swivekiweke hikona eka Milawu-ntsongo.

(4) Loko xihahampfhuka xi kuma swikoweto swo xisivela, muhahisi-nkulu u fanele ku kuma vutihlanganisi bya xiyanimoya na xihahampfhuka lexi nga humesa swikoweto eka xitici xa 121,5 MHz hi xihatla.

(5) Loko xihahampfhuka lexi ng ahumesa xikoweto xi nga swikoti ku tihlanganisa na xihahampfhuka lexi siveriwaka hi xiyanimoya or maendlelo man'wana, swikoweto leswi nga eka *Document SA-CATS-OPS 91* swi fanele ku tirhisiwa.

(6) Swikoweto swi fanele ku tirhisiwa hindlela leyi landzelaka:

- (a) Xihahampfhuka lexi humesaka xikoweto xo sivela xi fanele ku tirhisa xiphemu xa vumbirhi ku kombisa leswaku xihahampfhuka lexi siveriwaka xi nga hundza loko kuri a xi siveriwe ku ri xitiveka ntsena;
- (b) xiyenge lexi nga pfumeleleka xa xiphemu xo sungula xi fanele ku tirhisiwa loko kuri xihahampfhuka xi fanele ku susiwa eka ndhawu leyi xinga pfumeleriweki kumbe leyi nga yirisiwa, naswona xiphemu xa vumbirhi xi fanele ku tirhisiwa ku kombisa leswaku leswi a va swi lava swi endlekile se xihahampfhuka xi ntshuxekile;
- (c) loko xihahampfhuka xi laveka kuri xi phatsama, ku fanele ku tirhisiwa xiyenge xa xiphemu xo sungula lexi kombaka tano xi landzela hi xiphemu xa vunharhu loko kuri kusuhi na laha ku nga endleriwa ku phatsama swihahampfhuka;
- (d) muhahisi wa xihahampfhuka lexi siveriweke u fanele ku tirhisa xiphemu xa vumune loko a vona leswaku ndhawu leyi nga endleriwa ku phatsama swihahampfhuka a yi ringanelanga muxaka wa xihahampfhuka xa yena;

- (e) endzhaku ka loko xiphemu xa vumune xi tirhisiwile tani hi laha swi vuriweke eka (d), xihahampfhuka lexi nga humesa xikoweto xo sivela xifanele ku nyika swileriso leswintshwa; naswona
- (f) loko xihahampfhuka lexi siveriwaka xi ri ekhombyeni, xi fanele ku tirhisa swikoweto swo kombisa khombo, laha swi kotekaka”.

**Vito na siku ro sungula ku tirha**

21. Ku cinca loku ku vuriwa Ku Cinca ka Vumakume Nharhu Nkombo ka Milawu-ntsongo ya Vuhahisi bya Swihahampfhuka, 1997, naswona swi sungula ku tirha hi siku leri swi humesiweke eka Papila ra Mfumo ra Switiviso.

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