

Substitution of Part 141 of the Regulations

10. The Regulations are amended by the substitution for Part 141 of the following Part:

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SUBPART 1 GENERAL**Applicability**

141.01.1 (1) This Part prescribes the requirements relating to the certification of organisations conducting -

- (a) aviation training for the issuing, re-issuing, validation or revalidation of any personnel licence or approval or rating in terms of the Regulations;
- (b) temporary aviation training for the issuing, re-issuing, or validation or revalidation of any personnel licence, approval or rating in terms of the Regulations; and
- (c) competency-based training for flight operations officer or flight dispatcher personnel.

(2) This Part does not apply to:

- (a) training for the renewal of type ratings for pilots and in-house training conducted in terms of Parts 121, 127, 135, 139, 145, 147, 148, 172, 173 and 174 of these regulations: Provided that such training is not conducted for the issuing, re-issuing, or validation or revalidation of any personnel licence or rating or for the training of flight operations officers or flight dispatch personnel, in terms of these regulations;
- (b) training conducted in the interests of aviation safety: Provided that such training or instruction is not conducted for the issuing, reissuing, validation or revalidation of any personnel licence, approval or rating in terms of the Regulations; or
- (c) training conducted by an aviation security training organisation referred to in the provisions of Part 109 of the Regulations, which training is conducted in accordance with that Part.

(3) In this Part any requirements for the issuing, renewal and re-issuing of an aviation document in terms of this Part are subject to, and must be read in conjunction with, the requirements in the Act and technical standards relating to aviation documents.

Approval of aviation training organisation

141.01.2 (1) The Executive Director may approve an applicant as an aviation training organisation, to:

- (a) conduct the aviation training for the issuing, re-issuing, validation or revalidation of any personnel licence or approval or associated rating in terms of these regulations;
- (b) implement standards for aviation training and for the training of persons conducting aviation training in terms of the Regulations;
- (c) keep all books or documents regarding to aviation training; and
- (d) liaise with the Executive Director on any matter connected with the aviation training.

(2) The holder of the aviation training organisation certificate issued in terms of this Part must perform its functions according to the requirements prescribed in Subparts 2 and 3 of this Part.

Display of aviation training organisation certificate

141.01.3 The holder of an aviation training organisation certificate issued in terms of this Part must -

- (a) display the certificate in a prominent place, generally accessible to the public at the holder's principal place of business and if a copy of the certificate is displayed, a certified copy; and
- (b) produce the certificate to an authorised officer, inspector or authorised person if so requested by such officer, inspector or the authorised person.

Advertisements

141.01.4 (1) Any advertisement by an approved ATO indicating that it is an aviation training organisation, must -

- (a) indicate the aviation training organisation certificate number issued by the Executive Director; and
- (b) contain a reference to the aviation training for which the certificate referred to in paragraph (a) was issued.

(2) An approved ATO may not make any statement, either in writing or orally, about itself that is false or is intended to mislead any person or the general public.

Safety inspections and audits

141.01.5 An applicant for the issuing of an aviation training organisation certificate must permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits -

- (a) which may be necessary to verify the validity of any application made in terms of this Part; or
- (b) to determine compliance with the appropriate requirements prescribed in this Part.

Register of certificates

141.01.6 (1) The Executive Director must keep a register of all aviation training organisation certificates issued in terms of the Regulations in this Part.

(2) The register referred to in subregulation (1) forms part of the Civil Aviation Registry established under section 52 of the Act and must contain the following particulars:

- (a) the full name of the holder of the certificate;
- (b) the postal address of the holder of the certificate;
- (c) the date on which the certificate was issued or re issued;
- (d) particulars of the scope of the certificate issued to the holder of the certificate; and
- (e) the base location of the holder of the certificate.

(3) The Executive Director must record or ensure the recording of particulars referred to in subregulation (2) within seven days of issuing an aviation training organisation certificate to the applicant, in the aviation training organisation register.

(4) The Executive Director must keep the register referred to in subregulation (1) in the Civil Aviation Registry at the offices of the Authority.

(5) The Executive Director must provide access to the particulars referred to in subregulation (2) in accordance with the provisions of section 52 of the Act.

SUBPART 2: CERTIFICATION OF AVIATION TRAINING ORGANISATIONS

Requirements for certificate

141.02.1 (1) Aviation training organisation certificates are aviation documents for the purpose of the Act.

(2) A person may not conduct aviation training specified in regulation 141.01.1 except with an aviation training organisation certificate issued in accordance with this Part.

Training and procedures manual

141.02.2 (1) The approved ATO must provide training and procedures manual for the use and guidance of its personnel and the manual must contain at least the following information:

- (a) a general description of the scope of training authorised under the aviation training organisation's terms of approval;
- (b) the contents of the training programmes and examination programmes offered, including the courses and equipment to be used;
- (c) a description of the organisation's quality assurance system in accordance with regulation 141.02.3;
- (d) a description of the organisation's facilities, including its principle base and any satellite bases;
- (e) the name, duties and qualifications of the person designated as responsible for compliance with the requirements of the certificate in paragraph (a) of subregulation (1) or regulation 141.02.5;
- (f) a description of the duties and qualifications of the personnel designated as responsible for planning, performing and supervising the aviation training;
- (g) a description of the procedures used to establish and maintain the competence of personnel;
- (h) a description of the method used for the completion and retention of the training records required by regulation 141.02.14;
- (i) a description, when applicable, of additional training needed to comply with an operator's procedures and requirements;

- (j) a description of the selection, role and duties of the personnel; and
 - (k) a description of the procedures for the testing centres, if the Executive Director has authorised an aviation training organisation to conduct the testing required for the issuing, reissuing, validation or revalidation of a personnel licence, approval or rating.
 - (l) The holder of the aviation training organisation certificate must ensure that the training and procedures manual referred to in subregulation (1) is amended as necessary to keep the information contained in the training and procedures manual up to date.
- (2) The approved aviation training organisation must ensure that copies of all amendments to the training and procedures manual is provided to all persons to whom the manual has initially been issued to.
- (3) The approved aviation training organisation must comply with the guidelines for the content of the training and procedures manual set out in Document NAM-CATS-ATO 141.
- (4) The contents of the training and procedures manual must contain the elements set out in Document NAM-CATS-ATO 141, to the extent appropriate to the type of aviation training to be provided by the approved aviation training organisation.

Quality management system

- 141.02.3** (1) The approved ATO must establish a quality management system, acceptable to the Executive Director which complies with all requirements set out in Document NAM-CATS-ATO 141.
- (2) The minimum standards for a quality management system are set out in Document NAM-CATS-ATO 141.

Safety management system

- 141.02.4** An approved ATO that is exposed to safety risks during the exercise of its functions must establish a safety management system as prescribed by Part 140 of the Regulations.

Personnel requirements

- 141.02.5** (1) The applicant for aviation training organisation certificate must employ or contract a senior person, to be identified as the chief executive office, to be the accountable manager and compliance officer of the organisation.
- (2) The accountable manager and compliance officer must ensure that the approved aviation training organisation complies with the requirements of this Part and must:
- (a) be vested with contractual authority to ensure that every activity undertaken by the organisation is sufficiently financed, has sufficient human resources and is carried out in order to meet the applicable operational requirements;
 - (b) be vested with the following powers and duties in respect of compliance with such requirements:

- (i) and must have unrestricted access to work performed or activities undertaken by all other persons employed by, or contracted to, the organisation;
 - (ii) and must have full rights of consultation with any person referred to in subparagraph (i) in respect of such compliance by him or her;
 - (iii) and must have powers to order corrective action in respect of any activity or the cessation of any activity where such compliance has not been effected;
 - (c) establish liaison mechanisms with the Executive Director with a view to ascertaining acceptable means of compliance with the requirements of this regulation, and interpretations of such requirements by the Executive Director and to facilitate liaison between the Executive Director and the organisation; and
 - (d) have powers to report directly to the management of the organisation regarding his or her investigations and consultations generally, and in cases contemplated in subparagraph (b), and with regard to the results of the liaison contemplated in subparagraph (c).
- (3) The applicant for an aviation training organisation certificate must nominate, employ or contract:
- (a) a competent person who is responsible for the quality management system and who has direct access to the accountable manager and compliance officer referred to in subregulation (1) on matters affecting airworthiness and quality;
 - (b) a competent person who is responsible for the safety management system, and who has direct access to the accountable manager and compliance officer referred to in subregulation (1) on matters affecting aviation safety;
 - (c) a competent person who is responsible for controlling maintenance activities of the organisation's aircraft, if applicable; and
 - (d) adequate personnel to plan conduct and supervise the aviation training and examination covered by the application.
- (4) The Executive Director must approve the personnel appointed in terms of the provisions of this regulation with regard to the requirements of section 68 and 69 of the Act.
- (5) The approved ATO must establish a procedure acceptable to the Executive Director for assessing and maintaining the competence of personnel involved in planning, conducting or supervising the aviation training covered by the application.
- (6) The approved ATO must ensure that the personnel responsible for training or assessing students have a combination of competence and experience adequate for the level of competence required by the Executive Director for such training or assessment.
- (7) The approved ATO must ensure that all instructional and examination personnel receive initial and recurrent training appropriate to their assigned tasks and responsibilities.
- (8) The training programme established by the approved ATO must include training in knowledge and skills related to human performance.

Accommodation, facilities and equipment

141.02.6 (1) The approved ATO must ensure that the facilities and working environment are appropriate for the aviation training to be performed and are acceptable to the Executive Director.

(2) The approved ATO must ensure that it has, or has access to, the necessary information, equipment, approved FSTD and material to conduct the aviation training for which certification is sought as set out in Document NAM-CATS 141.

(3) Where applicable, any FSTD must be qualified according to requirements established by the Executive Director as set out in Document NAM-CATS 141.

(4) The use of the FSTD must be approved by the Executive Director to ensure that it is appropriate and limited to the training to be provided by the approved ATO.

Application for certification to conduct aviation training and amendment of training programme

141.02.7 The applicant for an aviation training organisation certificate or for the approval or amendment of a training programme, must:

- (a) follow the certification or amendment process set out in Document NAM-CATS 141 for aviation training organisations and training programme approval or both; and
- (b) ensure that the application is accompanied by the appropriate fee as prescribed in Part 187.

Issuing of aviation training organisation certificate

141.02.8 (1) The Executive Director must issue an aviation training organisation certificate to the applicant, if:

- (a) the applicant complies with the requirements prescribed in this Part;
- (b) the Executive Director determines that key personnel prescribed in regulation 141.02.5 are determined to be fit and proper persons, and
- (c) the granting of the certificate is not contrary to the interests of aviation safety.

(2) The Executive Director must issue the aviation training organisation certificate in the appropriate form determined by the Executive Director.

(3) The aviation training organisation certificate must contain at least the following:

- (a) the organisation's name and location;
- (b) the date of issue and period of validity;
- (c) the terms of certification; and
- (d) the organisation's certificate number.

Scope of certificate

141.02.9 An aviation training organisation certificate must specify the aviation training which the holder of the certificate is entitled to conduct.

Period of validity

141.02.10 (1) An aviation training organisation certificate is valid for the period determined by the Executive Director, which period not exceeding two years, calculated from the date of issuing.

(2) The aviation training organisation certificate remains in force until it expires or is suspended or revoked in terms of the Act.

(3) The holder of aviation training organisation certificate must at least 60 days prior to the expiry of the certificate apply to the Executive Director for the renewal of the certificate.

(4) If the holder of an aviation training organisation certificate applies in terms of subregulation (3) for the renewal of the certificate, the existing certificate remains valid until the Executive Director issues another certificate.

(5) The holder of an aviation training organisation certificate which expires or is revoked in terms of the Act, must immediately surrender the certificate to the Executive Director.

(6) The holder of an aviation training organisation certificate which is suspended in terms of the Act must immediately produce the certificate upon suspension to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

Transferability

141.02.11 (1) An aviation training organisation certificate is not transferable.

(2) A change in ownership of the holder of a certificate to conduct aviation training is deemed to be a change of significance referred to in regulation 141.02.12.

Changes in quality assurance system

141.02.12 (1) If the holder of an aviation training organisation certificate intends to make any significant change, in the quality assurance system referred to in regulation 141.02.3, including:

- (a) the name of the organisation;
- (b) the identity of the accountable manager, safety manager and compliance officer;
- (c) the identity of the person referred to in paragraph (b) of subregulation (1) of regulation 141.02.5; or
- (d) the scope of the certificate,

the holder must apply to the Executive Director for the approval of such change.

(2) The Executive Director may approve the application change in the quality assurance system in terms of subregulation (1), if the applicant satisfies the Executive Director that it will continue to comply with the provisions of regulations 141.02.1 to 141.02.6, after the implementation of such change.

Renewal of certificate

141.02.13 (1) An application for the renewal of an aviation training organisation certificate must be:

- (a) made to the Executive Director in the appropriate form determined by the Executive Director; and
- (b) be accompanied by -
 - (i) the appropriate fee as prescribed in Part 187; and
 - (ii) the training and procedures manual referred to in regulation 141.02.2.

(2) The holder of the approved aviation training certificate must at least 60 days immediately preceding the date on which such certificate expires, apply for the renewal of such certificate.

Duties of holder of certificate

141.02.14 The holder of approved aviation training certificate must:

- (a) keep at least one complete and current copy of its training and procedures manual referred to in regulation 141.02.2 at each training facility specified in the training and procedures manual;
- (b) comply with all procedures detailed in the training and procedures manual;
- (c) make each applicable part of the training and procedures manual available to the personnel who require those parts to perform their functions; and
- (d) continue to comply with the appropriate requirements prescribed in this Part.

Documents and records

141.02.15 (1) The holder of aviation training organisation certificate must:

- (a) retain detailed student records to show that all requirements of all the training presented under the organisation's certificate have been met as approved by the Executive Director; and
- (b) establish procedures to control the documents referred to in paragraph (a).

(2) The holder of the aviation training organisation certificate must establish procedures for control of all documents used by the organisation and must ensure that -

- (a) all documents are reviewed and authorised by the appropriate personnel before the issuing of the aviation training certificate by the Executive Director;

- (b) current issues of all relevant documents are available to those personnel involved in planning, conducting or supervising the specified aviation training undertaken by the holder of the certificate;
 - (c) all obsolete documents are no longer used and are promptly removed from all points; and
 - (d) changes to documents are reviewed and authorised by the appropriate personnel.
- (3) The holder of the aviation training certificate must establish procedures to identify, collect, index, store and maintain all records which may be necessary:
- (a) for the specified aviation training conducted by such holder;
 - (b) to determine compliance with the appropriate requirements prescribed in this Subpart.
- (4) The procedures referred to in subregulation (3) must be designed to ensure that:
- (a) a record is kept of each quality assurance review of the holder of the approved aviation training certificate;
 - (b) a record is kept of each person who conducts the specified aviation training, including particulars of the competence assessments and experience of each such person;
 - (c) a record is kept of each student being trained or assessed by the holder of the certificate, including particulars of enrolment, attendance, modules, instructor comments and any flight or similar practical sessions and assessments of each such student;
 - (d) all records are legible; and
 - (e) all records are kept for a period of at least five years calculated from the date of the last entry made in such records.
- (5) The holder of the aviation training organisation certificate must establish and maintain a system for recording the qualifications and training of instructional and examining staff and records retained in terms of this system must be retained for at least five years after the instructor or examiner ceases to perform a function at the training organisation.
- (6) An aviation training organisation conducting training on behalf of a holder of an operations certificate or other similar certificate issued in terms of the Regulations must ensure that all training documents used reflect, and are specific to, the current operating procedures, quality assurance and safety programme of such holder.

Training programmes

141.02.16 (1) The Executive Director may approve a training programme that allows an alternative means of compliance with the experience requirements determined in terms of Parts 61, 63, 64, 65 or 66 of the Regulations: Provided that the approved ATO demonstrates to the satisfaction of the Executive Director that the training provides a level of competency at least equivalent to that provided by the minimum experience requirements.

(2) Based on international best practice or other safety requirements, the Executive Director may in terms of the Regulations or technical standards issue additional requirements for training programmes referred to in subregulation (1) in addition to or higher than those set out in Document NAM-CATS 141 or in the applicable syllabi prescribed in Parts 61, 62, 63, 64, 65 or 66 of the Regulations.

(3) If the Executive Director establishes a criteria or a syllabus with associated requirements for any programme referred to in subregulation (2), the Executive Director may by written notice to the holder of the certificate, and after giving the holder an opportunity to be heard

- (a) revoke the certificate; or
- (b) suspend the certificate for a specified time, until the holder complies with the specified requirements within the time specified in the notice.

Oversight

141.02.17 The Executive Director must maintain an effective oversight of the programme referred to in regulation 141.02.16 to ensure continuing compliance with the requirements of the aviation training organisation certificate.

Evaluation and checking

141.02.18 If the Executive Director authorises an approved ATO to conduct the testing required for the issuing of a licence, approval or rating, the testing must be conducted by personnel authorised by the Executive Director or appointed by the approved ATO and designated by the Executive Director in accordance with the Subpart 32 of Part 61.

SUBPART 3: CERTIFICATION OF ORGANISATION (TEMPORARY AVIATION TRAINING)

Requirements for certificate to conduct temporary aviation training

141.03.1 (1) A person may not conduct temporary aviation training except under the authority of, and in accordance with the provisions of, an aviation training organisation certificate issued under this Subpart.

(2) An applicant for an aviation training organisation certificate to conduct temporary aviation training, must:

- (a) employ or contract adequate personnel to plan, conduct and supervise the temporary aviation training covered by the application;
- (b) ensure that the personnel responsible for conducting the temporary aviation training, have a combination of competence and experience adequate for the level of competence required for such training;
- (c) ensure that the facilities and resources are adequate to enable the personnel to conduct such temporary aviation training; and
- (d) have documented procedures for conducting such temporary aviation training.

Application for certificate to conduct temporary aviation training

141.03.2 An application for the issuing of an aviation training organisation certificate to conduct temporary aviation training must be:

- (a) made to the Executive Director in the appropriate form determined the Executive Director; and
- (b) accompanied by:
 - (i) the appropriate fee as prescribed in Part 187; and
 - (ii) proof of compliance with the requirements prescribed in regulation 141.03.1.

Issuing of certificate to conduct temporary aviation training

141.03.3 (1) The Executive Director must issue an aviation training organisation certificate to conduct temporary aviation training, if:

- (a) the applicant complies with the requirements prescribed in regulation 141.03.1;
- (b) key personnel prescribed in regulation 141.02.5 is determined to be fit and proper persons; and
- (c) the issue if the certificate is not contrary to the interests of aviation safety.

(2) The Executive Director must issue the aviation training organisation certificate to conduct temporary aviation training on the appropriate form determined by the Executive Director.

Scope of certificate to conduct temporary aviation training

141.03.4 An aviation training organisation certificate to conduct temporary aviation training must specify the temporary aviation training and the conditions subject to which the holder of the certificate is entitled to conduct such training.

Period of validity of certificate to conduct temporary aviation training

141.03.5 (1) An aviation training organisation certificate to conduct temporary aviation training is valid for the period required to conduct the specified temporary aviation training, which period may not exceed 6 months.

(2) The certificate referred to in subregulation (1) remains in force until it expires or is or is suspended or revoked in terms of the Act.

(3) The holder of a certificate to conduct temporary aviation training which expires or which is revoked must immediately surrender the certificate to the Executive Director.

(4) The holder of a certificate referred to in subregulation (1) which is suspended must immediately produce the certificate upon suspension of the certificate to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

Transferability of certificate to conduct temporary aviation training

141.03.6 An aviation training organisation certificate to conduct temporary aviation training is not transferable.

Duties of holder of certificate to conduct temporary aviation training

141.03.7 The holder of an aviation training organisation certificate to conduct temporary aviation training must:

- (a) continue to comply with the appropriate requirements prescribed in this Part;
 - (b) keep documents and records as set out in regulation 141.02.15 and Document NAM-CATS 141.”.
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