

PART 44: MAINTENANCE RULES – NON-TYPE CERTIFICATED AIRCRAFT

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SUBPART 1: GENERAL

Falsification, reproduction or alteration of maintenance documents

44.01.1 No person shall make or cause to be made –

- (a) any fraudulent or false entry in any record, which is required to be made, kept or used to show compliance with any requirements prescribed in this Part.
- (b) any reproduction or alteration for fraudulent purposes, of any record or report made in terms of the provisions of this Part.

Logbooks

44.01.2 (1) Subject to the provisions of sub-regulation (2), the following logbooks shall be kept in respect of South African registered non-type certificated aircraft and other specified equipment for the purpose of recording therein the maintenance history of the equipment to which each relates:

- (a) a single approved aircraft logbook. The logbook may also be used as the engine, propeller and airframe logbook; or
- (b) an approved logbook for –
 - (i) the aircraft airframe.
 - (ii) the engine(s), one logbook per engine.
 - (iii) the propeller(s), one logbook per propeller. In the case of a fixed pitch propeller the airframe logbook may be used as the propeller logbook.
- (c) In the event that existing logbooks in accordance with paragraph (b), above, have been used, then the logbooks in accordance with paragraph (b), above, shall continue to be used.

(2) Certain non-type certificated aircraft have been exempted from the provisions of sub-regulation (1) in terms of regulation 94.03.2.

(3)(a) Logbooks shall not be kept in the aircraft under any circumstances.

(b) It is the owner's responsibility to keep the logbooks in a safe place.

(4) All logbooks to be kept and maintained in terms of the preceding sub-regulations shall be made available to an authorised officer, an inspector or an authorised person at all times for inspection.

(5) For an aircraft with an approved separate system as specified in its accepted maintenance schedule, for the purposes of component and major repair tracking, the logbook(s) must refer to this system and must meet the requirements as prescribed for logbooks.

(6) The format of the logbook(s) shall be as prescribed in Document SA-CATS 44.

(7) The logbook(s) required to be kept in accordance with this regulation shall be preserved for a period of not less than six months from the date of destruction of the airframe, engine or propeller for which they were kept: Provided that the Director, or the organisation designated for the purpose in terms of Part 149, as the case may be, may prescribe a longer period in respect of the logbooks of an aircraft, its engine(s) or propeller(s) involved in an accident or incident.

(8) Logbook(s) shall not be carried in the aircraft to which they relate. In the case where logbook(s) are needed for maintenance purposes and no other means of forwarding such logbook(s) are reasonably available, the logbook(s) are to be carried in the relevant aircraft.

(9) Entries in the logbook(s) required to be kept in accordance with sub-regulation (1) shall be effected and signed by an appropriately rated approved AMO, AME or Approved Person, rated in accordance with Subpart 4 of Part 66.

(10) The logbook(s) referred to in sub-regulation (1) shall be kept up to date and maintained in a legible and permanent manner and in accordance with the instructions for use as prescribed in Document SA-CATS 44.

Loss of logbooks

44.01.3 (1) When the registered owner of an aircraft reports the loss of a logbook currently in use, a request to open a substitute logbook shall be made in writing to the Director, or the organisation designated for the purpose in terms of Part 149, as the case may be, accompanied by an affidavit which includes the last available logbook entries as signed by an appropriately rated approved AMO, AME or Approved Person, rated in accordance with Subpart 4 of Part 66.

(2) Once the opening of a new logbook has been approved, the relevant authorisation shall be made a permanent part of that logbook.

(3) The procedure to be followed for the opening of a substitute logbook is prescribed in SA-CATS 44.

(4) When a logbook has been lost, the authority to fly shall be considered invalid until such time that all the requirements for the opening of a substitute logbook have been met.

Persons to carry out maintenance

44.01.4 (1) A person may carry out maintenance on an amateur built aircraft or a production-built non-type certificated aircraft, or any component thereof, if such person –

- (a) is appropriately rated or approved on type by the Director or the organisation designated for the purpose in terms of Part 149, as the case may be, to carry out maintenance; or
- (b) carries out the maintenance under the prescribed supervision of a person authorised by the Director or by the organisation referred to in paragraph (a). A dual check of the maintenance carried out must be performed by a person referred to in sub-paragraph (a); or
- (c) is the owner of the aircraft provided that an appropriately rated approved AMO, AME or Approved Person, rated in accordance with Subpart 4 of Part 66, performs a dual check on the maintenance which was carried out; or
- (d) is an appropriately rated approved AMO, AME or Approved Person, rated in accordance with Subpart 4 of Part 66.

(2)(a) Components and parts intended to be used on non-type certificated aircraft may be fabricated by a person or organisation not licensed in terms of Part 66 or Part 145.

(b) The owner of the aircraft must provide the Director, or the organisation designated for the purpose in terms of Part 149, as the case may be, with evidence that the components or parts meet the minimum specification for the component or part as specified by the Original Equipment Manufacturer.

(c) An appropriately rated approved AMO, AME or Approved Person, rated in accordance with Subpart 4 of Part 66 shall sign off the component or part in the appropriate logbook.

Rectification of unsatisfactory items

44.01.5 (1) When during maintenance or at any other time any part, product, component, equipment or item is found to be unserviceable or is unlikely to remain serviceable under normal operating conditions during the period preceding the next inspection, such rectification action as considered necessary shall be taken to ensure the continued serviceability of the part, component or item prior to releasing the aircraft to service.

(2) Any maintenance carried out to restore the serviceability of any part, component, equipment or item shall be clearly recorded in the relevant logbook.

(3) For the case when an unsatisfactory item cannot be rectified an entry shall be made into the relevant logbook by an appropriately rated approved AMO, AME or Approved Person, rated in accordance with Subpart 4 of Part 66, stating any limits to the serviceability of the aircraft.

Annual inspections

44.01.6 (1) A non-type certificated aircraft, specified in regulation 24.01.1(1) and classified in paragraphs (a) to (g) of regulation 24.01.1(2) shall undergo an annual inspection no later than 365 days since the previous annual inspection, or an inspection equivalent to an annual inspection, was carried out.

(2) The items to be inspected as part of an annual inspection are those listed in Document SA-CATS 44 for the particular type of aircraft, and shall be incorporated in the Accepted Maintenance Schedule.

(3) The annual inspection shall be recorded in the aircraft logbook and certified by the organisation or person by whom, or under whose prescribed supervision, the annual inspection was carried out.

(4) Within 30 days from the day that the annual inspection is completed, the annual inspection form, as prescribed in Document SA-CATS 44, shall be completed and forwarded to the Director or the organisation designated for the purpose in terms of Part 149, as the case may be, together with the currency fee prescribed in regulation 24.02.8.

(5) The inspection, prior to the issue of a proving flight authority and the inspection prior to the issue or reissuing of an authority to fly of an amateur-built or production-built aircraft, referred to in regulation 24.02.2(5)(d), shall be carried out by an appropriately rated Approved Person who may not be the owner of the aircraft, even if the owner is also an appropriately rated Approved Person.

Periodic and other inspections

44.01.7 (1) In addition to the annual inspection, referred to in regulation 44.01.6, the Director or the organisation designated for the purpose in terms of Part 149, as the case may be, may prescribe additional periodic inspections for non-type certificated aircraft depending on the type of aircraft and its intended use.

(2) A schedule, reflecting the periodic inspections prescribed in sub-regulation (1) shall be incorporated in the Accepted Maintenance Schedule, referred to in regulation 44.02.1 or regulation 44.03.1, as applicable.

(3) In addition to the periodic inspections, referred to in sub-regulation (1), the Director or the organisation designated for the purpose in terms of Part 149, as the case may be, may prescribe any additional inspection of a non-type certificated aircraft if considered necessary in the interest of safety. The format of this prescription will be in the form of a Mandatory Airworthiness Notice.

Mandatory maintenance and inspections

44.01.8 All special inspections and modifications prescribed by the Director or the organisation designated for the purpose in terms of Part 149, as the case may be, to detect and correct an unsafe condition of a non-type certificated aircraft shall be considered mandatory.

Mass and balance

44.01.9 (1) Except with the written permission of the Director or the organisation designated for the purpose in terms of Part 149, as the case may be, no person may operate a South African non-type certificated aircraft unless its current empty mass has been established by means of a suitable mass meter and its centre of gravity computed within the preceding five years as prescribed in Document SA-CATS 44.

(2)(a) The empty mass and centre of gravity of an aircraft shall be determined before any proving flight authorization will be issued by the Director or the organisation designated for the purpose in terms of Part 149, as the case may be.

(b) The mass and centre of gravity data must be signed by an appropriately rated approved AMO, AME or Approved Person, rated in accordance with Subpart 4 of Part 66.

(c) The appropriate form is prescribed by the Director.

(3) The person who was responsible for establishing the mass and the computing of the centre of gravity of the aircraft shall make an appropriate entry in the airframe logbook of the aircraft concerned.

Modifications

44.01.10 (1) A person may carry out any modifications, including changes to equipment or the installation thereof, which affect, or are likely to affect, the serviceability of the aircraft, or the safety of its occupants or any other persons or property. In the case of-

(a) a minor modification, as defined in Part 1, to –

(i) an amateur built aircraft, a notification of the modification must be submitted to the Director, or the organisation designated for the purpose in

terms of Part 149, as the case may be, once the modification has been performed.

- (ii) a production built aircraft, a notification of the modification must be submitted to the Director or the organisation designated for the purpose in terms of Part 149, as the case may be, within 30 days of the modification being performed. All subsequent modifications shall be an amendment to the build standard.
- (b) a major modification, as defined in Part 1, to amateur built and production built aircraft, an application for the approval of the modification and authority to fly, as prescribed in Document SA-CATS 44, must be submitted to the Director or the organisation designated for the purpose in terms of Part 149, as the case may be, before the modification has been performed.

(2) The application as specified in sub-regulation (1) must be accompanied by the appropriate fee as described in Part 187.

(3) All approved modifications shall be entered into the appropriate logbook(s).

(4) An appropriately rated approved AMO, AME or Approved Person, rated in accordance with Subpart 4 of Part 66 shall sign in the appropriate logbook(s) that all procedures, as stated in the application for modification, were adhered to and that he or she is satisfied with the quality of the work which was carried out.

Test flights

44.01.11 (1) After any major repair or major modification to an aircraft, which may affect the flight characteristics, serviceability or safety, test flights shall, if required by the Director or the organisation designated for the purpose in terms of Part 149, as the case may be, be carried out in the aircraft under such conditions and in the manner as prescribed in the Document SA-CATS 44.

(2) Only essential crew, as required for the purpose, shall be carried aboard any aircraft undergoing a test flight

Aircraft compass requirements

44.01.12 (1) Any compass fitted to a non-type certificated aircraft shall be swung and maintained in accordance with the requirements as prescribed in Document SA-CATS 44.

(2) Notwithstanding sub-regulation (1), alternate means of direction indication may be installed in non-type certificated aircraft according to regulation 44.01.10.

(3) Maintenance for all direction indication equipment must be carried out initially and thereafter every 5 years and in the event of an equipment modification which could affect it, as prescribed in Document SA-CATS 44.

Release to Service

44.01.13 (1) The release to service for an aircraft shall be issued subject to the compliance with the Accepted Maintenance Schedule as prescribed in regulation 44.02.1 or 44.03.1, as applicable.

(2) In the case of a non-type certificated aircraft operated in terms of –

- (a) Part 94, the release to service shall be confirmed by the aircraft owner following simple line maintenance or the annual inspection.
- (b) Part 96 or Part 141, the release to service shall be issued by an appropriately rated approved AMO, AME or Approved Person, rated in accordance with Subpart 4 of Part 66.

(3) The format for the issuing of the release to service shall be that as described by the Director.

Record keeping and audits

44.01.14 (1) Unless specifically exempted in terms of Part 94, the owner of a non-type certificated aircraft, classified in paragraphs (a) to (g) of regulation 24.01.01(2), shall maintain accurate maintenance records in accordance with sub-regulation (3) and as prescribed in Document SA-CATS 44.

(2) The Director or the organisation designated for the purpose in terms of Part 149, as the case may be, may from time to time carry out audits of the equipment, records and procedures to ascertain whether the aircraft continues to be maintained in a safe and satisfactory manner, and the owner shall allow unrestricted access thereto.

(3) A person who carries out maintenance on a non-type certificated aircraft or aircraft component shall record, on completion of the maintenance all details as specified in the Document SA-CATS 44.

Entries of special significance

44.01.15 When repairs to an aircraft, aircraft engine or component or fixed or removable equipment were required in consequence either of damage caused by an irregular occurrence other than an accident, the entry or entries made in the relevant logbook(s) in respect of such repairs shall state that they were so required and shall identify the irregular occurrence in question.

Overhaul, repair and substitution of major components

44.01.16 (1) Overhaul of a Class I or Class II product and repairs to the primary structure of an aircraft, its engine(s) or propeller(s) shall be signed out by an appropriately rated approved AMO, AME or Approved Person, in terms of Subpart 4 of Part 66.

(2) The procedure for the reissuing of a proving flight authority or authority to fly deemed suspended when an aircraft is involved in an accident that renders one or more Class I products defective is prescribed in Document SA-CATS 44.

(3) Where the manufacturer's instruction or recommendation has not been complied with, such components or equipment must be overhauled as and when their condition shows that it is necessary to keep the aircraft serviceable.

(4)(a) In the case of an aircraft operated in terms of Part 94, a component or part may be fitted to an aircraft for which traceable records are not available.

(b) It shall be the responsibility of the appropriately rated approved AMO, AME or Approved Person, in terms of Subpart 4 of Part 66, to ensure that the component or part is acceptable in fit, form and function.

(5) Notwithstanding the provisions of sub-regulation (2), non-type certificated aircraft operated under Part 96 or Part 141 –

(a) where the Director or the organisation designated for the purpose in terms of Part 149, as the case may be, has approved a time between overhauls that differs from that recommended or specified by the manufacturer, such time between overhauls shall be specified in the aircraft's accepted maintenance schedule, referred to in regulation 44.03.1. Furthermore, where a manufacturer has not recommended or specified the overhaul of an item at certain times but where the Director or the organisation designated for the purpose in terms of Part 149, as the case may be, considers its overhaul at certain intervals necessary in the interest of safety, he or she may prescribe a time between overhauls for such item in the aircraft's accepted maintenance schedule;

(b) the requirements for the substitution of products, components and parts with new or overhauled items are those prescribed in Document SA-CATS-NTCA;

(c) no part may be fitted to an aircraft for which traceable records are not available. It shall be the responsibility of the appropriately rated approved AMO, AME or Approved Person, in terms of Subpart 4 of Part 66, to ensure that any part received comes from a reliable source and is serviceable, and that the storage limitations have not been exceeded. Substitutions must be certified by the holder of an appropriately rated licence or authorisation.

Temporary and permanent repairs after accidents

44.01.17(1) Any repair to an aircraft or aircraft component, which has been damaged after an accident, shall be carried out in accordance with the requirements as prescribed in Document SA-CATS 44.

(2) Following the permanent repair of an aircraft that has been involved in an accident, as defined in paragraph (b) of the definition of 'accident' in Part 1, the aircraft shall meet requirements for the initial authority to fly.

SUBPART 2: PRIVATE NON-TYPE CERTIFICATED AIRCRAFT USE

Accepted Maintenance Schedule

44.02.1 (1) The owner of a non-type certificated aircraft for which a authority to fly is required in terms of these regulations shall submit to the Director, or the organisation designated for the purpose in terms of Part 149, as the case may be, for acceptance a Maintenance Schedule or document similar to Annex A in Document SA-CATS 44, for the aircraft.

(2) A non-type certificated aircraft, specified in regulation 24.01.1(1) and classified in the paragraphs (a) to (j) of regulation 24.01.1(2), shall be maintained in accordance with its Accepted Maintenance Schedule in such a manner that it is airworthy at the commencement of any flight.

(3)(a) Any non-type certificated aircraft, other than those referred to in sub-regulation (1) above, shall be maintained by or on behalf of its owner in such a manner that it is airworthy at the commencement of any flight.

(b) Where the aircraft manufacturer or any approved organisation has issued maintenance instructions or guidelines, these instructions or guidelines, should be adhered to.

SUBPART 3: COMMERCIAL NON-TYPE CERTIFICATED AIRCRAFT USE

Accepted Maintenance Schedule

44.03.1 (1) The owner of a non-type certificated aircraft for which an authority to fly is required in terms of these regulations shall submit to the Director or the organisation designated for the purpose in terms of Part 149, as the case may be, for acceptance a Maintenance Schedule or document similar to Annex A in Document SA-CATS 44, for the aircraft.

(2) A non-type certificated aircraft, specified in regulation 24.01.1(1) and classified in paragraphs (a) to (j) of regulation 24.01.1(2), shall be maintained in accordance with its Accepted Maintenance Schedule in such a manner that it is airworthy at the commencement of any flight.

(3) In the event that the aircraft is operated under Part 96, the Accepted Maintenance Schedule, referred to in sub-regulation (1) shall –

- (a) prescribe the ratings of an appropriately rated approved AMO, AME or Approved Person, rated in accordance with Subpart 4 of Part 66.
- (b) specify any special conditions under which maintenance shall be carried out; and
- (c) be in the format prescribed by the Director.

(4)(a) Any non-type certificated aircraft, other than those referred to in sub-regulation (1) above, shall be maintained by or on behalf of its owner in such a manner that it is airworthy at the commencement of any flight.

(b) Where the aircraft manufacturer or any approved organisation has issued maintenance instructions or guidelines, these instructions or guidelines shall be adhered to.

Maintenance control manual

44.03.2 Where an owner or operator is required in terms of Part 96 to maintain an operations manual, the latter shall include a maintenance control manual in the format as prescribed in Document SA-CATS 44.