



**SOUTH AFRICAN POWER FLYING ASSOCIATION  
PO Box 1993, Halfway House, 1685**

The Chairperson  
CARCOM  
Private Bag X08  
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0145

9 February 2003

Attention:  
Mr Kim Gorringe  
Mr Herman Wildenboer

Dear Sirs

**Proposed Amendments to the Civil Aviation Regulations, 1997 - Part 91**

The South African Power Flying Association (SAPFA) is the section of the Aero Club of South Africa representing general aviation pilots. In this capacity we have set out below comments relating to the proposed changes to Part 91 of the Flight Crew Licensing regulations. In addition to obtaining opinions from our members we have also canvassed the opinions of pilots in general aviation who are not our members. The comments reflect the opinions we have obtained.

**The current regulation is as follows :**

**Additional equipment for single-pilot operation in accordance with IFR**

**91.04.6** No owner or operator of an aircraft shall conduct single-pilot IFR operations in the aircraft unless such aircraft has been certificated for such operations and is equipped with -

- (a) a stability augmentation or automatic flight control system with at least altitude hold and heading mode; and
- (b) a headset with boom microphone or equivalent and a transmit button on the control wheel, joy stick or cyclic stick.

The proposed regulation reads as follows:

**Additional equipment for single-pilot operation in accordance with IFR or at night**

**91.04.6 (1)** No owner or operator of an aircraft shall conduct single-pilot operations in an aircraft under IMC or at night unless:

- (c) if the aircraft is flown at night under visual meteorological conditions, such aircraft is fitted with –
  - (i) in the case of aeroplanes , a serviceable automatic flight control system with at least altitude hold and heading mode; or
  - (ii) in the case of helicopters, a serviceable stability augmentation system.

**Our comments**

The words “or at night” added in the heading of the regulation as well as in sub-paragraph (c) have now made the auto-pilot/stability system compulsory for all VFR flights at night. Please note that in our comments below we have used the words “auto pilot” to cover both a serviceable stability augmentation system in the case of helicopters and a serviceable automatic flight control system with at least altitude hold and heading mode in the case of aeroplanes.

If one reads the motivation provided for the regulation change it does not appear that the intention of the change was to make it compulsory for such flights.

Very few general aviation aircraft have auto pilots fitted and this will mean that this amendment will basically exclude general aviation pilots from flying at night.

We understand that there have been a number of fatal accidents at night but our information is that these tend to be in the take off or landing stages of the flight when the auto pilot will be disconnected. There have also been instances of controlled flight into terrain. In these instances it appears that the accidents were due to misidentification of terrain as airspace and once again access to an auto pilot would not have prevented an accident.

The motivation also makes mention of an auto pilot providing valuable assistance to a pilot in marginal VMC. The law is clear that a pilot flying VMC at night must have clear vision of identifiable objects. We should not be legislating to cover pilots that are breaching the law by flying in “marginal” conditions. If one applies this principle then one would have to make auto pilots compulsory equipment for VFR flight during the day to cater for marginal conditions. This is obviously ludicrous.

If there are an abnormal number of accidents at night in VMC then we believe that this should be addressed through the maintenance of competency by amendment to the proposed Part 61.03.11(2), 61.04.11(2) AND 61.39.9(a) and (b) and not via expensive equipment.

We therefore believe that your proposed amendment to Part 91 should be amended to remove the necessity for auto pilots or stability equipment for VFR flights at night.

We thank you for the opportunity to comment and trust that our submission will be considered by your committee.

Yours faithfully

**C J Booyesen**  
**Chairman**