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DEPARTMENT OF TRANSPORT DEPARTEMENT VAN VERVOER

No. R. 931

30 July 1999

SOUTH AFRICAN CIVIL AVIATION AUTHORITY ACT, 1998 (ACT NO. 40 OF 1998)

SOUTH AFRICAN CIVIL AVIATION AUTHORITY SAFETY CHARGE REGULATIONS, 1999

The Minister of Transport has under Section 22 of the South African Civil Aviation Authority Act, 1998 (Act No. 40 of 1998), and after consultation with the South African Civil Aviation Authority, made the regulations contained in the Schedule.

SCHEDULE**Definitions**

1. In these regulations unless the context otherwise indicates—

- (a) **"aerodrome"** means an aerodrome as defined in the section 1 of the Aviation Act, 1962 (Act No. 74 of 1962), and includes a company airport as defined in section 1 of the Airport Company Act, 1993 (Act No. 44 of 1993);
- (b) **"aircraft"** means an aircraft as defined in section 1 of the Aviation Act, 1962 (Act No. 74 of 1962);
- (c) **"air transport service agreement"** means an air transport service agreement referred to in section 35 of the International Air Services Act, 1993 (Act No 60 of 1993);
- (d) **"Civil Aviation Safety Charge"** means a charge as contemplated in section 14(1) of the South African Civil Aviation Authority Act, 1998 (Act No.40 of 1998);
- (e) **"flight"** means a flight as defined in regulation 1.00.1 of the Civil Aviation Regulations, 1997;
- (f) **"foreign operator"** in relation to an aircraft, means, any airline of another state which operates a scheduled international public air transport service in terms of an air transport service agreement as contemplated in section 35 (1) of the International Air Services Act, 1993 (Act No.60 of 1993);

Liability to pay a Civil Aviation Safety Charge

2. (1) Subject to the provisions of regulation 3, a Civil Aviation Safety Charge shall be payable by a foreign operator of a scheduled air transport service to or from South Africa, to the Authority, calculated according to the formula as set out in Annexure A hereto.

(2) The relevant charge is exclusive of Value Added Tax and is therefore subject to the appropriate Value Added Tax rate.

Application of charge

3. The charge referred to in regulation 2 is payable by a foreign operator of a country which has entered into an air transport service agreement with the Government of the Republic of South Africa in respect of any scheduled flight or part of a flight which arrives in, or departs from South Africa.

Procedures for payment

4. (1) The Air Traffic and Navigation Service Company Limited established by section 2(1) of the Air Traffic and Navigation Services Company Act 1993 (Act No. 45 of 1993), shall be responsible for providing the relevant information pertaining to flights referred to in regulation 3 above and will invoice relevant operators for payment of the Civil Aviation Safety Charge as calculated according to Annexure A on behalf of the Authority.

(2) Payment is to be made to the Authority within 30 days of the physical receipt of the invoice referred to in sub regulation (1).

(3) Interest at a rate of 2% above prime lending rate, per annum, compounded monthly is payable in respect of outstanding balance of any charge after the due date..

(4) The provisions of section 3 of the South African Civil Aviation Authority Levies Act, 1998 (Act No. 41 of 1998), are applicable to the foreign operators as defined in section 1 of these Regulations.

General Rules

5. No Civil Aviation Safety Charge shall be payable in respect of an aircraft engaged in—

- (a) search and rescue operations; or;
- (b) any flight for the calibration of any air navigation infrastructure.

Short title and commencement

6. These Regulations shall be called the Civil Aviation Safety Charge Regulations, 1999 and shall come into operation on 1 September 1999

ANNEXURE A

1. The Civil Aviation Safety Charge shall be calculated according to the formula set out below.
2. The applicable formula is the Eurocontrol formula of $r = t \times d \times p$ where—

- r reflects the amount of the charge;
t reflects the tariff;
d reflects the distance flown (in hundreds of km flown in South African flight information regions); and
p reflects the weight factor.

$$P = \frac{\text{MTOW (maximum take off weight) in Tonnes}}{50}$$

3. The applicable tariff for the financial year 1 April 1999 to 31 March 2000 shall be US \$ 10,00 (or its equivalent in Rand) and for the financial year 1 April 2000 to 31 March 2001 US \$ 6,77 (or its equivalent in Rand).
4. Tariffs for the subsequent financial years shall be determined through negotiations with the relevant parties.

No. R. 931

30 Julie 1999

WET OP DIE SUID-AFRIKAANSE BURGERLIKE
LUGVAARTOWERHEID, 1998 (WET NO 40 VAN 1998)

SUID-AFRIKAANSE BURGERLIKE LUGVAARTVEILIGHEIDSCHEFFINGSREGULASIES, 1999

Die Minister van Vervoer het kragtens artikel 22 van die Wet op die Suid-Afrikaanse Burgerlike lugvaartowerheid, 1998 (Wet No 40 van 1998), en na oorlegpleging met die Suid-Afrikaanse Burgerlike Lugvaartowerheid, die Regulasies in die Skedule vervat, uitgevaardig.

SKEDULE

Woordomskrywings

1. In hierdie Regulasies, tensy uit die inhoud die teendeel blyk, beteken—
 - (a) **“buitelandse operateur”** met betrekking tot 'n vliegtuig, enige lugdiens van 'n ander Staat wat 'n geskeduleerde internasionale openbare lugvoerdiens ingevolge 'n lugvervoerdiensooreenkoms soos bedoel in artikel 35(1) van die Wet op Internasionale Lugdienste, 1993 (Wet No.60 van 1993), bedryf;
 - (b) **“Burgerlike Lugvaartveiligheidsheffing”** 'n heffing soos bedoel in artikel 14(1) van die Wet op die Suid-Afrikaanse Burgerlike Lugvaartowerheid, 1998 (Wet No. 40 van 1998);
 - (c) **“lugvaartuig”** 'n lugvaartuig soos omskryf in artikel 1 van die Lugvaartwet, 1962 (Wet No. 74 van 1962);
 - (d) **“lugvervoerdiensooreenkoms”** soos bedoel in artikel 35 van die Wet op Internasionale Lugdienste, 1993 (Wet No. 60 van 1993).
 - (e) **“vliegveld”** soos in artikel 1 van die Lugvaartwet, 1962 (Wet No. 74 van 1962), omskryf en sluit 'n maatskappylughawe soos omskryf in artikel 1 van die Lughawensmaatskappywet, 1993 (Wet No. 44 van 1993), in;
 - (f) **“vlug”** 'n vlug soos omskryf in regulasie 1.00.1 van die Burgerlike Lugvaartregulasies, 1997.

Aanspreeklikheid vir die betaling van 'n Burgerlike Lugvaartveiligheidsheffing

2. (1) Onderworpe aan die bepalings van regulasie 3 is 'n Burgerlike Lugvaart veiligheidsheffing betaalbaar aan die Owerheid deur die buitelandse operateur van 'n geskeduleerde lugvervoerdienste na en van Suid-Afrika, bereken in ooreenstemming met die formule vervat in Bylae "A" hiertoe.
- (2) Die relevante heffing sluit nie Belasting op Toegevoegde Waarde in nie en is derhalwe onderworpe aan die toepaslike Belasting op Toegevoegde Waarde koers.

Toepassing van heffing

3. Die heffing waarna in regulasie 2 verwys word is betaalbaar deur die buitelandse operateur van 'n land wat 'n lugvervoerdiensooreenkoms met die Regering van die Republiek van Suid-Afrika aangegaan het met betrekking tot enige geskeduleerde vlug of gedeelte van 'n vlug wat in Suid-Afrika arriveer of vanuit Suid-Afrika vertrek.

Prosedure van betaling

4. (1) Die Lugverkeers- en Navigasiedienstemaatskappy Beperk daargestel deur artikel 2(1) van die Lugverkeers- en Navigasiedienstemaatskappywet, 1993 (Wet No 45 van 1993), sal verantwoordelik wees vir die verskaffing van die relevante inligting met betrekking tot die vlugte waarin regulasie 3 verwys word, en sal namens die Owerheid die relevante operateurs faktureer vir die betaling van die Burgerlike Lugvaartveiligheidsheffing soos bereken ooreenkomstig Bylae "A".
- (2) Betaling moet aan die Owerheid binne 30 dae na die fisiese ontvangs van die faktuur waarna in subregulasie (1) verwys word, gemaak word.
- (3) Rente teen 'n koers van 2 % bo die prima uitleenkoers, per jaar, maandeliks saamgestel, word betaal ten opsigte van die uitstaande balans van enige gelde ná die betaaldatum.
- (4) Die bepalings van artikel 3 van die Wet op Heffings van die Suid-Afrikaanse Burgerlike Owerheid, 1998 (Wet No. 41 van 1998), is van toepassing op die buitelandse operateurs soos omskryf in regulasie 1 van hierdie Regulasies.

Algemene Reëls

5. Geen Burgerlike Lugvaartveiligheidsheffing is betaalbaar nie, ten opsigte van 'n lugvaartuig wat betrokke is in—
- (a) soek-en-redding operasies; of
 - (b) enige vlugkalibrasievlugte van enige lugnavigasie-infrastruktuur.

Kort titel en inwerkingtreding

6. Hierdie Regulasies heet die Burgerlike Lugvaartveiligheidsheffingsregulasies, 1999 en tree in werking op 1 September 1999.

BYLAE A

1. Die Burgerlike Lugvaartveiligheidsheffing sal bereken word ooreenkomstig die formule hieronder uiteengesit.
2. Die toepaslike formule is die Eurobeheerformule van $r = t \times d \times p$, waar—
 - r die heffingsbedrag reflekteer;
 - t die geldtarief reflekteer;
 - d die afstand gevlieg (in honderde van kilometers in Suid-Afrikaanse vluginligtingstreke) reflekteer; en
 - p die gewigsfaktor reflekteer.

$$P = \sqrt{\frac{\text{MTOW (maksimum opstyggewig) in Tonne}}{50}}$$

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