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CONTENTS

No.	Page No.	Gazette No.
GOVERNMENT NOTICE		
Transport, Department of		
<i>Government Notice</i>		
R. 128 Civil Aviation Act (13/2009): Airport Slot Coordination Regulations, 2012.....	3	36175

INHOUD

No.	Bladsy No.	Koerant No.
GOEWERMENTSKENNISGEWING		
Vervoer, Departement van		
<i>Goewermentskennisgewing</i>		
R. 128 Wet op Burgerlike Lugvaart (13/2009): Bylae, Regulasies vir Lughawegleukkoördinering, 2012	33	36175

GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF TRANSPORT DEPARTEMENT VAN VEROER

No. R. 128

22 February 2013

CIVIL AVIATION ACT, 2009 (ACT NO. 13 OF 2009)

AIRPORT SLOT COORDINATION REGULATIONS, 2012

The Minister of Transport has, in terms of section 155 of the Civil Aviation Act, 2009 (Act No. 13 of 2009), made the regulations in the Schedule.

SCHEDULE

AIRPORT SLOT COORDINATION REGULATIONS, 2012

1. Definitions
2. Designation of coordinated airports
3. Designation of schedules facilitated airports
4. Withdrawal of designation of a coordinated or a schedules facilitated airport
5. Relaxation of the designation of an airport
6. Temporary designation of an airport
7. Coordinated airports and special events
8. Appointment of the coordinator
9. Functions of the coordinator
10. The schedules facilitation function
11. Directives
12. Prohibition on acting as a coordinator or schedules facilitator
13. Appointment of the Slot Coordination Committee of South Africa
14. Removal of members of the committee
15. Functions of the committee
16. Meetings of the committee
17. Sub-committees
18. The determination of coordination parameters
19. Prohibition on using a coordinated airport without a slot
20. Requests for the allocation of slots
21. Preferences in the allocation of slots
22. Historic slots

23. Slot requests submitted after the initial submission deadline
24. Waiting list
25. Allocation of slots in respect of a designated period
26. Rules and guidelines on slot allocation
27. Provision of information on slot allocation
28. The nature of slots
29. Other conditions of use
30. Changes to *ad hoc* slots
31. Types of misuse of slots
32. Misuse of slots
33. Publication of penalty
34. The withdrawal of slots
35. Provision of information to the coordinator
36. Exchange of information
37. Exclusion of liability
38. Short title and commencement

1. Definitions

In these regulations, unless the context otherwise indicates, any word or expression to which a meaning has been assigned in the Act shall have that meaning and -

"ACSA" means the company established in terms of section 2 of the Airports Company Act, 1993 (Act No. 44 of 1993);

"ATNS" means the company as defined in section 1 of the Air Traffic and Navigation Services Company Act, 1993 (Act No. 45 of 1993);

"ad hoc operation" means the operation of an aircraft at an airport in terms of an *ad hoc* slot;

"ad hoc slot" means a slot that does not form part of a series of slots;

"air service licence" means a licence as defined in the Air Services Licensing Act, 1990 (Act No. 115 of 1990);

"airline" bears the meaning assigned to it in the Civil Aviation Regulations

"aircraft operator" means:

- (a) an air service operator;
- (b) an aviation training organisation contemplated in Part 141 of the Civil Aviation Regulations; or
- (c) a person who operates an aircraft whether or not for reward;

"airport operator" means, in relation to an airport, the holder of the aerodrome licence in respect of that airport issued in terms of Part 139 of the Civil Aviation Regulations;

"appointing entity" means an entity that is entitled to appoint a member of the committee in terms of regulation 13(2) or 13(3);

"arrival or departure time" means the time when the aircraft is "on blocks" or "off blocks", respectively;

"chairperson" means the chairperson of the committee, appointed in terms of regulation 13(2)(a);

"Civil Aviation Regulations" means the Civil Aviation Regulations, 2011 published under Government Notice R425 in *Government Gazette* 35398 of 1 June 2012, as amended;

"committee" means the Slot Coordination Committee of South Africa established by regulation 13(1);

"coordinated airport" means an airport designated or deemed to be designated in terms of regulation 2(1), 2(2) or 6(1);

"coordination parameters" means the expression in operational terms of all the capacity available for slot allocation at a coordinated or schedules facilitated airport, taking into account all technical, operational, maintenance and environmental factors that affect the capacity of the airport, including the availability of surrounding airspace;

"coordinator" means the entity referred to in regulation 8;

"designated period" means a period specified by the Director-General in terms of regulation 6(1), 6(3) or 7(1);

"Domestic Air Services Regulations" means the Domestic Air Services Regulations, 1991 published under Government Notice R2180 in *Government Gazette* 13507 of 30 August 1991, as amended;

"equivalent scheduling period" means:

- (a) in respect of a scheduling period commencing in March of a particular year, a scheduling period that commenced or commences in March of the previous or subsequent year; and
- (b) in respect of a scheduling period commencing in October of a particular year, a scheduling period that commenced or commences in October of the previous or subsequent year;

"historic slot" means a slot that meets the requirements of regulation 22(1) read with regulations 22(2) to 22(5);

"initial slot allocation" means the initial slot allocation process that takes place biannually under the auspices of the International Air Transport Association, commencing on the initial submission deadline and concluding on the last day of the scheduling conference;

"initial submission deadline" means 23h59 UTC (Coordinated Universal Time) on the date by which aircraft operators must submit their planned operations at coordinated airports, as specified from time to time by the International Air Transport Association;

"international air service" bears the meaning assigned to it in the International Air Services Act, 1993 (Act No. 60 of 1993);

"International Air Services Regulations" means the International Air Services Regulations, 1994 published under Government Notice 722 in *Government Gazette* 15633 of 15 April 1994, as amended;

"new entrant" means an airline requesting a series of slots at an airport on any day where, if the airline's request was accepted, it would in total hold not more than 5% of the total slots available at that airport on that day;

"operating certificate" bears the meaning assigned to it in the Civil Aviation Regulations;

"repeatedly" means more than once in the past six months in respect of a particular series of slots, or more than one *ad hoc* operation in the past six months operated by an aircraft operator to or from the airport in question;

"schedules facilitated airport" means an airport designated in terms of regulation 3(1) or 6(3);

"scheduling conferences" means the international scheduling conferences of the International Air Transport Association, held biannually;

"scheduled public air transport service" bears the meaning assigned to it in the Civil Aviation Regulations;

"scheduling period" means the seven-month period commencing on the last Sunday of March or the five-month period commencing on the last Sunday of October of each year;

"series of slots" means at least five slots requested for the same time on the same day-of-the-week consecutively in the same scheduling period and allocated in that way or, if that is not possible, allocated at approximately the same time;

"significantly" means a difference of more than 15 minutes for domestic flights and more than 30 minutes for international flights between the actual arrival or departure time and the allocated slot time.

"slot" means the permission given by the coordinator in accordance with these regulations to use the full range of airport infrastructure necessary to operate an aircraft at a coordinated airport on a specific date and time for the purpose of landing or take-off. Subject to regulation 29(4), a slot is specific to a particular aircraft type and series, configuration, route and flight number;

"slot pool" means the pool of slots referred to in regulation 21(2)(d);

"special event" means an event, including a sporting, cultural, religious, political or business event, which is likely to place significant additional strain on the capacity of one or more airports;

"special event airport" means an airport that is designated for purposes of a special event in terms of regulation 7(1);

"the Act" means the Civil Aviation Act, 2009 (Act No. 13 of 2009).

2. Designation of coordinated airports

- (1) Subject to this regulation, the Minister may designate an airport as a coordinated airport by notice in the *Gazette*.
- (2) O. R. Tambo International Airport, Cape Town International Airport and King Shaka International Airport shall be deemed to be designated in terms of sub-regulation (1), unless the Minister withdraws the designation of these airports in terms of regulation 4 or relaxes the designation in terms of regulation 5.
- (3) Subject to sub-regulation (6), the Minister may only designate airports in terms of sub-regulation (1) if the airport operator in writing requests such designation.
- (4) The Minister shall only designate an airport in terms of sub-regulation (1) if he or she is satisfied that:
 - (a) demand for airport infrastructure at that airport exceeds, or is in the short-term expected to exceed, the airport's capacity at certain periods during the day;

- (b) expansion of airport infrastructure to meet demand is not possible in the short-term;
 - (c) attempts to resolve the lack, or expected lack, of capacity through voluntary schedule adjustments have failed or are likely to be ineffective; and
 - (d) a process of slot allocation is desirable at the airport.
- (5) A request referred to in sub-regulation (3) shall be accompanied by a report reflecting the results of a thorough demand and capacity analysis undertaken by the airport operator at its own cost. This analysis shall:
- (a) assess any shortfall, or expected shortfall, in capacity, taking into account environmental constraints at the relevant airport; and
 - (b) consider the possibilities for overcoming the shortfall, or expected shortfall, through mechanisms such as new or modified infrastructure, operational or other changes and the likely timeframe for such mechanisms.
- (6) If the Minister is of the opinion, after consultation with the committee and the airport operator, that the airport operator of a non-coordinated airport is failing to maximise capacity at that airport and that such failure is resulting in, or contributing to, a shortage of airspace capacity in the surrounding area, the Minister may:
- (a) instruct the airport operator, at its own cost, to conduct an analysis and prepare and submit a report contemplated sub-regulation (5); and
 - (b) notwithstanding sub-regulation (3), designate that airport in terms of sub-regulation (1), if the Minister is satisfied that the circumstances in sub-regulations (4)(a) to (c) exist and that a process of slot allocation is necessary at the airport.
- (7) Prior to making a designation in terms of sub-regulation (1), and after receipt of the report referred to in sub-regulation (5), the Minister shall consult on the capacity situation at the relevant airport with the committee, the airport operator, the aircraft operators that use the airport regularly or their representatives and the relevant air navigation service provider.

- (8) The notice referred to in sub-regulation (1) must be published at least seven months prior to the commencement of the scheduling period in which the coordination of the airport will come into effect.

3. Designation of schedules facilitated airports

- (1) Subject to this regulation, the Minister may designate an airport that is not a coordinated airport as a schedules facilitated airport by notice in the *Gazette*.
- (2) The Minister may only designate an airport in terms of sub-regulation (1) if:
- (a) the airport operator in writing requests such designation; and
 - (b) the Minister is satisfied that there is potential for congestion during some periods of the day, week or scheduling period, which can be resolved through voluntary cooperation between aircraft operators.
- (3) The provisions of regulations 2(5), 2(7) and 2(8) apply, with the changes required by the context, to a designation in terms of sub-regulation (1).

4. Withdrawal of designation of a coordinated or a schedules facilitated airport

- (1) The Minister may, by notice in the *Gazette*, withdraw the designation of a coordinated or schedules facilitated airport, provided that:
- (a) the airport operator of that airport has in writing requested such withdrawal;
 - (b) the request is accompanied by a report referred to in regulation 2(5); and
 - (c) the Minister follows the process referred to in regulation 2(7).
- (2) The Minister may only withdraw the designation of an airport as a coordinated airport if he or she is satisfied that the circumstances envisaged in regulation 2(4)(a) no longer apply to that airport.
- (3) The Minister may only withdraw the designation of an airport as a schedules facilitated airport if he or she is satisfied that there is no longer potential for congestion during some periods of the day, week or scheduling period at that airport.
- (4) The provisions of regulation 2(8), with the changes required by the context, apply to the withdrawal of a designation in terms of sub-regulation (1).

5. Relaxation of the designation of an airport

- (1) The Minister may, by notice in the *Gazette*, change the designation of an airport from a coordinated airport to a schedules facilitated airport, provided that:
 - (a) the airport operator of that airport has in writing requested such change;
 - (b) the request is accompanied by a report referred to in regulation 2(5); and
 - (c) the Minister follows the process referred to in regulation 2(7).
- (2) The Minister may only change the designation of an airport as contemplated in sub-regulation (1) if he or she is satisfied that:
 - (a) the circumstances envisaged in regulation 2(4)(a) no longer apply to that airport; and
 - (b) the circumstances envisaged in regulation 3(2)(b) apply to that airport.
- (3) The provisions of regulation 2(8), with the changes required by the context, apply to the change of a designation in terms of sub-regulation (1).

6. Temporary designation of an airport

- (1) Notwithstanding the provisions of regulation 2, the Director-General may, by notice in the *Gazette*, temporarily designate an airport as a coordinated airport for a specified period in which the airport is likely to experience a temporary increase in demand, whether as a result of a special event or otherwise, or a temporary shortage of capacity such that the circumstances envisaged in regulation 2(4)(a) are likely to apply to that airport.
- (2) The Minister may, by notice in the *Gazette* and after consultation with the committee and the airport operator, determine specific rules for the effective coordination of an airport contemplated in sub-regulation (1).
- (3) Notwithstanding the provisions of regulation 3, the Director-General may, by notice in the *Gazette*, temporarily designate an airport as a schedules facilitated airport for a specified period in which the airport is likely to experience a temporary increase in demand, whether as a result of a special event or otherwise, or a temporary shortage of capacity such that the circumstances envisaged in regulation 3(2)(b) are likely to apply to that airport.

- (4) Prior to making a designation in terms of sub-regulation (1) or (2), the Director-General shall consult with the committee and the airport operator.
- (5) An airport designated in terms of sub-regulation (1) or (3) shall, for the duration of the designated period, constitute a coordinated airport or a schedules facilitated airport, respectively.
- (6) The designated period contemplated in sub-regulations (1) and (3) shall not exceed six months.
- (7) The notice referred to in sub-regulation (1) must be published at least three months prior to the commencement of the relevant designated period, unless a shorter notice period is justified in the circumstances.

7. Coordinated airports and special events

- (1) The Director-General may, by notice in the *Gazette* and for a specified period, designate a coordinated airport for purposes of a special event, if such event is likely to place significant additional strain on the capacity of that airport.
- (2) The Minister may by notice in the *Gazette*, and after consultation with the committee and the airport operator, determine specific rules for the effective coordination of an airport contemplated in sub-regulation (1).
- (3) The provisions of regulation 6(4) and 6(7) apply, with the changes required by the context, to a designation in terms of sub-regulation (1).

8. Appointment of the coordinator

ATNS is hereby appointed as the coordinator.

9. Functions of the coordinator

- (1) The coordinator shall be responsible for:
 - (a) allocating slots at coordinated airports;
 - (b) monitoring and enforcing the use of slots at coordinated airports;
 - (c) facilitating the scheduling of slots at schedules facilitated airports; and
 - (d) ensuring that the capacities of coordinated airports are not exceeded.

- (2) The coordinator shall perform any other function allocated to it in these regulations.
- (3) The coordinator shall perform its functions in an independent, neutral, efficient, non-discriminatory and transparent manner.
- (4) The coordinator shall optimise the utilisation of slots in the interests of all stakeholders and in the national interest.
- (5) The coordinator shall participate in such scheduling conferences as are necessary to perform its functions in terms of these regulations.

10. The schedules facilitation function

- (1) The coordinator shall facilitate the process of voluntary schedules adjustments by aircraft operators so as to avoid exceeding the coordination parameters of schedules facilitated airports.
- (2) The coordinator shall advise aircraft operators when congestion is likely to occur at a schedules facilitated airport, and shall recommend alternative arrival or departure times in order to minimise congestion at such airports.
- (3) The coordinator shall, with the assistance of the airport operator, monitor the conformity of aircraft operators with the schedules recommended to them.

11. Directives

- (1) The coordinator may issue written directives to an aircraft operator, an airport operator or an air navigation service provider for the purpose of preventing the misuse of slots referred to in regulation 31.
- (2) Prior to issuing a directive in terms of sub-regulation (1), the coordinator shall give written notice to the affected aircraft operator, airport operator or air traffic navigation service provider:
 - (a) indicating the intention to issue the directive;
 - (b) setting out the reasons why it is considering issuing the directive; and
 - (c) affording such person a reasonable opportunity to make representations as to why the directive should be altered or should not be issued.

12. Prohibition on acting as a coordinator or schedules facilitator

Save as provided in regulation 20(3), no person other than the coordinator shall act as a coordinator for a coordinated airport or as a schedules facilitator for a schedules facilitated airport.

13. Appointment of the Slot Coordination Committee of South Africa

- (1) There is hereby established a committee, known as the Slot Coordination Committee of South Africa.
- (2) The following entities shall each be entitled to appoint one member, and one alternate member, of the committee:
 - (a) the Department;
 - (b) ACSA;
 - (c) the South African Civil Aviation Authority;
 - (d) ATNS, in its capacity as a provider of an air traffic service;
 - (e) the Airlines Association of Southern Africa;
 - (f) the Board of Airlines Representatives of South Africa;
 - (g) the Commercial Aviation Association of Southern Africa; and
 - (h) the Aircraft Owners and Pilots Association of South Africa.
- (3) If an airport which is not operated by ACSA, is designated as:
 - (a) a coordinated airport in terms of regulation 2; or
 - (b) a schedules facilitated airport in terms of regulation 3,the airport operator of that airport shall be entitled to appoint one member, and one alternate member, to the committee, provided that no airport operator shall be entitled to appoint more than one member and one alternate member to the committee.
- (4) The member appointed in terms of sub-regulation (2)(a) shall be the chairperson of the committee.

- (5) A member of the committee serves in a part-time capacity and acts as a representative of the appointing entity that appointed him or her in terms of sub-regulation (2) or (3).
- (6) Each of the appointing entities referred to in sub-regulations (2) and 3 shall, in writing and within one month of the date on which these regulations come into effect, notify the Department of the name of the member and alternate member whom it appoints to the committee in terms of that sub-regulation.
- (7) An appointing entity may change its member or alternate member of the committee from time to time by written notice to the Department.
- (8) If, for any reason, a member appointed by an appointing entity is unable to attend a meeting of the committee, the alternate member of that entity shall attend. An alternate member shall be regarded as a member of the committee for purposes of such meeting.
- (9) A representative of the coordinator shall attend all meetings of the committee as an observer.
- (10) The chairperson may invite any other person to attend meetings of the committee as an observer, where the chairperson believes that such person may assist in the performance of the committee's functions.
- (11) The Department shall provide secretarial and administrative support to the committee.

14. Removal of members of the committee

- (1) The Director-General may remove a member or an alternate member of the committee from office on account of:
 - (a) misconduct;
 - (b) inability or repeated failure to perform his or her office efficiently;
 - (c) absence from three consecutive meetings of the committee without the written permission of the chairperson, except on good cause shown; or
 - (d) the fact that he or she is or has been convicted, whether in the Republic or elsewhere, of—

- (i) theft, fraud, forgery or uttering a forged document, perjury, an offence in terms of the Prevention of Corruption Act, 1958 (Act No. 6 of 1958), the Corruption Act, 1992 (Act No. 94 of 1992), Part 1 to 4, or section 17, 20 or 21 (insofar as it relates to the aforementioned offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), or any other offence involving dishonesty; or
 - (ii) an offence under the Act;
- (e) the fact that he or she has been sentenced, after the commencement of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), to a period of imprisonment of not less than one year without the option of a fine; or
 - (f) the fact that he or she has at any time been removed from an office of trust on account of misconduct.
- (2) If the Director-General removes a member or alternate member of the committee from office in terms of sub-regulation (1), the relevant appointing entity shall replace that member by written notice to the Department within 14 days of such removal.

15. Functions of the committee

- (1) The functions of the committee are to –
 - (a) advise the Director-General on the coordination parameters contemplated in regulation 18; and
 - (b) make proposals to, or advise, the coordinator, the Director-General or the Minister on:
 - (i) possibilities for increasing the capacities of coordinated airports or for improving their usage by aircraft operators;
 - (ii) improvements to aircraft traffic conditions prevailing at coordinated airports, including environmental issues relating to aircraft traffic;
 - (iii) local rules and local guidelines for the allocation of slots, which rules or guidelines are specific to a particular airport;

- (v) methods of monitoring the use of slots;
 - (vi) serious problems encountered by new entrants in accessing coordinated airports;
 - (vii) any other issues relating to capacity, slot allocation and monitoring of the use of slots at coordinated airports; and
 - (viii) the designation of coordinated airports and schedules facilitated airports, the withdrawal of designations, the relaxation of designations and the designation of special event airports in terms of regulations 2 to 7.
- (2) The committee shall promote the optimisation of the utilisation of slots in the interests of all stakeholders and in the national interest.
 - (3) The coordinator shall cooperate with and assist the committee and shall provide relevant information to the committee on request.

16. Meetings of the committee

- (1) The committee must meet as often as necessary for the proper performance of its functions, and at least twice a year.
- (2) The chairperson convenes meetings of the committee, whenever the work of the committee so requires or whenever he or she is requested in writing to do so by two or more other members of the committee, on 14 days' written notice to the members of the committee.
- (3) In the event of the temporary absence of the chairperson, the chairperson shall appoint a member of the committee to act as chairperson during the period of absence.
- (4) Subject to this regulation and such written rules of procedure that may be adopted by the committee, the chairperson shall determine the procedure to be adopted at meetings of the committee.
- (5) The committee must cause a record of its proceedings to be kept.

17. Sub-committees

- (1) The committee may establish sub-committees consisting of members of the committee and, where necessary, selected experts, to assist the committee in carrying out its functions in accordance with the terms of reference determined by the committee.
- (2) The provisions of regulation 16, with the necessary changes, shall apply to a sub-committee established in terms of sub-regulation (1).

18. The determination of coordination parameters

- (1) The airport operator of a coordinated airport or a schedules facilitated airport must, at least eight months prior to the commencement of the relevant scheduling period and after consultation with the air navigation service provider for that airport, provide the coordination parameters for that airport for the relevant period, to the Director-General and the committee.
- (2) Notwithstanding sub-regulation (1), the airport operator of a coordinated airport or a scheduled facilitated airport designated in terms of regulation 6(1) or 6(3) shall provide the coordination parameters for that airport for the designated period within such period as the Director-General specifies in writing.
- (3) In determining the proposed coordination parameters referred to in sub-regulations (1) and (2), the airport operator shall have regard to:
 - (a) all relevant technical, operational and environmental constraints on the airport;
 - (b) the different types of aircraft traffic at the airport; and
 - (c) the infrastructure capacity of the airport.
- (4) If the Director-General, after consultation with the committee and the relevant airport operator and the relevant air navigation service provider, is satisfied that the airport does not face airspace capacity constraints that affect the coordination parameters, the Director-General shall approve the parameters provided in terms of sub-regulation (1) or (2) as the coordination parameters of the airport.
- (5) If the Director-General, after consultation with the committee and the relevant airport operator, is of the opinion that the airport faces airspace capacity

constraints that affect the coordination parameters and that those constraints are not to be addressed by an increase in airspace capacity, the Director-General shall determine the coordination parameters for the airport by adjusting the parameters provided in terms of sub-regulation (1) or (2) so as to take account of those constraints.

- (6) The coordination parameters shall be approved or determined in terms of sub-regulations (4) or (5), and communicated to the coordinator, the committee and the airport operator, at least seven months prior to the commencement of the relevant scheduling period.
- (7) The time period specified in sub-regulation (6) shall not apply in respect of an airport designated in terms of regulation 6(1) or 6(3).

19. Prohibition on using a coordinated airport without a slot

- (1) Subject to sub-regulation (2), no aircraft operator may operate at a coordinated airport without a slot allocated by the coordinator in terms of these regulations.
- (2) The prohibition in sub-regulation (1) shall not apply to military, police or medical emergencies, humanitarian flights, the use of an aircraft in connection with natural disasters or search and rescue operations, or to in-flight emergencies relating to the operation of the aircraft.

20. Requests for the allocation of slots

- (1) An aircraft operator shall request the allocation of a slot, or a series of slots, in the form as published from time to time by the coordinator in the *Gazette* and on the coordinator's web site.
- (2) Requests for slots may be made at any time during the coordinator's office hours.
- (3) Notwithstanding sub-regulation (2), an *ad hoc* slot may be requested after hours from the airport operator, provided that the slot falls within the 24-hour period immediately following the request. In such circumstances, the airport operator may perform the functions of the coordinator in respect of that slot request.
- (4) No slots shall be allocated for a scheduling period prior to the initial slot allocation in respect of that period.

- (5) A request for a series of slots shall only be considered as part of the initial slot allocation for a scheduling period if it is submitted to the coordinator by the initial submission deadline for that period.
- (6) *Ad hoc* slots may not be requested as part of the initial slot allocation, provided that an operator of a scheduled public air transport service may, as part of the initial slot allocation, request an *ad hoc* slot falling within the first or last seven days of a scheduling period to accommodate either:
 - (a) a change occasioned by daylight savings; or
 - (b) a slot to be allocated to an aircraft operator in the first week of a scheduling period at the same time and day-of-the-week as a series of slots allocated to that operator and that ends in the last week of the previous scheduling period; or
 - (c) a slot to be allocated to an aircraft operator in the last week of a scheduling period at the same time and day-of-the-week as a series of slots allocated to that operator and that commences in the first week of the following scheduling period.
- (7) Requests for *ad hoc* slots, other than slots referred to in sub-regulations (6)(a), (6)(b) and (6)(c), may only be made from:
 - (a) 16 January for the scheduling period commencing in March of the same year; or
 - (b) 16 August for the scheduling period commencing in October of the same year.
- (8) The coordinator shall consider slot requests, and make slot allocations, in accordance with the coordination parameters of the relevant airport.
- (9) An aircraft operator which does not hold a valid air service licence and operating certificate (or the equivalent thereof) may not request, be allocated or hold an *ad hoc* slot or any slot that falls within a designated period.
- (10) Subject to sub-regulation (9), an aircraft operator which does not hold an air service licence and an operating certificate (or the equivalent thereof) may apply for, be allocated and hold a series of slots, provided that:

- (a) the aircraft operator has applied for such licence and certificate and neither has been refused;
- (b) the aircraft operator informs the coordinator, at the time of applying for the slot, that it does not hold such a licence and certificate; and
- (c) the application for a series of slots is made prior to:
 - (i) 15 January for the scheduling period commencing in March of the same year; or
 - (ii) 15 August for the scheduling period commencing in October of the same year.

21. Preferences in the allocation of slots

- (1) This regulation (regulation 21) applies only to the initial slot allocation for a particular scheduling period.
- (2) The coordinator shall allocate slots according to the following order of priority:
 - (a) the first priority is for historic slots;
 - (b) a change to a historic slot which does not involve a change to the time of the slot, shall have second priority;
 - (c) a change to a historic slot which involves a change to the time of the slot, shall have third priority;
 - (d) all remaining slots, including all new slot capacity provided for in the coordination parameters, shall form part of the slot pool.
- (3) A change to an historic slot shall only enjoy the priority referred to in sub-regulation (2)(b) or (c) if the change involves the replacement of one series of slots with another series of slots.
- (4) 50% of the slots contained in the slot pool at the initial slot allocation must be allocated to new entrants, unless the slot requests by new entrants are less than 50% of the available slots in which case the slots allocated to new entrants must equal the total number of slots requested by new entrants.

- (5) In considering changes to historic slots, allocating slots amongst new entrants and other allocations from the slot pool, a request to extend an existing operation so as to operate on a year-round basis shall have priority over a new slot request.
- (6) For purposes of sub-regulation (5), an operation on a “year-round basis” means an operation that uses the same series of slots in one scheduling period and in the immediately following scheduling period. In considering whether an operation is to be extended on a year-round basis, the coordinator shall allow for flexibility on timings from one scheduling period to another, such as changes in timings due to daylight savings or other seasonal changes.
- (7) The coordinator shall allocate slots in the slot pool, including allocating slots amongst new entrants:
 - (a) giving first preference to scheduled public air transport services; and
 - (b) having regard to all relevant circumstances, including the following factors:
 - (i) schedules that will be effective for a longer period of operation in the scheduling period should generally be given preference;
 - (ii) the mix of different types of air services at, and the markets (domestic, regional and long-haul) served by, the relevant airport;
 - (iii) the development of the relevant airport’s route network;
 - (iv) the promotion of competition between aircraft operators;
 - (v) the need to minimise the effect of temporary capacity constraints at another airport on those aircraft operators which are adversely affected by those constraints;
 - (vi) the needs of the travelling public and shippers of goods by air so as to maximise the benefit to the greatest number of airport users; and
 - (vii) any local guidelines that apply to the relevant airport as published from time to time by the coordinator in the *Gazette* and on the coordinator’s web site.
- (8) For purposes of sub-regulation (7), the Minister may direct the coordinator, in relation to the allocation of slots in respect of an international air service, to have regard to the fact that a foreign state specified by the Minister failed or fails to

allocate slots in that state in accordance with the principles of fair and equal opportunity and reciprocity to a person designated by the Republic in terms of an air transport service agreement contemplated in section 35 of the International Air Services Act, 1993 (Act No. 60 of 1993).

22. Historic slots

- (1) An aircraft operator is only eligible for a historic slot if:
 - (a) the operator requests the relevant slot as part of a series of slots;
 - (b) the operator can demonstrate, to the satisfaction of the coordinator, that the operator operated a series of slots of which the slot forms part for at least 80% of the time during the previous equivalent scheduling period;
 - (c) the series of slots referred to in paragraph (a) is the same as, or is a subset of, the series of slots referred to in paragraph (b); and
 - (d) the operator requests the series of slots referred to in paragraph (a) by the initial submission deadline for the relevant scheduling period.
- (2) In respect of the first two scheduling periods of a coordinated airport that has been newly designated in terms of regulation 2(1), the term "slots" in sub-regulation (1)(b) should be read as referring to the times that the airport operator allocated to an aircraft operator for the use of the airport's infrastructure for purposes of landing or take-off in respect of the previous equivalent scheduling period, and "series of slots" shall have a corresponding meaning.
- (3) Slots allocated to an aircraft operator before:
 - (a) 15 January for the scheduling period commencing in March of the same year, but returned to the coordinator for reallocation prior to that 15 January; or
 - (b) 15 August for the scheduling period commencing in October of the same year, but returned to the coordinator for reallocation prior to that 15 August,shall not be taken into account for purposes of the usage calculation in sub-regulation (1)(b).

- (4) The non-utilisation of slots shall not be taken into account for purposes of the usage calculation in sub-regulation (1)(b) where the aircraft operator demonstrates that such non-utilisation resulted from:
- (a) unforeseeable and unavoidable circumstances beyond the control of the aircraft operator which led to:
 - (i) grounding of the aircraft type generally used for the air service in question;
 - (ii) closure of the relevant airport or airspace; or
 - (iii) serious disturbance of the operations of the relevant airport;
 - (b) the interruption of aircraft operations due to action intended to affect those operations and which rendered it practically or technically impossible for the aircraft operator to carry out the operations as planned.
- (5) The coordinator may regard a slot as having been operated for purposes of sub-regulation (1)(b) where the deviation between the slot time and the arrival or departure time is, in the coordinator's opinion, insignificant.
- (6) The coordinator may publish guidelines as the circumstances in which a slot is to be regarded as having been operated for purposes of sub-regulation (1)(b), including a permissible margin of deviation between the time of the slot and the actual arrival or departure time of the aircraft.
- (7) If the 80% usage of the series of slots cannot be demonstrated as contemplated in sub-regulation (1)(b) read with sub-regulations (2) to (5), all slots constituting the relevant series of slots shall be placed in the slot pool for allocation in the next equivalent scheduling period.
- (8) An aircraft operator that wishes to change a historic slot for the next equivalent scheduling period may request the change to the historic slot as well as conditionally requesting the historic slot. In such event:
- (a) if the coordinator approves the request to change the slot, the operator shall lose the historic slot; and
 - (b) if the coordinator refuses the request to change the slot, the operator shall, subject to sub-regulation (1), retain the historic slot.

23. Slot requests submitted after the initial submission deadline

A request for a slot or a series of slots submitted after the initial submission deadline shall:

- (a) not form part of the initial slot allocation; and
- (b) be considered on a first-come-first-served basis after the initial slot allocation has been finalised.

24. Waiting list

- (1) Subject to sub-regulation (2):
 - (a) all unsuccessful requests for slots made as part of the initial slot allocation shall be placed on a waiting list maintained by the coordinator; and
 - (b) all other unsuccessful requests for slots shall be placed on the waiting list maintained by the coordinator upon the written request of the relevant aircraft operator.
- (2) The aircraft operator which made an unsuccessful request for a slot may at any time inform the coordinator in writing that the relevant request may be removed from the waiting list.
- (3) If an allocated slot becomes available, preference in the allocation of that slot shall be given in accordance with the waiting list, with preference being given in accordance with the order in which the slot requests were made to the coordinator.

25. Allocation of slots in respect of a designated period

- (1) In the event of the temporary designation of an airport as a coordinated airport in terms of regulation 6(1), any times that the airport operator has, prior to the date of the notice contemplated in that regulation, allocated to an aircraft operator for the use of the airport's infrastructure for purposes of landing or take-off shall be deemed to be slots allocated by the coordinator.
- (2) Subject to sub-regulation (1) and notwithstanding the provisions of regulations 21 to 24 , in the event of:

- (a) a temporary designation of an airport as a coordinated airport in terms of regulation 6(1); or
- (b) the designation of a coordinated airport as a special event airport in terms of regulation 7(1),

the Minister may, after consultation with the airport operator and the committee, by notice in the *Gazette* determine the manner in which slot allocations shall be prioritised for that airport in respect of the designated period.

- (3) In the absence of a determination by the Minister in terms of sub-regulation (2), slots in respect of a designated period contemplated in regulation 6(1) shall be allocated on a first-come-first-served basis.

26. Rules and guidelines on slot allocation

Subject to the provisions of these regulations, the coordinator may publish rules on the procedure for slot allocation and guidelines on the allocation of slots, by notice in the *Gazette* and on its web site.

27. Provision of information on slot allocation

- (1) The coordinator shall, on a date to be determined by the committee, make available the following information to members of the committee:
 - (a) the historic slots of each aircraft operator;
 - (b) the slots requested by each aircraft operator;
 - (c) the allocated slots, and outstanding slot requests, of each aircraft operator;
 - (d) the remaining slots available for the relevant scheduling period;
 - (e) the coordination parameters; and
 - (f) the criteria used in the allocation of slots.
- (2) In the event that an aircraft operator's request for the allocation of a slot has been refused, the coordinator shall, within 14 days of receiving a request for the reasons for such decision, furnish that operator with:
 - (a) written reasons for such refusal; and

- (b) details of other slots similar to the refused slot that are available.

28. The nature of slots

- (1) An aircraft operator to whom a slot has been allocated:
- (a) shall not enjoy any right of ownership in relation to that slot;
 - (b) may not pledge or otherwise encumber that slot; and
 - (c) may not sell that slot or otherwise transfer that slot other than as contemplated in sub-regulation (2).
- (2) Aircraft operators may, with the prior written approval of the coordinator, exchange allocated slots on a one for one basis, provided that no consideration is paid in respect of such an exchange.
- (3) Notwithstanding the provisions of these regulations, the allocation of a slot to an aircraft operator does not affect the obligations owed by that operator to the relevant airport operator whether arising in contract or otherwise.

29. Other conditions of use

- (1) Subject to sub-regulation (2), an aircraft operator that holds an *ad hoc* slot must, at least 48 hours prior to the date of such slot, submit to the airport operator:
- (a) written confirmations that:
 - (i) fuel has been procured from the relevant fuel retailer at the airport;
 - (ii) all necessary ground handling arrangements have been confirmed with the relevant ground handlers at the airport; and
 - (iii) the *ad hoc* slot will be used in the manner specified in the request for the slot or permitted by the coordinator in terms of sub-regulation (4); and
 - (b) the following information:
 - (i) the identity and contact details of the aircraft operator;

- (ii) in respect of the aircraft to be operated in the relevant slot, the aircraft type, aircraft registration certificate, noise certificate and maximum take-off weight.
- (2) An aircraft operator that is allocated an *ad hoc* slot less than 48 hours prior to the date of the slot shall submit the written confirmations and information referred to in sub-regulation (1) within five hours of the operator's receipt of the allocation of the slot and prior to the time of use of the slot.
- (3) Notwithstanding the provisions of sub-regulations (1) and (2), in the event of:
- (a) a temporary designation of an airport as a coordinated airport in terms of regulation 6(1); or
 - (b) the designation of a coordinated airport as a special event airport in terms of regulation 7,
- an aircraft operator which holds an *ad hoc* slot that falls within the designated period, must submit the confirmations and information listed in sub-regulation (1) to the airport operator:
- (i) at least 30 days prior to the date of such slot, if the slot was allocated more than 30 days prior to the date of the slot; or
 - (ii) at the time of applying for the slot, if the slot is to be allocated within 30 days of the date of such slot.
- (4) An aircraft operator shall not, without the prior written permission of the coordinator which must be requested within a reasonable period prior to the use of the slot, use a slot for an aircraft type or series, aircraft configuration, route or flight number that differs from that which the operator furnished to the coordinator at the time of requesting the slot.
- (5) The coordinator may, by notice in the *Gazette* and on its web site, publish additional conditions for the use of slots, including conditions that are specific to a particular airport.

30. Changes to *ad hoc* slots

The coordinator may change an allocated *ad hoc* slot to the closest available slot if the allocated slot is required for a series of slots requested by another aircraft operator,

provided that the coordinator notifies the holder of the allocated *ad hoc* slot of the change, in writing, at least 30 days prior to the date of that slot.

31. Types of misuse of slots

- (1) Subject to sub-regulation (2), an aircraft operator misuses a slot if it:
 - (a) repeatedly fails to make use of slots allocated by the coordinator;
 - (b) repeatedly operates an aircraft at times significantly different from the allocated slots;
 - (c) requests new slots that the aircraft operator does not intend to operate;
 - (d) repeatedly uses slots in a manner that is contrary to regulation 29(4);
 - (e) operates an aircraft without an allocated slot;
 - (f) publishes a flight schedule that differs from the slot that has been allocated;
 - (g) fails to inform the coordinator as soon as reasonably possible when the aircraft operator becomes aware that it will not use an allocated slot or that it will use a slot at a significantly different time; or
 - (h) fails to comply with the rules contemplated in regulation 6(2) or 7(2) or a directive contemplated in regulation 11(1).
- (2) A misuse of slots by an aircraft operator does not arise if the act or omission referred to in sub-regulation (1) is caused by exceptional weather conditions, industrial action, air traffic control delays, operational disruptions at the airport or other circumstances beyond the reasonable control of the aircraft operator, provided that the failure of the aircraft operator's agent to furnish timely and accurate information to the operator relating to the allocation of slots is not beyond the reasonable control of the operator.

32. Misuse of slots

- (1) If an aircraft operator intentionally or negligently misuses slots as contemplated in regulation 31 at an airport, the coordinator may impose one or more of the following penalties:

- (a) withdrawing one or more allocated series of slots or allocated *ad hoc* slots at that airport;
 - (b) withdrawing the aircraft operator's eligibility for historic slots at that airport for one or two subsequent scheduling periods;
 - (c) withdrawing the aircraft operator's eligibility to be allocated a series of slots for a period not exceeding two subsequent scheduling periods;
 - (d) de-prioritising the aircraft operator's requests for slots at that airport for a period not exceeding two subsequent scheduling periods.
- (2) Prior to imposing a penalty in terms of sub-regulation (1), the coordinator must give written notice to the affected aircraft operator:
- (a) indicating the intention to impose a penalty and the nature of the proposed penalty;
 - (b) setting out the reasons why it is considering imposing the penalty; and
 - (c) affording the operator a reasonable opportunity to make representations as to why the penalty should not be imposed.

33. Publication of a penalty

The coordinator may publish any penalty imposed in terms of regulation 32 on its website.

34. The withdrawal of slots

- (1) The coordinator may withdraw an allocated series of slots or an allocated *ad hoc* slot if:
- (a) the aircraft operator ceases operations or suspends operations for a period of 30 days or more;
 - (b) the aircraft operator's applicable air service licence or equivalent has been cancelled or suspended for a period of 30 days or more;
 - (c) the aircraft operator's operating certificate or equivalent has been cancelled or suspended for a period of 30 days or more;

- (d) the aircraft operator is, or itself takes any steps to be, liquidated, whether provisionally or finally and whether compulsorily or voluntarily; or
 - (e) the slot was allocated to an aircraft operator in the circumstances contemplated in regulation 20(10) and the operator does not hold both an air service licence and an operating certificate (or the equivalent thereof) by:
 - (i) 31 January for the scheduling period commencing in March of the same year; or
 - (ii) 31 August for the scheduling period commencing in October of the same year.
- (2) The coordinator may withdraw an allocated series of slots, or the remainder of the series of slots, if slots forming part of that series have not been utilised for a period of 30 days, provided that the non-utilisation of slots shall not be taken into account for purposes of this sub-regulation where the aircraft operator demonstrates that such non-utilisation resulted from the circumstances contemplated in regulation 22(4).
- (3) The coordinator may withdraw an allocated series of slots for the remainder of a scheduling period if the rate of slot usage in that period renders it impossible for the airport operator to achieve the 80% usage rate referred to in regulation 22(1)(b) read with regulations 22(3) to 22(5) in respect of that period.
- (4) The coordinator may withdraw an allocated *ad hoc* slot if:
- (a) the aircraft operator fails to provide the confirmations and information referred to in regulation 29(1) in respect of that slot by the applicable deadline referred to in regulation 29; or
 - (b) any of the confirmations or information provided in respect of that slot is inaccurate in any material respect.
- (5) Prior to withdrawing a slot in terms of sub-regulations (1), (2), (3) or (4), the coordinator shall give written notice to the affected aircraft operator:
- (a) indicating the intention to withdraw the slot;
 - (b) setting out the reasons why it is considering withdrawing the slot; and

- (c) affording the operator a reasonable opportunity to make representations as to why the slot should not be withdrawn.
- (6) Any slot withdrawn in terms of sub-regulations (1) to (4) or any other provision of these regulations shall form part of the slot pool.
- (7) Slots may be withdrawn in the circumstances set out in this regulation (regulation 34) irrespective of whether or not the relevant aircraft operator is under business rescue as contemplated in Chapter 6 of the Companies Act, 2008 (Act No. 71 of 2008).

35. Provision of information to the coordinator

- (1) Aircraft operators operating or intending to operate at a coordinated airport or a schedules facilitated airport shall submit to the coordinator all relevant information requested by the coordinator.
- (2) An airport operator shall, on written request, provide the coordinator with any information in its possession relating to the planned services of aircraft operators at that operator's airport.
- (3) The information requested in terms of sub-regulations (1) and (2) shall be provided to the coordinator in the format and within the time period specified by the coordinator.

36. Exchange of information

The coordinator, the committee, airport operators and air navigation service providers, shall exchange all information that is required for the exercise of their respective functions and duties.

37. Exclusion of liability

Neither the coordinator nor a member or alternate member of the committee is liable for any loss or damage caused by anything done or omitted by the coordinator, the committee or a member or alternate member of the committee in good faith whilst performing any function in terms of these regulations.

38. Short title and commencement

These Regulations are called the Airport Slot Coordination Regulations, 2012, and shall come into operation on the date of publication.

No. R. 128**22 February 2013****WET OP BURGERLIKE LUGVAART, 2009 (WET NO. 13 VAN 2009)**

Die Minister van Vervoer het kragtens artikel 155 van die Wet op Burgerlike Lugvaart, 2009 (Wet No. 13 van 2009), die regulasies in die Bylae uitgevaardig.

BYLAE**REGULASIES VIR LUGHAWEGLEUFKOÖRDINERING, 2012**

1. Woordomskrywing
2. Aanwysing van gekoördineerde lughawens
3. Aanwysing van roostergefasiliteerde lughawens
4. Intrekking van aanwysing van 'n gekoördineerde of 'n roostergefasiliteerde lughawe
5. Verslapping van die aanwysing van 'n lughawe
6. Tydelike aanwysing van 'n lughawe
7. Gekoördineerde lughawens en spesiale gebeurtenisse
8. Aanstelling van die koördineerder
9. Funksies van die koördineerder
10. Roosterfasiliteringsfunksie
11. Lasgewings
12. Verbod op optrede as 'n koördineerder of roosterfasilitateerder
13. Aanstelling van die Gleufkoördineringskomitee van Suid-Afrika
14. Ontslag van lede van die komitee
15. Funksies van die komitee
16. Vergaderings van die komitee
17. Subkomitees
18. Vasstelling van koördineringsparameters
19. Verbod op gebruik van 'n gekoördineerde lughawe sonder 'n gleuf
20. Versoeke vir die toewysing van gleuve
21. Voorkeure by die toewysing van gleuve
22. Historiese gleuve
23. Gleufversoeke ingedien ná die aanvanklike indieningspertyd
24. Waglys
25. Toewysing van gleuve ten opsigte van 'n aangewese tydperk
26. Reëls en riglyne oor gleuftoewysing
27. Verstrekking van inligting oor gleuftoewysing
28. Aard van gleuve
29. Ander gebruiksvoorwaardes
30. Veranderings aan *ad hoc*-gleuve
31. Tipes gleufmisbruik

32. Gleufmisbruik
33. Publikasie van 'n straf
34. Intrekking van gleuve
35. Verstrekking van inligting aan die koördineerder
36. Uitruiling van inligting
37. Uitsluiting van aanspreeklikheid
38. Kort titel en inwerkingtreding

1. Woordomskrywing

In hierdie regulasies, tensy dit uit die samehang anders blyk, het enige woord of uitdrukking waaraan daar in die Wet 'n betekenis heg is, daardie betekenis en beteken—

"aangewese tydperk" 'n tydperk wat ingevolge regulasie 6(1), 6(3) of 7(1) deur die Direkteur-generaal bepaal is;

"aankoms- of vertrektyd" die tyd wanneer die lugvaartuig onderskeidelik "met wielblokke" of "sonder wielblokke" is;

"aanstellingsentiteit" 'n entiteit wat daarop geregtig is om 'n lid van die komitee ingevolge regulasie 13(2) of 13(3) aan te stel;

"aanvanklike gleuftoewysing" die aanvanklike gleuftoewysingsproses wat twee keer per jaar plaasvind onder beskerming van die Internasionale Lugvervoervereniging, wat op die aanvanklike indieningspertyd begin en op die laaste dag van die vasstellingskonferensie eindig;

"aanvanklike indieningspertyd" 23h59 GUT (Gekoördineerde Universele Tyd) op die datum waarop vliegtuigoperateurs hulle beplande bedrywighede by gekoördineerde lughawens moet indien, soos van tyd tot tyd deur die Internasionale Lugvervoervereniging bepaal;

"ACSA" die maatskappy wat ingestel is ingevolge artikel 2 van die Lughawensmaatskappywet, 1993 (Wet No. 44 van 1993);

"ad hoc-bedryf" die bedryf van 'n lugvaartuig op 'n lughawe ingevolge 'n *ad hoc*-gleuf;

"ad hoc-gleuf" 'n gleuf wat nie deel van 'n reeks gleuwe is nie;

"ATNS" die maatskappy soos omskryf in artikel 1 van die Lugverkeer- en navigasiedienstemaatskappywet, 1993 (Wet No. 45 van 1993);

"bedryfsertifikaat" dieselfde as in die Burgerlike Lugvaartregulasies;

"beduidend" 'n verskil van meer as 15 minute vir binnelandse vlugte en meer as 30 minute vir internasionale vlugte tussen die werklike aankoms- of vertrektyd en die toegewese gleuftyd;

"Binnelandse Lugdiensregulasies" die Binnelandse Lugdiensregulasies, 1991, afgekondig by Goewermentskennisgewing No. R.2180 in *Staatskoerant* 13507 van 30 Augustus 1991, soos gewysig;

"Burgerlike Lugvaartregulasies" die Burgerlike Lugvaartregulasies, 2011, afgekondig in Goewermentskennisgewing No. R781 in *Staatskoerant* 35712. van 28 September 2012, soos gewysig;

"die Wet" die Wet op Burgerlike Lugvaart, 2009 (Wet No. 13 van 2009);

“gekoördineerde lughawe” 'n lughawe wat ingevolge regulasie 2(1), 2(2) of 6(1) aangewys is of geag word aangewys te wees;

“gelykwaardige vasstellingstydperk” –

- (a) ten opsigte van 'n vasstellingstydperk wat in Maart van 'n bepaalde jaar begin, 'n vasstellingstydperk wat in Maart van die vorige of daaropvolgende jaar begin of begin het;
- (b) ten opsigte van 'n vasstellingstydperk wat in Oktober van 'n bepaalde jaar begin, 'n vasstellingstydperk wat in Oktober van die vorige of daaropvolgende jaar begin of begin het;

“gleuf” die toestemming wat ooreenkomsdig hierdie regulasies deur die koördineerder gegee is om die volle bestek van lughawe-infrastruktuur te gebruik wat nodig is om 'n lugvaartuig op 'n gekoördineerde lughawe op 'n bepaalde datum en tyd te bedryf vir die doel van landing en opstygting. Behoudens regulasie 29(4) is 'n gleuf spesifiek vir 'n bepaalde tipe en reeks lugvaartuig, konfigurasie, roete en vlugnommer;

“gleufpoel” die poel van gleue in regulasie 21(2)(d) bedoel;

“herhaaldelik” meer as een keer in die afgelope ses maande ten opsigte van 'n bepaalde reeks gleue, of meer as een *ad hoc*-bedryf in die afgelope ses maande wat deur 'n lugvaartuigoperateur na of van die betrokke lughawe bedryf is;

“historiese gleuf” 'n gleuf wat voldoen aan die vereistes van regulasie 22(1) gelees met regulasies 22(2) tot 22(5);

“internasionale lugdiens” dieselfde as in die Wet op Internasionale Lugdienste, 1993 (Wet No. 60 van 1993);

“Internasionale Lugdiensregulasies” die Internasionale Lugdiensregulasies, 1994, afgekondig by Goewermentskennisgewing No. R.722 in *Staatskoerant* 15633 van 15 April 1994, soos gewysig;

“komitee” die Gleufkoördineringskomitee van Suid-Afrika wat by regulasie 13(1) ingestel is;

“koördineerder” die entiteit in regulasie 8 bedoel;

“koördineringsparameters” die uitdrukking in bedryfsterme van al die kapasiteit beskikbaar vir gleuftoewysing by 'n gekoördineerde of roostergefasiliteerde lughawe, met inagneming van alle tegniese, bedryfs-, instandhoudings- en omgewingsfaktore wat die kapasiteit van die lughawe raak, insluitende die beskikbaarheid van omringende lugruim;

“lugdienslisensie” 'n lisensie soos omskryf in die Wet op die Lisensiëring van Lugdienste, 1990 (Wet No. 115 van 1990);

"lughawe-operateur", met betrekking tot 'n lughawe, die houer van die vliegveldlisensie wat ten opsigte van daardie lughawe uitgereik is ingevolge Deel 139 van die Burgerlike Lugvaartregulasies;

"lugdiens", 'n lugdiens soos omskryf in die Burgerlike Lugvaartregulasies;

"lugvaartuigoperator" –

- (a) 'n lugdiensoperator;
- (b) 'n lugvaartopleidingsorganisasie beoog in Deel 141 van die Burgerlike Lugvaartregulasies; of
- (c) 'n persoon wat 'n lugvaartuig bedryf, hetsy vir beloning of nie;

"nuwe toetreder" 'n lugdiens wat 'n reeks gleuwe by 'n lughawe versoek op enige dag waar, indien die lugdiens se versoek aanvaar word, dit altesaam hoogstens 5% van die totale beskikbare gleuwe by daardie lughawe op daardie dag sal hou;

"reeks gleuwe" ten minste vyf gleuwe wat versoek is vir dieselfde tyd op dieselfde dag van die week opeenvolgend in dieselfde vasstellingstydperk en op daardie wyse toegewys is, of, indien dit nie moontlik is nie, op ongeveer dieselfde tyd toegewys is;

"roostergefasiliteerde lughawe" 'n lughawe wat ingevolge regulasie 3(1) of 6(3) aangewys is;

"spesiale gebeurtenis" 'n gebeurtenis, insluitende 'n sport-, kulturele, godsdiens-, politieke of sakegebeurtenis, wat waarskynlik beduidende bykomende las op die kapasiteit van een of meer lughawens sal plaas;

"spesialegebeurtenislughawe" 'n lughawe wat ingevolge regulasie 7(1) vir doeleindes van 'n spesiale gebeurtenis aangewys is;

"vasgestelde openbare lugvervoerdiens" dieselfde as in die Burgerlike Lugvaartregulasies;

"vasstellingskonferensies" die internasionale vasstellingskonferensies van die Internasionale Lugvervoervereniging, wat twee keer per jaar gehou word;

"vasstellingstydperk" die tydperk elke jaar van sewe maande wat op die laaste Sondag van Maart begin of die tydperk van vyf maande wat op die laaste Sondag van Oktober begin;

"voorsitter" die voorsitter van die komitee, aangestel ingevolge regulasie 13(2)(a).

2. Aanwysing van gekoördineerde lughawens

- (1) Behoudens hierdie regulasie kan die Minister 'n lughawe as 'n gekoördineerde lughawe aanwys by kennisgewing in die *Staatskoerant*.
- (2) O. R. Tambo Internasionale Lughawe, Kaapstad Internasionale Lughawe en King Shaka Internasionale Lughawe word geag ingevolge subregulasie (1) aangewys te wees, tensy die Minister die aanwysing van hierdie lughawens ingevolge regulasie 4 intrek of die aanwysing ingevolge regulasie 5 verslap.
- (3) Behoudens subregulasie (6) kan die Minister lughawens ingevolge subregulasie (1) aanwys slegs indien die lughawe-operator so 'n aanwysing skriftelik versoek.
- (4) Die Minister kan 'n lughawe ingevolge subregulasie (1) aanwys slegs indien hy of sy oortuig is dat:
 - (a) die vraag na lughawe-infrastruktuur by daardie lughawe die lughawe se kapasiteit oorskry, of na verwagting op die kort termyn in sekere tydperke gedurende die dag die lughawe se kapasiteit sal oorskry;
 - (b) die uitbreiding van lughawe-infrastruktuur om in die vraag te voorsien, op kort termyn nie moontlik is nie;
 - (c) pogings om die gebrek, of verwagte gebrek, aan kapasiteit deur vrywillige roosteraanpassings die hoof te bied, misluk het of waarskynlik ondoeltreffend sal wees; en
 - (d) 'n proses van gleuftoewysing by die lughawe wenslik is.
- (5) 'n Verslag wat die resultate toon van 'n deeglike ontleding van vraag en aanbod wat op eie koste deur die lughawe-operator gedaan is, moet 'n versoek in subregulasie (3) bedoel, vergesel. Hierdie ontleding moet:
 - (a) enige tekort of verwagte tekort aan kapasiteit evalueer met inagneming van omgewingsbeperkings by die betrokke lughawe; en
 - (b) die moontlikhedeoorweeg om die tekort of verwagte tekort te oorkom deur meganismes soos nuwe of aangepaste infrastruktuur, bedryfs- of ander veranderinge en die waarskynlike tydraamwerk vir sulke meganismes.
- (6) Indien die Minister van mening is, na oorleg met die komitee en die lughawe-operator, dat die lughawe-operator van 'n ongekoördineerde lughawe versuim om kapasiteit by daardie lughawe te maksimeer en dat sodanige versuim lei of bydra tot 'n tekort aan lugruimkapasiteit in die omliggende gebied, kan die Minister:
 - (a) die lughawe-operator gelas om op eie koste 'n ontleding te doen en 'n verslag in subregulasie (5) beoog, op te stel en voor te lê; en
 - (b) ondanks subregulasie (3), daardie lughawe ingevolge subregulasie (1) aanwys indien die Minister oortuig is dat die omstandighede in

subregulasie (4)(a) tot (c) bestaan en dat 'n proses van gleuftoewysing by die lughawe nodig is.

- (7) Voordat 'n aanwysing ingevolge subregulasie (1) gedoen word, en na ontvangs van die verslag in subregulasie (5) bedoel, moet die Minister oor die kapasiteitsituasie by die betrokke lughawe oorleg pleeg met die komitee, die lughawe-operator, die lugvaartuigoperateurs wat die lughawe gereeld gebruik of hulle verteenwoordigers en die betrokke lugnavigasiendsverskaffer.
- (8) Die kennisgewing in subregulasie (1) bedoel, moet gepubliseer word ten minste sewe maande voor die begin van die vasstellingstydperk waarin die koördinering van die lughawe van krag sal word.

3. Aanwysing van roostergefasiliteerde lughawens

- (1) Behoudens hierdie regulasie kan die Minister 'n lughawe wat nie 'n gekoördineerde lughawe is nie, as 'n roostergefasiliteerde lughawe aanwys by kennisgewing in die *Staatskoerant*.
- (2) Die Minister kan 'n lughawe ingevolge subregulasie (1) aanwys slegs indien:
 - (a) die lughawe-operator sodanige aanwysing skriftelik versoek; en
 - (b) die Minister oortuig is dat daar potensiaal vir opeenhoping is gedurende sommige tydperke van die dag, week of vasstellingstydperk, wat opgelos kan word deur vrywillige samewerking tussen lugvaartuigoperateurs.
- (3) Die bepalings van regulasies 2(5), 2(7) en 2(8) is, met die veranderings wat deur die samehang vereis word, van toepassing op 'n aanwysing ingevolge subregulasie (1).

4. Intrekking van aanwysing van 'n gekoördineerde of 'n roostergefasiliteerde lughawe

- (1) Die Minister kan by kennisgewing in die *Staatskoerant* die aanwysing van 'n gekoördineerde of roostergefasiliteerde lughawe intrek, met dien verstande dat:
 - (a) die lughawe-operator van daardie lughawe sodanige intrekking skriftelik versoek het;
 - (b) 'n verslag in regulasie 2(5) bedoel die versoek vergesel; en
 - (c) die Minister die proses volg wat in regulasie 2(7) bedoel word.
- (2) Die Minister kan die aanwysing van 'n lughawe as 'n gekoördineerde lughawe intrek slegs indien hy of sy oortuig is dat die omstandighede wat in regulasie 2(4)(a) beoog word, nie meer by daardie lughawe van toepassing is nie.
- (3) Die Minister kan die aanwysing van 'n lughawe as 'n roostergefasiliteerde lughawe intrek slegs indien hy of sy oortuig is dat daar nie meer potensiaal vir

opeenhoping gedurende sommige tydperke van die dag, week of vasstellingstydperk by daardie lughawe is nie.

- (4) Die bepalings van regulasie 2(8), met die veranderinge wat deur die samehang vereis word, is van toepassing op die intrekking van 'n aanwysing ingevolge subregulasie (1).

5. Verslapping van die aanwysing van 'n lughawe

- (1) Die Minister kan by kennisgewing in die *Staatskoerant* die aanwysing van 'n lughawe van 'n gekoördineerde lughawe na 'n roostergefasiliteerde lughawe verander, met dien verstande dat:
- die lughawe-operator van daardie lughawe sodanige verandering skriftelik versoek het;
 - 'n verslag in regulasie 2(5) bedoel die versoek vergesel; en
 - die Minister die proses volg wat in regulasie 2(7) bedoel word.
- (2) Die Minister kan die aanwysing van 'n lughawe verander soos in subregulasie (1) beoog, slegs indien hy of sy oortuig is dat:
- die omstandighede in regulasie 2(4)(a) beoog, nie meer op daardie lughawe van toepassing is nie; en
 - die omstandighede in regulasie 3(2)(b) beoog, op daardie lughawe van toepassing is.
- (3) Die bepalings van regulasie 2(8), met die veranderinge wat deur die samehang vereis word, is van toepassing op die verandering van 'n aanwysing ingevolge subregulasie (1).

6. Tydelike aanwysing van 'n lughawe

- (1) Ondanks die bepalings van regulasie 2 kan die Direkteur-generaal by kennisgewing in die *Staatskoerant* 'n lughawe tydelik as 'n gekoördineerde lughawe aanwys vir 'n bepaalde tydperk waartydens die lughawe waarskynlik 'n tydelike toename in die vraag, hetsy as gevolg van 'n spesiale gebeurtenis of andersins, of 'n tydelike gebrek aan kapasiteit sal ondervind sodat die omstandighede in regulasie 2(4)(a) beoog, waarskynlik op daardie lughawe van toepassing sal wees.
- (2) Die Minister kan by kennisgewing in die *Staatskoerant* en na oorleg met die komitee en die lughawe-operator spesifieke reëls bepaal vir die doeltreffende koördinering van 'n lughawe in subregulasie (1) beoog.
- (3) Ondanks die bepalings van regulasie 3 kan die Direkteur-generaal by kennisgewing in die *Staatskoerant* 'n lughawe tydelik as 'n roostergefasiliteerde lughawe aanwys vir 'n bepaalde tydperk waartydens die lughawe waarskynlik 'n tydelike toename in die vraag, hetsy as gevolg van 'n spesiale gebeurtenis of

andersins, of 'n tydelike gebrek aan kapasiteit sal ondervind sodat die omstandighede in regulasie 3(2)(b) beoog, waarskynlik op daardie lughawe van toepassing sal wees.

- (4) Voordat 'n aanwysing ingevolge subregulasie (1) of (2) gemaak word, moet die Direkteur-generaal met die komitee en die lughawe-operator oorleg pleeg.
- (5) 'n Lughawe wat ingevolge subregulasie (1) of (3) aangewys is, maak vir die duur van die aangewese tydperk onderskeidelik 'n gekoördineerde lughawe of 'n roostergefasiliteerde lughawe uit.
- (6) Die aangewese tydperk in subregulasies (1) en (3) beoog, mag nie langer as ses maande wees nie.
- (7) Die kennisgewing in subregulasie (1) bedoel, moet ten minste drie maande voor die begin van die betrokke aangewese tydperk gepubliseer word, tensy 'n korter kennisgewingstydperk in die omstandighede geregverdig is.

7. Gekoördineerde lughawens en spesiale gebeurtenisse

- (1) Die Direkteur-generaal kan, by kennisgewing in die *Staatskoerant* en vir 'n bepaalde tydperk, 'n gekoördineerde lughawe vir doeleindes van 'n spesiale gebeurtenis aanwys, indien sodanige gebeurtenis waarskynlik beduidende bykomende las op die kapasiteit van daardie lughawe sal plaas.
- (2) Die Minister kan, by kennisgewing in die *Staatskoerant* en na oorleg met die komitee en die lughawe-operator, spesifieke reëls bepaal vir die doeltreffende koördinering van 'n lughawe in subregulasie (1) beoog.
- (3) Die bepalings van regulasie 6(4) en 6(7) is, met die veranderings wat deur die samehang vereis word, van toepassing op 'n aanwysing ingevolge subregulasie (1).

8. Aanstelling van die koördineerder

ATNS word hierby as die koördineerder aangestel.

9. Funksies van die koördineerder

- (1) Die koördineerder is verantwoordelik vir:
 - (a) die toewysing van gleue by gekoördineerde lughawens;
 - (b) die monitering en afdwinging van die gebruik van gleue by gekoördineerde lughawens;
 - (c) die fasilitering van die vasstelling van gleue by roostergefasiliteerde lughawens; en
 - (d) die versekering dat die kapasiteit van gekoördineerde lughawens nie oorskry word nie.

- (2) Die koördineerder moet enige ander funksie verrig wat in hierdie regulasies toegewys word.
- (3) Die koördineerder moet sodanige funksies op 'n onafhanklike, neutrale, doeltreffende, niediskriminerende en deursigtige wyse verrig.
- (4) Die koördineerder moet die benutting van gleuve optimeer in belang van alle belanghebbendes en in landsbelang.
- (5) Die koördineerder moet deelneem aan die vasstellingskonferensies wat nodig is om sodanige funksies ingevolge hierdie regulasies te verrig.

10. Roosterfasiliteringsfunksie

- (1) Die koördineerder moet die proses van vrywillige roosteraanpassings deur lugvaartuigoperateurs faciliteer ten einde te voorkom dat die koördineringsparameters van roostergefasiliteerde lughawens oorskry word.
- (2) Die koördineerder moet lugvaartuigoperateurs in kennis stel wanneer opeenhoping waarskynlik by 'n roostergefasiliteerde lughawe sal gebeur, en moet alternatiewe aankoms- of vertrektye aanbeveel ten einde opeenhoping by sodanige lughawens te beperk.
- (3) Die koördineerder moet, met die bystand van die lughawe-operateur, die nakoming deur lugvaartuigoperateurs van die roosters wat vir hulle aanbeveel is, moniteer.

11. Lasgewings

- (1) Die koördineerder kan skriftelike lasgewings aan 'n lugvaartuigoperateur, 'n lughawe-operateur of 'n lugnavigasiendsverskaffer uitreik met die doel om die gleufmisbruik in regulasie 31 bedoel, te voorkom.
- (2) Voordat 'n lasgwing ingevolge subregulasie (1) uitgereik word, moet die koördineerder skriftelik aan die betrokke lugvaartuigoperateur, lughawe-operateur of lugnavigasiendsverskaffer kennis gee waarin:
 - (a) die voorneme om die lasgwing uit te reik, aangedui word;
 - (b) die redes waarom die uitreiking van die lasgwing oorweeg word, uiteengesit is; en
 - (c) sodanige persoon 'n redelike geleentheid gebied word om vertoë te rig oor waarom die lasgwing gewysig moet word of nie uitgereik moet word nie.

12. Verbod op optrede as 'n koördineerder of roosterfasiliteerder

Behalwe soos in regulasie 20(3) bepaal, mag geen ander persoon as die koördineerder as 'n koördineerder vir 'n gekoördineerde lughawe of as 'n roosterfasiliteerder vir 'n roostergefasiliteerde lughawe optree nie.

13. Aanstelling van die Gleufkoördineringskomitee van Suid-Afrika

- (1) Daar word hierby 'n komitee ingestel wat bekend staan as die Gleufkoördineringskomitee van Suid-Afrika.
- (2) Die volgende entiteite is elk daarop geregtig om een lid, en een plaasvervangende lid, van die komitee aan te stel:
 - (a) die Departement;
 - (b) ACSA;
 - (c) die Suid Afrikaanse Burgerlike Lugvaartowerheid;
 - (d) ATNS, in die hoedanigheid as 'n verskaffer van 'n lugverkeersdiens;
 - (e) die "Airlines Association of Southern Africa";
 - (f) die "Board of Airlines Representatives of South Africa";
 - (g) die "Commercial Aviation Association of Southern Africa"; en
 - (h) die "Aircraft Owners and Pilots Association of South Africa".
- (3) Indien 'n lughawe wat nie deur ACSA bedryf word nie, aangewys word as:
 - (a) 'n gekoördineerde lughawe ingevolge regulasie 2; of
 - (b) 'n roostergefasiliteerde lughawe ingevolge regulasie 3,is die lughawe-operator van daardie lughawe daarop geregtig om een lid, en een plaasvervangende lid, van die komitee aan te stel, met dien verstande dat geen lughawe-operator daarop geregtig is om meer as een lid en een plaasvervangende lid van die komitee aan te stel nie.
- (4) Die lid wat ingevolge subregulasie (2)(a) aangestel word, is die voorsitter van die komitee.
- (5) 'n Lid van die komitee dien in 'n deeltydse hoedanigheid en tree op as 'n verteenwoordiger van die aanstellingsentiteit wat hom of haar ingevolge subregulasie (2) of (3) aangestel het.
- (6) Elk van die aanstellingsentiteite in subregulasies (2) en (3) bedoel, moet die Departement skriftelik en binne een maand na die datum waarop hierdie regulasies in werking tree, in kennis stel van die naam van die lid en plaasvervangende lid wat ingevolge daardie subregulasie in die komitee aanstel is.

- (7) Aanstellingsentiteit kan hul lede of plaasvervangende lede van die komitee van tyd tot tyd verander by skriftelike kennisgewing aan die Departement.
- (8) Indien 'n lid wat deur 'n aanstellingsentiteit aangestel is, om enige rede nie 'n vergadering van die komitee kan bywoon nie, moet die plaasvervangende lid van daardie entiteit dit bywoon. 'n Plaasvervangende lid word geag 'n lid van die komitee te wees vir doeleindes van sodanige vergadering.
- (9) 'n Verteenwoordiger van die koördineerder moet alle vergaderings van die komitee as 'n waarnemer bywoon.
- (10) Die voorsitter kan enige ander persoon nooi om vergaderings van die komitee as 'n waarnemer by te woon waar die voorsitter van mening is dat sodanige persoon kan help met die verrigting van die komitee se funksies.
- (11) Die Departement moet sekretariële en administratiewe steun aan die komitee verleen.

14. Ontslag van lede van die komitee

- (1) Die Direkteur-generaal kan 'n lid of plaasvervangende lid van die komitee uit die amp ontslaan as gevolg van:
 - (a) wangedrag;
 - (b) onvermoë of herhaalde versuim om sy of haar ampspligte doeltreffend te verrig;
 - (c) afwesigheid van drie opeenvolgende vergaderings van die komitee sonder die skriftelike toestemming van die voorsitter, behalwe by aanvoering van gegronde redes; of
 - (d) die feit dat hy of sy, hetsy in die Republiek of elders, skuldig bevind is aan
 - - (i) diefstal, bedrog, vervalsing of uitgee van 'n vervalste dokument, meineed, 'n misdryf ingevolge die Wet op die Voorkoming van Korruptsie, 1958 (Wet No. 6 van 1958), die Wet op Korruptsie, 1992 (Wet No. 94 van 1992), Dele 1 tot 4, of artikel 17, 20 of 21 (in soverre dit met voornoemde misdrywe verband hou) van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004 (Wet No. 12 van 2004), of enige ander misdryf waarby oneerlikheid betrokke is; of
 - (ii) 'n misdryf ingevolge die Wet;

- tydperk van gevangenisstraf van ten minste een jaar sonder die keuse van 'n boete; of
- (f) die feit dat hy of sy te eniger tyd uit 'n vertrouensamp ontslaan is as gevolg van wangedrag.
- (2) Indien die Direkteur-generaal 'n lid of plaasvervangende lid van die komitee ingevolge subregulasie (1) uit die amp ontslaan, moet die betrokke aanstellingsentiteit daardie lid, by skriftelike kennisgewing aan die Departement, vervang binne 14 dae na sodanige ontslag.

15. Funksies van die komitee

- (1) Die funksies van die komitee is om –
- (a) die Direkteur-generaal te adviseer oor die koördineringsparameters in regulasie 18 beoog; en
 - (b) voorstelle te maak of advies te gee aan die koördineerder, die Direkteur-generaal of die Minister oor:
 - (i) moontlikhede vir die vergroting van die kapasiteit van gekoördineerde lughawens of vir die verbetering van die gebruik daarvan deur lugvaartuigoperateurs;
 - (ii) verbeterings aan lugvaartuigverkeerstoestande by gekoördineerde lughawens, insluitende omgewingskwessies rakende lugvaartuigverkeer;
 - (iii) plaaslike reëls en plaaslike riglyne vir die toewysing van gleuwe, welke reëls of riglyne spesifiek vir 'n bepaalde lughawe is;
 - (v) metodes om die gebruik van gleuwe te moniteer;
 - (vi) ernstige probleme wat nuwe toetreders ondervind om toegang tot gekoördineerde lughawens te kry;
 - (vii) enige ander kwessies rakende kapasiteit, gleuftoewysing en monitering van die gebruik van gleuwe by gekoördineerde lughawens; en
 - (viii) die aanwysing van gekoördineerde lughawens en roostergefaseerde lughawens, die intrekking van aanwysings, die verslapping van aanwysings en die aanwysing van spesiale gebeurtenislughawens ingevolge regulasies 2 tot 7.
- (2) Die komitee moet die optimering van die benutting van gleuwe bevorder in belang van alle belanghebbendes en in landsbelang.
- (3) Die koördineerder moet met die komitee saamwerk en bystaan en moet op versoek tersaaklike inligting aan die komitee verstrek.

16. Vergaderings van die komitee

- (1) Die komitee vergader so dikwels as wat nodig is vir die behoorlike verrigting van toegewese funksies, en ten minste twee keer per jaar.
- (2) Die voorsitter belê vergaderings van die komitee telkens wanneer die werk van die komitee dit vereis of wanneer hy of sy skriftelik deur twee of meer ander lede van die komitee versoek word om dit te doen, met 14 dae skriftelike kennis aan die lede van die komitee.
- (3) In die geval van die tydelike afwesigheid van die voorsitter moet die voorsitter 'n lid van die komitee aanstel om as voorsitter waar te neem gedurende die tydperk van afwesigheid.
- (4) Behoudens hierdie regulasie en die skriftelike prosedurereëls wat deur die komitee aangeneem kan word, bepaal die voorsitter die procedure wat op vergaderings van die komitee gevvolg moet word.
- (5) Die komitee moet 'n rekord van verrigtinge laat hou.

17. Subkomitees

- (1) Die komitee kan subkomitees instel, bestaande uit lede van die komitee en, waar nodig, geselecteerde kundiges, om die komitee by te staan met die verrigting van toegewese funksies ooreenkomsdig die opdrag wat deur die komitee bepaal word.
- (2) Die bepalings van regulasie 16, met die nodige veranderinge, is van toepassing op 'n subkomitee wat ingevolge subregulasie (1) ingestel is.

18. Vasstelling van koördineringsparameters

- (1) Die lughawe-operateur van 'n gekoördineerde lughawe of 'n roostergefasiliteerde lughawe moet, ten minste agt maande voor die begin van die betrokke vasstellingstydperk en na oorleg met die lugnavigasiendienstverskaffer vir daardie lughawe, die koördineringsparameters vir daardie lughawe vir die betrokke tydperk aan die Direkteur-generaal en die komitee verskaf.
- (2) Ondanks subregulasie (1) moet die lughawe-operateur van 'n gekoördineerde lughawe of 'n roostergefasiliteerde lughawe wat ingevolge regulasie 6(1) of 6(3) aangewys is, die koördineringsparameters vir daardie lughawe vir die aangewese tydperk verskaf binne die tydperk wat die Direkteur-generaal skriftelik bepaal.
- (3) By die vasstelling van die voorgestelde koördineringsparameters in subregulasies (1) en (2) bedoel, moet die lughawe-operateur ag slaan op:
 - (a) alle tersaaklike tegniese, bedryfs- en omgewingsbeperkings by die lughawe;
 - (b) die verskillende soorte lugvaartuigverkeer op die lughawe; en

- (c) die infrastruktuurkapasiteit van die lughawe.
- (4) Indien die Direkteur-generaal, na oorleg met die komitee en die betrokke lughawe-operator en die betrokke lugnavigasiendsverskaffer, oortuig is dat die lughawe nie lugruimkapasiteitbeperkings in die gesig staar wat die koördineringsparameters raak nie, moet die Direkteur-generaal die parameters wat ingevolge subregulasie (1) of (2) verskaf is, goedkeur as die koördineringsparameters van die lughawe.
- (5) Indien die Direkteur-generaal, na oorleg met die komitee en die betrokke lughawe-operator, van mening is dat die lughawe lugruimkapasiteitbeperkings in die gesig staar wat die koördineringsparameters raak en dat daardie beperkings nie deur 'n toename in lugruimkapasiteit die hoof gebied sal kan word nie, moet die Direkteur-generaal die koördineringsparameters vir die lughawe vasstel deur die parameters wat ingevolge subregulasie (1) of (2) verskaf is, aan te pas ten einde daardie beperkings in aanmerking te neem.
- (6) Die koördineringsparameters moet ingevolge subregulasie (4) of (5) goedgekeur of vasgestel word en moet aan die koördineerder, die komitee en die lughawe-operator bekend gemaak word ten minste sewe maande voor die begin van die betrokke vasstellingstydperk.
- (7) Die tydperk wat in subregulasie (6) bepaal word, is nie van toepassing nie ten opsigte van 'n lughawe wat ingevolge regulasie 6(1) of 6(3) aangewys is.

19. Verbod op gebruik van 'n gekoördineerde lughawe sonder 'n gleuf

- (1) Behoudens subregulasie (2) mag geen lugvaartuigoperator op 'n gekoördineerde lughawe bedryf nie sonder 'n gleuf wat ingevolge hierdie regulasies deur die koördineerder toegewys is nie.
- (2) Die verbod in subregulasie (1) is nie van toepassing op militêre, polisie- of mediese noodgevalle, humanitaire vlugte, die gebruik van 'n lugvaartuig in verband met natuurrampe of soek-en-reddingsoperasies of invlugnoodgevalle rakende die bedryf van die lugvaartuig nie.

20. Versoeke vir die toewysing van gleuwe

- (1) 'n Lugvaartuigoperator moet die toewysing van 'n gleuf, of 'n reeks gleuwe, versoek in die vorm soos dit van tyd tot tyd deur die koördineerder in die *Staatskoerant* en op die koördineerder se webblad gepubliseer word.
- (2) Versoeke vir gleuwe kan te eniger tyd gedurende die koördineerder se kantoorure gerig word.
- (3) Ondanks subregulasie (2) kan 'n *ad hoc*-gleuf buite kantoorure van die lughawe-operator versoek word, met dien verstande dat die gleuf binne die tydperk van 24 uur onmiddellik na die versoek val. In sulke omstandighede kan die lughawe-

operator die funksies van die koördineerder ten opsigte van daardie gleufversoek verrig.

- (4) Geen gleuve mag vir 'n vasstellingstydperk voor die aanvanklike gleuftoewysing ten opsigte van daardie tydperk toegewys word nie.
- (5) 'n Versoek vir 'n reeks gleuve kan as deel van die aanvanklike gleuftoewysing vir 'n vasstellingstydperk oorweeg word slegs as dit binne die aanvanklike indieningsertyd vir daardie tydperk by die koördineerder ingedien is.
- (6) *Ad hoc*-gleuve mag nie as deel van die aanvanklike gleuftoewysing versoek word nie, met dien verstande dat 'n operator van 'n vasgestelde openbare lugvervoerdienis as deel van die aanvanklike gleuftoewysing 'n *ad hoc*-gleuf wat binne die eerste of laaste sewe dae van 'n vasstellingstydperk val, kan versoek ten einde voorsiening te maak vir:
 - (a) 'n verandering wat die gevolg van dagligbesparing is; of
 - (b) 'n gleuf wat aan 'n lugvaartuigoperator toegewys word in die eerste week van 'n vasstellingstydperk op dieselfde tyd en dag van die week as 'n reeks gleuve wat aan daardie operator toegewys is en wat in die laaste week van die vorige vasstellingstydperk eindig; of
 - (c) 'n gleuf wat aan 'n lugvaartuigoperator toegewys word in die laaste week van 'n vasstellingstydperk op dieselfde tyd en dag van die week as 'n reeks gleuve wat aan daardie operator toegewys is en wat in die eerste week van die volgende vasstellingstydperk begin.
- (7) Versoeke vir *ad hoc*-gleuve, uitgesonderd gleuve in subregulasie (6)(a), (6)(b) en (6)(c) bedoel, kan gerig word slegs vanaf:
 - (a) 16 Januarie vir die vasstellingstydperk wat in Maart van dieselfde jaar begin; of
 - (b) 16 Augustus vir die vasstellingstydperk wat in Oktober van dieselfde jaar begin.
- (8) Die koördineerder moet gleufversoekte oorweeg, en gleuftoewysings maak, in ooreenstemming met die koördineringsparameters van die betrokke lughawe.
- (9) 'n Lugvaartuigoperator wat nie 'n geldige lugdienslisensie en bedryfsertifikaat (of die ekwivalent daarvan) hou nie, mag nie 'n *ad hoc*-gleuf of enige gleuf wat in 'n aangewese tydperk val, versoek of hou nie en mag dit nie aan sodanige lugvaartuigoperator toegewys word nie.
- (10) Behoudens subregulasie (9) kan 'n lugvaartuigoperator wat nie 'n geldige lugdienslisensie en bedryfsertifikaat (of die ekwivalent daarvan) hou nie, 'n *ad hoc*-gleuf of enige gleuf wat in 'n aangewese tydperk val, versoek en hou en kan dit aan sodanige lugvaartuigoperator toegewys word, met dien verstande dat:
 - (a) die lugvaartuigoperator vir sodanige lisensie en sertifikaat aansoek gedoen het en nie een daarvan geweier is nie;

- (b) die lugvaartuigoperator die koördineerder ten tyde van die aansoek vir die gleuf in kennis stel dat geen sodanige lisensie en sertifikaat gehou word nie; en
- (c) die aansoek vir 'n reeks gleuwe gedoen word voor:
 - (i) 15 Januarie vir die vasstellingstydperk wat in Maart van dieselfde jaar begin; of
 - (ii) 15 Augustus vir die vasstellingstydperk wat in Oktober van dieselfde jaar begin.

21. Voorkeure by die toewysing van gleuwe

- (1) Hierdie regulasie (regulasie 21) is net op die aanvanklike gleuftoewysing vir 'n bepaalde vasstellingstydperk van toepassing.
- (2) Die koördineerder moet gleuwe toewys in die volgende volgorde van prioriteit:
 - (a) die eerste prioriteit is vir historiese gleuwe;
 - (b) 'n verandering aan 'n historiese gleuf wat nie 'n verandering aan die tyd van die gleuf behels nie, het tweede prioriteit;
 - (c) 'n verandering aan 'n historiese gleuf wat 'n verandering aan die tyd van die gleuf behels, het derde prioriteit;
 - (d) alle oorblywende gleuwe, insluitende alle nuwe gleufkapasiteit waarvoor in die koördineringsparameters voorsiening gemaak word, maak deel van die gleufpoel uit.
- (3) 'n Verandering aan 'n historiese gleuf het die prioriteit in subregulasie (2)(b) of (c) bedoel slegs as die verandering die vervanging van een reeks gleuwe deur 'n ander reeks gleuwe behels.
- (4) 50% van die gleuwe in die gleufpoel vervat by die aanvanklike gleuftoewysing moet aan nuwe toetreders toegewys word, tensy die gleufversoek deur nuwe toetreders minder as 50% van die beskikbare gleuwe is, in welke geval die gleuwe wat aan nuwe toetreders toegewys word, gelykstaande moet wees aan die totale aantal gleuwe wat deur nuwe toetreders versoek word.
- (5) By die oorweging van veranderinge aan historiese gleuwe, die toewysing van gleuwe aan nuwe toetreders en ander toewysings uit die gleufpoel het 'n versoek om 'n bestaande bedryf uit te brei ten einde op 'n heeljaarbasis te bedryf, prioriteit bo 'n nuwe gleufversoek.
- (6) Vir doeleindes van subregulasie (5) beteken 'n bedryf op 'n "heeljaarbasis" 'n bedryf wat dieselfde reeks gleuwe in een vasstellingstydperk en in die onmiddellik daaropvolgende vasstellingstydperk gebruik. By oorweging of 'n bedryf op 'n heeljaarbasis uitgebrei moet word, moet die koördineerder voorsiening maak vir buigsaamheid rakende tye van een vasstellingstydperk na

'n ander, soos veranderings in tye as gevolg van dagligbesparing en ander seisoenale veranderinge.

- (7) Die koördineerder moet gleuve in die gleufpoel, insluitende gleuve onder nuwe toetreders, toewys:
 - (a) met eerste voorkeur aan vasgestelde openbare lugvervoerdienste; en
 - (b) met inagneming van alle tersaaklike omstandighede, insluitende die volgende faktore:
 - (i) roosters wat vir 'n langer bedryfstydperk in die vasstellingstydperk van krag sal wees, moet oor die algemeen voorkeur kry;
 - (ii) die verskeidenheid verskillende soorte lugdienste op, en die markte (binneland, streek en langafstand) wat bedien word deur, die betrokke lughawe;
 - (iii) die ontwikkeling van die betrokke lughawe se roetenetwerk;
 - (iv) die bevordering van mededinging tussen lugvaartuigoperatorse;
 - (v) die behoefte om die uitwerking van tydelike kapasiteitbeperkings by 'n ander lughawe op die lugvaartuigoperatorse wat reeds nadelig deur daardie beperkings geraak word, te verminder;
 - (vi) die behoeftes van die reisende publiek en versenders van goedere met lugvervoer ten einde die voordeel vir die grootste aantal lughawegebruikers te maksimeer; en
 - (vii) enige plaaslike riglyne wat op die betrokke lughawe van toepassing is, soos van tyd tot tyd deur die koördineerder in die *Staatskoerant* en op die koördineerder se webblad gepubliseer word.

- (8) Vir doeleindes van subregulasie (7) kan die Minister die koördineerder, met betrekking tot die toewysing van gleuve ten opsigte van 'n internasionale lugdiens, gelas om ag te slaan op die feit dat 'n vreemde staat deur die Minister vermeld, nie gleuve in daardie staat in ooreenstemming met die beginsels van billike en gelyke geleentheid en wederkerigheid toewys of toegewys het nie aan 'n persoon wat deur die Republiek aangewys is ingevolge 'n lugvervoerdiensooreenkoms beoog in artikel 35 van die Wet op Internasionale Lugdienste, 1993 (Wet No. 60 van 1993).

22. Historiese gleuve

- (1) 'n Lugvaartuigoperator kom vir 'n historiese gleuf in aanmerking slegs as:
 - (a) die operator die betrokke gleuf as deel van 'n reeks gleuve versoek;
 - (b) die operator tot tevredenheid van die koördineerder kan aantoon dat die operator 'n reeks gleuve waarvan die gleuf deel uitmaak, bedryf het vir

- ten minste 80% van die tyd gedurende die vorige gelykwaardige vasstellingstydperk;
- (c) die reeks gleuve in paragraaf (a) bedoel, dieselfde is as, of 'n substel is van, die reeks gleuve in paragraaf (b) bedoel; en
 - (d) die operator die reeks gleuve in paragraaf (a) bedoel, versoek teen die aanvanklike indieningspertyd vir die betrokke vasstellingstydperk.
- (2) Ten opsigte van die eerste twee vasstellingstydperke van 'n gekoördineerde lughawe wat nuut aangewys is ingevolge regulasie 2(1), moet die term "gleuve" in subregulasie (1)(b) gelees word as verwysende na die tye wat die lughaweaarbeidder aan 'n lugvaartuigoperator toegewys het vir die gebruik van die lughawe se infrastruktuur vir doeleindes van landing of opstygting ten opsigte van die vorige gelykwaardige vasstellingstydperk, en "reeks gleuve" het 'n ooreenstemmende betekenis.
- (3) Gleuve wat aan 'n lugvaartuigoperator toegewys is voor:
- (a) 15 Januarie vir die vasstellingstydperk wat in Maart van dieselfde jaar begin, maar aan die koördineerde teruggegee is vir hertoewysing voor daardie 15 Januarie; of
 - (b) 15 Augustus vir die vasstellingstydperk wat in Oktober van dieselfde jaar begin, maar aan die koördineerde teruggegee is vir hertoewysing voor daardie 15 Augustus,
- word nie vir die doel van die gebruiksberkening in subregulasie (1)(b) in aanmerking geneem nie.
- (4) Die nie-benutting van gleuve word nie vir die doel van die gebruiksberkening in subregulasie (1)(b) in aanmerking geneem nie waar die lugvaartuigoperator aantoon dat sodanige nie-benutting die gevolg is van:
- (a) onvoorsienbare en onvermybare omstandighede buite die beheer van die lugvaartuigoperator, wat geleei het tot:
 - (i) die hok van die lugvaartuigtype wat gewoonlik vir die betrokke lugdiens gebruik word;
 - (ii) die sluiting van die betrokke lughawe of lugruim; of
 - (iii) ernstige versturing van die bedrywighede van die betrokke lughawe;
 - (b) die onderbreking van lugvaartuigbedrywighede as gevolg van optrede wat bedoel was om daardie bedrywighede te raak en wat dit prakties of tegnies onmoontlik gemaak het vir die lugvaartuigoperator om die bedrywighede uit te voer soos beplan is.
- (5) Die koördineerde kan 'n gleuf vir doeleindes van subregulasie (1)(b) as bedryf beskou waar die afwyking tussen die gleuftyd en die aankoms- of vertrekyd na die koördineerde se mening onbeduidend is.

- (6) Die koördineerder kan riglyne publiseer as die omstandighede waarin 'n gleuf as bedryf beskou moet word vir doeleindes van subregulasie (1)(b), insluitende 'n toelaatbare marge van afwyking tussen die tyd van die gleuf en die werklike aankoms- of vertrektyd van die lugvaartuig.
- (7) Indien die 80% gebruik van die reeks gleue soos beoog in subregulasie (1)(b) gelees met subregulasies (2) tot (5), nie bewys kan word nie, moet alle gleue wat die betrokke reeks gleue uitmaak, in die gleufpoel geplaas word vir toewysing in die volgende gelykwaardige vasstellingstydperk.
- (8) 'n Lugvaartuigoperateur wat 'n historiese gleuf vir die volgende gelykwaardige vasstellingstydperk wil verander, kan die verandering aan die historiese gleuf versoek en ook die historiese gleuf voorwaardelik versoek. In so 'n geval:
 - (a) indien die koördineerder die versoek om die gleuf te verander, goedkeur, verloor die operateur die historiese gleuf; en
 - (b) indien die koördineerder die versoek om die gleuf te verander, weier, behou die operateur die historiese gleuf, behoudens subregulasie (1).

23. Gleufversoeke ingedien na die aanvanklike indieningspertyd

'n Versoek vir 'n gleuf of 'n reeks gleue wat na die aanvanklike indieningspertyd ingedien is:

- (a) sal nie deel uitmaak van die aanvanklike gleuftoewysing uit nie; en
- (b) word beskou op 'n basis van eerste daar, eerste bedien nadat die aanvanklike gleuftoewysing gefinaliseer is.

24. Waglys

- (1) Behoudens subregulasie (2):
 - (a) word alle onsuksesvolle versoeke vir gleue wat as deel van die aanvanklike gleuftoewysing gedoen is, op 'n waglys geplaas wat deur die koördineerder bygehou word; en
 - (b) word alle ander onsuksesvolle versoeke vir gleue op skriftelike versoek van die betrokke lugvaartuigoperateur op die waglys geplaas wat deur die koördineerder bygehou word.
- (2) Die lugvaartuigoperateur wat 'n onsuksesvolle versoek vir 'n gleuf gerig het, kan die koördineerder te eniger tyd skriftelik in kennis stel dat die betrokke versoek van die waglys verwijder kan word.
- (3) Indien 'n toegewese gleuf beskikbaar word, word voorkeur by die toewysing van daardie gleuf gegee in ooreenstemming met die waglys, en voorkeur word gegee in ooreenstemming met die volgorde waarin die gleufversoeke aan die koördineerder gerig is.

25. Toewysing van gleuve ten opsigte van 'n aangewese tydperk

- (1) In die geval van die tydelike aanwysing van 'n lughawe as 'n gekoördineerde lughawe ingevolge regulasie 6(1) word enige tye wat die lughawe-operator voor die datum van die kennisgewing in daardie regulasie beoog, aan 'n lugvaartuigoperator toegewys het vir die gebruik van die lughawe se infrastruktuur vir die doel van landing of opstygning, geag gleuve te wees wat deur die koördineerder toegewys is.
- (2) Behoudens subregulasie (1) en ondanks die bepalings van regulasies 21 tot 24, in die geval van:
 - (a) 'n tydelike aanwysing van 'n lughawe as 'n gekoördineerde lughawe ingevolge regulasie 6(1); of
 - (b) die aanwysing van 'n gekoördineerde lughawe as 'n spesiale gebeurtenislughawe ingevolge regulasie 7(1),

kan die Minister, na oorleg met die lughawe-operator en die komitee, by kennisgewing in die *Staatskoerant* die wyse bepaal waarop gleuftoewysings vir daardie lughawe ten opsigte van die aangewese tydperk geprioritiseer word.
- (3) By gebrek van 'n bepaling deur die Minister ingevolge subregulasie (2) word gleuve ten opsigte van 'n aangewese tydperk in regulasie 6(1) beoog, toegewys op die basis van eerste daar, eerste bedien.

26. Reëls en riglyne oor gleuftoewysing

Behoudens die bepalings van hierdie regulasies kan die koördineerder reëls oor die prosedure vir gleuftoewysing en riglyne oor die toewysing van gleuve publiseer by kennisgewing in die *Staatskoerant* en op die koördineerder se webblad.

27. Verstrekking van inligting oor gleuftoewysing

- (1) Die koördineerder moet, op 'n datum wat die komitee bepaal, die volgende inligting aan lede van die komitee beskikbaar stel:
 - (a) die historiese gleuve van elke lugvaartuigoperator;
 - (b) die gleuve wat deur elke lugvaartuigoperator versoek is;
 - (c) die toegewese gleuve, en uitstaande gleufversoeke, van elke lugvaartuigoperator;
 - (d) die oorblywende gleuve wat vir die betrokke vasstellingstydperk beskikbaar is;
 - (e) die koördineringsparameters; en
 - (f) die kriteria wat by die toewysing van gleuve gebruik word.

- (2) Indien 'n lugvaartuigoperator se versoek vir die toewysing van 'n gleuf geweier is, moet die koördineerder, binne 14 dae na ontvangs van 'n versoek vir die redes vir sodanige besluit, daardie operator voorsien van:
- skriftelike redes vir sodanige weierung; en
 - besonderhede van ander gleuwe soortgelyk aan die geweierde gleuf wat beskikbaar is.

28. Aard van gleuwe

- 'n Lugvaartuigoperator aan wie 'n gleuf toegewys is:
 - het geen reg van eienaarskap ten opsigte van daardie gleuf nie;
 - mag daardie gleuf nie verpand of andersins beswaar nie; en
 - mag daardie gleuf nie verkoop of andersins oordra nie uitgesonderd soos in subregulasie (2) beoog.
- Lugvaartuigoperators kan, met die vooraf skriftelike goedkeuring van die koördineerder, toegewese gleuwe op 'n een-vir-een-basis uitruil, met dien verstande dat geen teenprestasie ten opsigte van so 'n ruiling betaal word nie.
- Ondanks die bepalings van hierdie regulasies raak die toewysing van 'n gleuf aan 'n lugvaartuigoperator nie die verpligte wat daardie operator teenoor die betrokke lughawe-operator het nie, ongeag of dit kontraksgewys of op 'n ander wyse ontstaan.

29. Ander gebruiksvoorwaardes

- Behoudens subregulasie (2) moet 'n lugvaartuigoperator wat 'n *ad hoc*-gleuf hou, die volgende ten minste 48 uur voor die datum van sodanige gleuf aan die lughawe-operator voorlê:
 - brandstof van die betrokke brandstofkleinhandelaar op die lughawe verkry is;
 - alle nodige grondhanteringsreëlings bevestig is met die betrokke grondhanteerders op die lughawe; en
 - die *ad hoc*-gleuf gebruik sal word op die wyse wat in die versoek vir die gleuf vermeld is of ingevolge subregulasie (4) deur die koördineerder toegelaat word; en
- die volgende inligting:
 - die identiteit en kontakbesonderhede van die lugvaartuigoperator;

- (ii) ten opsigte van die lugvaartuig wat in die betrokke gleuf moet word, die lugvaartuigtipe, lugvaartuigregistrasiesertifikaat, geraassertifikaat en maksimum opstyggewig.
- (2) 'n Lugvaartuigoperator aan wie 'n *ad hoc*-gleuf toegewys word minder as 48 uur voor die datum van die gleuf, moet die skriftelike bevestigings en inligting in subregulasie (1) bedoel, voorlê binne vyf uur na die operator se ontvangs van die gleuf en voor die tyd van gebruik van die gleuf.
- (3) Ondanks die bepalings van subregulasies (1) en (2), in die geval van:
 - (a) 'n tydelike aanwysing van 'n lughawe as 'n gekoördineerde lughawe ingevolge regulasie 6(1); of
 - (b) die aanwysing van 'n gekoördineerde lughawe as 'n spesiale gebeurtenislughawe ingevolge regulasie 7,
 moet 'n lugvaartuigoperator wat 'n *ad hoc*-gleuf hou wat binne die aangewese tydperk val, die bevestigings en inligting in subregulasie (1) bedoel, aan die lughawe-operator voorlê:
 - (i) ten minste 30 dae voor die datum van sodanige gleuf, indien die gleuf meer as 30 dae voor die datum van die gleuf toegewys is; of
 - (ii) ten tyde van aansoek doen vir die gleuf, indien die gleuf binne 30 dae na die datum van sodanige gleuf toegestaan moet word.
- (4) 'n Lugvaartuigoperator mag nie sonder die skriftelike toestemming vooraf van die koördineerder, wat binne 'n redelike tydperk voor die gebruik van die gleuf aangevra moet word, 'n gleuf vir 'n lugvaartuigtipe of -reeks, lugvaartuigkonfigurasie, roete of vlugnommer gebruik wat verskil van dit wat die operator ten tyde van die aansoek vir die gleuf aan die koördineerder verskaf het nie.
- (5) Die koördineerder kan bykomende voorwaardes vir die gebruik van gleue by kennisgewing in die *Staatskoerant* en op die koördineerder se webblad publiseer, insluitende voorwaardes wat spesifiek vir 'n bepaalde lughawe is.

30. Veranderings aan *ad hoc*-gleue

Die koördineerder kan 'n toegewese *ad hoc*-gleuf na die naaste beskikbare gleuf verskuif as die toegewese gleuf benodig word vir 'n reeks gleue wat deur 'n ander lugvaartuigoperator versoek word, met dien verstande dat die koördineerder die houer van die toegewese *ad hoc*-gleuf skriftelik van die verandering in kennis stel ten minste 30 dae voor die datum van daardie gleuf.

31. Tipes gleufmisbruik

- (1) Behoudens subregulasie (2) misbruik 'n lugvaartuigoperator 'n gleuf as:
 - (a) herhaaldelik versuim word om gebruik te maak van gleue wat deur die koördineerder toegewys is;

- (b) 'n lugvaartuig herhaaldelik bedryf word op tye wat beduidend verskil van die toegewese gleuwe;
 - (c) nuwe gleuwe versoek word wat die lugvaartuigoperator nie voornemens is om te bedryf nie;
 - (d) gleuwe herhaaldelik gebruik word op 'n manier wat strydig met regulasie 29(4) is;
 - (e) 'n lugvaartuig sonder 'n toegewese gleuf bedryf word;
 - (f) 'n vlugrooster gepubliseer word wat verskil van die gleuf wat toegewys is;
 - (g) versuim word om die koördineerde so gou as wat redelikerwys moontlik is, in kennis te stel wanneer die lugvaartuigoperator daarvan bewus word dat 'n toegewese gleuf nie gebruik gaan word nie of dat 'n gleuf op 'n beduidend verskillende tyd gebruik gaan word; of
 - (h) versuim word om te voldoen aan die reëls in regulasie 6(2) of 7(2) beoog of 'n lasgewing in regulasie 11(1) beoog.
- (2) Gleufmisbruik deur 'n lugvaartuigoperator ontstaan nie as die handeling of versuim in subregulasie (1) bedoel, veroorsaak is deur uitsonderlike weerstoestande, nywerheidsoptrede, lugverkeerbeheervertragings, bedryfsontwrigtings by die lughawe of ander omstandighede buite die redelike beheer van die lugvaartuigoperator, met dien verstande dat die versuim van die lugvaartuigoperator se agent om akkurate inligting rakende die toewysing van gleuwe tydig aan die operator te verstrek, nie buite die redelike beheer van die operator is nie.

32. Gleufmisbruik

- (1) Indien 'n lugvaartuigoperator opsetlik of nalatig gleuwe op 'n lughawe misbruik soos in regulasie 31 beoog, kan die koördineerde een of meer van die volgende strawwe oplê:
 - (a) intrekking van een of meer toegewese reekse gleuwe of toegewese *ad hoc*-gleuwe op daardie lughawe;
 - (b) intrekking van die lugvaartuigoperator se kwalifisering vir historiese gleuwe op daardie lughawe vir een of twee daaropvolgende vasstellingstydperke;
 - (c) intrekking van die lugvaartuigoperator se kwalifisering vir die toewysing van 'n reeks gleuwe vir 'n tydperk van hoogstens twee daaropvolgende vasstellingstydperke;
 - (d) deprioritisering van die lugvaartuigoperator se versoek vir gleuwe op daardie lughawe vir 'n tydperk van hoogstens twee daaropvolgende vasstellingstydperke.

- (2) Voordat 'n straf ingevolge subregulasie (1) opgelê word, moet die koördineerder skriftelik aan die betrokke lugvaartuigoperator kennis gee waarin:
- (a) die voorneme om 'n straf op te lê en die aard van die voorgestelde straf aangedui word;
 - (b) die redes uiteengesit word waarom die oplegging van die straf oorweeg word; en
 - (c) die operator 'n redelike geleentheid gebied word om vertoë te rig waarom die straf nie opgelê moet word nie.

33. Publikasie van 'n straf

Enige straf wat ingevolge regulasie 32 opgelê is, kan op die koördineerder se webblad gepubliseer word.

34. Intrekking van gleuve

- (1) Die koördineerder kan 'n toegewese reeks gleuve of 'n toegewese *ad hoc*-gleuf intrek indien:
- (a) die lugvaartuigoperator bedrywighede staak of bedrywighede vir 'n tydperk van 30 dae of langer opskort;
 - (b) die lugvaartuigoperator se toepaslike lugdienslisensie of ekwivalent gekanselleer is of vir 'n tydperk van 30 dae of langer opgeskort is;
 - (c) die lugvaartuigoperator se bedryfsertifikaat of ekwivalent gekanselleer is of vir 'n tydperk van 30 dae of langer opgeskort is;
 - (d) die lugvaartuigoperator gelikwideer word of self stappe doen om gelikwideer te word, hetsy voorlopig of finaal en hetsy verpligtend of vrywillig; of
 - (e) die gleuf aan 'n lugvaartuigoperator toegewys is in die omstandighede in regulasie 20(10) beoog en die operator nie sowel 'n lugdienslisensie as 'n bedryfsertifikaat (of die ekwivalent daarvan) hou nie teen:
 - (i) 31 Januarie vir die vasstellingstydperk wat in Maart van dieselfde jaar begin; of
 - (ii) 31 Augustus vir die vasstellingstydperk wat in Oktober van dieselfde jaar begin.
- (2) Die koördineerder kan 'n toegewese reeks gleuve, of die res van die reeks gleuve as gleuve wat deel van daardie reeks uitmaak, vir 'n tydperk van 30 dae nie gebruik is nie, intrek, met dien verstande dat die niegebruik van gleuve nie

vir doeleindes van hierdie subregulasie in aanmerking geneem word nie waar die lugvaartuigoperator aantoon dat sodanige niegebruik die gevolg was van die omstandighede in regulasie 22(4) beoog.

- (3) Die koördineerder kan 'n toegewese reeks gleue vir die res van 'n vasstellingstydperk intrek indien die tempo van gleufgebruik in daardie tydperk dit vir die lughawe-operator onmoontlik maak om die 80% gebruikskoers in regulasie 22(1)(b) gelees met regulasies 22(3) tot 22(5) beoog, ten opsigte van daardie tydperk te behaal.
- (4) Die koördineerder kan 'n toegewese *ad hoc*-gleuf intrek indien:
 - (a) die lugvaartuigoperator versuim om die bevestigings en inligting in regulasie 29(1) bedoel, ten opsigte van daardie gleuf te verskaf teen die toepaslike spertyd in regulasie 29 bedoel; of
 - (b) enige van die bevestigings of inligting wat ten opsigte van daardie gleuf verskaf is, in enige wesenlike oopsig onakkuraat is.
- (5) Voordat 'n gleuf ingevolge subregulasies (1), (2), (3) of (4) ingetrek word, moet die koördineerder skriftelik aan die betrokke lugvaartuigoperator kennis gee waarin:
 - (a) die voorneme om die gleuf in te trek, aangedui word;
 - (b) die redes uiteengesit word waarom die intrekking van die gleuf oorweeg word; en
 - (c) die operator 'n redelike geleentheid gebied word om vertoe te rig oor waarom die gleuf nie ingetrek moet word nie.
- (6) Enige gleuf wat ingevolge subregulasies (1) tot (4) of enige ander bepaling van hierdie regulasies ingetrek word, maak deel van die gleufpoel uit.
- (7) Gleue kan ingetrek word in die omstandighede in hierdie regulasie (regulasie 34) uiteengesit ongeag of die betrokke lugvaartuigoperator onder ondernemingsredding verkeer soos beoog in Hoofstuk 6 van die Maatskappywet, 2008 (Wet No. 71 van 2008).

35. Verstrekking van inligting aan die koördineerder

- (1) Lugvaartuigoperators wat op 'n gekoördineerde lughawe of 'n roostergefaseerde lughawe bedryf of beoog om daar te bedryf, moet alle tersaaklike inligting wat deur die koördineerder versoek word, aan die koördineerder verstrek.
- (2) 'n Lughawe-operator moet op skriftelike versoek die koördineerder voorsien van enige inligting waaroor beskik word rakende die beplande dienste van lugvaartuigoperators op daardie operator se lughawe.

- (3) Die inligting wat ingevolge subregulasies (1) en (2) versoek is, moet aan die koördineerder verstrek word in die formaat en binne die tydperk wat die koördineerder bepaal.

36. Uitruiling van inligting

Die koördineerder, die komitee, lughawe-operateurs en lugnavigasiediensverskaffers moet alle inligting uitruil wat vir die uitoefening van hulle onderskeie funksies en pligte nodig is.

37. Uitsluiting van aanspreeklikheid

Nog die koördineerder nog 'n lid of plaasvervangende lid van die komitee is aanspreeklik vir enige verlies of skade wat veroorsaak is deur enigiets wat deur die koördineerder, die komitee of 'n lid of plaasvervangende lid van die komitee te goeder trou gedoen of nagelaat is by die verrigting van enige funksie ingevolge hierdie regulasies.

38. Kort titel en inwerkingtreding

Hierdie Regulasies heet die Regulasies vir Lughawegleufkoördinering, 2012, en tree in werking op die datum van publikasie daarvan.

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