



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

PRYS (AVB ingesluit) 30c PRICE (GST included)
BUITELANDS 40c ABROAD
POSVRY · POST FREE

Vol. 195]

KAAPSTAD, 16 SEPTEMBER 1981

CAPE TOWN, 16 SEPTEMBER 1981

[No. 7771

KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 1883.

16 September 1981.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 63 van 1981: Lugvaartwysigingswet, 1981.

No. 1883.

16 September 1981.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 63 of 1981: Aviation Amendment Act, 1981.

Act No. 63, 1981

AVIATION AMENDMENT ACT, 1981

GENERAL EXPLANATORY NOTE:

- [** Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Aviation Act, 1962, so as to substitute certain designations; to delete references to the Senate; to make further provision as to a certain cargo restriction; and to effect certain textual improvements; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 25 August 1981.)

BE IT ENACTED by the State President and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of
section 1 of
Act 74 of 1962,
as amended by
section 3 of
Act 12 of 1965
and section 1 of
Act 83 of 1969.

1. Section 1 of the Aviation Act, 1962 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "Minister" of the following definition: 5
 "Minister" means the Minister of Transport Affairs."

Amendment of
section 3 of
Act 74 of 1962.

2. Section 3 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:
 "(2) Copies of any amendments or additions ratified and proclaimed in terms of subsection (1) (b) shall be laid upon 10
 the Table of **[the Senate and of]** the House of Assembly within fourteen days after the publication of the relative proclamation in the *Gazette*, if **[Parliament]** the House of Assembly is then in ordinary session or, if **[Parliament]** the House of Assembly is not then in ordinary session, within 15
 fourteen days after the commencement of its next ensuing ordinary session."

Amendment of
section 5 of
Act 74 of 1962.

3. Section 5 of the principal Act is hereby amended by the substitution for subsection (6) of the following subsection:
 "(6) The Minister shall lay every annual report referred 20
 to in subsection (5) upon the Table of **[the Senate and of]** the House of Assembly within twenty-one days after the receipt thereof, if **[Parliament]** the House of Assembly is then in ordinary session or, if **[Parliament]** the House of Assembly is not then in ordinary session, within twenty- 25
 one days after the commencement of its next ensuing ordinary session."

Amendment of
section 8 of
Act 74 of 1962.

4. Section 8 of the principal Act is hereby amended by the substitution in subsection (1) for the words "Secretary for Transport" of the words "Director-General: Transport". 30

Amendment of
section 9 of
Act 74 of 1962.

5. Section 9 of the principal Act is hereby amended by the substitution for the words "Minister of Mines" wherever they occur of the words "Minister of Mineral and Energy Affairs".

ALGEMENE VERDUIDELIKENDE NOTA:

[**]** Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Lugvaartwet, 1962, ten einde sekere benamings te vervang; verwysings na die Senaat te skrap; verdere voorsiening te maak aangaande 'n sekere beperking op vrag; en sekere teksverbeterings aan te bring; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 25 Augustus 1981.)

DAAR WORD BEPAAL deur die Staatspresident en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 1 van die Lugvaartwet, 1962 (hieronder die Hoofwet genoem), word hierby gewysig deur die omskrywing 5 van „Minister” deur die volgende omskrywing te vervang:
„Minister” die Minister van **[Vervoer]** Vervoerwese;”.
Wysiging van artikel 1 van Wet 74 van 1962, soos gewysig deur artikel 3 van Wet 12 van 1965 en artikel 1 van Wet 83 van 1969.
2. Artikel 3 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:
10 „(2) Afskrifte van wysigings of byvoegings wat ingevolge subartikel (1) (b) bekragtig en geproklameer is, moet in **[die Senaat en]** die Volksraad ter Tafel gelê word binne veertien dae na die afkondiging van die toepaslike proklamasie in die *Staatskoerant*, as die **[Parlement]** Volksraad dan in gewone sessie is of, as die **[Parlement]** Volksraad nie dan in gewone sessie is nie, binne veertien dae na die 15 aanvang van sy eersvolgende gewone sessie.”.
Wysiging van artikel 3 van Wet 74 van 1962.
3. Artikel 5 van die Hoofwet word hierby gewysig deur subartikel (6) deur die volgende subartikel te vervang:
20 „(6) Die Minister moet iedere jaarverslag vermeld in subartikel (5) in **[die Senaat en]** die Volksraad ter Tafel lê binne een-en-twintig dae na die ontvangs daarvan, as die **[Parlement]** Volksraad dan in gewone sessie is of, as die **[Parlement]** Volksraad nie dan in gewone sessie is nie, binne een-en-twintig dae na die aanvang van sy eers- 25 volgende gewone sessie.”.
Wysiging van artikel 5 van Wet 74 van 1962.
4. Artikel 8 van die Hoofwet word hierby gewysig deur in subartikel (1) die woorde „Sekretaris van Vervoer” deur die woorde „Direkteur-generaal: Vervoer” te vervang.
Wysiging van artikel 8 van Wet 74 van 1962.
5. Artikel 9 van die Hoofwet word hierby gewysig deur die 30 woorde „Minister van Mynwese” oral waar dit voorkom deur die woorde „Minister van Minerale- en Energiesake” te vervang.
Wysiging van artikel 9 van Wet 74 van 1962.

Act No. 63, 1981

AVIATION AMENDMENT ACT, 1981

Insertion of
section 15A in
Act 74 of 1962.

6. The following section is hereby inserted in the principal Act after section 15:

- "Prohibition of conveyance of armaments in aircraft.
- 15A. (1)** Except with the written permission of the Minister or a person in the service of the State authorized thereto by the Minister and subject to such conditions as the Minister or such a person may determine, no person shall convey any armaments in an aircraft.
- (2) An aircraft which is upon reasonable grounds believed to be engaged in conveying any armaments contrary to the provisions of subsection (1), shall be subject to the provisions of the regulations with regard to the identification and interception of aircraft.
- (3) A person who is an authorized person for the purposes of the Civil Aviation Offences Act, 1972 (Act No. 10 of 1972), may, without derogating from any power which he may have under the Criminal Procedure Act, 1977 (Act No. 51 of 1977), at any aerodrome or place in the Republic, without a warrant—
- (a) search any aircraft which he reasonably believes to be used or to have been used to convey any armaments contrary to the provisions of subsection (1) of this section, and any cargo or goods on board such an aircraft;
- (b) seize—
- (i) any armaments found during a search carried out under paragraph (a) of this subsection;
- (ii) any aircraft on which such armaments are found; and
- (iii) any other thing which in his opinion was used or is intended to be used for the commission, or in connection with the commission, of an offence under this section; and
- (c) arrest any person who is found on board an aircraft contemplated in paragraph (a) of this subsection and whom he reasonably suspects of having committed an offence under this section or of attempting to commit such an offence, and the provisions of section 2H (2) of the Civil Aviation Offences Act, 1972, shall *mutatis mutandis* apply for the purpose of his effecting the arrest.
- (4) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and liable on conviction to imprisonment without the option of a fine for a period not exceeding ten years.
- (5) (a) Any armaments, aircraft or other thing seized under subsection (3) (b) shall be forfeited to the State unless the court at the trial of any person accused of the contravention concerned of subsection (1), finds—
- (i) in the case of such armaments, that they were not conveyed contrary to the provisions of the last-named subsection and were not intended to be used for any unlawful purpose; or
- (ii) in the case of such an aircraft or other thing, that it was not used or intended to be used for the commission, or in connection with the commission, of any offence.
- (b) Anything forfeited in terms of paragraph (a) shall be disposed of as the Minister may either generally or in a particular case order.

LUGVAARTWYSIGINGSWET, 1981

Wet No. 63, 1981

6. Die volgende artikel word hierby in die Hoofwet na artikel 15 ingevoeg:

Invoeging van
artikel 15A in
Wet 74 van 1962.

„Verbod op
vervoer van
krygstuig in
5 lugvaartuie.

15A. (1) Behalwe met die skriftelike toestemming

van die Minister of 'n persoon in diens van die Staat deur die Minister daartoe gemagtig en behoudens die voorwaardes wat die Minister of so 'n persoon bepaal, mag niemand enige krygstuig in 'n lugvaartuig vervoer nie.

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(2) 'n Lugvaartuig wat op redelike gronde vermoed word besig te wees om enige krygstuig in stryd met die bepalings van subartikel (1) te vervoer, is onderworpe aan die bepalings van die regulasies met betrekking tot die identifisering en onderskepping van lugvaartuie.

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(3) 'n Persoon wat 'n gemagtigde persoon is vir die doeleindes van die Wet op Misdrywe teen Burgerlike Lugvaart, 1972 (Wet No. 10 van 1972), kan, sonder om afbreuk te doen aan enige bevoegdheid wat hy kragtens die Strafproseswet, 1977 (Wet No. 51 van 1977), mag hê, op enige vliegveld of plek in die Republiek, sonder 'n lasbrief—

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(a) enige lugvaartuig wat hy redelikerwys vermoed gebruik word of gebruik is om enige krygstuig in stryd met die bepalings van subartikel (1) van hierdie artikel te vervoer, en enige vraag of goed aan boord van so 'n lugvaartuig, deursoek;

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(b) beslag lê op—

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(i) enige krygstuig wat gevind word tydens 'n deursoeking kragtens paragraaf (a) van hierdie subartikel uitgevoer;

(ii) enige lugvaartuig waarin sodanige krygstuig gevind word; en

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(iii) enigiets anders wat na sy oordeel gebruik is of bestem is om gebruik te word vir die pleging, of in verband met die pleging, van 'n misdryf kragtens hierdie artikel; en

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(c) enige persoon in hegtenis neem wat aan boord van 'n lugvaartuig beoog in paragraaf (a) van hierdie subartikel gevind word en wat hy redelikerwys daarvan verdink dat hy 'n misdryf kragtens hierdie artikel gepleeg het of poog om so 'n misdryf te pleeg, en die bepalings van artikel 2H (2) van die Wet op Misdrywe teen Burgerlike Lugvaart, 1972, is *mutatis mutandis* van toepassing vir die doel van die uitvoering deur hom van die inhegtenisneming.

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(4) Iemand wat die bepalings van subartikel (1) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf sonder die keuse van 'n boete vir 'n tydperk van hoogstens tien jaar.

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(5) (a) Enige krygstuig, lugvaartuig of iets anders waarop kragtens subartikel (3) (b) beslag gelê is, word aan die Staat verbeur tensy die hof by die verhoor van enige persoon wat van die betrokke oortreding van subartikel (1) beskuldig word, bevind—

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(i) in die geval van sodanige krygstuig, dat dit nie in stryd met die bepalings van laasgenoemde subartikel vervoer is nie en nie bestem was om vir enige onwettige oogmerk gebruik te word nie; of

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(ii) in die geval van so 'n lugvaartuig of so iets anders, dat dit nie gebruik is of bestem was om gebruik te word vir die pleging, of in verband met die pleging, van enige misdryf nie.

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(b) Daar word oor enigiets wat ingevolge paragraaf (a) verbeur is, beskik soos die Minister in die algemeen of in 'n bepaalde geval beveel.

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- (c) The provisions of paragraph (a), in so far as they relate to an aircraft, shall not affect the rights which any person other than a person accused of the contravention concerned of subsection (1) may have to such an aircraft, if he, within thirty days of the seizure thereof, satisfies the Minister, by means of proof in writing submitted through the Director-General: Transport, that he did not know that the aircraft was used or intended to be used for the commission, or in connection with the commission, of any offence, or that he could not prevent such use. 5
- (6) For the purposes of this section the expression 'armaments' bears the meaning assigned thereto in section 1 of the Armaments Development and Production Act, 1968, (Act No. 57 of 1968), but with the exception of any such armaments while being conveyed in an aircraft— 15
- (a) on behalf of the State; 20
- (b) by or on behalf of—
- (i) the Armaments Corporation of South Africa, Limited, established by section 2 of the Armaments Development and Production Act, 1968, or any undertaking or company established or promoted by the said corporation, or any member, director, employee or agent of that corporation or any such undertaking or company; 25
 - (ii) any person in his capacity as an officer or employee of the State; 30
 - (iii) any person for the purposes of the Defence Act, 1957 (Act No. 44 of 1957); or
 - (iv) any person who is entitled by virtue of the Arms and Ammunition Act, 1969 (Act No. 75 of 1969), to possess the armaments concerned or to have the armaments concerned in his custody." 35

Short title.

7. This Act shall be called the Aviation Amendment Act, 1981. 40

LUGVAARTWYSIGINGSWET, 1981

Wet No. 63, 1981

- 5 (c) Die bepalings van paragraaf (a) raak, vir sover
dit op 'n lugvaartuig betrekking het, nie die
regte wat iemand anders as 'n persoon wat van
die betrokke oortreding van subartikel (1)
10 beskuldig word op so 'n lugvaartuig het nie,
indien hy binne dertig dae na die beslaglegging
daarop die Minister, by wyse van skriftelike
bewys voorgelê deur bemiddeling van die
Direkteur-generaal: Vervoer, oortuig dat hy nie
15 geweet het dat die lugvaartuig gebruik is of
bestem was om gebruik te word vir die pleging,
of in verband met die pleging, van enige
misdryf nie, of dat hy sodanige gebruik nie kon
verhinder nie.
- 20 (6) By die toepassing van hierdie artikel het die
uitdrukking 'krygstuig' die betekenis wat daaraan
toegeskryf word in artikel 1 van die Wet op
Krygstuigontwikkeling en -vervaardiging, 1968 (Wet
No. 57 van 1968), maar met uitsondering van enige
sodanige krygstuig terwyl dit in 'n lugvaartuig
vervoer word—
- (a) ten behoeve van die Staat;
(b) deur of ten behoeve van—
- 25 (i) die Krygstuigkorporasie van Suid-Afrika,
Beperk, ingestel by artikel 2 van die Wet
op Krygstuigontwikkeling en -vervaardiging,
1968, of enige onderneming of maatskappy
deur genoemde korporasie opgerig of gestig,
of enige lid, direkteur, werknemer of agent van
daardie korporasie of so 'n onderneming of
30 maatskappy;
- (ii) enige persoon in sy hoedanigheid van 'n
beampte of werknemer van die Staat;
- 35 (iii) enige persoon vir die doeleindes van die
Verdedigingswet, 1957 (Wet No. 44 van
1957); of
- 40 (iv) enige persoon wat uit hoofde van die Wet
op Wapens en Ammunisie, 1969 (Wet No.
75 van 1969), daarop geregtig is om die
betrokke krygstuig te besit of in sy bewa-
ring te hê."

7. Hierdie Wet heet die Lugvaartwysigingswet, 1981.

Kort titel.

