

REPUBLIC
OF
SOUTH AFRICA



REPUBLIEK
VAN
SUID-AFRIKA

Government Gazette Staatskoerant

Vol. 354

PRETORIA, 9 DECEMBER
DESEMBER 1994

No. 16168

GENERAL NOTICE

NOTICE 1354 OF 1994

DEPARTMENT OF TRANSPORT

REGULATING COMMITTEE

AIR TRAFFIC AND NAVIGATION SERVICES
COMPANY ACT, 1993 (ACT No. 45 OF 1993)

PERMISSION TO LEVY AIR TRAFFIC SERVICE CHARGES

It is hereby published for general notice that on 5 December 1994 the Regulating Committee established by section 11 of the Airports Company Act, 1993 (Act No. 44 of 1993), issued in terms of section 11 (5) of the Air Traffic and Navigation Services Company Act, 1993 (Act No. 45 of 1993), to the Air Traffic and Navigation Services Company the permission set out in the Schedule.

C. S. MARGO,

Chairman: Regulating Committee.

SCHEDULE

In this Schedule any word or expression to which a meaning has been assigned in the Aviation Act, 1962 (Act No. 74 of 1962), the Airports Company Act, 1993 (Act No. 44 of 1993), and the Air Traffic and Navigation Services Company Act, 1993 (Act No. 45 of 1993), shall have the meaning so assigned to it, unless the context otherwise indicates.

Subject to the provisions of the Air Traffic and Navigation Services Company Act, 1993 (Act No. 45 of 1993), the Air Traffic and Navigation Services Com-

ALGEMENE KENNISGEWING

KENNISGEWING 1354 VAN 1994

DEPARTEMENT VAN VERVOER

REGULERINGSKOMITEE

LUGVERKEER- EN -NAVIGASIEDIENSTEMAAT-
SKAPPYWET, 1993 (WET No. 45 VAN 1993)

VERGUNNING OM LUGVERKEERDIENS- VORDERINGS TE HEF

Dit word hierby vir algemene kennisname bekendgemaak dat die Reguleringskomitee ingestel by artikel 11 van die Lughawensmaatskappywet, 1993 (Wet No. 44 van 1993), ingevolge artikel 11 (5) van die Lugverkeer- en -navigasiedienstemaatskappywet, 1993 (Wet No. 45 van 1993), op 5 Desember 1994 die vergunning in die Bylae uiteengesit aan die Lugverkeer- en -navigasiedienstemaatskappy uitgereik het.

C. S. MARGO,

Voorsitter: Reguleringskomitee.

BYLAE

In hierdie Bylae het 'n woord of uitdrukking waaraan 'n betekenis in die Lugvaartwet, 1962 (Wet No. 74 van 1962), die Lughawensmaatskappywet, 1993 (Wet No. 44 van 1993), en die Lugverkeer- en -navigasiedienstemaatskappywet, 1993 (Wet No. 45 van 1993), geheg word, die betekenis aldus daaraan geheg tensy uit die samehang anders blyk.

Behoudens die bepalings van die Lugverkeer- en -navigasiedienstemaatskappywet, 1993 (Wet No. 45 van 1993), word die Lugverkeer- en -navigasiedienste-

pany Limited (the Company) is hereby authorised to levy air traffic service charges from 1 April 1995 on the following conditions:

1. Limits on air traffic service charges

1.1 The structure of air traffic service charges shall, for the period of validity of this permission, consist of—

- (a) an *en route* charge, payable by the operator of an aircraft in respect of a flight for which it is a requirement in terms of the Rules of the Air, Air Traffic Services, Search and Rescue and Overflight Regulations, 1975, as amended, that a flight plan be submitted and where such flight is undertaken within any flight information region established by the Commissioner for Civil Aviation in terms of the said Regulations, where—
 - (i) both the airport of departure and the airport of arrival were within the Republic;
 - (ii) either the airport of departure or the airport of arrival was within the Republic, and the other airport was within Botswana, Lesotho, Namibia or Swaziland;
 - (iii) either the airport of departure or the airport of arrival was within the Republic, and the other airport was within any State other than those mentioned in (i) and (ii); or
 - (iv) neither the airport of departure nor the airport of arrival was within the Republic, but one of such airports was within any State mentioned in (ii); and
- (b) an approach charge, payable by the operator of an aircraft in respect of any flight which terminates at an Airports Company Limited airport, where—
 - (i) the airport of departure was within the Republic;
 - (ii) the airport of departure was within Botswana, Lesotho, Namibia or Swaziland; or
 - (iii) the airport of departure was within any State other than those mentioned in (i) and (ii).

1.2 The independent variables of the structure of air traffic service charges shall, for the period of validity of this permission, be the

maatskappy Beperk (die Maatskappy) hierby gemagtig om lugverkeerdiensvorderings vanaf 1 April 1995 op die volgende voorwaardes te hef:

1. Perke op lugverkeerdiensvorderings

1.1 Die struktuur van lugverkeerdiensvorderings bestaan vir die geldigheidsduur van hierdie vergunning uit—

- (a) 'n onderwegvordering, betaalbaar deur die operateur van 'n lugvaartuig ten opsigte van 'n vlug waarvoor dit ingevolge die Vliegereguleer-, Lugverkeersdienste-, Soek-en-Redding- en Oorvlugregulasies, 1975, soos gewysig, vereis word dat 'n vlugplan ingedien word en waar sodanige vlug onderneem word binne 'n vluginligtingstreek wat deur die Kommissaris van Burgerlugvaart ingevolge die genoemde Regulasies ingestel is, waar—
 - (i) beide die lughawe van vertrek en die lughawe van aankoms binne die Republiek was;
 - (ii) óf die lughawe van vertrek óf die lughawe van aankoms binne die Republiek en die ander lughawe binne Botswana, Lesotho, Namibië of Swaziland was;
 - (iii) óf die lughawe van vertrek óf die lughawe van aankoms binne die Republiek en die ander lughawe binne 'n Staat buiten dié in (i) en (ii) vermeld, was; of
 - (iv) nóg die lughawe van vertrek nóg die lughawe van aankoms binne die Republiek maar een van sodanige lughawens binne 'n Staat in (ii) vermeld, was; en
- (b) 'n naderingsvordering, betaalbaar deur die operateur van 'n lugvaartuig ten opsigte van 'n vlug wat by 'n Lughawensmaatskappy Beperk-lughawe eindig, waar—
 - (i) die lughawe van vertrek binne die Republiek was;
 - (ii) die lughawe van vertrek binne Botswana, Lesotho, Namibië of Swaziland was; of
 - (iii) die lughawe van vertrek binne 'n Staat buiten dié in (i) en (ii) vermeld, was.

1.2 Die onafhanklike veranderlikes van die struktuur van lugverkeerdiensvorderings is vir die geldigheidsduur van hierdie vergun-

same as the following independent variables applied immediately before the date of the issuing of this permission:

- (a) In the case of an *en route* charge—
 - (i) maximum certificated mass in kilograms; and
 - (ii) flight distance; and
- (b) in the case of an approach charge, maximum certificated mass in kilograms.

1.3 In the event of the Company contemplating modifying the structure of air traffic service charges or replacing, adding to or lessening the independent variables thereof, the Company shall—

- (a) satisfy the Regulating Committee that the conditions of this permission can be applied to the contemplated independent variables; or
- (b) keep records of the independent variables of each air traffic service charge, which records shall be kept for at least 12 calendar months commencing on the same date as the date on which the contemplated independent variables came into operation, as if the existing structure and independent variables of air traffic service charges were applied.

1.4 The conditions of this permission shall apply to the level of air traffic service charges applied immediately before the date of the issuing of this permission.

1.5 The Company may during the period of validity of this permission alter the level of air traffic service charges to the maximum limit set by the following formula:

$$\Sigma RWPTI_{(t+1)} \leq CPI_{(t+1)} - X_{(t+1)} + K_{(t+1)} + CF_{(t+1)}$$

where:

$$\Sigma RWPTI_{(t+1)} = \frac{\Sigma (P_{(t+1)} - P_t)}{\Sigma P_t}$$

$$CF_{(t+1)} = (CPI_t - X_t + K_t + CF_t - \Sigma RWPTI_t) * (1 + PR_t)$$

ning dieselfde as die volgende onafhanklike veranderlikes wat onmiddellik voor die datum van die uitreiking van hierdie vergunning toegepas is:

- (a) In die geval van 'n onderwegvoering—
 - (i) maksimum gesertifiseerde massa in kilogram; en
 - (ii) vlugafstand; en
- (b) in die geval van 'n naderingsvoering, maksimum gesertifiseerde massa in kilogram.

1.3 Indien die Maatskappy beoog om die struktuur van lugverkeerdienstvorderings te verander of die onafhanklike veranderlikes daarvan te vervang, daartoe by te voeg of te verminder, moet die Maatskappy—

- (a) die Reguleringskomitee oortuig dat die voorwaardes van hierdie vergunning op die beoogde onafhanklike veranderlikes van toepassing gemaak kan word; of
- (b) aantekeninge hou van die onafhanklike veranderlikes van elke lugverkeerdienstvordering asof die bestaande struktuur en onafhanklike veranderlikes van lugverkeerdienstvorderings toegepas is, welke aantekeninge gehou word vir minstens 12 kalendermaande wat 'n aanvang neem op dieselfde datum as die datum waarop die beoogde onafhanklike veranderlikes in werking getree het.

1.4 Die voorwaardes van hierdie vergunning word toegepas op die vlak van lugverkeerdienstvorderings wat onmiddellik voor die datum van die uitreiking van hierdie vergunning toegepas is.

1.5 Die Maatskappy kan gedurende die geldigheidsduur van hierdie vergunning die vlak van lugverkeerdienstvorderings verander na die maksimum perk wat deur die volgende formule gestel word:

$$\Sigma RWPTI_{(t+1)} \leq CPI_{(t+1)} - X_{(t+1)} + K_{(t+1)} + CF_{(t+1)}$$

waar:

$$\Sigma RWPTI_{(t+1)} = \frac{\Sigma (P_{(t+1)} - P_t)}{\Sigma P_t}$$

$$CF_{(t+1)} = (CPI_t - X_t + K_t + CF_t - \Sigma RWPTI_t) * (1 + PR_t)$$

$\Sigma RWPTI_{(t+1)}$	= Sum of the revenue weighted percentage increases in air traffic service charges in year $(t+1)$
$P_{i(t+1)}$	= Air traffic service charge i in year $(t+1)$
P_{it}	= Air traffic service charge i in year $(t+1)$ calculated according to the structure and level of air traffic service charges at the corresponding time in year t
CPI	= The percentage increase in the Consumer Price Index in year $(t+1)$ calculated as the percentage difference between the official consumer price index on 31 March of year $(t+1)$ and 31 March of year t
X	= 1,0 in financial year 1995/96 1,0 in financial year 1996/97 1,0 in financial year 1997/98 1,5 in financial year 1998/99 1,5 in financial year 1999/2000
K	= 0 in financial year 1995/96 0 in financial year 1996/97 0 in financial year 1997/98 0 in financial year 1998/99 0 in financial year 1999/2000
PR	= The weighted average of the predominant prime overdraft rate of clearing banks in year t as published by the South African Reserve Bank, weighted according to the time it applied.

1.6 For the purposes of the formula mentioned in 1.5 for the financial year 1995/96:

$$CF_{95/96} = (CPI_{94/95} - X_{94/95} - TI_{94/95}) * (1 + PR_{94/95})$$

where:

$CF_{95/96}$	= The correction factor for financial year 1995/96
$CPI_{94/95}$	= The percentage increase in CPI from 31 March 1994 to 31 March 1995
$X_{94/95}$	= The X -factor for financial year 1994/95
$TI_{94/95}$	= The percentage increase in air traffic service charges implemented on 1 April 1994 as if no subsidy applied

$\Sigma RWPTI_{(t+1)}$	= Som van die inkomste-beswaarde persentasie verhogings in lugverkeerdienstsvorderings in jaar $(t+1)$
$P_{i(t+1)}$	= Lugverkeerdienstsvordering i in jaar $(t+1)$
P_{it}	= Lugverkeerdienstsvordering i in jaar $(t+1)$ bereken volgens die struktuur en vlak van lugverkeerdienstsvorderings teen die ooreenstemmende tyd in jaar t
CPI	= Die persentasie verhoging in die Verbruikersprysindeks in jaar $(t+1)$ bereken as die persentasieverskil tussen die amptelike verbruikersprysindeks op 31 Maart van jaar $(t+1)$ en 31 Maart van jaar t
X	= 1,0 in boekjaar 1995/96 1,0 in boekjaar 1996/97 1,0 in boekjaar 1997/98 1,5 in boekjaar 1998/99 1,5 in boekjaar 1999/2000
K	= 0 in boekjaar 1995/96 0 in boekjaar 1996/97 0 in boekjaar 1997/98 0 in boekjaar 1998/99 0 in boekjaar 1999/2000
PR	= Die beswaarde gemiddelde van die oorheersende prima-oortrekkingskoers van verrekeningsbanke in jaar t soos bekendgemaak deur die Suid-Afrikaanse Reserwebank, beswaar ooreenkomstig die tyd wat dit gegeld het.

1.6 By die toepassing vir die boekjaar 1995/96 van die formule in 1.5 genoem:

$$CF_{95/96} = (CPI_{94/95} - X_{94/95} - TI_{94/95}) * (1 + PR_{94/95})$$

waar:

$CF_{95/96}$	= Die korreksiefaktor vir boekjaar 1995/96
$CPI_{94/95}$	= Die persentasie verhoging in CPI vanaf 31 Maart 1994 tot 31 Maart 1995
$X_{94/95}$	= Die X -faktor vir boekjaar 1994/95
$TI_{94/95}$	= Die persentasie verhoging in lugverkeerdienstsvorderings wat op 1 April 1994 toegepas is asof geen subsidie gegeld het nie

PR_{94/95} = The weighted average of the predominant prime overdraft rate of clearing banks in financial year 1994/95 as published by the South African Reserve Bank, weighted according to the time it applied.

- 1.7 The Company shall furnish to the Regulating Committee the information as agreed from time to time, and in default of such agreement as settled by the Regulating Committee, in order to enable the Regulating Committee to apply the conditions of this permission.

2. Service standards

- 2.1 The Company shall maintain the level of service of any air traffic or air navigation service at the same level as that provided immediately before the date of the issuing of this permission: Provided that the Company may lower a level of service only if—

- (a) the Company has applied to the Regulating Committee for the approval of such lowering;
- (b) the Company has satisfied the Regulating Committee that such lowering will not affect to any material extent users of such air traffic or air navigation service; and
- (c) the Regulating Committee has agreed to such lowering in the level of service.

- 2.2 The Company shall be responsible for the monitoring on a regular basis of the level of service of those air traffic and air navigation services to be agreed from time to time between the Company and the Regulating Committee, and in default of such agreement as settled by the Regulating Committee, and the Company shall report the results of such monitoring to the Regulating Committee at least once every six months.

PR_{94/95} = Die beswaarde gemiddelde van die oorheersende prima-oortrekkingskoers van verrekeningsbanke in boekjaar 1994/95 soos bekendgemaak deur die Suid-Afrikaanse Reserwebank, beswaar ooreenkomstig die tyd wat dit geld het.

- 1.7 Die Maatskappy verstrek aan die Reguleringskomitee die inligting soos van tyd tot tyd ooreengekom, en by gebreke aan sodanige ooreenkoms soos bepaal deur die Reguleringskomitee, ten einde die Reguleringskomitee in staat te stel om die voorwaardes van hierdie vergunning toe te pas.

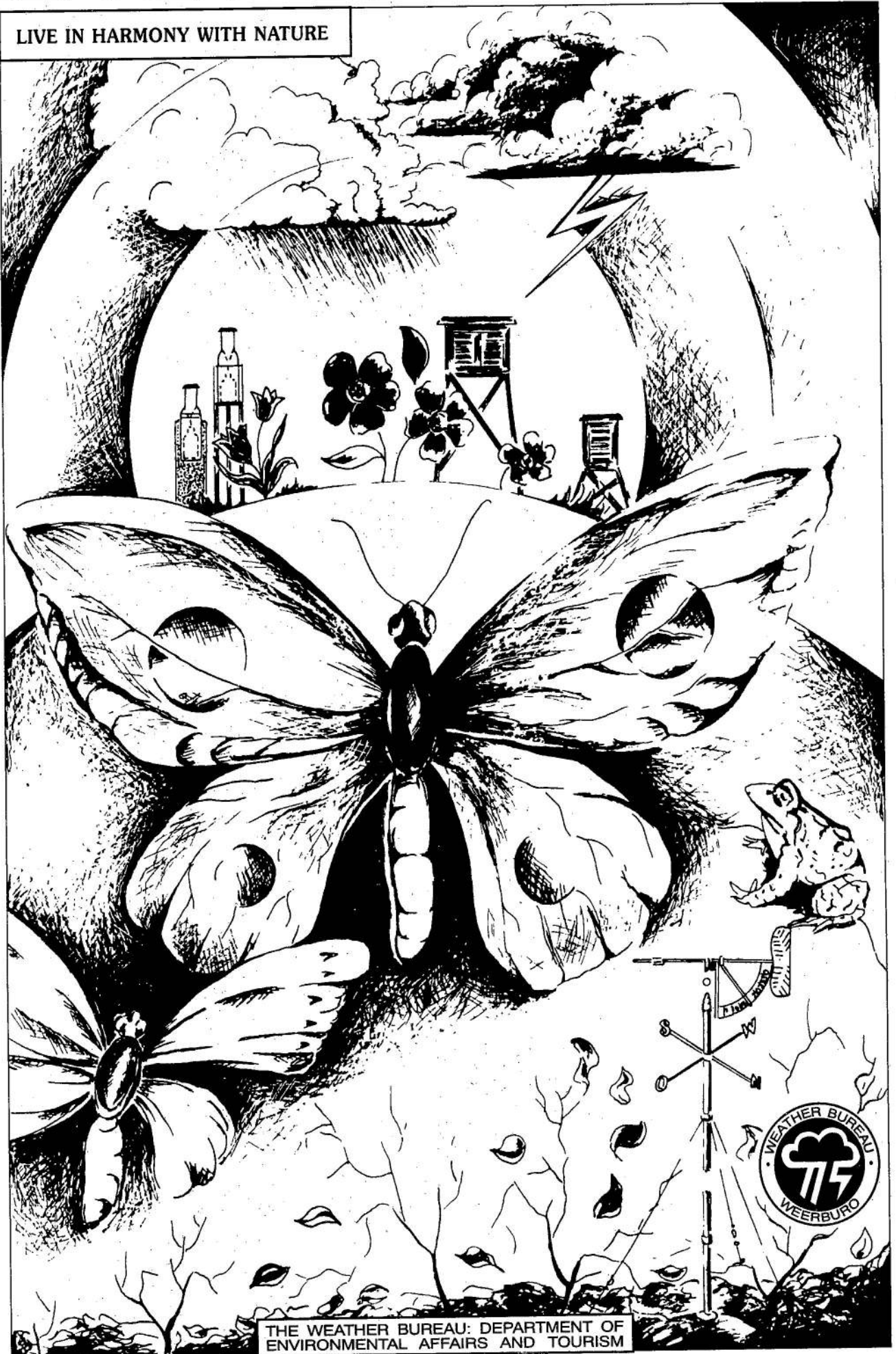
2. Diensstandaarde

- 2.1 Die Maatskappy moet dieselfde standaard van diens van 'n lugverkeer of lugnavigasiediens handhaaf as wat onmiddellik voor die datum van die uitreiking van hierdie vergunning verskaf is: Met dien verstande dat die maatskappy slegs 'n standaard van diens kan verlaag indien—

- (a) die Maatskappy by die Reguleringskomitee aansoek gedoen het om die goedkeuring van sodanige verlaging;
- (b) die Maatskappy die Reguleringskomitee oortuig het dat sodanige verlaging nie gebruikers van enige sodanige lugverkeer- of lugnavigasiediens aansienlik sal beïnvloed nie; en
- (c) die Reguleringskomitee tot sodanige verlaging in die standaard van diens ingestem het.

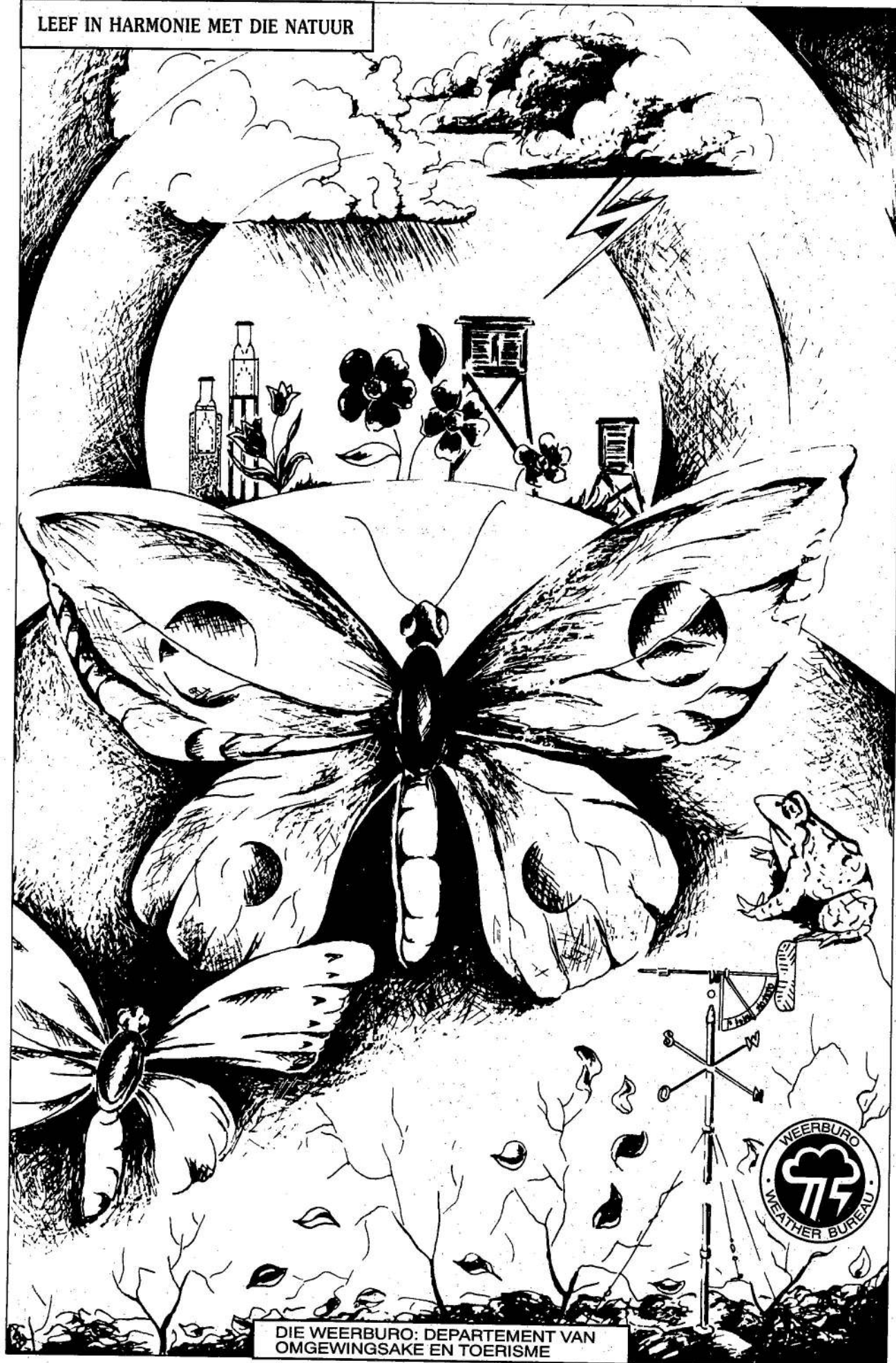
- 2.2 Die Maatskappy is verantwoordelik vir die monitering op 'n gereelde grondslag van die standaard van diens van daardie lugverkeer- of lugnavigasiedienste waarop die Maatskappy en die Reguleringskomitee van tyd tot tyd ooreenkom, en by gebreke aan sodanige ooreenkoms soos bepaal deur die Reguleringskomitee, en die Maatskappy moet minstens eenkeer elke ses maande aan die Reguleringskomitee verslag doen oor die uitslae van sodanige monitering.

LIVE IN HARMONY WITH NATURE



THE WEATHER BUREAU: DEPARTMENT OF
ENVIRONMENTAL AFFAIRS AND TOURISM

LEEF IN HARMONIE MET DIE NATUUR



DIE WEERBURO: DEPARTEMENT VAN
OMGEWINGSKE EN TOERISME

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