

**DEPARTMENT OF TRANSPORT****NO. R. 587****23 JUNE 2017****PROPOSAL FOR AMENDMENT OF THE MORTGAGING OF AIRCRAFT REGULATIONS,  
2017**

The Minister of Transport hereby invites interested persons or bodies to provide written comments on the Regulations made in terms of section 14 of the Convention on the International Recognition of Rights in Aircraft Act, 1993 (Act No. 59 of 1993), as set out in the Schedule hereto.

The closing date for comments on the Regulations is 30 days from the date of publication of this Notice in the Gazette.

Comments may be submitted in writing to:

Postal address:     Director of Civil Aviation  
                         Private Bag X 73  
                         Halfway House  
                         1685

Or by email to:     [sonjanim@caa.co.za](mailto:sonjanim@caa.co.za); [skosanas@caa.co.za](mailto:skosanas@caa.co.za)

## SCHEDULE

### GENERAL EXPLANATORY NOTE:

[            ] Words in bold type in square brackets indicate omissions from existing regulations.

\_\_\_\_\_ Words underlined with a solid line indicate insertions in existing regulations.

### 1. PROPOSAL FOR AMENDMENT OF THE MORTGAGING OF AIRCRAFT REGULATIONS (“the Regulations”)

It is hereby proposed to amend the Regulations by the substitution for the word “Commissioner for Civil Aviation” of the word “Director of Civil Aviation” wherever it appears.

### 2. PROPOSAL FOR AMENDMENT OF REGULATION 1 OF THE REGULATIONS

It is hereby proposed to amend regulation 1 by the substitution for the definition of “company” of the following definition:

““**company**” means a company as defined in section 1 of the Companies Act, **[1973 (Act No. 61 of 1973)]** 2008 (Act No. 71 of 2008);”.

### 3. PROPOSAL FOR SUBSTITUTION OF REGULATION 8 OF THE REGULATIONS

It is hereby proposed to substitute the following regulation for regulation 8 of the Regulations:

#### “8. Fees

The following fees shall be payable when application is made for: **R**

(a) the recording of a mortgage in the register of aircraft mortgages	<b>[1 100,00]</b> <u>1 731,00</u>
(b) a notification of the discharge of a mortgage	<b>[1 100,00]</b>

	<u>1 731,00</u>
(c) a transfer of mortgage by deed of cession	<b>[1 100,00]</b> <u>1 731,00</u>
(d) a declaration of transmission of rights in a mortgage	<b>[1 100,00]</b> <u>1 731,00</u>
(e) a certificate of mortgage	<b>[820,00]</b> <u>1 290,00</u>
(f) access to the register of aircraft mortgages	<b>[140,00]</b> <u>220,00</u>
(g) the furnishing of information from the register of aircraft mortgages, <u>per page</u> <b>[(R1,00 per page up to a maximum of R200,00)]</b>	<b>[200,00]</b> <u>1.50</u>

## MOTIVATION

The Mortgaging of Aircraft Regulations regulates the process of registering, transferring and discharging of mortgages and the fees connected therewith. The Regulations were last amended in 2008 and certain provisions thereof, in particular the fees, have become outdated. The proposal is intended to amend the fees relating to mortgaging by a CPI factor dating back to the last amendment in 2008.