
GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF ENVIRONMENT AFFAIRS AND TOURISM DEPARTEMENT VAN OMGEWINGSAKE EN TOERISME

No. 25

13 January 2006

NOTICE OF INTENTION TO MAKE REGULATIONS REGARDING FEES FOR THE PROVISION OF AVIATION METEOROLOGICAL SERVICES IN TERMS OF SECTION 28(b) OF THE SOUTH AFRICAN WEATHER SERVICE ACT, 2001 (ACT NO. 8 OF 2001)

The Minister of Environmental Affairs and Tourism, in terms of Section 28(b) of the South African Weather Service Act, 2001 (Act No. 8 of 2001), hereby gives notice of his intention to make regulations regarding fees for the provision of aviation meteorological services as contemplated in Sections 4(2)(e) and 21(1)(b) of the said Act.

The proposed regulations are set out in the Schedule to this Notice.

Interested parties are requested to submit written representations on, or objections to, the proposed regulations to the Minister within 30 days from the date of publication of this notice. Comments must be submitted to the Director-General: Environmental Affairs and Tourism, Private Bag X447, Pretoria, 0001.

P Yako

Director-General: Environmental Affairs and Tourism

SCHEDULE

1. Liability to pay fees for the provision of aviation meteorological services

(1) Fees for aviation meteorological services as contemplated in Sections 4(2)(e) and 21(1)(b) of the South African Weather Service Act, 2001 (Act No. 8 of 2001) shall be payable by the operator of an aircraft to the South African Weather Service in respect of a flight undertaken within any flight information region established by the Commissioner for Civil Aviation in terms of the Civil Aviation Regulations, 1997, as amended.

(2) The fees as contemplated in sub-regulation (1) shall be as set out in Schedule 1 of these regulations.

(3) The fees referred to in sub-regulation (2) are exclusive of value-added tax and are therefore subject to the appropriate rate as may be applicable to any specific fee.

(4) The fees as contemplated in sub-regulation (1) shall be payable within 30 days of receipt of an invoice from the South African Weather Service.

2. Information of flights taking place and payment of fees

All the relevant information that is provided by an operator of an aircraft to the Air Traffic and Navigation Service Company of South Africa which will enable that company to calculate an air traffic service charge in terms of the flight, shall be used by the South African Weather Service to calculate the fees as contemplated in regulation 1(1) for that flight.

3. General Regulations

(1) The fees as contemplated in 1(1) shall be payable in respect of South African and foreign state aircraft, unless other provision has been made by means of a written agreement with the South African Weather Service.

(2) No fees as contemplated in 1(1) shall be payable in respect of an aircraft engaged in search and rescue operations and coastal patrol flights of the South African Air Force.

SCHEDULE 1

Fees for the provision of aviation meteorological services

1. Category 1

In respect to an aircraft with a maximum certified mass (MCM) of 2000kg and above, the fee for the provision of aviation meteorological services shall be calculated according to the following formula:

$$\text{Fee} = T \times W \times D$$

Where T = Tariff amount in ZAR

W = Square root of (MCM in metric tonnes divided by 50)

D = Distance flown in kilometres within the flight information region of South Africa in kilometre divided by 100

CONSTITUTION TWELFTH AMENDMENT ACT OF 2005

Map No. 30 of Schedule 2 to Notice 1998 of 2005
 Map No. 31 of Schedule 2 to Notice 1998 of 2005
 Map No. 32 of Schedule 2 to Notice 1998 of 2005

The Province of Limpopo

Map No. 33 of Schedule 2 to Notice 1998 of 2005
 Map No. 34 of Schedule 2 to Notice 1998 of 2005
 Map No. 35 of Schedule 2 to Notice 1998 of 2005
 Map No. 36 of Schedule 2 to Notice 1998 of 2005
 Map No. 37 of Schedule 2 to Notice 1998 of 2005

The Province of Mpumalanga

Map No. 38 of Schedule 2 to Notice 1998 of 2005
 Map No. 39 of Schedule 2 to Notice 1998 of 2005
 Map No. 40 of Schedule 2 to Notice 1998 of 2005

The Province of the Northern Cape

Map No. 41 of Schedule 2 to Notice 1998 of 2005
 Map No. 42 of Schedule 2 to Notice 1998 of 2005
 Map No. 43 of Schedule 2 to Notice 1998 of 2005
 Map No. 44 of Schedule 2 to Notice 1998 of 2005
 Map No. 45 of Schedule 2 to Notice 1998 of 2005

The Province of North West

Map No. 5 of Schedule 1 to Notice 1998 of 2005
 Map No. 46 of Schedule 2 to Notice 1998 of 2005
 Map No. 47 of Schedule 2 to Notice 1998 of 2005
 Map No. 48 of Schedule 2 to Notice 1998 of 2005

The Province of the Western Cape

Map No. 49 of Schedule 2 to Notice 1998 of 2005
 Map No. 50 of Schedule 2 to Notice 1998 of 2005
 Map No. 51 of Schedule 2 to Notice 1998 of 2005
 Map No. 52 of Schedule 2 to Notice 1998 of 2005
 Map No. 53 of Schedule 2 to Notice 1998 of 2005
Map No. 54 of Schedule 2 to Notice 1998 of 2005".

Short title and commencement

5. (1) This Act is called the Constitution Twelfth Amendment Act of 2005, and takes effect on a date determined by the President by proclamation in the Gazette.

(2) Despite subsection (1), section 103(3) of the Constitution, as inserted by section 1, takes effect on the date of publication of this Act.

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