

No. R. 1235

20 December 2007

## CIVIL AVIATION AUTHORITY REGULATIONS

### SOUTH AFRICAN CIVIL AVIATION AUTHORITY ACT, 1998 (ACT NO. 40 OF 1998)

The Minister of Transport has under section 22 of the South African Civil Aviation Authority Act, 1998 (Act No. 40 of 1998), and in consultation with the South African Civil Aviation Authority, made the regulations contained in the Schedule.

### SCHEDULE

#### 1. Definitions

In these regulations, unless the contents otherwise indicates –

“**Authority**” means the Authority as defined in the Act.

“**Aviation Act**” means (Act No. 74 of 1962);

“**Commissioner**” means the Commissioner for Civil Aviation as defined in the Aviation Act;

“**Convention**” means the International Civil Aviation Convention done in Chicago on the 7<sup>th</sup> of December 1944 (Chicago Convention);

“**Minister**” means the Minister of Transport in the national sphere of government;

“**the Act**” means the South African Civil Aviation Authority Act, 1998 (Act No. 40 of 1998);

#### 2. Members of the Board of the Authority

The Minister may appoint a person as a member of the Board of the Authority only if the Minister is satisfied that the person has suitable expertise in respect of one or more of the following:

- (a) civil aviation;
- (b) corporate governance;
- (c) environmental managements;
- (d) organised professional and labour;
- (e) economic analysis; and
- (f) aviation infrastructure.

### **3. Management of the Authority**

(1) Except to the extent that the Commissioner has powers and duties under the Aviation Act or the Civil Aviation Regulations, or the Minister has granted powers or assigned duties to the Commissioner under the Aviation Act or the Civil Aviation Regulations, the authority to implement the provisions of the Aviation Act, the Convention and the International Air Services Transit Agreement, 1944, including the making of technical decisions related to aviation safety, in line with section 4(1) of the Aviation Act, vests solely in the Minister or his or her lawful delegate, to the exclusion of any other person.

(2) The Board and the CEO of the Authority must manage and administer the Authority having regard to the Act and any other legislation relevant to the administration and management of the Authority.

(3) The Authority, in the exercise or performance of its powers, functions and duties, may not control, review or in any other way interfere with the carrying out of any of the functions, powers and duties of the Minister, the Commissioner or their lawful delegates under the Aviation Act and the Civil Aviation Regulations.

(4) The Authority must provide all the administrative and managerial support as may be, in the opinion of the Commissioner or the Minister as the case may be, required for the Commissioner or the Minister to carry out and implement any of his or her functions, powers and duties mentioned in these regulations.

(5) The Authority must provide the Commissioner with requisite staff, infrastructure and resources.

### **4. Conflict of Interest**

(1) All employees of the Authority must disclose to the Board of the Authority details of all employment, positions, offices, allegiances, interests or any activities, which may compromise or seem to compromise the carrying out of his or her duties and functions.

(2) Neither the employee nor his or her spouse, immediate family member, life partner or business associate, may hold any direct or indirect financial interest in any civil aviation activity or the civil aviation industry without a prior written approval of the CEO.

### **5. Short Title and Commencement**

These regulations are called the Civil Aviation Authority Regulations, 2007 and come into force 30 days after publication in the Government Gazette.

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