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## GOVERNMENT NOTICES

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### DEPARTMENT OF TRANSPORT

No. R. 598

9 July 2010

#### CIVIL AVIATION ACT, 2009 (ACT NO 13 OF 2009)

#### PROPOSED INTRODUCTION OF THE CIVIL AVIATION AIRCRAFT PASSENGER SAFETY CHARGE REGULATIONS, 2010

The South African Civil Aviation Authority hereby publishes for comment the proposed South African Civil Aviation Aircraft Passenger Safety Charge Regulations, as set out in the schedule below. Any comments or representations on the proposed amendments shall be lodged in writing with the CARCOM Secretariat for attention Ms. Monica Sonjani or Mr. Herman Wildenboer, Private Bag 73 Halfway House, 1685, fax: (011) 545-1201, or e-mail at [sonjanim@caa.co.za](mailto:sonjanim@caa.co.za) or [wildenboerh@caa.co.za](mailto:wildenboerh@caa.co.za), before or on 23 July 2010.

#### PROPOSER:

Civil Aviation Authority  
Private Bag X73  
Halfway House  
1685

#### EXPLANATION OF INTEREST OF THE PROPOSER:

The Proposer administers the Civil Aviation Act of 2009 (Act No.13 of 2009) and the Regulations and Technical Standards issued in terms thereof.

#### MOTIVATION

The Civil Aviation Act, 2009(Act No 13 of 2009), which came into operation on 31 March 2010 inter alia repealed the South African Civil Aviation Authority Act, 1998(Act No 140 of 1998).In the light of the interpretation problems surrounding section 164(1) of the said Act, been decided to promulgate the South African Civil Aviation Aircraft Passenger Safety Charge Regulations 2001, promulgated under Act No 40 of 1998 anew. The wording of the new Regulations is identical to the wording of the Regulations it replaces. The only difference being the change in the amount of the relevant Charge

## **PROPOSAL FOR THE INTRODUCTION OF THE CIVIL AVIATION AIRCRAFT PASSENGER SAFETY CHARGE REGULATIONS, 2010**

It is proposed to introduce the following Civil Aviation Aircraft Passenger Safety Charge Regulations:

### **"CIVIL AVIATION AIRCRAFT PASSENGER CHARGE REGULATIONS, 2010**

#### **1. Definitions**

In these regulations, unless the context otherwise indicates –

**"aerodrome"** means an aerodrome as defined in section 1 of the Civil Aviation Act, 2009 (Act No 13 of 2009), and includes a company airport as defined in section 2 of the Airports Company Act, 1993 (Act No 44 of 1993);

**"aircraft"** means an aircraft as defined in section 1 of the Civil Aviation Act, 2009 (Act No 13 of 2009);

**"Civil Aviation Aircraft Passenger Safety Charge"** means a charge as contemplated in section 74(1) (a) of the Civil Aviation Act, 2009 (Act No 13 of 2009);

**"flight"** means a flight as defined in regulation 1.00.1 of the Civil Aviation Regulations, 1997;

**"operator"** in relation to an aircraft means any airline which operates a scheduled domestic or international public air transport service as contemplated in the Air Services Licensing Act, 1990 (Act No 115 of 1990) and the International Air Services Act, 1993 (Act No 60 of 1993); and

**"passenger"** on a domestic or international flight means a passenger as defined in regulation 1 of the Domestic Air Services Regulations, issued in terms of section 29 of the Air Services Licensing Act 1990, (Act No 115 of 1990).

#### **2. Liability to pay a Civil Aviation Aircraft Passenger Safety Charge**

(1) A Civil Aviation Aircraft Passenger Safety Charge amounting to R12.00 shall be payable by aircraft passengers departing on an aircraft from an aerodrome within the Republic on a scheduled public air transport flight or part of a flight to a destination within or outside the territory of the Republic of South Africa.

(2) The said charge shall be included in the price payable in respect of the air ticket concerned.

(3) Value Added Tax is not payable on the relevant charge.

### **3. Procedure for payment**

- (1) The charge becomes due to the Civil Aviation Authority by an operator on the departure of a flight as contemplated in regulation 2(1).
- (2) The operator shall pay the charge, collected over a period of a calendar month, within twenty-one (21) days after the last day of the month to which the collected charge relates, all be paid directly to the Civil Aviation Authority.
- (3) The payment shall be accompanied by a completed return form as prescribed in Annex A.

### **4. Data verification procedure**

- (1) Information relating to the total number of departing passengers per operator on domestic and international flights as contemplated in regulation 2, shall be provided quarterly: –
  - (a) by the Airports Company of South African Limited in respect of flights departing from aerodromes owned or controlled by the said Company; and
  - (b) by the relevant aerodrome licence holder or aerodrome operator in respect of flights departing from aerodromes not owned or controlled by the said Company.
- (2) The Civil Aviation Authority shall on receipt of the information referred to in sub-regulation (1), verify the accuracy and completeness of data received from the operators involved.
- (3) Interest at a rate of 2% above prime lending rate per annum, compounded monthly, is payable in respect of the outstanding balance of any charge after the due date.
- (4) The operators of the relevant airlines will be subjected to a compliance audit as instructed or done by the Civil Aviation Authority at any period determined by the Authority.

### **5. Withdrawal of regulations**

The Civil Aviation Aircraft Passenger Safety Charge Regulations, 2001 published under Government Notice No. R302 of 30 March 2001, are hereby withdrawn.

### **6. Short title and commencement**

These Regulations shall be called the Civil Aviation Aircraft Passenger Safety Charge Regulations, 2010, and shall come into operation on 1 September 2010.

## [SOUTH AFRICAN CIVIL AVIATION AUTHORITY LOGO]

## Annex A

## SOUTH AFRICAN CIVIL AVIATION AUTHORITY

## Monthly Return for Aircraft Passenger Safety Charge

Operator Code:

Operator Name:

Method of Payment:

Electronic Transfer ☐Cheque ☐Bank deposit ☐

Return Period:

## DEPARTURES:

	Passengers	X Rate	Total Payable R
Chargeable scheduled departing passengers		R7	
Non-chargeable scheduled departing passengers		0	
Total number of passengers / payable			(Inclusive of VAT)

*The form must be completed and returned regardless whether the liability is nil.*

This form must be submitted with payment to the Civil Aviation Authority not later than 21 days after the last day of the return period.

**Banking details:**

South African Civil Aviation Authority

Standard Bank

Account number: 013007971

Branch code: 001245

Compulsory reference code: Operator Code

**Contact details of person completing the return:**

Name:

Telephone number: