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GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF TRANSPORT DEPARTEMENT VAN VERVOER

No. R. 961

13 August 2004

CIVIL AVIATION OFFENCES ACT, 1972 (ACT No. 10 OF 1972)

FIFTH AMENDMENT OF THE CIVIL AVIATION SAFETY REGULATIONS 1981,

The Minister of Transport hereby publishes in terms of section 2L of the Civil Aviation Offences Act, 1972, the Fifth Amendment of the Civil Aviation Safety Regulations, 1981, as set out in the Schedule hereunder.

SCHEDULE

Definition

1. In this Schedule "the Regulations" means the Civil Aviation Safety Regulations, 1981, published by Government Notice No. R. 1224 of 12 June 1981, as amended by Government Notice No. R. 3197 of 27 December 1991, Government Notice No R. 1682 of 19 June 1992, Government Notice No R. 1229 of 9 July 1993 and Government Notice No R.135 of 3 February 1995.

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended by the substitution for the said regulation of the following regulation:

"1. Definitions

In these regulations, unless the context otherwise indicates, any expression to which a meaning has been assigned in the Act, bears the meaning so assigned, and-

'Act' means the Civil Aviation Offences Act, 1972, (Act No10 of 1972);

'air carrier' means a person who transports passengers or goods by means of an aircraft for reward;

'air carrier security officer' means a person referred to in regulation 6(1);

'airport authority' in respect of an airport, means the organisation in control of such an airport and acting through the relevant airport manager or the person in control of such an airport;

'airport security officer' means a person referred to in regulation 5;

'background check' means a check of a person's identity and previous experience, including any criminal history where appropriate, as part of the assessment of an individual's suitability for unescorted access to a security restricted area;

'Chief Executive Officer' means the Chief Executive Officer as defined in section 11(1) of the South African Civil Aviation Authority Act, 1998 (Act No. 40 of 1998);

'Chief: Civil Aviation Security' means the officer referred to in regulation 2;

'Commissioner' means the Commissioner for Civil Aviation as defined in section 1 of the Aviation Act, 1962, (Act No 74 of 1962);

"Committee" means the National Aviation Security Committee referred to in regulation 3(1);

'safety' means security for the requirements of the safety plans and for the functions of the Committee set out in regulation 3(3);

'security' means a combination of measures and human and material resources intended to safeguard international civil aviation against acts of unlawful interference;

'scheduled public international air transport service' means a public international air transport service as defined in regulation 1 of the International Air Services Regulations, 1994;";

'scheduled public air transport service' means a scheduled public air transport service as defined in regulation 1 of the Domestic Air Services Regulations, 1991;" and

'screening' means the application of technical or other means which are intended to identify or detect weapons, explosives or other dangerous devices which may be used to commit an act of unlawful interference .".

Amendment of regulation 2 of the Regulations

3. Regulation 2 of the Regulations is herewith amended by the substitution for of the following regulation:

"2. Chief: Civil Aviation Security

(1) The Minister shall appoint a Chief: Civil Aviation Security.

(2) The Chief Civil Aviation Security shall, subject to the provisions of the Act and these regulations, be charged with the responsibility for the development, implementation and application of the provisions of these regulations, including the provisions regarding Safety Plans and shall co-ordinate the activities of the persons concerned in this regard."

Amendment of regulation 3 of the Regulations

4. Regulation 3 of the Regulations is hereby amended-

- (a) by the substitution for the heading "Civil Aviation Safety Committee" of the heading "National Aviation Security Committee";
- (b) by the substitution for sub- regulation (1) of the following sub-regulation:

"(1) The Minister shall institute a National Aviation Security Committee composed of-

- (a) the Chief: Civil Aviation Security, who shall also be the chairperson of the Committee, and in whose absence a member of the Committee appointed by the Committee, is to act as chairperson;
- (b) an officer designated by the Chief of the South African National Defence Force;
- (c) a member designated by the National Commissioner of the South African Police Service;
- (d) an employee of the Airports Company Limited, as defined in section 1 of the Airports Company Act, 1993 (Act No 44 of 1993), designated by the Airports Company Limited company;
- (e) an official designated by the Director-General: Transport;
- (f) a person designated by the Commissioner after consultation with the Minister;
- (g) an official designated by the Director-General: National Intelligence Agency;
- (h) an official responsible for disaster management designated by the Director-General: Provincial and Local Government;
- (i) an official designated by the Director-General: South African Secret Service;
- (j) an official responsible for national air transport facilitation designated by the Director-General: Transport;
- (k) an employee of the Air Traffic and Navigation Services Company Limited, as defined in section 1 of the Air Traffic and Navigation Services Company Act, 1993, (Act No 45 of 1993), designated by the Air Traffic and Navigation Services Company Limited;
- (l) an official designated by the Co-ordinator of the National Intelligence Co-Ordination Committee;
- (m) an official designated by the Director-General: Foreign Affairs;
- (n) an official responsible for immigration designated by the Director-General: Home Affairs;
- (o) an official responsible for customs designated by the Commissioner: South African Revenue Services; and
- (p) an official designated by the Chief: Civil Aviation Security."

- (c) by the insertion after sub-regulation (1) of the following sub-regulation:
- “(1A) Every person designated in pursuance of sub-regulation (1), as member of the Committee, must be authorised to bind his employer in decisions taken to advise the Minister in the exercising of the Committee’s functions.”.
- (d) by the substitution for sub-regulation (2) of the following sub-regulation:
- “(2) The Committee shall meet as often as the Chairperson deems expedient, but not less than four times annually, and shall advise, or make recommendations to the Minister in accordance with the provisions of these regulations;”;
- (e) by the deletion of the expression “civil aviation” in paragraph (a) of sub-regulation (3);
- (f) by the substitution for paragraph (c) of sub-regulation (3) of the following paragraph:
- “(c) reports submitted to the Committee by the Chief: Civil Aviation Security ;”;
- (g) by the substitution for paragraph (d) of sub-regulation (3) of the following paragraph:
- “(d) that part of the expenses incurred in connection with the application of the provisions of a safety plan or of the Act which may be met by the State;”;
- (h) by the addition to sub-regulation (3) of the following paragraphs after paragraph (d) :
- “(e) the effectiveness of security measures and procedures; and
(f) any matter referred to it by a local airport security committee.”;
- (i) by the substitution for sub-regulation (4) of the following sub-regulation:
- “(4) Any place, airport or air navigation facility or any airfield or heliport in connection with its designation as contemplated in the definition of ‘designated airport’ in section 1 of the Act may be visited and inspected by the Committee for purposes of security relating to civil aviation.”.
and
- (j) by the substitution for sub-regulation (5) of the following sub-regulation:
- “(5) The Chief Executive Officer shall designate personnel in the Authority to assist the Committee in its work.”.

Amendment of regulation 4 of the Regulations

5. Regulation 4 of the Regulations is hereby amended by-

- (a) The substitution for the heading "Safety Plan" of regulation 4 of the heading; "National Aviation Safety Plan";
- (b) the substitution for sub-regulation (1) of the following sub-regulation:

"(1) The Chief: Civil Aviation Security shall draw up a national aviation safety plan which shall be reviewed regularly, providing for:

- (a) the specific civil aviation security responsibilities of the South African Civil Aviation Authority as the authority having over-all responsibility for civil aviation safety and security;
- (b) the specific responsibilities of the authority responsible for the airport administration function;
- (c) the functions to be exercised by the airport management of a designated airport in respect of the establishment and implementation of security measures to prevent the occurrence of acts of unlawful interference;
- (d) the responsibility regarding the control of access of airport tenants at designated airports whose concession or facility forms part of the landside/ airside boundary or through which access can be gained from landside to airside;
- (e) the specific responsibilities, in the context of aviation security, of the policing authority at designated airports;
- (f) the establishment of an airport security committee for the co-ordination of the development and implementation of security measures and procedures at designated airports;
- (g) the co-operation and communication between States in the development and implementation of aviation security practices and procedures;
- (h) steps to ensure the coordination of aviation security measures among government departments, parastatal organizations, agencies and other organizations responsible for implementation of the said Plan;
- (i) the protection of airports, aircraft and air navigation facilities with specific reference to the designation and protection of restricted areas, access control and the listing of both on- and off-airport navigational and aviation related facilities which are vital to the continued safe operation of civil aviation;

- (j) the security control of persons boarding an aircraft and items being placed on board aircraft including:
 - (i) screening and searching of the passengers and carry-on baggage;
 - (ii) the control of transit and transfer passengers;
 - (iii) the screening of airline crew, airport staff, permit holders and other non-passengers;
 - (iv) the provision of special screening procedures
 - (v) the authorized carriage of weapons;
 - (vi) procedures for the proper control and screening of checked baggage ;
 - (vii) control of cargo, courier and express parcels and mail;
 - (viii) procedures to prevent the introduction of weapons, explosives and other dangerous devices into catering supplies intended for carriage on aircraft;
 - (ix) the procurement, calibration, operation, details (including minimum criteria) and maintenance of security equipment;
 - (x) the selection, background check and recruitment criteria for aviation security related duties;
 - (xi) the management of response to acts of unlawful interference;
 - (xii) measures for the evaluation of the Plan; and
 - (xiii) adjustment of the Plan and contingency measures in the event of threats against civil aviation targets.”; and
- (k) any other matter that is deemed necessary in the interests of safety and security relating to civil aviation.”. and
- (c) by the deletion of sub-regulation (3).

Amendment of regulation 5 of the Regulations

6. Regulation 5 of the Regulations is hereby amended by –

- (a) the substitution for the heading “Airport Safety Officer” of regulation 5 of the heading “ Airport Security Officer”;
- (b) the substitution for sub-regulation (1) of the following sub-regulation:

“(1) The office of airport security officer shall be held–

- (a) in the case of a company airport, by an authorized person within the meaning of paragraph (b) of the definition of ‘authorized person’ in section 1 of the Act, designated by the airport management with the concurrence of the Chief: Civil Aviation Security, to apply the provisions of the safety plan for that company airport; and
- (b) in the case of an airport other than a company airport designated as contemplated in section 1 of the Act, by a person designated by the airport

authority, with the concurrence of the Chief: Civil Aviation Security, to apply the provisions of the safety plan for that airport."

- (c) the substitution for the expression "airport safety officer" in sub-regulation (2) of the expression "airport security officer."

- (d) by the substitution for sub-regulation (3) of the following sub-regulation:

"(2) An airport authority shall draw up a safety plan for the airport concerned, providing for -

- (a) the role of and the specific tasks entrusted to airport authority staff, airport security officers, policing authorities, other government agencies(including health, customs, intelligence and immigration), domestic and foreign airline operators operating flights to and from the airport, tenants, municipal authorities and other authorities involved;
- (b) the establishment and terms of reference of a local airport security committee which shall include all entities engaged in the operation of the airport and which contribute to the establishment and implementation of security measures;
- (c) distribution of reports and summaries on various security aspects of the airport, security information circulars, security surveys, security incidents and screening reports as well as communications to all relevant entities and the media (if deemed necessary in the interests of aviation security);
- (d) description of the airport activities with specific reference to a general description of the airport, a description of the various areas and sectors thereof, its hours of operation, and the activities of organizations operating at or using the airport;
- (e) a description of the security measures applicable to airport security, security control of passengers and hand baggage, security control of hold baggage, cargo, mail and small parcels, certain categories of passengers including VIPs diplomats, staff members, disabled passengers, inadmissible persons, deportees and escorted passengers, the control of firearms and weapons, the security of aircraft and security equipment and specifications;

- (f) the allocation of responsibilities in respect of the procurement, installation, operation and maintenance of security equipment;
- (g) details as to the number, location maintenance, calibration and maintenance of security equipment, including X-ray equipment, explosives detection equipment, hand-held and walk-through metal detectors, simulation chambers, explosive detection dogs and explosive disposal equipment.
- (h) guidelines for the establishment of an appropriate contingency plan in response to acts of unlawful interference including information pertaining to the responsibilities for command, control and communications procedures, hostage negotiation procedures, designated aircraft parking locations, incident site access and control, communications equipment guidelines on dealing with the media and the public.
- (i) practical and theoretical training instructions for airport authority and security personnel of an airport, aircraft operators and regulated agents, police, military, customs and immigration personnel, aircraft crew members and other airport personnel; and
- (j) approvals of changes to equipment, infrastructure, procedures and contracted security companies.”.

Amendment of regulation 6 of the Regulations

7. Regulation 6 of the Regulations is herewith amended by the substitution for the said regulation of the following regulation:

“6. Air Carrier Safety Plan

- (1). Every air carrier shall designate a security officer, whose designation in the case of a local air-carrier, shall have the concurrence of the Chief: Civil Aviation Security, and who shall be charged with overseeing the requirements of the regulations regarding security on board an aircraft.
- (2) Every air carrier shall draw up safety plans for flights undertaken as a scheduled public air transport service or undertaken as a scheduled international public air transport service by that air carrier which shall provide for-
 - (a) the identifying of the line of command of the air carriers executive management for security related functions;
 - (b) the appropriate authority of the air carrier responsible for the implementation of an airline carrier safety plan;

- (c) the security structure of the air carrier and its charter of duties;
- (d) receipt and dissemination of and accountability for security information circulars, as well as reports and surveys;
- (e) the procedures regarding the channels and methods of communication of information to appropriate authorities and the media;
- (f) a description of the air carrier's activities together with the policy and procedures relating to the security of each activity;
- (g) the security measures in effect in regard to air carrier security, the security control of passengers, hand baggage, checked baggage, cargo, mail, small parcels courier services measures relating to certain categories of passengers including VIPs, diplomats, staff members, disabled passengers, inadmissible passengers, deportees and escorted passengers, the carriage of firearms and weapons, the security of aircraft and security equipment;
- (h) contingency and emergency plans in respect of acts of unlawful interference including the unlawful seizure of aircraft, sabotage, extortion, bomb threats and interference with staff as well as the training of staff (including security staff); and
- (i) contingency plans relating to the crisis management centre.”.

Amendment of regulation 7 of the Regulations

8. Regulation 7 of the Regulations is hereby amended by the substitution in paragraph (b) for the words “Director: Aviation Safety” of the words “Chief: Civil Aviation Security.”

Amendment of regulation 8 of the Regulations

9. Regulation 8 of the Regulations is herewith amended by the substitution for the words “Director-General: Transport” of the words “Chief: Civil Aviation Security” at the end of the regulation.

Amendment of regulation 9 of the Regulations

10. Regulation 9 of the Regulations is hereby amended by -
- (a) the insertion of the words or "her" in paragraph (b) after the word "his" in the third line thereof; and
 - (b) the substitution for the expression "R10 000" of the expression "R50 000".

Short title and commencement

11. These Regulations are called the Fifth Amendment of the Civil Aviation Safety Regulations, 1981, and shall come into operation on the date of publication hereof.

No. R. 961

13 Augustus 2004

WET OP MISDRYWE TEEN BURGERLIKE LUGVAART, 1972 (WET 10 VAN 1972)

**VYFDE WYSIGING VAN DIE BURGERLIKE LUGVAARTVEILIGHEIDS-
REGULASIES, 1981**

Die Minister van Vervoer publiseer hiermee ingevolge artikel 2L van die Wet op Misdrywe teen Burgerlike Lugvaart, 1972, die Vyfde Wysiging van die Burgerlike Lugvaartveiligheidsregulasies, 1981, soos in die Bylae hieronder uiteengesit.

BYLAE**Woordomskrywing**

1. In hierdie Bylae beteken "die Regulasies" die Burgerlike Lugvaartveiligheidsregulasies, 1981, gepubliseer deur Goewermentskennisgewing No. R. 1224 van 12 Junie 1981, soos gewysig deur Goewermentskennisgewing No. R. 3197 van 27 Desember 1991, Goewermentskennisgewing No R. 1682 van 19 Junie 1992, Goewermentskennisgewing No R. 1229 van 9 Julie 1993 en Goewermentskennisgewing No R. 135 van 3 Februarie 1995.

Wysiging van regulasie 1 van die Regulasies

2. Regulasie 1 van die Regulasies word hiermee gewysig deur die vervanging van die genoemde regulasie deur die volgende regulasie:

"1. Woordomskrywings

In hierdie regulasies het enige uitdrukking waaraan in die Wet 'n betekenis geheg is daardie betekenis en, tensy uit die samehang anders blyk, beteken—

'agtergrondondersoek' 'n ondersoek na 'n persoon se identiteit en vorige ervaring, insluitend enige misdaadgeskiedenis waar toepaslik, as deel van die assessering van 'n individu se geskiktheid ten opsigte van onbegeleide toegang tot 'n veiligheidsbeperkte gebied;

'geskeduleerde openbare internasionale lugvervoerdiens' 'n openbare internasionale lugvervoerdiens soos omskryf in regulasie 1 van die Regulasies vir Internasionale Lugdienste, 1994;

'geskeduleerde openbare lugvervoerdiens' 'n geskeduleerde openbare lugvervoerdiens soos omskryf in regulasie 1 van die Regulasies vir Binnelandse Lugdienste, 1991; en

'Hoof: Burgerlike Lugvaartveiligheid' die beampte bedoel in regulasie 2;

'Hoof Uitvoerende Beampte' die Hoof Uitvoerende Beampte soos omskryf in artikel 11(1) van die Wet op die Suid-Afrikaanse Burgerlike Lugvaartowerheid, 1998 (Wet 40 van 1998);

'Hoof Uitvoerende Beampte' die Hoof Uitvoerende Beampte soos omskryf in artikel 11(1) van die Wet op die Suid-Afrikaanse Burgerlike Lugvaartowerheid, 1998 (Wet 40 van 1998);

'Komitee' die Nasionale Lugvaartveiligheidskomitee bedoel in regulasie 3(1);

'Kommissaris' die Kommissaris van Burgerlike Lugvaart soos omskryf in artikel 1 van die Wet op Lugvaart, 1962 (Wet 74 van 1962);

'lughawe-owerheid', ten opsigte van 'n lughawe, die organisasie wat in beheer van so 'n lughawe is en wat optree deur die tersaaklike lughawebestuurder of die persoon in beheer van so 'n lughawe

'lughaweveiligheidsbeampte' 'n persoon bedoel in regulasie 5;

'lugvervoerder' 'n persoon wat teen vergoeding passassiers of goedere deur middel van 'n lugvaartuig vervoer;

'lugvervoerderveiligheidsbeampte' 'n persoon bedoel in regulasie 6(1);

'sekuriteit' 'n kombinasie van maatreëls en menslike en materiële hulpbronne wat bedoel is om internasionale burgerlike lugvaart teen dade van onregmatige bemoeïing te die beveilig;

'sifting' die toepassing van tegniese of ander metodes wat ten doel het om wapens, plofstowwe of ander gevaarlike toestelle te identifiseer of op te spoor wat gebruik kan word om 'n daad van onregmatige bemoeïing te pleeg."

'veiligheid' vir die sekuriteit vir vereistes ten opsigte van die veiligheidsplanne en vir die funksies van die Komitee in regulasie 3(3) uiteengesit;

en

'Wet' die Wet op Misdrywe teen Burgerlike Lugvaart, 1972, (Wet 10 van 1972).".

Wysiging van regulasie 2 van die Regulasies

3. Regulasie 2 van die Regulasies word hiermee gewysig deur die vervanging van die volgende regulasie:

"2. Hoof: Burgerlike Lugvaartveiligheid

(1) Die Minister stel 'n Hoof: Burgerlike Lugvaartveiligheid aan.

(2) Die Hoof: Burgerlike Lugvaartveiligheid sal, onderhewig aan die bepalings van die Wet en hierdie regulasies, belas wees met die verantwoordelikheid vir die ontwikkeling, implementering en toepassing van die bepalings van hierdie regulasies, insluitend die bepalings ten opsigte van Veiligheidsplanne en sal die aktiwiteite van die persone wat hierby betrokke is, koördineer."

Wysiging van regulasie 3 van die Regulasies

4. Regulasie 3 van die Regulasies word hiermee gewysig-

(a) deur die vervanging van die opskrif "Burgerlike Lugvaartveiligheidskomitee" deur die opskrif "Nasionale Lugvaartveiligheidskomitee";

(b) deur die vervanging van sub-regulasie (1) deur die volgende sub-regulasie:

“(1) Die Minister stel ‘n Nasionale Lugvaartveiligheidskomitee in bestaande uit-

- (a) die Hoof: Burgerlike Lugvaartveiligheid, wat ook die voorsitter van die Komitee sal wees, en in wie se afwesigheid dié lid van die Komitee wat deur die Komitee aangewys word as voorsitter sal optree;
- (b) ‘n offisier aangewys deur die Hoof van die Suid-Afrikaanse Nasionale Weermag;
- (c) ‘n lid aangewys deur die Nasionale Kommissaris van die Suid-Afrikaanse Polisie diens;
- (d) ‘n werknemer van die Lughawensmaatskappy Beperk, soos omskryf in artikel 1 van die Wet op die Lughawensmaatskappy, 1993 (Wet 44 van 1993), aangewys deur die Lughawensmaatskappy Beperk;
- (e) ‘n beampte aangewys deur die Direkteur-Generaal: Vervoer;
- (f) ‘n persoon deur die Kommissaris na oorlegpleging met die Minister aangewys;
- (g) ‘n beampte aangewys deur die Direkteur-generaal: Nasionale Intelligensie-Agentskap;
- (h) ‘n beampte verantwoordelik vir rampbestuur aangewys deur die Direkteur-generaal: Provinsiale en Plaaslike Regering;
- (i) ‘n beampte aangewys deur die Direkteur-generaal: Suid-Afrikaanse Geheime Diens;
- (j) ‘n beampte verantwoordelik vir nasionale lugvervoerfasilitering aangewys deur die Direkteur-generaal: Vervoer;
- (k) ‘n werknemer van die Lugverkeer- en Navigasiedienstemaatskappy Beperk, soos omskryf in artikel 1 van die Wet op die Lugverkeer- en Navigasiedienstemaatskappy, 1993, (Wet 45 van 1993), aangewys deur die Lugverkeer- en Navigasiedienstemaatskappy Beperk;
- (l) ‘n beampte aangewys deur die Koördineerder van die Nasionale Intelligensie Koördineringskomitee;
- (m) ‘n beampte aangewys deur die Direkteur-generaal: Buitelandse Sake;
- (n) ‘n beampte verantwoordelik vir immigrasie aangewys deur die Direkteur-generaal: Binnelandse Sake;
- (o) ‘n beampte verantwoordelik vir doeane aangewys deur die Kommissaris: Suid-Afrikaanse Inkomstediens; en
- (p) ‘n beampte aangewys deur die Hoof: Burgerlike Lugvaartveiligheid.”.

(c) deur die invoeging na sub-regulasie (1) van die volgende sub-regulasie:

“(1A) Elke persoon wat ingevolge sub-regulasie (1) as lid van die Komitee aangewys is, moet gemagtig word om sy of haar werkgewer te verbind tot besluite wat geneem word om die Minister te adviseer in die uitvoer van die Komitee se funksies.”

(d) deur die vervanging van sub-regulasie (2) deur die volgende sub-regulasie:

“(2) Die Komitee vergader so dikwels as wat die Voorsitter dienstig ag, maar nie minder nie as vier keer per jaar, en bedien die Minister met advies of maak aanbevelings aan die Minister in ooreenstemming met die bepalings van hierdie regulasies;”;

(e) deur die skapping van die uitdrukking “burgerlike lugvaart” in paragraaf (a) van sub-regulasie (3);

(f) deur die vervanging van paragraaf (c) van sub-regulasie (3) deur die volgende paragraaf:

“(c) verslae wat deur die Hoof: Burgerlike Lugvaartveiligheid aan die Komitee voorgelê word;”;

(g) deur die vervanging van paragraaf (d) van sub-regulasie (3) deur die volgende paragraaf:

“(d) dié deel van die koste aangegaan in verband met die toepassing van die bepalings van ‘n veiligheidsplan of van die Wet wat deur die Staat gedra moet word;”;

(h) deur die byvoeging tot sub-regulasie (3) van die volgende paragrawe na paragraaf (d) :

“(e) die doelmatigheid van veiligheidsmaatreëls en -prosedures;
en

(f) enige aangeleentheid deur ‘n plaaslike lughaweveiligheidskomitee na die Komitee verwys.”;

(i) deur die vervanging van sub-regulasie (4) deur die volgende sub-regulasie:

“(4) Die Komitee kan enige plek, lughawe of lugvaartfasiliteit of enige vliegveld of helihawe in verband met die aanwysing daarvan soos beoog in die omskrywing van ‘aangewese lughawe’ in artikel 1 van die Wet besoek en inspekteer vir doeleindes van burgerlike lugvaartveiligheid.”.

en

(j) deur die vervanging van sub-regulasie (5) deur die volgende sub-regulasie:

“(5) Die Hoof Uitvoerende Beampte wys personeel in die Owerheid aan om die Komitee met sy werksaamhede behulpsaam te wees.”.

Wysiging van regulasie 4 van die Regulasies

5. Regulasie 4 van die Regulasies word hiermee gewysig deur-

(a) die vervanging van die opskrif “Veiligheidsplan” van regulasie 4 deur die opskrif “Nasionale Lugvaartveiligheidsplan”;

(b) die vervanging van sub-regulasie (1) deur die volgende sub-regulasie:

- “(1) Die Hoof: Burgerlike Lugvaartveiligheid stel ‘n nasionale lugvaartveiligheidsplan op wat gereeld hersien sal word en wat voorsiening maak vir-
- (a) die bepaalde burgerlike lugvaartveiligheidsverantwoordelikhede van die Suid-Afrikaanse Burgerlike Lugvaartowerheid as die owerheid wat oorkoepelend verantwoordelik is vir alle burgerlike lugvaartveiligheid en -sekerheid;
 - (b) die bepaalde verantwoordelikhede van die owerheid verantwoordelik vir die administrasiefunksie van die lughawe;
 - (c) die funksies wat uitgevoer moet word deur die lughawebestuur van ‘n aangewese lughawe met betrekking tot die instel en implementering van veiligheidsmaatreëls om die voorkoms van dade van onregmatige bemoeiing te verhoed;
 - (d) die verantwoordelikheid met betrekking tot die beheer van toegang deur lughawehuurders by aangewese lughawens wie se konsessie of fasiliteit deel vorm van die landkant-/ lugkantgrens of waardeur toegang van landkant na lugkant verkry kan word;
 - (e) die bepaalde verantwoordelikhede, in die konteks van lugvaartveiligheid, van die polisiëringsgesag by aangewese lughawens;
 - (f) die instel van ‘n lughaweveiligheidskomitee om die ontwikkeling en implementering van veiligheidsmaatreëls en -prosedures by aangewese lughawens te koördineer;
 - (g) die samewerking en kommunikasie tussen State in die ontwikkeling en implementering van lugvaartveiligheidspraktyke en -prosedures;
 - (h) stappe om die koördinering van lugvaartveiligheidsmaatreëls tussen regeringsdepartemente, semistaatsorganisasies, agentskappe en ander organisasies wat vir die implementering van die genoemde Plan verantwoordelik is, te verseker;
 - (i) die beskerming van lughawens, lugvaartuie en lugvaartfasiliteite met bepaalde verwysing na die aanwysing en beskerming van beperkte gebiede, toegangsbeheer en die lysing van lugvaart- en lugvaartverwante fasiliteite op en weg van die lughawe wat noodsaaklik is vir die voortgesette veilige bedryf van burgerlike lugvaart;
 - (j) die sekuriteitskontrole van persone wat ‘n lugvaartuig bestyg en van items wat aan boord van lugvaartuie geplaas word, insluitend:
 - (i) sifting en deursoeking van die passassiers en handbagasie;
 - (ii) die kontrole van transito- en oorstappassassiers;
 - (iii) die sifting van lugrederybemanning, lughawepersoneel, permithouers en ander nie-passassiers;
 - (iv) die bepaling van spesiale siftingsprosedures;
 - (v) die gemagtigde vervoer van wapens;
 - (vi) prosedures vir die behoorlike beheer en sifting van nagegaande bagasie ;
 - (vii) kontrole van vrag, koerier- en spoedpospakkies en -pos;
 - (viii) prosedures om te voorkom dat wapens, ploffstowwe en ander gevaarlike toestelle versteek word in spyseniersvoorrade wat vir vervoer op lugvaartuie bedoel is;
 - (ix) die verkryging, kalibrering, bedryf, besonderhede (insluitend minimum kriteria) en instandhouding van sekuriteitstoerusting;

- (x) die seleksie, agtergrondondersoek en werwingskriteria vir persone met lugvaartveiligheidsverwante pligte;
 - (xi) die bestuur van reaksie op dade van onregmatige bemoeïing;
 - (xii) maatreëls vir die evaluering van die Plan; en
 - (xiii) aanpassing van die Plan en gebeurlikheidsmaatreëls in die geval van bedreigings teen burgerlike lugvaartteikens.”;
- en
- (k) enige ander aangeleentheid wat nodig geag word in die belang van veiligheid en burgerlike lugvaartveiligheid.”
- en
- (c) deur die skrapping van sub-regulasie (3).

Wysiging van regulasie 5 van die Regulasies

6. Regulasie 5 van die Regulasies word hiermee gewysig deur –

- (a) die vervanging van die opskrif “Lughaweveiligheidsbeampte” van regulasie 5 deur die opskrif “Lughawesekuriteitsbeampte”;

- (b) die vervanging van sub-regulasie (1) deur die volgende sub-regulasie:

“(1) Die pos van lughawesekuriteitsbeampte word gevul –

- (a) in die geval van ‘n maatskappylughawe, deur ‘n gemagtigde persoon ingevolge die betekenis van paragraaf (b) van die omskrywing van ‘gemagtigde persoon’ in artikel 1 van die Wet, wat deur die lughawebestuur aangewys word met die instemming van die Hoof: Burgerlike Lugvaartveiligheid, om die bepalings van die veiligheidsplan vir daardie maatskappylughawe toe te pas; en
- (b) in die geval van ‘n lughawe anders as ‘n maatskappylughawe aangewys soos beoog in artikel 1 van die Wet, deur ‘n persoon wat deur die lughawe-owerheid aangewys word, met die instemming van die Hoof: Burgerlike Lugvaartveiligheid, om die bepalings van die veiligheidsplan vir daardie lughawe toe te pas.”.
- (c) die vervanging van die uitdrukking “lughaweveiligheidsbeampte” in sub-regulasie (2) deur die uitdrukking “lughawesekuriteitsbeampte”.
- (d) deur die vervanging van sub-regulasie (3) deur die volgende sub-regulasie:

“(2) ‘n lughawe-owerheid stel vir die betrokke lughawe ‘n veiligheidsplan op wat voorsiening maak vir-

- (a) die rol en die bepaalde take wat toevertrou word aan lughawe-owerheidspersoneel, lughawesekuriteitsbeamptes, polisiëringsowerhede, ander regeringsagentskappe (insluitend gesondheid, doeane, intelligensie en immigrasie), binnelandse en oorsese lugvervoeroperateurs wat vlugte na en van die betrokke lughawe bedryf, huurders, munisipale owerhede en ander owerhede wat betrokke is;
- (b) die vestiging en gee van opdragte aan ‘n plaaslike lughawesekuriteitskomitee wat alle entiteite betrokke by die bedryf

- van die lughawe sal insluit en wat tot die instel en implementering van veiligheidsmaatreëls sal bydra;
- (c) verspreiding van verslae en opsommings oor verskillende sekuriteitsaspekte van die lughawe, omsendbriewe met veiligheidsinligting, sekuriteitsopnames, sekuriteitsinsidente en siftingsverslae sowel as kommunikasie aan alle tersaaklike entiteite en die media (indien nodig geag in die belang van lugvaartveiligheid);
 - (d) beskrywing van die lughawebedrywighede met bepaalde verwysing na 'n algemene beskrywing van die lughawe, 'n beskrywing van die verskillende gebiede en sektore daarvan, die lughawe se bedryfsure, en die bedrywighede van organisasies wat by/vanaf die lughawe opereer of van die lughawe gebruik maak;
 - (e) 'n beskrywing van die veiligheidsmaatreëls wat van toepassing is op lughawesekuriteit, sekuriteitskontrole van passassiers en handbagasie, sekuriteitskontrole van ruimbaggasie, vrag, pos en klein pakkies, sekere kategorieë van passassiers insluitend BBPe, diplomate, personeellede, gestremde passassiers, ontoelaatbare persone, gedeporteerde en begeleide passassiers, die beheer van vuurwapens en wapens, die veiligheid van lugvaartuig- en sekuriteitstoerusting en -spesifikasies;
 - (f) die toewysing van verantwoordelikhede ten opsigte van die verkryging, installering, bedryf en instandhouding van sekuriteitstoerusting;
 - (g) besonderhede ten opsigte van die getal, ligging, instandhouding, kalibrering en instandhouding van sekuriteitstoerusting, insluitend X-straaltoerusting, plofstofopsporingstoerusting, handmodel- en deurstap- metaalopspoorders, simulasielokale, plofstofopsporingshonde en plofstofopruimingstoerusting.
 - (h) riglyne vir die instel van 'n toepaslike gebeurlikheidsplan in reaksie op dade van onregmatige inmenging, insluitend inligting oor die verantwoordelikheid vir bevels-, beheer- en kommunikasie-prosedures, prosedures vir gyselaarsonderhandelinge, aangewese lugvaartuigparkeringsterreine, toegang tot en beheer oor plekke waar insidente plaasgevind het, riglyne ten opsigte van kommunikasietoerusting vir die hantering van die media en die publiek.
 - (i) praktiese en teoretiese opleidingsinstruksies vir die lughaweowerheid en die sekuriteitspersoneel van 'n lughawe, lugvaartuigoperateurs en verwante agente, polisie, militêre, doeane- en immigrasiepersoneel, lede van die bemanning van lugvaartuie en ander lughawepersoneel; en
 - (j) goedkeuring van veranderinge aan toerusting, infrastruktuur, prosedures en gekontrakteerde sekuriteitsmaatskappye.”.

Wysiging van regulasie 6 van die Regulasies

7. Regulasie 6 van die Regulasies word hiermee gewysig deur die vervanging van die genoemde regulasie deur die volgende regulasie:

“6. Lugvervoerderveiligheidsplan

- (1) Elke lugvervoerder moet ‘n sekuriteitsbeampte aanwys, wie se aanwysing in die geval van ‘n plaaslike lugvervoerder met die instemming van die Hoof: Burgerlike Lugvaartveiligheid sal geskied, en wat belas sal wees met toesighouding oor die vereistes van die regulasies met betrekking tot veiligheid aan boord van ‘n lugvaartuig.
- (2) Elke lugvervoerder moet veiligheidsplanne opstel vir vlugte deur daardie lugvervoerder onderneem as ‘n geskeduleerde openbare lugvervoerdienste of as ‘n geskeduleerde internasionale openbare lugvervoerdienste word, en sodanige veiligheidsplanne moet voorsiening maak vir-
 - (a) die identifisering van die bevelslyn van die lugvervoerder se uitvoerende bestuur ten opsigte van sekuriteitsverwante funksies;
 - (b) die toepaslike gesag van die lugvervoerder wat verantwoordelik is vir die implementering van ‘n lugvervoerderveiligheidsplan;
 - (c) die veiligheidsstruktuur van die lugvervoerder en sy oktrooi van pligte;
 - (d) ontvangs en verspreiding van, asook verantwoordelikheid vir omsendskrywes met sekerheidsinligting, sowel as verslae en opnames;
 - (e) die prosedures met betrekking tot die kanale en metodes vir die kommunisering van inligting aan toepaslike owerhede en die media;
 - (f) ‘n beskrywing van die lugvervoerder se aktiwiteite, tesame met die beleid en prosedures in verband met die veiligheid van elke aktiwiteit;
 - (g) die veiligheidsmaatreëls wat in plek is met betrekking tot lugvervoerderveiligheid, die sekuriteitskontrole van passassiers, handbagasie, nagegaande baggasie, vrag, pos, klein pakkies, koerierdienste, maatreëls met betrekking tot sekere kategorieë passassiers insluitend BBPe, diplomate, personeellede, gestremde passassiers, ontoelaatbare passassiers, gedeporteerde en begeleide passassiers, die vervoer van vuurwapens en wapens, die veiligheid van lugvaartuig en sekuriteitstoerusting;
 - (h) gebeurlikheids- en noodplanne ten opsigte van dade van onregmatige inmenging insluitend die onregmatige inbeslagneming van ‘n lugvaartuig, sabotasie, afpersing, bomdreigemente en inmenging met personeel sowel as die opleiding van personeel (insluitend sekuriteitspersoneel); en
 - (i) gebeurlikheidsplanne met betrekking tot die krisisbestuursentrum.”.

Wysiging van regulasie 7 van die Regulasies

8. Regulasie 7 van die Regulasies word hiermee gewysig deur die vervanging in paragraaf (b) van die woorde 'Direkteur: Lugvaartveiligheid' met die woorde 'Hoof: Burgerlike Lugvaartveiligheid'.

Wysiging van regulasie 8 van die Regulasies

9. Regulasie 8 van die Regulasies word hiermee gewysig deur die vervanging van die woorde 'Direkteur-generaal: Vervoer' deur die woorde 'Hoof: Burgerlike Lugvaartveiligheid' aan die einde van die regulasie.

Wysiging van regulasie 9 van die Regulasies

10. Regulasie 9 van die Regulasies word hiermee gewysig deur-
- (a) die invoeging van die woorde "of haar" in paragraaf (b) na die woord "hom" in die derde lyn daarvan; en
 - (b) die vervanging van die uitdrukking "R10 000" deur die uitdrukking "R50 000".

Kort titel en inwerkingtreding

11. Hierdie Regulasies heet die Vyfde Wysiging van die Burgerlike Lugvaartveiligheidsregulasies, 1981, en sal in werking tree op die datum van die publikasie daarvan.
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