

Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 512

Pretoria, 11 February 2008
Februarie

No. 30767

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GENERAL NOTICE

NOTICE 246 OF 2008

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

SOUTH AFRICAN WEATHER SERVICE ACT, 2001 (ACT 8 OF 2001)

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 Act.

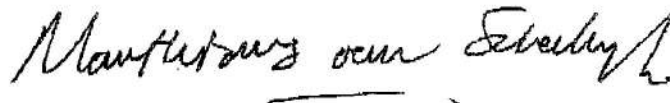
The proposed regulations are set out in the Schedule hereto.

Members of the public are invited to submit to the Minister, within 30 days of the date of publication of the notice in the *Gazette*, written representations on or objections to the draft regulations to the following addresses:

By post to: The Director-General: Environmental Affairs and Tourism
Attention: Ms. Phodiso Kganyago
Private Bag X447
Pretoria, 0001

By fax to: (012) 320-1167, and by e-mail to pkganyago@deat.gov.za

Any inquiries in connection with the draft regulations can be directed to Ms Phodisho Kganyago at (012) 310-3207.

A handwritten signature in black ink, which appears to read "Martinus van Schalkwyk". The signature is fluid and cursive, with a long horizontal stroke at the end.

MARTINUS VAN SCHALKWYK,
MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM

SCHEDULE

1. Fees for the Provision of Aviation Meteorological Services

- (1) The South African Weather Service must charge 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), to an operator of an aircraft, 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 subregulation (1) is set out in Appendix 1 of these regulations.
- (3) The fees referred to in subregulation (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 subregulation (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

The South African Weather Service shall use 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 enables that company to calculate an air traffic service charge in terms of the flight, to calculate the fees as contemplated in regulation 1(1) for that flight.

3. General Regulations

(1) The calculation of fees as contemplated in regulation 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 regulation 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.

4. Repeal of Notice 269 In Government Gazette 28651 of 31 March 2006

The regulations published under Government Notice No. 269 in *Gazette* 28651 of 31 March 2006 are hereby repealed.

APPENDIX 1

Fees for the Provision of Aviation Meteorological Services

1. Category 1

The fee for the provision of aviation meteorological services in respect of an aircraft with a maximum certified mass (MCM) of 2000kg and above, must 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

The tariffs for the next three financial years are as follows:

1 April 2008 – 31 March 2009	R25.57
1 April 2009 – 31 March 2010	R24.06
1 April 2010 – 31 March 2011	R23.09

Exception rule: Aircraft with an MCM between 2000 and 4999 kilograms that operates exclusively under Visual Flight Rules (VFR) fall into Category 2 below.

2. Category 2

In respect of an aircraft with a maximum certified mass (MCM) below 2000 kilograms or those aircraft that qualify according to the exception rule, the tariff is set at zero.
