

# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID-AFRIKA

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No. 34307

*For purposes of reference, all Proclamations, Government Notices, General Notices and Board Notices published are included in the following table of contents which thus forms a weekly index. Let yourself be guided by the Gazette numbers in the righthand column:*

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**IMPORTANT ANNOUNCEMENT**

# **Closing times **PRIOR TO PUBLIC HOLIDAYS** for GOVERNMENT NOTICES, GENERAL NOTICES, REGULATION NOTICES AND PROCLAMATIONS**

**2011**

*The closing time is 15:00 sharp on the following days:*

- ▶ **17 March**, Thursday, for the issue of Friday **25 March 2011**
- ▶ **14 April**, Thursday, for the issue of Thursday **21 April 2011**
- ▶ **19 April**, Tuesday, for the issue of Friday **29 April 2011**
- ▶ **28 April**, Thursday, for the issue of Friday **6 May 2011**
- ▶ **9 June**, Thursday, for the issue of Friday **17 June 2011**
- ▶ **4 August**, Thursday, for the issue of Friday **12 August 2011**
- ▶ **8 December**, Thursday, for the issue of Thursday **15 December 2011**
- ▶ **14 December**, Wednesday, for the issue of Friday **23 December 2011**
- ▶ **20 December**, Tuesday, for the issue of Friday **30 December 2011**
- ▶ **28 December**, Wednesday, for the issue of Friday **6 January 2012**

Late notices will be published in the subsequent issue, if under special circumstances, a late notice is accepted, a double tariff will be charged

The copy for a **SEPARATE Government Gazette** must be handed in not later than three calendar weeks before date of publication

**BELANGRIKE AANKONDIGING**

# **Sluitingstye **VOOR VAKANSIEDAE** vir GOEWERMENTS-, ALGEMENE- & REGULASIE- KENNISGEWINGS ASOOK PROKLAMASIES**

**2011**

*Die sluitingstyd is stiptelik 15:00 op die volgende dae:*

- ▶ **17 Maart**, Donderdag, vir die uitgawe van Vrydag **25 Maart 2011**
- ▶ **14 April**, Donderdag, vir die uitgawe van Donderdag **21 April 2011**
- ▶ **19 April**, Dinsdag, vir die uitgawe van Vrydag **29 April 2011**
- ▶ **28 April**, Donderdag, vir die uitgawe van Vrydag **6 Mei 2011**
- ▶ **9 Junie**, Donderdag, vir die uitgawe van Vrydag **17 Junie 2011**
- ▶ **4 Augustus**, Donderdag, vir die uitgawe van Vrydag **12 Augustus 2011**
- ▶ **8 Desember**, Donderdag, vir die uitgawe van Donderdag **15 Desember 2011**
- ▶ **14 Desember**, Woensdag, vir die uitgawe van Vrydag **23 Desember 2011**
- ▶ **20 Desember**, Dinsdag, vir die uitgawe van Vrydag **30 Desember 2011**
- ▶ **28 Desember**, Woensdag, vir die uitgawe van Vrydag **6 Januarie 2012**

Laat kennisgewings sal in die daaropvolgende uitgawe geplaas word. Indien 'n laat kennisgewing wel, onder spesiale omstandighede, aanvaar word, sal 'n dubbeltarief gehef word

Wanneer 'n **APARTE Staatskoerant** verlang word moet die kopie drie kalenderweke voor publikasie ingedien word



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## GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

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### DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

No. 444

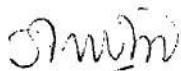
27 May 2011

#### SMALL CLAIMS COURTS ACT, 1984 (ACT NO. 61 OF 1984)

#### ESTABLISHMENT OF A SMALL CLAIMS COURT FOR THE AREA OF VANDERBIJLPARK

I, Andries Carl Nel, Deputy Minister of Justice and Constitutional Development, acting under the power delegated to me by the Minister of Justice and Constitutional Development, under section 2 of the Small Claims Courts Act, 1984 (Act No. 61 of 1984), hereby -

- (a) establish a small claims court for the adjudication of claims for the area of Vanderbijlpark, consisting of the district of Vanderbijlpark;
- (b) determine Vanderbijlpark to be the seat of the said court;
- (c) determine Vanderbijlpark and Sebokeng to be the places in that area for the holding of sessions of the said court;
- (d) withdraw Government Notice No. 1743 of 14 August 1987.



**MR A C NEL, MP**

**DEPUTY MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM  
DEPARTEMENT VAN LANDELIKE ONTWIKKELING EN GRONDHERVORMING**

No. 445

27 May 2011

I, BONGINKOSI A. ZULU, Acting Executive Manager of the Provincial Shared Service Centre: Kwazulu- Natal duly authorized in terms Section 2 (2 ) and 2 (3) of the delegation of the Provisions of Land and Assistance Act 126 of 1993 as amended

(a) hereby designate the Proposed Subdivision of the Remainder of the Portion 7(of 5) of the farm Dargle No. 913, measuring 3 hectares situated in the uMngeni Local Municipality, within UMgungundlovu District Municipality

For the purposes of Agricultural and Settlement (food security) and

(b) Hereby impose the following condition for the use of the land so designat4ed

- ( i) The conservation of Agricultural Resources Act 1983 (Act No 43 of 1983) will apply to the utilization of the land.
- (ii) The conditlons of the National Water Act, 1998 ( Act No 36 of 1998 ) will apply in order to prevent the pollution of public water.



\_\_\_\_\_  
BONGINKOSI A. ZULU  
ACTING EXECUTIVE MANAGER  
PROVINCIAL SHARED SERVICE CENTRE- KZN

DATE: 14/3/11

## GENERAL NOTICES ALGEMENE KENNISGEWINGS

### NOTICE 305 OF 2011



#### sport & recreation

Department:  
Sport and Recreation South Africa  
**REPUBLIC OF SOUTH AFRICA**

Private Bag X896, PRETORIA, 0001, Regent Place, 66 Queen Street, PRETORIA  
Tel: (012) 304 5000 Fax: (012) 323 3535

#### GENERAL NOTICES FOR PUBLIC INVITATION

#### DEPARTMENT OF SPORT AND RECREATION SOUTH AFRICA

#### INVITATION FOR SUBMISSION OF NOMINEES FOR THE BOARD OF BOXING SOUTH AFRICA

The Boxing South Africa Act, No 11 of 2001 requires the establishment of a Board consisting of no fewer than four (4) and no more than seven (7) members which is responsible for the implementation of the Act and its accompanying regulations.

**Background:** The Minister of Sport and Recreation South Africa, Mr F. A. Mbalula, invites all recognised national sport organisations, particularly the S. A. National Amateur Boxing Organisation, and other interested parties to nominate members to the Board of Boxing South Africa for a period of three (3) years. This is a part-time appointment and not full time employment. The associations for boxers, managers, trainers, promoters and officials or a federation of such associations are also entitled to nominate a person to be considered for appointment by the Minister. The final appointment of the Board members rests with the Minister and nomination of a person does not automatically mean he or she will be appointed.

#### Requirements:

- \* Nominated members and applicants must possess the applicable experience, have knowledge of developments in women, amateur and professional boxing. \* A background in sport administration, particularly in professional boxing. \* The promotion and commercial aspects of professional boxing. \* Medical requirements associated with professional boxing. \* Media and marketing related matters. \* Knowledge of development and transformation matters. \* Knowledge and experience on financial matters and law. \* Expertise and knowledge of women and amateur boxing; and \* Knowledge and experience of corporate governance will be an added advantage.

**Application submissions:** Applicants must submit a comprehensive Curriculum Vitae, which must be marked "Boxing South Africa Board" to the Chief Director: Client Support, Liaison, Events and Facilities, Private Bag X 896, Pretoria 0001 OR Regent Place, 66 Queen Street, Pretoria 0002. If you have not been contacted within three months after the closing date of this advertisement, please accept that your application was unsuccessful.

**NB: women and people with disability are encouraged to apply.**

**For enquiries, please contact Prof. Paul Singh on 012 304 5258.**

Applications should be accompanied by certified copies of educational qualifications

**Closing date and time:** 12H00 on 04 June 2011. No late applications will be accepted.



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**NOTICE 306 OF 2011****STATISTICS SOUTH AFRICA**

THE HEAD: STATISTICS SOUTH AFRICA notifies for general information that the Consumer Price Index is as follows:

*Consumer Price Index, Rate (Base 2000 = 100)*

Rate: **April 2011: 4,2**

(27 May 2011)

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**NOTICE 307 OF 2011****AIR TRAFFIC AND NAVIGATION SERVICES COMPANY LIMITED**

AIR TRAFFIC AND NAVIGATION SERVICES COMPANY ACT, 1993 (ACT No. 45 OF 1993)

**PUBLICATION OF AIR TRAFFIC SERVICE CHARGES**

In terms of section 5(2)(f) of the Air Traffic and Navigation Services Company Act, 1993 (Act No. 45 of 1993), it is hereby published for general notice that as from **1 September 2011** the Air Traffic and Navigation Services Company Limited, registration number 1993/004150/06, will levy the air traffic service charges according to the rules set out in the Schedule.

**MD MAMASHELA**

Chairperson: Board of Directors

May 2011

**SCHEDULE**  
**AIR TRAFFIC SERVICE CHARGES**

**1. Interpretation**

For the purposes of these Rules, unless the context indicates otherwise -

- (a) “ACSA” means Airports Company South Africa Limited;
- (b) “ACSA airport” means a company airport as defined in section 1 of the Airports Company Act;
- (c) “ACSA TMA airspace” means TMA airspace associated with an ACSA airport, but in which may also be non-ACSA airports;
- (d) “AIC” means an Aeronautical Information Circular;
- (e) “AIP” means an Aeronautical Information Publication;
- (f) “aircraft” means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the surface of the earth, and includes any non-type certificated aircraft;
- (g) “airport” means an aerodrome as defined in section 1 of the Civil Aviation Act, 2009 (Act No. 13 of 2009), and includes an ACSA airport;
- (h) “Airports Company Act” means the Airports Company Act, 1993 (Act No. 44 of 1993), as amended;
- (i) “air traffic control unit” means an aerodrome control tower, an approach control office or an area control centre or a combination thereof;
- (j) “air traffic management (ATM) services” includes without limitation -
  - (i) airspace organisation and management services;
  - (ii) information management services;
  - (iii) alerting services;
  - (iv) advisory services;
  - (v) conflict management services;
  - (vi) traffic synchronisation services;
  - (vii) flight information services; and
  - (viii) demand and capacity balancing services;
- (k) “air traffic service charge” means an amount levied by the Company on the operator of an aircraft in connection with the provision of air traffic services to that operator;
- (l) “air traffic service reporting office” means an air traffic service unit established for the purpose of receiving reports concerning air traffic services and flight plans submitted before the departure of an aircraft from an aerodrome;

- (m) "air traffic service unit" means an air traffic control unit, flight information centre or air traffic service reporting office;
- (n) "alerting service" means a service provided to notify the appropriate organisations regarding aircraft in need of search and rescue aid and to assist such organisations as appropriate;
- (o) "area (*en route*) airspace" means airspace that excludes -
  - (i) aerodrome airspace;
  - (ii) TMA airspace; and
  - (iii) FIS-only airspace, when the Company has determined its dimensions;
- (p) "ATM" means air traffic management;
- (q) "BSC" means business sustaining cost;
- (r) "Civil Aviation Regulations" means the Civil Aviation Regulations, 1997, as amended;
- (s) "Company" means Air Traffic and Navigation Services Company Limited;
- (t) "Company representative" means a person designated by the Company for the purposes of these Rules;
- (u) "d" means flight distance;
- (v) "FAJS" means OR Tambo International Airport;
- (w) "FAKN" means Kruger Mpumalanga International Airport;
- (x) "FARB" means Richards Bay Airport;
- (y) "FC" means fixed cost;
- (z) "FIS-only airspace" means airspace in which flight information services are provided exclusively;
- (aa) "flight" means from the moment an aircraft commences its take-off until the moment it completes its next landing;
- (bb) "flight information centre" means an air traffic service unit established to provide flight information services and alerting services;
- (cc) "flight information service" means a service provided for the purpose of giving advice and information useful for the safe and efficient conduct of flights;
- (dd) "flight plan" means specified information provided to air traffic service units relative to an intended movement of an aircraft;
- (ee) "gateway" means the point of entry into or exit from the South African flight information region;
- (ff) "maximum certificated mass" means the maximum permissible mass shown in the aircraft flight manual or other document associated with the certificate of airworthiness at which an aircraft may commence its take-off under standard atmospheric conditions at sea level;
- (gg) "MCM" means maximum certificated mass;

- (hh) “movement” means a flight, or a portion of a flight, through any aerodrome airspace, TMA airspace or area (*en route*) airspace;
- (ii) “non-type certificated aircraft” means any aircraft that does not qualify for the issue of a certificate of airworthiness in terms of Part 21 of the Civil Aviation Regulations and includes any type certificated aircraft that has been scrapped, of which the original identification plate has been removed and returned to the applicable aviation authority and is rebuilt as a full-scale replica;
- (jj) “NOTAM” means a Notice to Airmen;
- (kk) “operator” means a person or legal entity, holding a valid licence and operating certificate or equivalent thereof authorising such person or entity to conduct scheduled, non-scheduled or general air services, and includes-
  - (i) a licensee as defined in section 1 of the Air Services Licensing Act, 1990 (Act No. 115 of 1990), as amended, or a licensee as defined in section 1 of the International Air Services Act, 1993 (Act No. 60 of 1993), as amended;
  - (ii) any airline of another State which operates a scheduled international public air transport service in terms of an air transport service agreement as contemplated in section 35(1) of the International Air Services Act, 1993, as amended, or a permit holder as defined in section 1 of the said Act;
  - (iii) the registered owner of such aircraft; and
  - (iv) any person or legal entity who uses an aircraft on behalf of an operator;
- (ll) “registered owner”, in relation to an aircraft, means the person in whose name such aircraft is registered, and includes any person who is or has been acting as agent in South Africa for a foreign owner, or any person by whom the aircraft is hired at the time;
- (mm) “Regulating Committee” means the Regulating Committee established by section 11 of the Airports Company Act;
- (nn) “South African flight information region” means the geographical area consisting of the flight information regions of Johannesburg, Cape Town and Johannesburg Oceanic;
- (oo) “South African Maritime and Aeronautical Search and Rescue Act” means the South African Maritime and Aeronautical Search and Rescue Act, 2002 (Act No. 44 of 2002);
- (pp) “Standard Terms and Conditions” are the terms and conditions of payment set out on the invoice;
- (qq) “state aircraft” means aircraft used in military, customs and police services;
- (rr) “terminal control area” means a control area normally established at the confluence of air traffic service routes in the vicinity of one or more ACSA airports as published in an AIP, AIC or NOTAM and designated as a terminal control area;
- (ss) “TMA” means terminal control area; and

(tt) "VC" means variable cost.

## **2. Right to levy air traffic service charges**

The Company is entitled to levy air traffic service charges by virtue of a permission issued by the Regulating Committee on 19 March 2010 in terms of section 11(5) of the Air Traffic and Navigation Services Company Act, 1993.

## **3. Air traffic service charges**

### **3.1 There are three air traffic service charges:**

- (a) An Aerodrome Charge, payable for ATM services, specific to aerodrome airspace and maneuvering area, provided by the Company in respect of a flight that takes off from or lands at an ACSA airport;
- (b) a TMA Access Charge, payable for ATM services, specific to terminal airspace, provided by the Company in respect of a flight that departs from or arrives at ACSA TMA airspace, where the airport of origin or destination is within that ACSA TMA airspace;
- (c) an Area Charge, payable for ATM services specific to area (*en route*) airspace provided by the Company in respect of a flight undertaken within a flight information region established by the Commissioner for Civil Aviation in terms of the Civil Aviation Regulations.

## **4. Cost components**

### **4.1 Charges consist of the following cost components:**

- (a) A variable cost component (VC);
- (b) a business sustaining cost component (BSC); and
- (c) a fixed cost component (FC).

### **4.2 VCs are treated as follows:**

- (a) VCs are charged for each flight undertaken at a standard rate per movement;
- (b) VCs are the same for Aerodrome Charges, TMA Access Charges and Area Charges.



4.3 BSCs are treated as follows:

- (a) BSCs are charged for each movement undertaken in relation to the MCM of an aircraft;
- (b) BSCs are the same for Aerodrome Charges, TMA Access Charges and Area Charges.

4.4 FCs are treated as follows:

- (a) FCs are charged for each movement undertaken in relation to the MCM of an aircraft, and for Area Charges, also in relation to d within Company managed airspace;
- (b) Aerodrome Charges, TMA Access Charges and Area Charges each have a unique FC.

**5. Independent variables**

For purposes of charging, the independent variables of the tariff formulas set out in the Appendix, are the following:

- (a) Published MCM expressed in kilograms;
- (b) “d”, measured on the basis of the great circle distance in nautical miles (rounded to the nearest nautical mile) along that portion of the flight path of an aircraft, which is within the boundaries of the South African flight information region, from the take-off airport or gateway to the landing airport or gateway. It excludes distance flown in the ACSA TMA airspace above the take-off or landing airport or the TMA airspace above FAKN or FARB, which TMA airspace is for charging purposes a radius of 35 nautical miles around the airport, irrespective of the actual radius.

**6. Mass categories**

6.1 Subject to the exceptions described in rules 6.2 and 6.3 below, the following aircraft mass categories apply:

- (a) Aircraft with a MCM of 15 000 kilograms or less are charged as follows:
  - (i) VC per movement;
  - (ii) BSC based on MCM; and
  - (iii) FC based on MCM, and for Area Charge, also based on d, but no Area Charge is levied if d equals zero;
- (b) aircraft with a MCM of more than 15 000 kilograms are charged as follows:
  - (i) VC per movement;

- (ii) BSC based on the square root of MCM; and
- (iii) FC based on the square root of MCM, and for Area Charge, also based on d, but no Area Charge is levied if d equals zero.

6.2 Charges for aircraft with a MCM of 5 000 kilograms or less are zero-rated with respect to -

- (a) Area Charges; and
- (b) Aerodrome Charges or TMA Access Charges at ACSA airports or ACSA TMA airspace other than FAJS subject to the operators of such aircraft adhering to operating procedures around non-FAJS airports as the Company may establish from time to time.

6.3 For aircraft with a MCM of 5 000 kilograms or less at FAJS, the FC components that would otherwise have applied, are replaced with -

- (a) a minimum FC in the calculation of the Aerodrome Charge; and
- (b) a minimum FC in the calculation of the TMA Access Charge.

## **7. Origin-destination differentiation**

7.1 Differentiation applies in respect of the following flights:

- (a) A domestic flight, which is a flight undertaken by an aircraft where both the airport of departure and the airport of arrival of the aircraft are within South Africa;
- (b) a regional flight, which is a flight undertaken by an aircraft where either the airport of departure or the airport of arrival of the aircraft is within Botswana, Lesotho, Namibia or Swaziland, and the other airport is within South Africa or within Botswana, Lesotho, Namibia or Swaziland;
- (c) an international flight, which is a flight undertaken by an aircraft where either the airport of departure or the airport of arrival of the aircraft is within any State other than South Africa or Botswana, Lesotho, Namibia or Swaziland, and the other airport is within South Africa or elsewhere.

7.2 All tariff cost components, except the minimum FC in respect of an aircraft with a MCM of 5 000 kilograms or less for Aerodrome and TMA Access at FAJS (where a minimum, non-differentiated FC applies), are differentiated based on origin-destination as set out in the Appendix.

**8. Formulas and coefficients**

Subject to these Rules, the tariff formulas and tariff coefficients are set out in the Appendix.

**9. Payment of air traffic service charges and security deposits**

9.1 Any document produced by the Company on which it is recorded that an ATM service was provided is deemed to be sufficient evidence that the ATM service was indeed provided.

9.2 The operator of an aircraft which is engaged in a flight in respect of which the operator is liable to pay an air traffic service charge in terms of these Rules and in the case where the flight –

- (a) terminates at an ACSA airport, must pay the air traffic service charge to the Company representative at that ACSA airport before that aircraft is to take off from that ACSA airport;
- (b) commences at an ACSA airport and terminates at an airport other than an ACSA airport, must pay the air traffic service charge to the Company representative at that ACSA airport before that aircraft is to take off from that ACSA airport;
- (c) commences and terminates at airports other than ACSA airports, must pay the air traffic service charge to the Company within 30 days of receipt of an invoice from the Company in respect of the air traffic service charge,

unless the operator has previously entered into an agreement with the Company for payment.

9.3 The operator of an aircraft shall –

- (a) deposit with the Company an amount, or
- (b) provide the Company with a letter of guarantee by a financial institution in a format acceptable to the Company that an amount has been set aside,

as security against the risk of default on payment.

9.4 The Company shall determine the amount referred to in section 9.3 with reference to the actual or expected invoices of an operator, which amount shall be limited to the maximum amount of two months' invoicing.

- 9.5 The Company may annually revise and an operator may annually apply for a revision of the amount in section 9.3, with reference to actual or expected invoicing.
- 9.6 No interest is payable by the Company on any deposit or letter of guarantee held by it in terms of these Rules.
- 9.7 The Company may charge interest on an outstanding invoice as provided for in the Standard Terms and Conditions.
- 9.8 The Company is not obliged to withdraw, modify or reissue an invoice after six months from the date of the invoice.

**10. General rules, exemptions and exceptions**

- 10.1 The tariffs set out in these Rules, including the Appendix, are exclusive of Value-Added Tax and are therefore subject to the appropriate rate applicable to any specific tariff.
- 10.2 Air traffic service charges are payable by the operator of an aircraft to the Company.
- 10.3 Air traffic service charges are payable in respect of South African and foreign state aircraft, unless other provision has been made by means of an agreement with the Company.
- 10.4 Air traffic service charges are payable in respect of helicopters, except at FAJS where no TMA Access Charge is levied.
- 10.5 No air traffic service charge is payable in respect of an aircraft engaged in any flight for the calibration of any air navigation infrastructure.
- 10.6 Air traffic service charges are payable in respect of an aircraft engaged in emergency medical service operations, unless exempted on a case-by-case basis by means of an agreement with the Company.
- 10.7 Subject to rule 10.9 below, no air traffic service charge is payable in respect of an aircraft requisitioned for and engaged in search and rescue operations in terms of the South African Maritime and Aeronautical Search and Rescue Act.

- 10.8 Air traffic service charges are payable in respect of an aircraft engaged in search and rescue operations, which aircraft has not been requisitioned in terms of the South African Maritime and Aeronautical Search and Rescue Act, unless exempted on a case-by-case basis by means of an agreement with the Company.
- 10.9 Search mission co-ordination services are payable by the relevant authority or any operator at a rate of R1 200,00 per hour or part thereof, where these services fall outside of the normal scope of alerting services and assistance to agencies involved in search and rescue operations, in particular where services are activated due to negligence in canceling service requests.
- 10.10 (a) Aerodrome Charges and TMA Access Charges are payable in respect of Aerodrome and TMA Access movements solely for the purpose of air crew training at a discount of 70% of the applicable standard Aerodrome Charge or standard TMA Access Charge.
- (b) Training movements attract charges as follows:
- (i) An Aerodrome Charge is levied for each training movement upon take-off and upon landing from or at an ACSA airport, discounted as described in rule 10.10(a) above;
  - (ii) for a training movement that does not exit the aerodrome airspace, one Aerodrome Charge is levied for each circuit flown, discounted as described in rule 10.10(a) above; and
  - (iii) for a training movement that exits the aerodrome airspace into TMA airspace, rule 10.10(b)(i) above applies for each take-off and each landing, and a TMA Access Charge is levied for each circuit flown within the TMA airspace.
- (c) For the purposes of this rule, the words “take-off” and “landing” are construed to include the use of ATM services required for take-off and landing.
- 10.11 For oceanic flights over the Indian Ocean or the Atlantic Ocean within the South African flight information region, including those to and from Antarctica, the FC component of the Area Charge is 50% of the standard Area Charge.
- 10.12 Extended air traffic service charges at a rate of R2 400,00 per hour or part thereof, are payable by an operator for the extension of existing air traffic services beyond the normal negotiated and planned service amendments as documented in the Integrated Aeronautical Information Package (IAIP).



10.13 No Area Charge is payable in respect of any aircraft engaged in a flight that takes off and lands at the same airport.

10.14 Subject to a directive or approval to the contrary by the Regulating Committee, the origin-destination differentiation described in rule 7 above, will be phased out as follows:

Financial year	Domestic flight tariff	Regional flight tariff	International flight tariff
2011/12	91%	100%	109%
2012/13	94%	100%	106%
2013/14	97%	100%	103%
2014/15	100%	100%	100%

10.15 The Company reserves the right to exempt the operator of an aircraft from payment of, or discount, any of the air traffic service charges if the Company is satisfied that the application of these Rules would amount to an unfair repetition of the same charge.

## 11. Withholding of services

The Company may withhold services –

- (a) until such time that the operator provides evidence to the Company that the deposit or guarantee referred to in section 9.3 has been provided, or
- (b) if the operator has failed to settle an invoice as per the Standard Terms and Conditions.

## APPENDIX

### TARIFF FORMULAS AND COEFFICIENTS

1. An air traffic service charge is composed of the sum of VC, BSC and FC for each discrete Aerodrome, TMA Access and Area movement undertaken, according to the following mass categories and locations:

Main Mass Category	Cost Component	Formulas & Coefficients		
		Aerodrome Charge	TMA Access Charge	Area Charge
FAJS ≤ 5 000 kg	VC	R23,69	R23,69	
	BSC	R96,25/10 000.MCM	R96,25/10 000.MCM	
	FC	R50,78	R93,82	
5 000 kg < MCM ≤ 15 000 kg	VC	R23,69	R23,69	R23,69
	BSC	R96,25/10 000.MCM	R96,25/10 000.MCM	R96,25/10 000.MCM
	FC	R101,58/10 000.MCM	R18,76/1 000.MCM	R13,46/100 000.MCM.d
> 15 000 kg	VC	R23,69	R23,69	R23,69
	BSC	R117,87/100.√MCM	R117,87/100.√MCM	R117,87/100.√MCM
	FC	R124,42/100.√MCM	R229,82/100.√MCM	R164,98/10 000.√MCM.d

2. Each Rand-value coefficient in the table above is multiplied by –

- (a) 91% for a domestic flight;
- (b) 100% for a regional flight; and
- (c) 109% for an international flight,

except in the case of FCs for Aerodrome and TMA Access Charges at FAJS for aircraft with  $MCM \leq 5\,000\text{ kg}$  where the coefficient as stated in the table applies.

3. As an illustration, assume the following flights:

#### Example 1

Domestic flight from FAJS to FACT, with aircraft with  $MCM = 100\,000\text{ kg}$  and  $d = 686\text{ miles}$

$$\begin{aligned}
 \text{Charge} &= [\text{Aerodrome Charge at FAJS} + \text{TMA Access Charge at FAJS} + \text{Area Charge} + \text{TMA} \\
 &\quad \text{Access Charge at FACT} + \text{Aerodrome Charge at FACT}] \times 91\% \\
 &= [[VC_{\text{Aero}} + BSC_{\text{Aero}} + FC_{\text{Aero}}] + [VC_{\text{TMA}} + BSC_{\text{TMA}} + FC_{\text{TMA}}] + [VC_{\text{Area}} + BSC_{\text{Area}} + FC_{\text{Area}}] \\
 &\quad + [VC_{\text{TMA}} + BSC_{\text{TMA}} + FC_{\text{TMA}}] + [VC_{\text{Aero}} + BSC_{\text{Aero}} + FC_{\text{Aero}}]] \times 91\% \\
 &= [[R23,69 + (R117,87/100 \times \sqrt{100\,000}) + (R124,42/100 \times \sqrt{100\,000})] + [R23,69 + \\
 &\quad (R117,87/100 \times \sqrt{100\,000}) + (R229,82/100 \times \sqrt{100\,000})] + [R23,69 + (R117,87/100 \times \sqrt{100\,000})]
 \end{aligned}$$

$$\begin{aligned}
& 000) + (R164,98/10\,000 \times \sqrt{100\,000} \times (686-35-35))] + [R23,69 + (R117,87/100 \times \sqrt{100\,000}) + (R229,82/100 \times \sqrt{100\,000})] + [R23,69 + (R117,87/100 \times \sqrt{100\,000}) + (R124,42/100 \times \sqrt{100\,000})] \times 91\% \\
& = [(R23,69 \times 5) + (R117,87/100 \times \sqrt{100\,000} \times 5) + (R124,42/100 \times \sqrt{100\,000} \times 2) + (R229,82/100 \times \sqrt{100\,000} \times 2) + (R164,98/10\,000 \times \sqrt{100\,000} \times 616)] \times 91\% \\
& = R6\,766,99
\end{aligned}$$

Example 2

International flight from FAJS to international gateway, with aircraft with MCM = 4 500 kg and d = 211 miles

$$\begin{aligned}
\text{Charge} &= [\text{Aerodrome Charge at FAJS} + \text{TMA Access Charge at FAJS}] \times 109\% \\
&= [(VC_{\text{Aero}} + BSC_{\text{Aero}}) \times 109\% + FC_{\text{Aero}}] + [(VC_{\text{TMA}} + BSC_{\text{TMA}}) \times 109\% + FC_{\text{TMA}}] \\
&= [(R23,69 + (R96,25/10\,000 \times 4\,500)) \times 109\% + R50,78] + [(R23,69 + (R96,25/10\,000 \times 4\,500)) \times 109\% + R93,82] \\
&= [(R23,69 \times 2) + (R96,25/10\,000 \times 4\,500 \times 2)] \times 109\% + R50,78 + R93,82 \\
&= R290,70
\end{aligned}$$

**NOTICE 308 OF 2011****INTERNATIONAL TRADE ADMINISTRATION COMMISSION**

In accordance with the provisions in Article 53.1 of the Anti-Dumping Regulations, any definitive anti-dumping duty shall be terminated on a date not later than five years from the date of imposition, unless the authorities determine, in a review initiated before that date on their own initiative or upon a duly substantiated request made by or on behalf of the domestic industry, that the expiry of the duty would be likely to lead to continuation or recurrence of dumping and injury.

The International Trade Administration Commission (ITAC) hereby notifies all interested parties that, unless a duly substantiated request is made by or on behalf of the SACU industry, indicating that the expiry of the duty would be likely to lead to continuation or recurrence of dumping and injury, the following anti-dumping duties will expire during 2012:

	COUNTRY	PRODUCT	RATE OF ANTI-DUMPING DUTY	DATE OF IMPOSITION OF THE DUTIES	DATE OF EXPIRY OF DUTIES
1	People's Republic of China (PRC)	Spades & shovels	387c/u	02/11/07	01/11/12
2	People's Republic of China (PRC)	Forks	1056c/u	02/11/07	01/11/12
3	People's Republic of China (PRC)	Picks	788c/u	02/11/07	01/11/12
4	People's Republic of China (PRC)	Rakes	411c/u	02/11/07	01/11/12

**PROCEDURAL FRAMEWORK**

The Commission will conduct its investigation in accordance with the relevant sections of the ITA Act, the World Trade Organisation Agreement on Implementation of Article VI of the GATT 1994 (the Anti-Dumping Agreement) and the Anti-Dumping

Regulations of the International Trade Administration Commission of South Africa (ADR). Both the ITA Act and the ADR are available from the Commission's website ([www.itac.org.za](http://www.itac.org.za)) or from the Trade Remedies section, on request.

Manufacturers in the Southern African Customs Union (SACU) of the subject products listed above, who wish to submit a request for the duty to be reviewed prior to the expiry thereof, are requested to do so within the time limit set out below. In the instances where no replies are received from the SACU manufacturers within these time limits, the Commission will recommend the termination of the duties on the date of expiry.

SACU manufacturers who do submit a request within the time limit set out below, are requested to submit duly substantiated information, indicating that the expiry of the duty would be likely to lead to continuation or recurrence of dumping and material injury, to the Commission, on the dates as specified below:

	PRODUCT	COUNTRY	DATE OF EXPIRY OF DUTIES	DATE OF SUBMISSION
1	Spades & shovels	People's Republic of China (PRC)	01/11/12	01/05/12
2	Forks	People's Republic of China (PRC)	01/11/12	01/05/12
3	Picks	People's Republic of China (PRC)	01/11/12	01/05/12
4	Rakes	People's Republic of China (PRC)	01/11/12	01/05/12

The Commission will consider the information submitted in order to determine whether *prima facie* evidence exist to justify the initiation of a review. Should the Commission decide to initiate a review, notice will be given in the Government Gazette and other parties, being exporters and importers of the subject products, will be requested to comment and provide information.

#### **CONFIDENTIAL INFORMATION**

Please note that if any information is considered to be confidential then a non-



confidential version of the information must be submitted for the public file, simultaneously with the confidential version. In submitting a non-confidential version the following rules are strictly applicable and parties must indicate:

- Where confidential information has been omitted and the nature of such information;
- Reasons for such confidentiality;
- A summary of the confidential information which permits a reasonable understanding of the substance of the confidential information; and
- In exceptional cases, where information is not susceptible to summary, reasons must be submitted to this effect.

These rules applies to all correspondence with and submissions to the Commission, which unless indicated to be confidential and filed together with a non-confidential version, will be placed on the public file and be made available to other interested parties.

If a party considers that any document of another party, on which that party is submitting representations, does not comply with the above rules and that such deficiency affects that party's ability to make meaningful representations, the details of the deficiency and the reasons why that party's rights are so affected must be submitted to the Commission in writing forthwith (and at the latest 14 days prior to the date on which that party's submission is due). Failure to do so timeously will seriously hamper the proper administration of the investigation, and such party will not be able to subsequently claim an inability to make meaningful representations on the basis of the failure of such other party to meet the requirements.

Subsection 33(1) of the ITA Act provides that any person claiming confidentiality of information should identify whether such information is *confidential by nature* or is *otherwise confidential* and, any such claims must be supported by a written

statement, in each case, setting out how the information satisfies the requirements of the claim to confidentiality. In the alternative, a sworn statement should be made setting out reasons why it is impossible to comply with these requirements.

Section 2.3 of the ADR provides as follows:

*"The following list indicates "information that is by nature confidential" as per section 33(1)(a) of the Main Act, read with section 36 of the Promotion of Access to Information Act (Act 2 of 2000):*

- (a) management accounts;*
- (b) financial accounts of a private company;*
- (c) actual and individual sales prices;*
- (d) actual costs, including cost of production and importation cost;*
- (e) actual sales volumes;*
- (f) individual sales prices;*
- (g) information, the release of which could have serious consequences for the person that provided such information; and*
- (h) information that would be of significant competitive advantage to a competitor;*

*Provided that a party submitting such information indicates it to be confidential."*

## **ADDRESS**

The requests by manufacturers in the SACU of the subject products, and the duly substantiated information indicating what the effect of the expiry of the duties will be, must be submitted in writing to the following address:

### **Physical address**

The Senior Manager: Trade Remedies 1

International Trade Administration

Commission

**Block E – Uuzaji Building**

The DTI Campus

77 Meintjies Street

SUNNYSIDE

PRETORIA

SOUTH AFRICA

### **Postal address**

The Senior Manager: Trade

Remedies1

Private Bag X753

Pretoria

0001

SOUTH AFRICA

**PROCEDURES AND TIME LIMITS**

Manufacturers in the SACU of the subject products listed above, who wish to submit a request for the duty to be reviewed prior to its expiry, are requested to do so not later than close of business on **30 June 2011**.

SACU manufacturers, who do submit a request before **30 June 2011**, should submit duly substantiated information, indicating that the expiry of the duty would be likely to lead to continuation or recurrence of dumping and material injury, to the Commission.

It should be noted that the investigation process is complex and the Commission is subject to strict time limits within which to complete the investigation. Late submissions will therefore not be accepted, except with the prior written consent of the Commission. The Commission will give due consideration to written requests for an extension of not more than 14 days on good cause shown (properly motivated and substantiated), if received prior to the expiry of the original period. Merely citing insufficient time is not an acceptable reason for extension.

The information submitted by any party may need to be verified by the Investigating Officers in order for the Commission to take such information into consideration. The Commission may verify the information at the premises of the party submitting the information, within a short period after the submission of the information to the Commission. Parties should therefore ensure that the information submitted will subsequently be available for verification. It is planned to do the verification of the information submitted by the exporters within three to five weeks subsequent to submission of the information. This period will only be extended if it is not feasible for the Commission to do it within this time period or upon good cause shown, and with the prior written consent of the Commission, which should be requested at the time of the submission. It should be noted that unavailability of, or inconvenience to consultants will not be considered to be good cause.

Parties should also ensure when they engage consultants that they will be available at the requisite times, to ensure compliance with the above time frames. Parties

should also ensure that all the information requested in the applicable questionnaire is provided in the specified detail and format. The questionnaires are designed to ensure that the Commission is provided with all the information required to make a determination in accordance with the rules of Anti-Dumping Agreement. The Commission may therefore refuse to verify information that is incomplete or does not comply with the format in the questionnaire, unless the Commission has agreed in writing to a deviation from the required format. A failure to submit an adequate non-confidential version of the response that complies with the rules set out above under the heading *Confidential Information* will be regarded as an incomplete submission.

Parties, who experience difficulty in furnishing the information required, or submitting in the format required, are therefore urged to make written applications to the Commission at an early stage for permission to deviate from the questionnaire or provide the information in an alternative format that can satisfy the Commission's requirements. The Commission will give due consideration to such a request on good cause shown.

Any interested party may request an oral hearing at any stage of the investigation in accordance with Section 5 of the ADR, provided that the party indicates reasons for not relying on written submission only. The Commission may refuse an oral hearing if granting such hearing will unduly delay the finalisation of a determination. Parties requesting an oral hearing shall provide the Commission with a detailed agenda for, and a detailed version, including a non-confidential version, of the information to be discussed at the oral hearing at the time of the request.

If the required information and arguments are not received in a satisfactory form within the time limit specified above, or if verification of the information cannot take place, the Commission may disregard the information submitted and make a finding on the basis of the facts available to it.

**Enquiries may be directed to the Senior Manager: Trade Remedies I, Ms Carina Janse van Vuuren, at telephone (012) 394-3594 or at fax (012) 394-0518.**

**NOTICE 309 OF 2011****DEPARTMENT OF ENVIRONMENTAL AFFAIRS****NATIONAL ENVIRONMENTAL MANAGEMENT: AIR QUALITY ACT, 2004  
(ACT NO. 39 OF 2004)****DRAFT NATIONAL DUST CONTROL REGULATIONS**

I, Bomo Edith Edna Molewa, Minister of Water and Environmental Affairs, hereby give notice of my intention to, under paragraph (o) of section 53, read with section 32 of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004), make the national dust control regulations in the schedule hereunder.

Members of the public are invited to submit to the Minister, within 60 days of publication of the draft regulations in the *Gazette*, written representations on, or objections to the draft regulations to the following addresses:

By post to: The Director-General: Environment Affairs  
Attention: Mr Olebogeng Matshediso  
Private Bag X447  
Pretoria, 0001

By fax to: (012) 320-1167, and e-mail to: [OMatshediso@environment.gov.za](mailto:OMatshediso@environment.gov.za)

Or hand delivered at Corner Pretorius and Van der Walt Streets, Fedsure Forum Building, 2<sup>nd</sup> Floor, North Tower.

Any enquiries in connection with the draft regulations can be directed to Dr. Thuli Mdluli at (012) 310-3436 or Mr Olebogeng Matshediso at (012) 310-3102.

Comments received after the closing date may not be considered.



**BOMO EDITH EDNA MOLEWA**  
**MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS**

## SCHEDULE

### 1. Definitions

In these regulations any word or expression to which a meaning has been assigned in the Act has that meaning, and unless the context indicates otherwise –

**“the Act”** means the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004);

**“Air Quality Officer”** means an officer designated in terms of section 14 of the Act;

**“ASTM D1739”** means the American Standard for Testing and Materials, which is the standard test method for the collection and measurement of dust fall;

**“dust”** means airborne, particulate matter with a diameter smaller than 100 micrometers other than the small particles of carbonaceous matter directly emitted by a combustion process;

**“dust fall”** means the deposition of dust;

**“light commercial area”** means any area classified for light commercial use as per the local town planning scheme.

**“Minister”** means the Minister of Water and Environmental Affairs;

**“residential area”** means any area classified for residential use as per the local town planning scheme;

### 2. Purpose of the regulations

The purpose of the regulations is to prescribe general measures for the control of dust in all areas including residential and light commercial areas.

### 3. Prohibition

No person may conduct any activity in such a way as to give rise to dust in such quantities and concentrations that –

- (1) The dust, or dust fall, has a detrimental effect on the environment, including health, social conditions, economic conditions, ecological conditions or cultural heritage, or has contributed to the degradation of ambient air quality beyond the premises where it originates; or
- (2) The dust remains visible in the ambient air beyond the premises where it originates; or

(3) The dust fall at the boundary or beyond the boundary of the premises where it originates exceeds –

- (a) 600 mg/m<sup>2</sup>/day averaged over 30 days in residential and light commercial areas measured using reference method ASTM D1739; or
- (b) 1200 mg/m<sup>2</sup>/day averaged over 30 days in areas other than residential and light commercial areas measured using reference method ASTM D1739.

#### **4. Dust fall monitoring**

(1) An air quality officer may require any person to undertake a dust fall monitoring programme as contemplated in regulation 4(2) if –

- (a) the air quality officer reasonably suspects that the person has on one or more occasions contravened regulation 3.
- (b) the air quality officer reasonably suspects that the person is contravening regulation 3.
- (c) The activity being conducted by the person requires a fugitive emission management plan in terms of any Notice published in terms of Section 21 of the Act.

(2) A dust fall monitoring programme includes the implementation of all reasonable measures required to effectively measure, report and verify compliance or non-compliance with regulation 3 to the satisfaction of the air quality officer.

#### **5. Ambient dust monitoring**

An air quality officer may require any person to undertake continuous ambient air quality monitoring in accordance with any Notice published in terms of Section 9 of the Act if a dust fall monitoring programme contemplated in regulation 4(2) or any dust fall monitoring activities undertaken by an air quality officer or on behalf of an air quality officer indicates possible non-compliance with regulation 3.

#### **6. Offences**

A person is guilty of an offence if that person –

- (1) contravenes a provision of regulation 3.
- (2) fails to implement a dust fall monitoring programme as required by an air quality officer in terms of regulation 4.
- (3) Fails to undertake continuous ambient air quality monitoring as required by an air quality officer in terms of regulation 5.

#### **7. Penalties**

A person convicted of an offence referred to in regulation 6 is liable to –

- (1) imprisonment for a period not exceeding five years;



- (2) an appropriate fine; or
- (3) both a fine and imprisonment.

**7. Short title and commencement**

These regulations are called the National Dust Control Regulations, 2011 and shall come into operation on a date determined by the Minister by notice in the *Gazette*.

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