

**PROPOSAL FOR THE AMENDMENT OF PART 11 OF THE CIVIL AVIATION
REGULATIONS, 2011**

PROPOSER

South African Civil Aviation Authority
Ikhaya Lokundiza 1
Waterfall Park Bekker Street
Midrand

PROPOSER'S INTEREST

The proposer has been established in terms of the Civil Aviation Act, 2009 (Act No. 13 of 2009), to control and regulate civil aviation in South Africa and to oversee the functioning and development of the civil aviation industry and, in particular, to control, regulate and promote civil aviation safety and security.

GENERAL EXPLANATORY NOTE

Words in **[bold and solid square bracket]** indicate deletions from the existing regulations. Words underlined with a solid line indicate insertions in the existing regulations.

1. PROPOSAL FOR AMENDMENT OF PART 11

1.1 It is hereby proposed for the amendment of Part 11 by the insertion after Subpart 6 of the following Subpart:

“SUBPART 7

FEES COMMITTEE

Institution of the Fees Committee

11.07.1 (1) The Commissioner shall institute a Fees Committee to:

- (a) advise and make recommendations to the Minister on proposals relating to—
- (i) the introduction of any regulation in relation to fees, levies and charges;
 - (ii) the amendment or withdrawal of any regulation relating to fees, levies and charges; and
 - (iii) any fees matter relating to Civil Aviation Regulations, including any such matter referred to it by the Commissioner.

Composition of the Fees Committee

11.07.2 (1) The members of the Fees Committee shall comprise of—

- (a) the Commissioner or his or her representative;
- (b) the Chairperson of the Subcommittee of the Fees Committee;
- (c) the Chairperson of the Civil Aviation Regulations Committee;
- (d) the Chairperson of each Subcommittee established by the Civil Aviation Regulations Committee in terms of Part 11 of the regulations; and
- (e) such other persons appointed by those stakeholders and recognised by the Commissioner, which shall include representation from—
 - (i) the general aviation, recreational aviation and commercial aviation industry;
 - (ii) the Air Traffic and Navigation Services Company Limited contemplated in section 2 of the Air Traffic and Navigation Services Company Act, 1993 (Act No. 45 of 1993);
 - (iii) the South African Police Service;
 - (iv) the South African National Defence Force;
 - (v) the Airports Company contemplated in section 2 of the Airports Company Act, 1993 (Act No. 44 of 1993);
 - (vi) the Department;
 - (vii) the South African Weather Service;
 - (viii) Department of Finance;

(ix) Department of Mineral Resources and Energy;

(x) Air Service Licence Council; and

(xi) any other stakeholder as determined by the Commissioner.

(3) Subject to the provisions in this Subpart, the Fees Committee shall in the performance of its functions comply with the procedures as prescribed in Document SA-CATS 11.

Appointment of Chairperson of Fees Committee

11.07.3 (1) The Commissioner shall appoint a Chairperson of Fees Committee to chair the committee meetings for a specific term to be determined by the Commissioner.

Meetings of the Fees Committee

11.07.4 (1) The Fees Committee shall hold its meetings on an ad-hoc basis and at such times and places as may from time to time be determined by the Chairperson of the Fees Committee.

(2) (a) The Chairperson of the Fees Committee shall normally preside at every meeting of the committee;

(b) If the Chairperson of the Fees Committee is absent from a meeting of the Fees Committee, the members present shall from among their number elect a person to preside over that meeting.

(3) The procedures to be followed at meetings of the Fees Committee shall be as prescribed in the Documents SA-CATS 11.

(4) The Fees committee shall cause minutes to be kept of every meeting thereof.

(5) The minutes referred to in subregulation (4), shall be kept at the offices of the Commissioner.

(6) Notwithstanding the provisions of subregulation (1), the Commissioner may at any time call an extraordinary meeting of the committee in circumstances which he or she deems necessary and in the public interest.

Subcommittee of the Fees Committee

11.07.5 (1) The Fees Committee may establish any Subcommittee as it may deem necessary for the performance of its functions.

(2) The membership of Subcommittee of the Fees Committee established in terms of sub-regulation (1) shall be unlimited.

(3) The Chairperson of the Fees Committee shall appoint a Chairperson of a Subcommittee so established.

(4) Subject to the provisions of this subpart, the Subcommittee of the Fees Committee shall comply with procedures determined by the Fees Committee in the performance of its functions.

Remuneration of members

11.07.6 A member of the Fees Committee referred to in regulation 11.07.1 and a member of a Subcommittee established in terms of regulation 11.07.2 shall not receive any remuneration or allowance from the Authority or any government institution in respect of the functions performed by such member as a member of the Fees Committee or its Subcommittee.

Administration

11.07.7 All administrative work as well as secretarial work, in connection with the performance of the functions of the Fees Committee and any subcommittee established in terms of regulation 11.07.3, shall be carried out by employees of the Authority as prescribed in Document SA CATS 11.

Recommendations to Minister

11.07.8 (1) A proposal approved by the Fees Committee shall be recommended to the Minister for promulgation”.

MOTIVATION

This proposal emanates from the Civil Aviation Amendment Act (CAAA) which was assented into law by the State President in March 2022. In order for the CAAA to be proclaimed and to come into operation, certain provisions of our Regulations must be amended and be aligned to the CAAA e.g this proposal seeks to establish the Fees Committee as envisaged in section 155 (1) (tt) of the Act.