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GOVERNMENT NOTICES GOEWERMENSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE DEPARTEMENT VAN LANDBOU

No. R. 40

26 January 2007

PLANT BREEDERS' RIGHTS ACT, 1976 (ACT No. 15 OF 1976)

REGULATIONS RELATING TO PLANT BREEDERS' RIGHTS: AMENDMENT

The Minister of Agriculture, acting under section 44 of the Plant Breeders' Rights Act, 1976 (Act No. 15 of 1976), has made the regulations in the Schedule.

SCHEDULE

Definition

1. In this Schedule "the Regulations" means the Regulations published by Government Notice No. R. 1186 of 12 September 1997, as amended by Government Notices Nos. R. 1582 of 28 November 1997, R. 867 of 3 July 1998, R. 1285 of 16 October 1998, R. 323 of 19 March 1999, R. 604 of 14 May 1999, R. 1271 of 29 October 1999, R. 392 of 20 April 2000, R. 690 of 14 July 2000, R. 1078 of 3 November 2000, R. 387 of 18 May 2001, R. 667 of 27 July 2001, R. 548 of 10 May 2002, R. 409 of 28 March 2003, R. 465 of 8 April 2004, R. 511 of 3 June 2005 and R. 128 of 17 February 2006.

Substitution of Table 2 of the Regulations

2. The following table is hereby substituted for Table 2 of the Regulations with effect from 1 April 2007:

No. R. 40

26 Januarie 2007

WET OP PLANTTELEERSREGTE, 1976 (WET No. 15 VAN 1976)

REGULASIES BETREFFENDE PLANTTELEERSREGTE: WYSIGING

Die Minister van Landbou, handelende kragtens artikel 44 van die Wet op Planttelersregte, 1976 (Wet No. 15 van 1976), het die Regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

1. In hierdie Bylae beteken "die Regulasies" die Regulasies gepubliseer in Goewermentskennisgewing No. R. 1186 van 12 September 1997, soos gewysig deur Goewermentskennisgewing Nos. R. 1582 van 28 November 1997, R. 867 van 3 Julie 1998, R. 1285 van 16 Oktober 1998, R. 323 van 19 Maart 1999, R. 604 van 14 Mei 1999, R. 1271 van 29 Oktober 1999, R. 392 van 20 April 2000, R. 690 van 14 Julie 2000, R. 1078 van 3 November 2000, R. 387 van 18 Mei 2001, R. 667 van 27 Julie 2001, R. 548 van 10 Mei 2002, R. 409 van 28 Maart 2003, R. 465 van 8 April 2004, R. 511 van 3 Junie 2005 and R. 128 van 17 Februarie 2006.

Vervanging van Tabel 2 van die Regulasies

2. Tabel 2 van die Regulasies word met ingang 1 April 2007 deur die volgende tabel vervang:

"TABLE 2/TABEL 2**FEES PAYABLE / GELDE BETAALBAAR**

No.	Purpose/Doel	Amount/Bedrag
1.	An application for the grant of a plant breeder's right/ 'n Aansoek om die toestaan van 'n planttelersreg [Reg. 3(2)(f)]	R1 200,00 each/elk
2.	A claim to give priority in terms of section 8(2) of the Act to an application for the grant of a plant breeder's right/ 'n Aansoek om ingevolge artikel 8(2) van die Wet voorrang te verleen aan 'n aansoek om die toestaan van 'n planttelersreg [Reg. 4(2)(c)]	R700,00 each/elk
3.	An objection to the grant of a plant breeder's right/ 'n Beswaar teen die toestaan van 'n planttelersreg [Reg. 8(1)(e)]	R4 300,00 each/elk
4.	Examination fee for a plant breeder's right: Category A (agronomic, vegetable and pasture crops and annual ornamentals)/ Ondersoekgeld vir 'n planttelersreg: Kategorie A (akkerbou-, groente- en weidingsgewasse en eenjarige sierplante) [Reg. 3(2)(g) and/en (9)(1)]	R2 000, 00 each/elk
5.a	Examination fee for a plant breeder's right: Category B (fruit, vines, citrus and perennial ornamentals)/ Ondersoekgeld vir 'n planttelersreg: Kategorie B (vrugte, rankplante, sitrus en meerjarige sierplante) [Reg. 3(2)(g) and/en 9(1)]	R2 800,00 each/elk
5.b	Examination fee for a plant breeder's right: Category B (white and yellow maize)/ Ondersoekgeld vir 'n planttelersreg: Kategorie B (wit en geel mielies) [Reg. 3(2)(g) and/en 9(1)]	R2 500,00 each/elk
6.	Provision of results of tests and trials undertaken by the registrar, to the appropriate authority in a convention country or an agreement country/ Voorsiening van resultate van toetse en proewe deur die registrateur ondemeem aan die toepaslike gesag in 'n konvensieland of 'n ooreenkomsland [Reg. 9(3)]	Tariff to fluctuate with exchange rate. 350 CHF
7.	Annual fee for a plant breeder's right/ Jaargeld vir 'n planttelersreg [Reg. 10(1)]	R230,00 each/elk
8.	An application for the issue of a compulsory licence in respect of a plant breeder's right/ 'n Aansoek om die uitreiking van 'n verpligte lisensie ten opsigte van 'n planttelersreg [Reg. 13(1)(d)]	R3 600,00 each/elk
9.	Notice of the transfer of a plant breeder's right/ Kennisgewing van die oordrag van 'n planttelersreg [Reg. 14(2)(b)]	R650,00 each/elk

No.	Purpose/Doel	Amount/Bedrag
10.	An application for the alteration or supplementation of the denomination approved for a variety/ 'n Aansoek om die wysiging of aanvulling van die benaming goedgekeur vir 'n variëteit [Reg. 15(1)(b)]	R1 300,00 each/elk
11.	An objection against the intended approval of an alteration or supplementation of the denomination approved for a variety/ 'n Beswaar teen die beoogde goedkeuring van 'n wysiging of aanvulling van die benaming goedgekeur vir 'n variëteit [Reg. 15(3)(e)]	R650,00 each/elk
12.	An objection against the intended termination of a plant breeder's right/ 'n Beswaar teen die voorgenome beëindiging van 'n planttelersreg [Reg.16(1)(f)]	R650,00 each/elk
13.	A notice of the voluntary surrender of a plant breeder's right/ 'n Kennisgewing van die vrywillige afstanddoening van 'n planttelersreg [Reg. 17(1)(b)(i)]	Free/Gratis
14.	Inspection of the register of plant breeders' rights/ Insae in die register van planttelersregte [Reg.20(2)]	Free/Gratis
15.	Inspection of a document submitted to the registrar in connection with an application for the grant of a plant breeder's right/ Insae in 'n dokument by die registrateur ingedien in verband met 'n aansoek om die toestaan van 'n planttelersreg [Reg. 21(2)]	R350,00 per occasion/ geleentheid
16.	A certificate of any particulars in the register or of any document in connection with an application for the grant of a plant breeder's right/ 'n Sertifikaat van enige besonderhede in die register of van enige dokument in verband met 'n aansoek om die toestaan van 'n planttelersreg [Reg. 21(2)].	R350,00 per certificate/ sertifikaat
17.	A copy of any particulars in the register or of a document submitted to the registrar in connection with an application for the grant of a plant breeder's right/ 'n Afskrif van enige besonderhede in die register of van 'n dokument by die registrateur ingedien in verband met 'n aansoek om die toestaan van 'n planttelersreg [Reg. 21(2)]	R8,00 per application plus R1,05 per photocopy / R8,00 per aansoek plus R1,05 per fotokopie
18.	Submission of appeal against any decision or action taken by the registrar in terms of the Act/ Voorlegging van appèl teen enige beslissing van of stappe gedoen deur die registrateur ingevolge die Wet [Reg. 22(1)(d)]	R3 600,00 each/elk.
19.	Examination of samples to determine varietal purity/ Ondersoek van monsters om variëteitsegtheid te bepaal	R2 000,00 (cat./ kat. A) R2 800,00 (cat./ kat. B) R2 500,00 (cat./ kat. B maize/mielies)

No. R. 41

26 January 2007

GENETICALLY MODIFIED ORGANISMS ACT, 1997
(ACT No. 15 OF 1997)

REGULATIONS: AMENDMENTS

The Minister of Agriculture, acting under section 20 of the Genetically Modified Organisms Act, 1997 (Act No. 15 of 1997), has made the regulations in the Schedule.

SCHEDULE

Definition

1. In this Schedule "the Regulations" means the regulations published by Government Notice No. R. 1420 of 26 November 1999 as amended by R. 828 of 21 June 2002; R. 675 of 02 May 2003; R. 495 of 23 April 2004; R. 478 of 27 May 2005 and R.130 of 17 February 2006.

Substitution of Table 2 of the Regulations

2. The table in Annexure A is hereby substituted for Table 2 of the Regulations.

No. R. 41

26 Januarie 2007

WET OP GENETIES GEMANIPULEERDE ORGANISMES, 1997
(WET No. 15 VAN 1997)

REGULASIES: WYSIGINGS

Die Minister van Landbou, handelende kragtens artikel 20 van die Wet op Geneties Gemanipuleerde Organismes, 1997 (Wet No. 15 van 1997), het die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

1. In hierdie Bylae beteken "die Regulasies" die regulasies gepubliseer by goewermentskennisgewing No. R. 1420 van 26 November 1999; soos gewysig deur R. 828 van Junie 2002; R. 675 van 02 Mei 2003; R. 495 van 23 April 2004, R. 478 van 27 Mei 2005 en R130 van 17 Februarie 2006.

Vervanging van Table 2 van die Regulasies

2. Tabel 2 van die Regulasies word hierby deur die tabel in aanhangsel A vervang.

TABLE 2/TABEL 2

FEES PAYABLE/GELDE BETAALBAAR

Application/ Aansoek	Fees/Gelde
1. Importation/exportation of genetically modified organisms/ Invoer/uitvoer van geneties gemanipuleerde organismes	R 236,00 per application/ per aansoek
2. Contained use of genetically modified organisms/ Beheerde gebruik van geneties gemanipuleerde organismes	R 685,00 per application/ per aansoek
3. Trial release/ Proefvrystelling	R 1 694,00 per application/ per aansoek
4. General release and marketing/ Algemene vrystelling en bemarking	Actual cost + 15% handling fee /Fisiese koste + 15% hanteringsfooi
5. Appeal/ Appél	R 3 600,00 each/ elk
6. Fast tracking/ Bespoediging	R 1590,00 each/ elk
7. GMO status certificates/ GGO status sertifikaat	R 105,00 each/ elk
8. Registration of facility/ Registrasie van fasiliteit	R 230,00 each/ elk
9. Use as food or feed or processing / Gebruik as voedsel, voer of vir verwerking	R156,00 each/elk

No. R. 42

26 January 2007

AGRICULTURAL PESTS ACT, 1983
(ACT No. 36 OF 1983)

REGULATIONS: AMENDMENT*

I, Lulama Xingwana, Minister of Agriculture, acting under section 16 of the Agricultural Pests Act, 1983 (Act No. 36 of 1983), hereby amend the regulations set out in the Schedule.

L. Xingwana
Minister of Agriculture

*Amendment of fees payable.

SCHEDULE

Definition

1. In this Schedule "the Regulations" means the regulations published by Government Notice No. R. 111 of 27 January 1984, as amended by Government Notices Nos. R. 2573 of 15 November 1985, R. 2350 of 14 November 1986, R. 100 of 16 January 1987, R. 1521 of 14 July 1989, R. 75 of 18 January 1991, R. 1637 of 27 October 1995, R. 1471 of 20 November 1998, R. 665 of 28 May 1999, R.614 of 23 June 2000, R. 396 of 18 May 2001, R. 367 of 5 April 2002, R. 464 of 4 April 2003, R. 143 of 9 February 2004, R. 244 of 24 March 2005 and R. 228 of 17 March 2006

Substitution of Table 1 of the Regulations

2. Table 1 of the Regulations is hereby substituted with the following table:

TABLE 1
FEES PAYABLE

NATURE OF SERVICE 1	TARIFF 2
<p>1. Examination, at a time other than during the official hours of the executive officer, of controlled goods imported into the Republic. [Reg. 5 (2) of the Regulations]</p> <p>(i) Weekdays from 16:00 – 20:00 / 06:00 – 07:30 and Saturdays from 06:00 – 20:00</p> <p>(ii) Weekdays and Saturdays from 20:00 – 06:00, Sundays and public holidays</p>	<p>R165,00 for 30 minutes or portion thereof.</p> <p>R220,00 for 30 minutes or portion thereof.</p>
<p>2. Inspection of a quarantine area in respect of which an application, adaptation or withdrawal has been submitted. [Reg. 8 (a) of the Regulations]</p>	<p>R 110,00 per 30 minutes or portion thereof.</p>
<p>3. Test, examination or analysis of a sample taken in the course of the inspection of a quarantine area [Reg. 8 (b)]:</p> <p>(i) Test for occurrence of bacteria</p> <p>(ii) Test for occurrence of fungi</p> <p>(iii) Test for occurrence of phytoplasmas:</p> <p>(aa) PCR test</p> <p>(bb) ELISA test</p> <p>(cc) Hardwood indexing</p> <p>(iv) (aa)Test for occurrence of insects</p> <p>(bb) PCR test</p> <p>(v) Test for occurrence of viruses:</p> <p>(aa) ELISA test</p> <p>(bb) Herbaceous indexing</p> <p>(cc) Hardwood indexing</p> <p>(dd) RT-PCR</p> <p>(ee) ISEM</p> <p>(ff) Electron microscopy</p> <p>(vi) (aa) Test for occurrence of nematodes</p> <p>(bb) PCR test</p>	<p>R 265,00 per test</p> <p>R 240,00 per test</p> <p>R 275,00 per test</p> <p>R 63,00 per test</p> <p>R 250,00 per test</p> <p>R 135,00 per test</p> <p>R 230,00 per test</p> <p>R 63,00 per test</p> <p>R 111,00 per sample</p> <p>R 250,00 per sample</p> <p>R 230,00 per test</p> <p>R 190,00 per sample</p> <p>R 322,00 per test</p> <p>R 155,00 per test</p> <p>R 230,00 per test</p>
<p>4. Appeal in terms of section 11 of the Act [Reg. 9 (3) of the Regulations]</p>	<p>R3 600,00 per appeal</p>

This amendment will come into operation on 1 April 2007.

No. R. 42**26 Januarie 2007**

**WET OP LANDBOUPLAE, 1983
(WET No. 36 van 1983)**

REGULASIES: WYSIGING*

Ek, Lulama Xingwana, Minister van Landbou, handelende kragtens artikel 16 van die Wet op Landbouplae, 1983 (Wet No. 36 van 1983), wysig hiermee die regulasies soos in die bylae uiteengesit.

**L. Xingwana,
Minister van Landbou**

***Wysiging van gelde betaalbaar.**

BYLAE

Woordomskrywing

1. In hierdie Bylae beteken "die Regulasies" die regulasies gepubliseer in Goewermentskennisgewing No. R. 111 van 27 Januarie 1984, soos gewysig deur Goewermentskennisgewings Nos. R. 2573 van 15 November 1985, R. 2350 van 14 November 1986, R. 100 van 16 Januarie 1987, R. 1521 van 14 Julie 1989, R. 75 van 18 Januarie 1991, R. 1637 van 27 Oktober 1995, R. 1471 van 20 November 1998, R. 665 van 28 Mei 1999, R. 614 van 23 Junie 2000, R. 396 van 18 Mei 2001, R. 367 van 5 April 2003, R. 464 van April 2003, R. 143 van 9 Februarie 2004, R. 244 van 24 Maart 2005 en R. 228 van 17 March 2006.

Vervanging van Tabel 1 van die Regulasies

2. Tabel 1 van die Regulasies word hierby deur die volgende tabel vervang:

TABEL 1

GELDE BETAALBAAR

AARD VAN DIENS	TARIEF
1	2
1. Onderzoek, buite die amptelike kantoorure van die uitvoerende beampte, van beheerde goedere wat in die Republiek ingevoer is. [Reg. 5 (2) van die Regulasies]	
(i) Weeksdag van 16:00 – 20:00 / 06:00 – 07:30 en Saterdag van 06:00 – 20:00	R165,00 vir 30 minute of gedeelte daarvan.
(ii) Weeksdag en Saterdag van 20:00 – 06:00, Sondag en Publieke vakansiedae	R220,00 vir 30 minute of gedeelte daarvan.
2. Inspeksie van 'n kwarantengebied in verband waarmee 'n aansoek, aanpassing of intrekking van 'n instruksie ingedien is. [Reg. 8 (a) van die Regulasies]	R110,00 per 30 minute of 'n gedeelte daarvan.
3. Toets, ondersoek of ontleding van 'n monster geneem in die loop van 'n inspeksie van 'n kwarantengebied [Reg. 8 (b)]:	
(i) Toets vir voorkoms van bakterie	R265,00 per toets
(ii) Toets vir voorkoms van swamme	R240,00 per toets
(iii) Toets vir voorkoms van fitoplasmas:	
(aa) PCR toets	R275,00 per toets
(bb) ELISA toets	R 63,00 per toets
(cc) Hardehoutindeksing	R250,00 per toets
(iv) (aa) Toets vir voorkoms van insekte	R135,00 per toets
(bb) PCR toets	R 230,00 per toets
(v) Toets vir voorkoms van virusse:	
(aa) ELISA toets	R63,00 per toets
(bb) Sagteplantindeksing	R111,00 per monster
(cc) Hardehoutindeksing	R250,00 per monster
(dd) RT-PCR	R230,00 per toets
(ee) ISEM	R190,00 per monster
(vi) (ff) Elektron mikroskopie	R322,00 per toets
(aa) Toets vir voorkoms van aalwurms	R155,00 per toets
(bb) PCR toets	R230,00 per toets
4. Appél ingevolge artikel 11 van die Wet [Reg. 9 (3) van die Regulasies]	R3 600,00 per appél

Hierdie wysiging tree in werking op 1 April 2007.

No. R. 43**26 January 2007****AGRICULTURAL PESTS ACT, 1983
(ACT No. 36 OF 1983)****CONTROL MEASURES: AMENDMENT**

I, Lulama Xingwana, Minister of Agriculture, acting under section 6 of the Agricultural Pests Act, 1983 (Act No. 36 of 1983), hereby amend the control measures set out in the Schedule.

L. Xingwana
Minister of Agriculture

SCHEDULE

Definition

1. In this Schedule, "the Control Measures" means the control measures published in Government Notice No. R. 110 of 27 January 1984, as amended by Government Notices Nos. R. 909 of 4 May 1984, R. 1770 of 17 August 1984, R. 845 of 12 April 1985, R. 1518 of 12 July 1985, R. 1442 of 11 July 1986, R. 87 of 22 January 1988, R. 1349 of 8 July 1988, R. 1954 of 30 September 1988, R. 2416 of 19 October 1990, R. 18 of 4 January 1991, R. 2840 of 29 November 1991, R. 2269 of 14 August 1992, R. 2876 of 16 October 1992, R. 1560 of 20 August 1993, R. 451 of 11 March 1994, R. 1373 of 5 August 1994, R. 1636 of 27 October 1995, R. 1977 of 22 December 1995, R. 2029 of 13 November 1996, R. 1012 of 1 August 1997, R. 288 of 27 February 1998, R. 1470 of 20 November 1998, R. 666 of 28 May 1999, R. 1016 of 27 August 1999, R. 613 of 23 June 2000, R. 83 of 22 January 2001, R. 397 of 18 May 2001, R. 810 of 31 August 2001, R. 368 of 5 April 2002, R. 714 of 24 May 2002, R. 831 of 21 June 2002, R. 1364 of 8 November 2002, R. 465 of 4 April 2003, R. 144 of 9 February 2004, R. 243 of 24 March 2005, R. 457 of 20 May 2005 as corrected by Government Notice No. R. 563 of 17 June 2005, R. 1223 of 23 December 2005 as corrected by the Correction Notice published on page 2 of *Government Gazette* No. 28356 of 30 December 2005, and as further amended by R. 369 of 21 April 2006.

Substitution of Table 10 of the Control Measures

2. Table 10 of the Control Measures is hereby substituted with the following table:

TABLE 10

FEES PAYABLE

NATURE OF SERVICE	TARIFF
1	2
1. Inspection and simultaneous issuing of a permit to exempt a person from the stipulations of a control measure [Par. 4A (2) of the Control Measures]	R110,00 per 30 minutes or portion thereof.
2. Test, examination or analysis of a sample taken in the course of an examination as intended in (1):	
(i) Test for the occurrence of bacteria	R 265,00 per test
(ii) Test for the occurrence of fungi	R 240,00 per test
(iii) Test for the occurrence of phytoplasmas:	
(aa) PCR test	R 275,00 per test
(bb) ELISA test	R 63,00 per test
(cc) Hardwood indexing	R 250,00 per test
(iv) (aa) Test for the occurrence of insects	R 135,00 per test
(bb) PCR test	R 230,00 per test
(v) Test for the occurrence of viruses	
(aa) ELISA test	R 63,00 per test
(bb) Herbaceous indexing	R 111,00 per sample
(cc) Hard-wood indexing	R 250,00 per sample
(dd) RT-PCR	R 230,00 per test
(ee) ISEM	R 190,00 per sample
(ff) Electron microscopy	R 322,00 per test
(vi) (aa) Test for the occurrence of nematodes	R 155,00 per test
(bb) PCR test	R 230,00 per test

This amendment will come into operation on 1 April 2007

No. R. 43**26 Januarie 2007****WET OP LANDBOUPLAE, 1983
(WET No. 36 van 1983)****BEHEERMAATREËLS: WYSIGING**

Ek, Lulama Xingwana, Minister van Landbou, handelende kragtens artikel 6 van die Wet op Landbouplae, 1983 (Wet No. 36 van 1983), wysig hiermee die beheermaatreëls soos in die bylae uiteengesit.

L. Xingwana
Minister van Landbou

BYLAE**Woordomskrywing**

1. In hierdie Bylae beteken "die Beheermaatreëls" die Beheermaatreëls gepubliseer in Goewermentskennigeging No. R. 110 van 27 Januarie 1984, soos gewysig deur Goewermentskennigegings Nos. R. 909 van 4 Mei 1984, R. 1770 van 17 Augustus 1984, R. 845 van 12 April 1985, R. 1518 van 12 Julie 1985, R. 1442 van 11 Julie 1986, R. 87 van 22 Januarie 1988, R. 1349 van 8 Julie 1988, R. 1954 van 30 September 1988, R. 2416 van 19 Oktober 1990, R. 18 van 4 Januarie 1991, R. 2840 van 29 November 1991, R. 2269 van 14 Augustus 1992, R. 2876 van 16 Oktober 1992, R. 1560 van 20 Augustus 1993, R. 451 van 11 Maart 1994, R. 1373 van 5 Augustus 1994, R. 1636 van 27 Oktober 1995, R. 1977 van 22 Desember 1995, R. 2029 van 13 November 1996, R. 1012 van 1 Augustus 1997, R. 288 van 27 Februarie 1998, R. 1470 van 20 November 1998, R. 666 van 28 Mei 1999, R. 1016 van 27 Augustus 1999, R. 613 van 23 Junie 2000, R. 83 van 22 Januarie 2001, R. 397 van 18 Mei 2001, R. 810 van 31 Augustus 2001, R. 368 van 5 April 2002, R. 714 van 24 Mei 2002, R. 831 van 21 Junie 2002, R. 1364 van 8 November 2002, R. 465 van 4 April 2003, R. 144 van 9 Februarie 2004, R. 243 van 24 Maart 2005, R. 457 van 20 Mei 2005 soos gekorregeer deur Goewermentskennigeging No. R. 563 van 17 Junie 2005, R. 1223 van 23 Desember 2005 soos gekorregeer deur "Correction Notice" gepubliseer op bladsy 2 van *Staatskoerant* No. 28356 van 30 Desember 2005 en soos verder gewysig deur R. 369 of 21 April 2006.

Vervanging van Tabel 10 van die Beheermaatreëls

2. Tabel 10 van die Beheermaatreëls word hiermee deur die volgende tabel vervang:

TABEL 10**GELDE BETAALBAAR**

AARD VAN DIENS	TARIEF
1	2
1. Inspeksie en gelyktydige uitreiking van 'n permit om 'n persoon vry te stel van die bepalings van 'n beheermaatreël [Par. 4A (2) van die Beheermaatreëls].	R110,00 vir 30 minute of gedeelte daarvan.
2. Toets, ondersoek of analisering van 'n monster geneem in die loop van 'n inspeksie soos bedoel in (1):	
(i) Toets vir die voorkoms van bakterieë	R 265,00 per toets
(ii) Toets vir die voorkoms van swamme	R 240,00 per toets
(iii) Toets vir die voorkoms van fitoplasmas:	
(aa) PCR toets	R 275,00 per toets
(bb) ELISA toets	R 63,00 per toets
(cc) Hardehoutindeksing	R 250,00 per toets
(iv) (aa) Toets vir die voorkoms van insekte	R 135,00 per toets
(bb) PCR test	R 230,00 per toets
(v) Toets vir die voorkoms van virusse:	
(aa) ELISA toets	R 63,00 per toets
(bb) Sagteplantindeksing	R 111,00 per monster
(cc) Hardehoutindeksing	R 250,00 per monster
(dd) RT-PCR	R 230,00 per toets
(ee) ISEM	R 190,00 per monster
(ff) Elektron mikroskopie	R 322,00 per toets
(vi) (aa) Toets vir die voorkoms van aalwurms	R 155,00 per toets
(bb) PCR toets	R 230,00 per toets

Hierdie wysiging tree in werking op 1 April 2007.

No. R. 44

26 January 2007

**PLANT IMPROVEMENT ACT, 1976
(ACT No. 53 OF 1976)**

TARIFFS FOR SERVICES

The Registrar of Plant Improvement hereby makes known for general information that, with effect from 1 April 2007, tariffs for services related to the Plant Improvement Act, 1976 (Act No. 53 of 1976) be amended to the extent set out in the Schedule hereto.

No. R. 44

26 Januarie 2007

**PLANTVERBETERINGSWET, 1976
(WET No. 53 VAN 1976)**

TARIEWE VIR DIENSTE

Die Registrateur van Plantverbetering maak hiermee vir algemene inligting bekend dat, met ingang 1 April 2007, tariewe vir dienste betreffende die Plantverbeteringswet, 1976 (Wet No. 53 van 1976) gewysig word in die mate in die Bylae hiervan uiteengesit.

SCHEDULE/ BYLAE

Nature of service, goods or supplies provided Aard van diens, goedere of voorrade gelewer	Tariff Tarief
1. <i>Unjustified complaints concerning plants or propagation material/ Ongeregverdigde klagtes in verband met plante of voortplantingsmateriaal</i>	
(a) Inspection, sampling and sealing/ Ondersoek, monsterneming en verseëling	R110,00 for 30 minutes or portion thereof, including travelling time, spent by each officer on the service/ vir 30 minute of gedeelte daarvan, reistyd ingesluit, deur elke beampste aan diens gewy
(b) Purity analysis (grasses excluded)/ Suiwerheidsontleding (grasse uitgesluit)	R85,00 each/ elk
(c) Purity analysis on grasses (excluding where degluming or the blowing method is required)/ Suiwerheidsontleding op grasse (uitgesluit waar uitdop of die blaas metode vereis word)	R 200,00 each/ elk

Nature of service, goods or supplies provided Aard van diens, goedere of voorrade gelewer	Tariff Tarief
(d) Purity analysis on grasses that require degluming/ Suiwerheidsontleding op grasse wat uitdop vereis	R 300,00 each/elk
(e) Purity analysis on grasses that require the uniform blowing method/ Suiwerheidsontleding op grasse wat die eenvormige blaas metode vereis	R 265,00 each/ elk
(f) Germination test/ Ontkiemingstoets	R 420,00 each/ elk
(g) Weighed replicate germination test/ Geweegde replikaat ontkiemingstoets	R 495,00 each/ elk
(h) Tetrazolium test/ Tetrazoliumtoets	R 500,00 each/ elk
2. <i>Seed analyses and seed technological examinations/ Saadontledings en saadtegnologiese ondersoeke</i>	
(a) Purity analysis (grasses excluded)/ Suiwerheidsontleding (grasse uitgesluit)	R 85,00 each/ elk
(b) Purity analysis on grasses (excluding where degluming or the blowing method is required)/ Suiwerheidsontleding op grasse (uitgesluit waar uitdop of die blaas metode vereis word)	R 200,00 each/ elk
(c) Purity analysis on grasses that require degluming/ Suiwerheidsontleding op grasse wat uitdop vereis	R 300,00 each/ elk
(d) Purity analysis on grasses that require the uniform blowing method/ Suiwerheidsontleding op grasse wat die eenvormige blaas metode vereis	R 265,00 each/ elk
(e) Germination test/ Ontkiemingstoets	R 420,00 each/ elk
(f) Weighed replicate germination test/ Geweegde replikaat ontkiemingstoets	R 495,00 each/ elk
(e) Other seed determination/ Ander saadbepaling	R 270,00 each/ elk
(f) Alkaloid test/ Bitterstoefstoets	R 65,00 each/ elk
(g) Moisture determination/ Vogbepaling	R 130,00 each/ elk
(h) Tetrazolium test/ Tetrazolium toets	R 500,00 each/ elk
(i) Preference testing/ Voorkeurtoetsing	Double tariff/ Dubbele tarief
(j) Seed identification/ Saadidentifikasie	R 85,00 per hour/ uur
(k) Seed quality investigation/ Saadkwaliteitsondersoek	R 165,00 per hour/ uur
3. <i>International certificates/ Internasionale sertifikate</i>	
(a) Issuing of International Seed Testing Association (ISTA) certificates/ Uitreiking van Internasionale Saad Toets Assosiasie (ISTA) sertifikate	R 75,00 per certificate/ sertifikaat

Nature of service, goods or supplies provided Aard van diens, goedere of voorrade gelewer	Tariff Tarief
(b) Sampling and sealing of containers/ Monsterneming en verseëling van houers	R 110,00 for 30 minutes or portion thereof, including travelling time, spent by each officer on the service/ vir 30 minute of gedeelte daarvan, reistyd ingesluit, deur elke beamppte aan diens gewy
(c) Seals for sealing containers/ Seëls vir verseëling van houers	R 0,10 per seal/ seël
4. <i>Provision of germplasm for research purposes; Safe-keeping of genetic sources/ Voorsiening van kernplasma vir navorsingsdoeleindes; Bewaring van genetiese bronne</i>	R 100,00 per sample/ monster
5. <i>Seals for sealing containers of seed for which a certificate has been issued under section 27 of the Plant Improvement Act, 1976 (Act No. 53 of 1976)/ Seëls vir verseëling van houers saad waarvoor 'n sertifikaat ingevolge artikel 27 van die Plantverbeteringswet, 1976 (Wet No. 53 van 1976) uitgereik is</i>	R 0,10 per seal/ seël
6. <i>Application for the issue of an authorization to import unlisted varieties/ Aansoek vir die uitreiking van 'n magtiging vir die invoer van ongelyste variëteite.</i>	R 55,00 per authorization for a maximum of 10 varieties / per magtiging vir 'n maximum van 10 variëteite"

MS C ARENDSE

REGISTRAR OF PLANT IMPROVEMENT/

REGISTRATEUR VAN PLANTVERBETERING

No. R. 45

26 January 2007

PLANT IMPROVEMENT ACT, 1976
(ACT No. 53 OF 1976)

REGULATIONS RELATING TO ESTABLISHMENTS, VARIETIES, PLANTS AND
PROPAGATING MATERIAL: AMENDMENT

The Minister of Agriculture, acting under section 34 of the Plant Improvement Act, 1976 (Act No. 53 of 1976), has made the following regulations in the Schedule.

SCHEDULE

Definition

1. In this Schedule "the Regulations" means the regulations published by Government Notice No. R 1064 of 23 May 1980, as amended by Government Notices Nos. R. 1621 of 22 July 1983, R. 2173 of 28 September 1984, R. 1287 of 14 June 1985, (as corrected by Government Notice No. R. 1524 of 12 July 1985), R. 1522 of 12 July 1985, R. 256 of 14 February 1986, R. 1489 of 11 July 1986, R. 1903 of 12 September 1986, R. 1389 of 26 June 1987, R. 1700 of 7 August 1987, R. 86 of 22 January 1988, R. 2496 of 9 December 1988, R. 1518 of 14 July 1989, (as corrected by Government Notice No. R. 1976 of 15 September 1989), R. 2092 of 29 September 1989, R. 76 of 18 January 1991, R. 1638 of 12 July 1991, (as corrected by Government Notice No. R. 1971 of 16 August 1991), R. 2119 of 24 July 1992, R. 2618 of 18 September 1992, R. 891 of 28 May 1993, R. 1590 of 27 August 1993, R. 2057 of 29 October 1993, R. 513 of 18 March 1994, R. 1465 of 26 August 1994, R. 174 of 10 February 1995 (as corrected by Government Notice No. R. 319 of 3 March 1995), R. 1976 of 22 December 1995, R. 1177 of 19 July 1996, R. 97 of 24 January 1997, R. 1011 of 1 August 1997, R. 866 of 3 July 1998 (as corrected by Government Notice No. R. 949 of 24 July 1998), R. 1284 of 16 October 1998, R. 1015 of 27 August 1999, R. 232 of 17 March 2000, R. 919 of 15 September 2000, R. 1207 of 1 December 2000, R. 430 of 25 May 2001, R. 19 of 11 January 2002, R. 547 of 10 May 2002, R. 1 of 3 January 2003, R. 410 of 28 March 2003, R. 577 of 2 May 2003, R. 185 of 11 March 2005, R. 477 of 27 May 2005, R. 849 of 2 September 2005 (as corrected by R. 928 of 30 September 2005), R. 131 of 17 February 2006, R. 187 of 3 March 2006 and R. 770 of 4 August 2006.

Substitution of Table 1 of the Regulations

2. The following table is hereby substituted for Table 1 of the Regulations with effect from 1 April 2007:

No. R. 45

26 Januarie 2007

PLANTVERBETERINGSWET, 1976
(WET No. 53 VAN 1976)

**REGULASIES BETREFFENDE ONDERNEMINGS, VARIËTEITE, PLANTE EN
VOORTPLANTINGSMATERIAAL: WYSIGING**

Die Minister van Landbou, handelende kragtens artikel 34 van die Plantverbeteringswet, 1976 (Wet No. 53 van 1976), het die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

1. In hierdie Bylae beteken "die Regulasies" die regulasies gepubliseer by Goewermentskennisgewing No. R. 1064 van 23 Mei 1980, soos gewysig deur Goewermentskennisgewing Nos. R. 1621 van 22 Julie 1983, R. 2173 van 28 September 1984, R. 1287 van 14 Junie 1985, (soos verbeter deur Goewermentskennisgewing No. R. 1524 van 12 Julie 1985), R. 1522 van 12 Julie 1985, R. 256 van 14 Februarie 1986, R. 1489 van 11 Julie 1986, R. 1903 van 12 September 1986, R. 1389 van 26 Junie 1987, R. 1700 van 7 Augustus 1987, R. 86 van 22 Januarie 1988, R. 2496 van 9 Desember 1988, R. 1518 van 14 Julie 1989, (soos verbeter deur Goewermentskennisgewing No. R. 1976 van 15 September 1989), R. 2092 van 29 September 1989, R. 76 van 18 Januarie 1991, R. 1638 van 12 Julie 1991, (soos verbeter deur Goewermentskennisgewing No. R. 1971 van 16 Augustus 1991), R. 2119 van 24 Julie 1992, R. 2618 van 18 September 1992, R. 891 van 28 Mei 1993, R. 1590 van 27 Augustus 1993, R. 2057 van 29 Oktober 1993, R. 513 van 18 Maart 1994, R. 1465 van 26 Augustus 1994, R.174 van 10 Februarie 1995 (soos verbeter deur Goewermentskennisgewing No. R. 319 van 3 Maart 1995), R. 1976 van 22 Desember 1995, R. 1177 van 19 Julie 1996, R. 97 van 24 Januarie 1997, R. 1011 van 1 Augustus 1997, R. 866 van 3 Julie 1998 (soos verbeter deur Goewermentskennisgewing No. R. 949 van 24 Julie 1998), R. 1284 van 16 Oktober 1998, R. 1015 van 27 Augustus 1999, R. 232 van 17 Maart 2000, R. 919 van 15 September 2000, R.1207 van 1 Desember 2000, R. 430 van 25 Mei 2001, R. 19 van 11 Januarie 2002, R. 547 van 10 Mei 2002, R. 1 van 3 Januarie 2003, R. 410 van 28 Maart 2003, R. 577 van 2 Mei 2003, R.185 van 11 Maart 2005, R. 477 van 27 Mei 2005, R. 849 van 2 September 2005 (soos verbeter deur R. 928 van 30 September 2005), R. 131 van 17 Februarie 2006, R. 187 van 3 Maart 2006 en R. 770 van 4 Augustus 2006.

Vervanging van Tabel 1 van die Regulasies

2. Tabel 1 van die Regulasies word met ingang 1 April 2007 deur die volgende tabel vervang:

"TABLE 1•TABEL 1

FEES PAYABLE•GELDE BETAALBAAR

No.	Particulars of service/ Aard van diens	Purpose/ Doel	Tariff/ Tarief
1.	Issuing of export certificate under section 27/ Uitreiking van uitvoersertifikaat ingevolge artikel 27	<p>a) Application for a certificate/ Aansoek om 'n sertifikaat [Reg. 45A(2)(a)]</p> <p>b) Inspection and sampling of seed lots/ Ondersoek en monsterneming van saadlotte [Reg. 45(3)]</p> <p>c) Purity analysis/ Suiwerheidsontleding</p> <p>d) Germination or viability test/ Ontkiemings-of lewenskragtigheidsstoets</p> <p>e) Varietal examination of samples/ Variëteitsondersoek van monsters [Reg. 45(3)]</p> <p>(i) Category A (agronomic, vegetable and pasture crops and sweet corn)/ Kategorie A (akkerbou-, groente- en weidingsgewasse en suikermielies)</p> <p>(ii) Category B (white and yellow maize)/ Kategorie B (wit- en geelmielies)</p> <p>(iii) Category C (fruit, vines and citrus)/ Kategorie C (vrugte, wingerd en sitrus)</p>	<p>R50,00 per consignment in respect of seed exported/ per besending ten opsigte van saad wat uitgevoer word</p> <p>R110,00 for 30 minutes or portion thereof, including travelling time, spent by each officer on the service/ vir 30 minute of gedeelte daarvan, reistyd ingesluit, deur elke beampte aan die diens gewy</p> <p>R85,00 each/ elk</p> <p>R420,00 each/ elk</p> <p>R 900,00 per examination/ per ondersoek</p> <p>R1 100,00 per examination/ per ondersoek</p> <p>R1 900,00 per examination/ per ondersoek</p>
2.	Registration of premises under section 7/ Registrasie van perseel ingevolge artikel 7	a) Application for registration of premises in respect of a business/ Aansoek om registrasie van 'n besigheid ten opsigte van 'n besigheid [Reg. 2(2)(b)]	R220,00 for one type of business plus R110,00 for each additional type of business / R220,00 vir een soort besigheid plus R110,00 vir elke bykomende soort besigheid

No.	Particulars of service/ Aard van diens	Purpose/ Doel	Tariff/ Tarief
		b) Application for renewal of registration of premises in respect of a business/ Aansoek om hernuwing van registrasie van 'n perseel ten opsigte van 'n besigheid [Reg. 3(2)(b)]	R220,00 for one type of business plus R110,00 for each additional type of business / R220,00 vir een soort besigheid plus R110,00 vir elke bykomende soort besigheid
3.	Variety listing/ Variëteitslysting	<p>a) Application fee in respect of the recognition of a variety/ Aansoekgeld ten opsigte van die erkenning van 'n variëteit [Reg. 16(b)]</p> <p>b) Investigation fee for variety list placement/ Onderzoekgeld vir variëteitsplasing: [Reg. 17(1)]</p> <p>(i) Category A (agronomic, vegetable and pasture crops and sweet corn)/ Kategorie A (akkerbou-, groente- en weidingsgewasse en suikermielies)</p> <p>(ii) Category B (white and yellow maize)/ Kategorie B (wit- en geelmielies)</p> <p>(iii) Category C (fruit, vines and citrus)/ Kategorie C (vrugte, wingerd en sitrus)</p> <p>c) Application for the alteration or supplementation of the denomination of a variety/ Aansoek om die wysiging of aanvulling van die benaming van 'n variëteit [Reg. 20A]</p>	<p>R 700,00 each/ elk</p> <p>R 900,00 each/ elk</p> <p>R1 100,00 each/ elk</p> <p>R1 900,00 each/ elk</p> <p>R1 300,00 each/ elk</p>
4.	General/ Algemeen	<p>a) Perusal of a document/ Insae in 'n dokument [Reg. 52(1)]</p> <p>b) Application for a copy of a document/ Aansoek om 'n afskrif van 'n dokument [Reg. 52(3)]</p> <p>c) Lodgement of appeal against a decision of or steps taken by the Registrar/ Indiening van appèl teen die beslissing van, of stappe gedoen deur die Registrateur [Reg. 53(1)(d)]</p>	<p>R350,00 per occasion/ per geleentheid</p> <p>R8,00 per application plus R1,05 per photocopy / R8,00 per aansoek plus R1,05 per fotokopie</p> <p>R3 600,00 each/ elk".</p>

**DEPARTMENT OF TRANSPORT
DEPARTEMENT VAN VERVOER**

No. R. 49

26 January 2007

AVIATION ACT, 1962 (ACT NO 74 OF 1962)**PROPOSED AMENDMENT TO THE CIVIL AVIATION
REGULATIONS, 1997**

Under regulation 11.03.2 (1)(a) of the Civil Aviation Regulations, the Chairperson of the Civil Aviation Regulations Committee, hereby publishes comment the proposed amendments to the Civil Aviation Regulations, 1997, as set out in the schedules. Any comments or representations on the proposed amendments should be lodged in writing with the Chairperson of the Regulations Committee, for attention Mr Jabulani Mashinini or Mr. Herman Wildenboer, Private Bag X73, Halfway House, 1685. Fax number: (011) 545-1452, and e-mail-addresses: mashinini@caa.co.za or wildenboerh@caa.co.za, before or on 26 February 2007.

PROPOSER

Civil Aviation Authority
Private Bag X73,
Halfway House
1685

Explanation of Interest of the Proposer

The proposer administers the Aviation Act, 1962, (Act No 74 of 1962) and Regulations and Technical Standards issued in terms thereof

**1.0 PROPOSAL FOR THE INSERTION OF PART 48
INTO THE REGULATIONS****1.1 Proposed insertion of the following Part after Part 47 of the
Regulations:****“PART 48****LEASING OF AIRCRAFT****List of Regulations**

48.01	General
48.01.1	Application
48.01.2	Definitions
48.01.3	Deemed provision

48.02	Financial or capital leases
48.02.1	Filing of lease agreement
48.03	Operating leases
48.03.1	Dry lease-in
48.03.2	Dry lease-out
48.03.3	Wet lease-in
48.03.4	Wet lease-out
48.03.5	Damp leases
48.04	Charters
48.04.1	Charters
48.04.2	Sub-charters
48.04.3	Blocked-space agreements
48.05	Insurance
48.05.1	Hull insurance
48.05.2	Third-party insurance
48.05.3	Other risks
48.06	Transfer of responsibilities between States
48.06.1	Chicago Convention
48.06.2	Personnel licensing
48.06.3	Airworthiness
48.06.4	Recognition
48.06.5	Transfer of responsibilities

SUBPART 48.01 GENERAL

Application

- 48.01.1** (1) This Part shall apply to all aircraft lease agreements involving South African and foreign registered aircraft and South African air services operators.
- (2) The provisions of this Part shall apply *mutatis mutandis* in respect of any lease agreement whereby either the lessor or the lessee is a South African entity but not an air service operator.
- (3) The provisions of this Part shall apply *mutatis mutandis* in respect of any sub-lease agreement.

Definitions

48.01.2 For the purposes of this Part –

“**air carrier**” means a commercial air transport operator providing either a scheduled or a non-scheduled air service;

“**airline**” means a commercial air transport operator providing a scheduled air service;

“**air service operator**” means a commercial air transport operator providing either a scheduled, a non-scheduled or a general air service;

“**commercial air transport operator**” has the same meaning as air service operator;

“**Contracting State**” means a State who is a signatory to the Convention on International Civil Aviation of 1944 (signed at Chicago on the 7th December, 1944), and “**non-Contracting State**” means any other State ;

“**damp lease**” means an operating lease in terms of which the aircraft is leased with a partial crew;

“**dry lease**” means an operating lease in terms of which the aircraft is leased without crew;

“**financial or capital lease**” means a long-term arrangement in terms of which the aircraft is leased from a bank or other financial institution (lessor), whereby the aircraft gives the outward appearance of ownership by the operator (lessee), and is usually registered in the State of the operator;

“**in flight**” shall have the same meaning as “flight time”;

“**interchange**” in reference to ‘aircraft interchange’ or ‘interchange flight’ means a regularly scheduled, single-aircraft through-service, linking a route of one airline at the interchange point to a route of a second airline, with the same aircraft being crewed by and under the operational control of the respective authorised carrier on each route;

“**lease**” when used in reference to an aircraft means a contractual arrangement whereby a properly licensed air service operator gains commercial control of an entire aircraft without transfer of ownership, and which may be in the form of any of the following:

- (a) financial / capital lease
- (b) operating lease:
 - (i) dry lease
 - (ii) damp lease
 - (iii) wet lease
 - (iv) sub-charter

as defined;

“**lessee**” with reference to an aircraft lease means the party to which the aircraft is leased;

“**lessor**” with reference to an aircraft lease means the party from which the aircraft is leased;

“**operating lease**” means an arrangement in terms of which an air service operator (lessee) obtains the use of an aircraft owned or operated by another party (lessor) for a defined period;

“operational control” means the exercising of authority over the initiation, continuation, diversion, or termination of a flight in the interest of the safety of the aircraft and the regularity and efficiency of the flight;

“operator” means a person, organisation or enterprise engaged in, or offering to engage in, an aircraft operation and may be referred to as airline, air carrier, air service operator, or commercial air transport operator, as defined;

“principle place of business” in relation to an operator means the centre of corporate activities of the legal entity;

“sub-charter” means a lease by an air service operator on short notice and for a period not exceeding five consecutive days; it may involve a dry, damp, or wet lease, and the lessor needs to be an air service operator in his or her own right.

“sub-lease” when used in reference to an aircraft means the lease of a leased aircraft to or by a third party;

“wet lease” means an operating lease in terms of which the aircraft is leased with crew, and the lessor remains responsible for the aircraft’s maintenance, operational control (as defined), and hull, third-party and passenger and cargo liability insurance, and may or may not include arrangements in respect of fuel. When the lessee intends to provide part of the prescribed flight or cabin crew, the wet lease is often referred to as a damp lease (as defined).

Deemed provision

48.01.3 For the purposes of Part 121, Part 127 and Part 135 of these Regulations, any aircraft registered in another State and operated in terms of a lease agreement by the holder of an operating certificate issued in the Republic, shall be deemed to be a South African registered aircraft.

SUBPART 48.02 FINANCIAL OR CAPITAL LEASES

Filing of lease agreement

- 48.02.1 (1)** Any South African operator who enters into a financial or capital lease agreement in respect of an aircraft (the lessee) shall –
- (a) provide the Commissioner with a certified copy thereof; and
 - (b) shall adhere to the provisions of Convention on the International Recognition of Rights in Aircraft Act of 1993 (Act 59/1993), if applicable.
- (2)** Any aircraft, acquired on a financial or capital lease, to be used for the provision of an air service, shall –

- (a) be deemed to be on a dry lease, and the provisions of regulation 48.03.1 shall apply *mutatis mutandis*; and
- (b) be put on the South African Civil Aircraft Register, if not already so registered, in accordance with the provisions of Part 47.

SUBPART 48.03 OPERATING LEASES

Dry lease-in

- 48.03.1 (1)** An operator who intends to dry lease-in an aircraft for the purpose of providing an air service therewith (the lessee), shall obtain the prior permission of the Commissioner by providing him or her with the following information:
- (a) the aircraft type and serial number;
 - (b) the name and address of the registered owner;
 - (c) the name and address of the lessor, if different from the registered owner;
 - (d) the name, address and signature of lessee or person responsible for operational control of the aircraft under the lease agreement, including a statement that such individual and the parties to the lease agreement fully understand their respective responsibilities under the applicable regulations;
 - (e) a certified copy of the lease agreement;
 - (f) the duration of lease;
 - (g) the area of intended operation;
 - (h) the regulations applicable to the operation; and
 - (i) if the aircraft concerned is not a South African registered aircraft:
 - (i) State of Registry and registration marks;
 - (ii) certified copy of the certificate of airworthiness and a statement from the registered owner or the lessor that the aircraft fully complies with the airworthiness requirements of the State of Registry;
 - (iii) proposed arrangements in respect of flight and cabin crew training and certification; continued airworthiness of the aircraft and the performance of maintenance; and the signing of the release to service.
- (2) The oversight responsibilities in respect of the matters, referred to in sub-paragraph (iii) of paragraph (1)(i), may in terms of Article 83^{bis} of the Convention and by mutual agreement in writing be transferred in part or in full from the appropriate authority of the State of Registry to the Commissioner. The provisions of Subpart 48.06 shall apply to such transfer.

- (3) Subject to such conditions as he or she may determine, the Commissioner shall grant approval for the lease agreement if the aircraft to be leased-in –
- (a) is type-certificated in accordance with the requirements prescribed in Part 21, or issued in terms of Part 24 with an Authority to Fly in a commercial air transport operation;
 - (b) will be maintained in accordance with an approved maintenance schedule;
 - (c) will be operated under the operating certificate held by the lessee; and
 - (d) if a foreign-registered aircraft, either –
 - (i) transfer of responsibilities, as contemplated in sub-regulation (2), has been effected; or
 - (ii) the Commissioner is satisfied that the appropriate authority of the State of Registry is in a position to carry out its oversight responsibilities effectively.
- (4) When neither of the conditions, contemplated in paragraph (d) of sub-regulation (3), are met, the aircraft to be dry leased-in shall be required to be registered in the Republic as prescribed in Part 47 of these Regulations, and –
- (a) the aircraft shall be subject to the airworthiness certification, maintenance, and inspection procedures prescribed by the Regulations in respect of South African registered aircraft;
 - (b) the responsibility or custody of the aircraft and control of all operations shall be vested in the lessee operator;
 - (c) the responsibility for the airworthiness and maintenance of the aircraft shall be vested in the lessee operator; and
 - (d) the registration of the aircraft shall be valid only for the duration of the lease agreement, and for as long as the aircraft is operated in accordance with the Regulations, the terms or conditions specified in the lessee operator's operating certificate, the related operations specifications, and the lessee operator's operations and maintenance control manuals.
- (5) The conditions of approval, referred to in sub-regulation (3), shall be made part of the lease agreement between the lessor and the lessee, and in particular shall specify the responsibilities of the parties involved in respect of –
- (a) airworthiness of the aircraft and performance of maintenance;

- (b) signing the maintenance release
 - (c) flight and cabin crew member certification;
 - (d) crew member training, competency and currency;
 - (e) scheduling of crew members;
 - (f) dispatch or flight-following; and
 - (g) insurance arrangements.
- (6) An approved dry lease agreement between South African operators shall include the arrangements concerning the party's respective responsibilities in respect of the airworthiness of the aircraft.

Dry lease-out

- 48.03.02** (1) An owner or operator of a South African registered aircraft (the lessor) may dry lease-out the aircraft to any other South African entity (the lessee), subject to the provisions of sub-regulation (2).
- (2) The provisions, referred to in sub-regulation (1), include confirmation in the lease agreement –
- (a) concerning the parties' respective responsibilities in respect of the continued airworthiness of the aircraft; and
 - (b) in the case of the lessee being an operator, as defined, that the aircraft will be operated in terms of the operating certificate held by the lessee.
- (3) An operator of a South African registered aircraft (the lessor) may dry lease-out the aircraft to any entity in a Contracting State (the lessee).
- (4) Upon request of the lessor, the Commissioner may remove the aircraft from the operating certificate held by such operator.
- (5) The removal, contemplated in sub-regulation (4), in respect of an aircraft to be dry leased-out to an entity in a Contracting State shall be conditional on –
- (a) the appropriate authority of the State of the Operator to whom such aircraft is dry leased has accepted, in writing, responsibility for surveillance of the maintenance and operation of such aircraft in accordance with the provisions of Article 83^{bis} of the Convention; and
 - (b) such aircraft being maintained according to an approved maintenance schedule.

- (6) When a South African registered aircraft is dry leased-out to an entity in a State that is not a Contracting State, the Commissioner may refuse to transfer responsibility for surveillance of the maintenance and operation of the aircraft to the relevant authority of that State, in which case the lessor operator shall be liable for any costs incurred by the Civil Aviation Authority in carrying out its oversight function in respect of the aircraft. The lessor operator shall be liable also for any such costs in respect of an aircraft for which no transfer of duties, as contemplated in paragraph (a) of sub-regulation (5), has been agreed upon.
- (7) The provisions of sub-regulations (5) and (6) shall apply *mutatis mutandis* in respect of a dry leased-out aircraft remaining on the operating certificate of the lessor.

Wet lease-in

- 48.03.3 (1)** A South African operator who intends to wet lease-in an aircraft for the purpose of providing an air service therewith (the lessee), shall –
- (a) be the holder of an appropriate operating certificate applicable to the category and type of aircraft, as defined in the Air Services Licensing Act, 1990 (Act No 115 of 1990) and the International Air Services Licensing Act, 1993 (Act No 60 of 1993); and
- (b) obtain the prior permission of the Commissioner by providing him or her with the following information:
- (i) the aircraft type and serial number;
 - (ii) the name and address of the registered owner;
 - (iii) the name and address of the lessor, if not also the Registered owner;
 - (iv) the name, address and signature of lessee or person responsible for operational control of the aircraft under the lease agreement, including a statement that such individual and the parties to the lease agreement fully understand their respective responsibilities under the applicable regulations;
 - (v) a certified copy of the lease agreement;
 - (vi) the duration of lease;
 - (vii) the area of intended operation;
 - (viii) the regulations applicable to the operation; and
 - (ix) if the aircraft concerned is not a South African registered aircraft:
 - (aa) State of Registry and registration marks;
 - (bb) certified copy of the certificate of airworthiness and a statement from the registered owner or lessor that the aircraft fully complies with the

- airworthiness requirements of the State of Registry;
- (cc) proposed arrangements in respect of the operating certificate in terms of which the aircraft will be operated.
- (2) The duration of the lease agreement concerned, in respect of foreign-registered aircraft, shall be limited to a maximum period of six consecutive calendar months in any 12-months period calculated from the commencement date of the lease, unless such lease is in terms of the provisions of Article 83^{bis} of the Convention.
- (3) The approval referred to in paragraph (b) of sub-regulation (1) shall, subject to such conditions as the Commissioner may determine, be granted if such aircraft –
- (a) is wet leased-in from an operator (the lessor) who is the holder of an operating certificate or similar document issued by an appropriate authority;
 - (b) has been type-certificated by an appropriate authority;
 - (c) holds a valid certificate of airworthiness or similar document issued by an appropriate authority;
 - (d) is maintained and operated in accordance with safety standards at least equivalent to the safety standards referred to in these Regulations in respect of aircraft operated in a commercial air transport operation; and
 - (e) will be operated in terms of the operating certificate or similar document held by the lessor: Provided that, if the operator concerned is a foreign operator, the appropriate authority of the State of the Operator and the Commissioner may by written agreement and in terms of Article 83^{bis} agree that the aircraft shall be operated in terms of the operating certificate of the South African lessee, and that certain specified oversight responsibilities be transferred from that authority to the Commissioner.
- (4) The lessee shall –
- (a) satisfy the Commissioner that the safety standards of the lessor are not less than the applicable safety standards referred to in these Regulations; and
 - (b) ensure that any law applicable to the aircraft to be wet leased-in, and the maintenance or operation thereof, is complied with.

- (5) The total number of wet leased-in aircraft, either foreign or South African registered, shall not constitute more than half the number of aircraft listed on the operating certificate of the operator referred to in sub-regulation (1) (the lessee).
- (6) The conditions of approval referred to in paragraph (b) of sub-regulation (1) shall be part of the lease agreement between the lessor and the lessee.
- (7) Certified copies of the lease agreement, referred to in sub-regulation (6), shall be filed with the South African Department of Transport and the South African Civil Aviation Authority.

Wet leased-in aircraft may not be interchanged between air services provided by the lessee operator and connecting air services provided by the lessor operator, unless specifically provided for in a bilateral or multilateral agreement between the States of the Operators and, if any, third-party States.

- (8) Should any agreement, contemplated in the proviso to paragraph (e) of sub-regulation (3), have been reached between the appropriate authority of the State of the Operator and the Commissioner, such agreement shall be formally registered with the Council of ICAO and, if applicable, the Commissioner shall notify the appropriate authority of any third State affected.

Wet lease-out

- 48.03.4 (1)** The operator of a South African registered aircraft who intends to wet lease-out the aircraft to any operator, other than an operator of a contracting State, shall remain the operator of the aircraft in terms of his or her operating certificate, and responsibility for surveillance of the maintenance and operation of such aircraft shall not be transferred to the appropriate authority of the State of the Operator to which such aircraft is wet leased-out. The provisions of regulation 48.03.2(6) in respect of the cost of oversight by the South African Civil Aviation Authority shall apply *mutatis mutandis*.
- (2) Subject to the provisions of sub-regulation (3), the operator of a South African registered aircraft may wet lease-out the aircraft to any entity in a Contracting State. In such case, and on request of such operator, the Commissioner may remove the aircraft from the operating certificate held by such lessor operator: Provided that –
 - (a) the appropriate authority of the State of the Operator to whom such aircraft is wet leased has accepted, in writing, responsibility for surveillance of the maintenance and operation of such aircraft, as provided for in Article 83bis of the Convention; and
 - (b) such aircraft is maintained according to an approved maintenance schedule.

- (3) A wet leased-out South African registered aircraft may be used by the lessee operator, if not a South African licensed operator, in commercial air transport operations to and from the Republic only in terms of a foreign operator's permit.
- (4) A South African operator, intending to wet lease-out an aircraft to another South African operator shall obtain prior approval from the Commissioner for the lease, and the conditions of approval shall be part of the lease agreement between the operators. Notwithstanding the foregoing, the Commissioner may provide any South African operator with a list of South African operators from whom aircraft may be wet leased-in by such operator without prior approval.
- (5) A South African operator who agrees to wet lease-out an aircraft to another South African operator, shall remain the operator of the aircraft and shall retain the functions and responsibilities prescribed in his or her operating certificate.
- (6) Notwithstanding the provisions of sub-regulation (5), the lessee operator, who in terms of the Air Services Licensing Act of 1990 or International Air Services Act of 1993 (as the case may be) is required to be actively and effectively in control of the air service, shall ensure that the lessor operator adheres to the conditions of the latter's operating certificate and its operating specifications, which conditions shall not be in conflict or less than the conditions of the lessee operator's operating certificate.
- (7) The terms of an approved wet lease agreement between South African operators shall include –
 - (a) the arrangement concerning the operating certificate under which the flights with the leased aircraft shall be operated; and
 - (b) any deviation from the operating certificate under which the flights with the leased aircraft shall be operated.

Damp lease

48.03.5 When an aircraft is wet leased with only a partial crew (whether flight or cabin crew) the provisions of regulations 48.03.3 and 48.03.4 shall apply *mutatis mutandis* in respect of the crew provided as part of the lease, while regulations 48.03.1 and 48.03.2 shall apply *mutatis mutandis* in respect of the crew provided by the lessee.

SUBPART 48.04 SUB-CHARTERS

Sub-charters

- 48.04.1 (1)** In exceptional circumstances, as contemplated in Document SA-CATS-LEAS, an operator may sub-charter an aircraft with or without flight crew: Provided that –
- (a) the sub-charter period does not exceed five consecutive days; and
 - (b) the Commissioner within 24 hours is informed of such sub-charter by the sub-charterer.
- (2) The provisions of regulations 48.03.1 and 48.03.3 shall apply *mutatis mutandis* to any sub-charter referred to in this regulation.

SUBPART 48.05 INSURANCES

Insurance

- 48.05.1** Any reference to insurance in this Part shall mean a reference to the prescribed compulsory insurances in terms of the the Air Services Licensing Act, 1990(Act No 115 of 1990) and the International Air Services Licensing Act, 1993(Act No 60 of 1993);

SUBPART 48.06 TRANSFER OF RESPONSIBILITIES BETWEEN APPROPRIATE STATE AUTHORITIES

Chicago Convention

- 48.06.1 (1)** Article 83 of the Convention provides for the making of arrangements by any Contracting State not inconsistent with the provisions of the Convention, which arrangements shall be registered with the Council and made public by the latter.
- (2) Article 83^{bis} of the Convention provides for the transfer of certain functions and duties between the State of Registry of an aircraft and the State of a lessee in the case of dry or wet leased aircraft, where such functions and duties can more adequately be discharged by the State of the Operator.
- (3) The functions and duties, referred to in sub-regulation (2) are the functions and duties allocated by the Convention to the State of Registry in respect of –
- (a) Article 12 of the Convention: “Rules of the Air”, including the prosecution of all persons violating the rules and regulations relating to the flight and manoeuvre of aircraft in force in a particular Contracting State;

- (b) Article 30 of the Convention: "Aircraft radio equipment", including the installation and operation of radio transmitting apparatus in aircraft operated in the air space of a Contracting State;
 - (c) Article 31 of the Convention: "Certificates of airworthiness", the issuing or rendering valid thereof by the State of Registry; and
 - (d) Article 32 of the Convention: "Licences of personnel", the issuing or rendering valid thereof by the State of Registry.
- (4) The transfer of any function or duty, contemplated in sub-regulations (2) and (3), shall not have effect in respect of any other Contracting State before either –
- (a) the agreement between the States in which it is embodied has been registered with the Council and made public pursuant to Article 83 of the Convention; or
 - (b) the existence and scope of the agreement have been directly communicated the appropriate authorities of the other Contracting State or States concerned by a State party to the agreement.
- (5) Pursuant to Article 83 of the Convention, the 'Rules for Registration with ICAO of Aeronautical Agreements and Arrangements' (Doc 6685) apply to any agreement or arrangement relating to international civil aviation.
- (6) The Commissioner may implement Article 83^{bis} through administrative agreements or arrangements between the South African Civil Aviation Authority and the appropriate authority of the other State that is party to the agreement or arrangement.
- (7) Whenever the Commissioner enters into an agreement or arrangement, contemplated in sub-regulation (6), or whenever such an agreement or arrangement ceases to be in force, he or she shall publish in the Government Gazette as soon as practical a notice setting out the details of the agreement or arrangement, or of the cessation thereof, as applicable.
- (8) Without limiting sub-regulation (7), the notice referred therein shall set out:
- (a) the Contracting State that is the other party to the agreement or arrangement;
 - (b) the date of commencement or cessation of the agreement or arrangement or any amendment thereto, as applicable;

- (c) the aircraft to which the agreement, arrangement, amendment or cessation relates;
- (d) the functions of the State of Registry in respect of the aircraft that under the agreement or arrangement are transferred to the State of Operator; and
- (e) the provisions of the Regulations that are stated in the agreement, arrangement or amendment, related to the duties or functions.

Such notice shall be evidence of the matters stated therein.

Personnel Licensing

- 48.06.2 (1)** A South African air services operator who dry leases-in a foreign aircraft shall satisfy the Commissioner that –
- (a) the flight and cabin crew to be designated for duty on the aircraft already possess valid licences or approvals issued by the State of Registry, or that arrangements have been made for such personnel to obtain the necessary licences or approvals; and
 - (b) he or she shall ensure that all the regulations of the State of Registry in respect of personnel licensing and the allocation, training and checking of flight and cabin crew be adhered to.
- (2) Should the Commissioner have reason to believe that the lessee operator is not complying with the appropriate regulations of the State of Registry, contemplated in paragraph (b) of sub-regulation (1), the appropriate authority of that State shall be advised and a request made that the matter be investigated.
- (3) In terms of an agreement between the appropriate authority of the State of Registry and the Commissioner, as contemplated in regulation 48.06.01, the Commissioner may take responsibility for oversight of the matters contemplated in paragraph (b) of sub-regulation (1).
- (4) In respect of an aircraft, dry leased out to a foreign operator, the Commissioner may, on conditions prescribed by him or her –
- (a) issue validations to the lessee operator's flight and cabin crew members, designated for duty on the leased aircraft; and
 - (b) in terms of Article 83^{bis} of the Convention enter into an agreement with the appropriate authority of the State of the Operator to transfer all or some of his or her functions and duties as State of Registry in respect of personnel licensing to the State of the Operator.

- (5) The validation, contemplated in paragraph (a) of sub-regulation (4), may be issued in the format prescribed in Document SA-CAT-LEAS.

Airworthiness

- 48.06.3** (1) A South African air services operator who dry leases-in a foreign aircraft shall satisfy the Commissioner that –
- (a) the aircraft maintenance organisation responsible for the continued airworthiness of the aircraft, already possess valid licences or approvals issued by the State of Registry, or that arrangements have been made for such organisation to obtain the necessary licences or approvals; and
 - (b) the organisation, contemplated in paragraph (a), shall carry out its maintenance functions in accordance with all the applicable regulations of the State of Registry.
- (2) Should the Commissioner have reason to believe that the lessee operator is not complying with the applicable regulations of the State of Registry, contemplated in paragraph (b) of sub-regulation (1), the appropriate authority of that State shall be advised and a request made that the matter be investigated.
- (3) In terms of an agreement between the appropriate authority of the State of Registry and the Commissioner, as contemplated in regulation 48.06.01, the Commissioner may take responsibility for oversight of the matters contemplated in paragraph (b) of sub-regulation (1).
- (4) In respect of an aircraft, dry leased out to a foreign operator, the Commissioner may, on conditions prescribed by him or her –
- (a) approve a foreign-based aircraft maintenance organisation to carry out all or part of the maintenance on the aircraft in accordance with the aircraft's approved maintenance schedule; and
 - (b) in terms of Article 83^{bis} of the Convention enter into an agreement with the appropriate authority of the State of the Operator to transfer all or some of his or her functions and duties as State of Registry in respect of prescribed equipment and airworthiness to the State of the Operator; or alternatively
 - (c) remove the aircraft from the South African Civil Aircraft Register for the duration of the dry lease-out, facilitating its registration in the State of the Operator.

Recognition

- 48.06.4** (1) Contracting States that have ratified Article 83^{bis} of the Convention are bound to recognise the State of the Operator as substituting for the State of Registry, within the limits established by the transfer arrangements, provided –

- (a) the agreement has been duly registered with ICAO according to Article 83 of the Convention; or
- (b) affected third-party States have been informed directly by at least one of the States party to the agreement.

Conversely, States that are not parties to Article 83^{bis}, or States that are parties to it but which have not been duly informed about such an agreement, are not bound to recognise the transfer of functions and duties.

Note: ICAO formally informs all Contracting States through publication in its quarterly 'List of Agreements and Arrangements Concerning International Civil Aviation Registered with ICAO', also accessible under 'Legal' at ICAO web site at www.icao.int.

- (2) If the authority to issue or render valid crew licences and certificates of airworthiness has been transferred pursuant to Article 83^{bis} of the Convention from the State of Registry to the State of the Operator, Contracting States that have ratified Article 83^{bis} are obliged to recognise the validity of the licences and certificates if they have been officially informed of the transfer, provided that these have been issued or rendered valid by the appropriate authority of the State of the Operator, fully meeting the requirements of Annexes 1 and 8 to the Convention.

Transfer of responsibilities

- 48.06.5 (1)** All or part of the functions and duties pertaining to Articles 12, 30, 31 and 32(a) of the Convention may be transferred from the State of Registry to the State of the Operator. The functions and duties to be transferred must be mentioned specifically in the transfer agreement as, in the absence of such mention, they are deemed to remain with the State of Registry. A listing of responsibilities regarding airworthiness that may or may not be transferred between States is contained in Document SA-CATS-LEAS.
- (2) The State of Registry shall be relieved of responsibility and, where applicable, of liability in respect of the functions and duties duly transferred to the State of the Operator, and the latter shall comply with them in accordance with its own laws and regulations.
 - (3) Pursuant to Articles 83 and 83^{bis} of the Convention, the Commissioner may enter into an agreement or arrangement with the appropriate authority of another State to transfer certain or all of the functions and duties of the South African Civil Aviation Authority in respect of a particular aircraft on the South African Civil Aircraft Register to such authority. Any applicable regulation in force at the time shall be deemed to have been amended accordingly.

- (4) Similarly to the provisions of sub-regulation (3), the Commissioner may accept certain or all of the functions and duties of the appropriate authority of a State of Registry in respect of an aircraft on that State's aircraft register and, to the extent applicable in terms of the relevant transfer agreement or arrangement, for the purpose of the Regulations such aircraft shall be deemed to be a South African aircraft.
- (5) The Commissioner shall establish procedures to ensure that prescribed information is transmitted promptly to the relevant other authority, and that information received concerning the existence of transfer agreements relating to aircraft operating to or from the Republic's territory is promptly relayed to any South African authority involved in inspection.
- (6) For the purpose of identifying individual States' responsibility for safety oversight on the occasion of any verification process, such as ramp inspections, a certified true copy of the transfer agreement and of the operating certificate under which the aircraft is operated and in which it is listed shall be carried on board the aircraft at all times while the transfer agreement is in force.
- (7) Document SA-CATS-LEAS contains examples of suitable transfer agreements."

1.2 MOTIVATION

In light of the fact that Article 83 bis is part of South African law, being included in the Convention on International Civil Aviation, 1944 ("the Chicago Convention"), it is necessary to regulate the transfer of certain functions and duties pertaining to airworthiness and personnel licensing as contemplated in the said Article in the said Regulations. The draft Part contains specific provisions in respect of the transfer of the rights and duties identified in four Articles of the Chicago Convention. Furthermore provision is also being made for damp leases. The existing provisions relating to dry leases and wet leases have also been refined and amplified.

1.3 CURRENT PROVISIONS

The current provisions relating to wet and dry leases are contained in Subparts 1 of Parts 121, 127 and 135. The relevant portion of Subpart 1 of Part 121 are set out below.

"Dry lease-in of large commercial air transport aeroplane

- 121.01.5 (1) An operator who intends to dry lease-in a large foreign registered aeroplane for commercial air transport purposes, shall –
- (a) ensure that such aeroplane can be operated and is operated in accordance with the requirements prescribed in this Part;

- (b) obtain prior approval from the Commissioner to operate such aeroplane.
- (2) The approval referred to in sub-regulation (1)(b) shall, subject to such conditions as the Commissioner may determine, be granted if such aeroplane is –
- (a) type certificated in accordance with the requirements prescribed in Part 21;
 - (b) maintained in accordance with an aeroplane maintenance schedule referred to in Regulation 121.09.2;
 - (c) operated under the operating certificate held by the operator referred to in subregulation (1).
- (3) The conditions of approval referred to in subregulation (2) shall be part of the lease agreement between the operator referred to in subregulation (1) and the operator from which the large foreign registered aeroplane is leased.

Wet lease-in of large commercial air transport aeroplane

- 121.01.6 (1) An operator who intends to wet lease-in a large foreign registered aeroplane for commercial air transport purposes, shall, subject to such conditions as the Commissioner may determine, obtain prior approval from the Commissioner to operate such aeroplane.
- (2) The duration of the lease agreement concerned shall be limited to a maximum period of six calendar months in one year.
- (3) The approval referred to in subregulation (1) shall, subject to such conditions as the Commissioner may determine, be granted if such aeroplane –
- (a) is wet-leased-in from an operator who is the holder of an operating certificate or similar document issued by an appropriate authority;
 - (b) has been type certificated by the appropriate authority;
 - (c) holds a valid certificate of airworthiness or similar document issued by such appropriate authority;
 - (d) is maintained and operated in accordance with safety standards at least equivalent to the safety standards referred to in this Part; and
 - (e) will be operated in terms of the operating certificate or similar document held by the operator referred to in paragraph (a).
- (4) The operator referred to in subregulation (1) shall –

- (a) satisfy the Commissioner that the safety standards of the lessor are not less than the safety standards referred to in this Part;
 - (b) ensure that any law applicable to the aeroplane to be wet leased-in, the maintenance or operation thereof, is complied with.
- (5) The total number of wet-leased-in aeroplanes shall be such that an operator referred to in subregulation (1) will not be predominantly dependent on foreign registered aeroplanes.
- (6) The conditions of approval referred to in subregulation (1) shall be part of the lease agreement between the operator referred to in subregulation (1) and the operator from which the large foreign registered aeroplane is leased.

Dry lease-out of large commercial air transport aeroplane

- 121.01.7 (1) Subject to the provisions of subregulation (2), the operator of a large South African registered aeroplane may dry lease-out the aeroplane to any operator in a contracting State.
- (2) On request of the operator of a large South African registered aeroplane, the Commissioner may exempt such operator from the applicable provisions of this part and remove the aeroplane from the operating certificate held by such operator: Provided that –
- (a) the appropriate authority of the State of the Operator to whom such aeroplane is dry leased has accepted, in writing, responsibility for surveillance of the maintenance and operation of such aeroplane; and
 - (b) such aeroplane is maintained according to an approved maintenance programme.

Wet lease-out of large commercial air transport aeroplane

- 121.01.8 The operator of a large South African registered aeroplane who intends to wet lease-out the aeroplane to any operator, other than an operator of a contracting State, shall remain the operator of the aeroplane for the purposes of subpart 6, and responsibility for surveillance of the maintenance and operation of such aeroplane shall not be transferred to the appropriate authority of the State of the Operator to which such aeroplane is wet leased-out.

Leasing of large commercial air transport aeroplane between two South African operators

- 121.01.9 (1) A South African operator who intends to lease out an aeroplane

and complete flight crew to another South African operator, shall remain the operator of the aeroplane and shall retain the functions and responsibilities prescribed in subpart 6.

- (2) A South African operator, intending to utilise an aeroplane leased from, or to lease it to, another South African operator shall obtain prior approval from the Commissioner for the operation, and the conditions of approval shall be part of the lease agreement between the operators.
- (3) The terms of an approved lease agreement, other than an agreement in terms of which an aeroplane together with aeroplane flight crew is leased, and where no transfer of functions and responsibilities is intended, shall include –
 - (a) the arrangement concerning the operating certificate under which the flights with the leased aeroplane shall be operated; and
 - (b) any deviation from the operating certificate under which the flights with the leased aeroplane shall be operated.

Subchartering

- 121.01.10 (1) In the exceptional circumstances as prescribed in Document SA-CATS-OPS 121, an operator may subcharter a large aeroplane and flight crew from any operator who holds a valid operating certificate for the aeroplane, issued by an appropriate authority: Provided that –
- (a) the subcharter period does not exceed five consecutive days; and
 - (b) the operator of the aeroplane so subchartered, informs the Commissioner, within 24 hours, of such subcharter.
- (2) The provisions of Regulations 121.01.5(1)(a) and (2), 121.01.6(3) and (4)(b) and 121.01.9(1) and (3) shall apply mutatis mutandis to any subcharter referred to in this regulation.”
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