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GENERAL NOTICE

Transport, Department of

General Notice

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GENERAL NOTICE

NOTICE 1631 OF 2007

DEPARTMENT OF TRANSPORT

CONVENTION ON THE INTERNATIONAL RECOGNITION OF RIGHTS IN AIRCRAFT ACT, 1993(Act NO 59 OF 1993) SECOND AMENDMENT OF THE MORTGAGING OF AIRCRAFT REGULATIONS 1997

In terms of section 14(3) of the Convention on the International Recognition of Rights in Aircraft Act, 1993 (Act No 59 of 1993), I, Jeff Radebe, Minister of Transport, hereby publish for comment the proposed amendment to the Mortgaging of Aircraft Regulations, 1997, as set out in the schedule. Any comments or representations on the proposed amendments should be lodged in writing with Mr. Gawie Bestbier, the Acting Commissioner for Civil Aviation, the South African Civil Aviation Authority, Private Bag Bag X 73, Midrand, 6185, fax: (011) 545-1466, or by e-mail at bestbierg@caa.co.za @ before or on 9 December 2007.

SCHEDULE

1. PROPOSAL TO AMEND REGULATION 8 OF THE MORTGAGING OF AIRCRAFT REGULATIONS, 1997

1.1 Proposed amendment of regulation 8:

It is proposed to substitute the following regulation for the existing regulation 8:

“Fees

The following fees shall be payable when application is made for:

(a) the recording of a mortgage in the register of aircraft mortgages	R C 1100,00
(b) a notification of the discharge of a mortgage	1100,00
(c) a transfer of mortgage by deed of cession	1100,00
(d) a declaration of transmission of rights in a mortgage	1100,00
(e) a certificate of mortgage	820,00

access to the register of aircraft mortgages	140,00
(g) the furnishing of information from the register of aircraft mortgages(R1,00 per page up to a maximum of R200,00)	200,00"

1.2 Current Regulation

The existing regulation reads as follows:

"Fees

The following fees shall be payable when application is made for-

(a) the recording of a mortgage in the register of aircraft mortgages	R C 610,00
(b) a notification of the discharge of a mortgage	610,00
(c) a transfer of mortgage by deed of cession	610,00
(d) a declaration of transmission of rights in a mortgage	610,00
(e) a certificate of mortgage	450,00
(f) access to the register of aircraft mortgages	140,00
(g) the furnishing of information from the register of aircraft mortgages(R1,00 per page up to a maximum of R140,00)	140,00"

1.3 Motivation

The Mortgaging of Aircraft Regulations, 1997, issued in terms of section 14 of the Convention on the International Recognition of Rights in Aircraft Act, 1993 (Act No 59 of 1993) came into operation on 1 January 1998. The proposed amendment of regulation 8 thereof (which relates to fees) is the second proposed amendment

of the relevant fees since 1 January 1998. These charges are applicable to direct services rendered by the Authority to the aviation industry implementing a user pay system.

The Authority needs to increase user fees based on the increasing costs incurred in rendering these services - especially in the light of the planned expansion of staff capacity to provide a more expeditious and comprehensive service to the industry and the diminished subsidy received from the Department of Transport.

The Authority contracted Deloitte & Touché Special Services to conduct an activity based costing study during August 2001. The study was completed at the end of September 2001 and user fees payable in terms of Part 187 of the Civil Aviation Regulations, 1997, and regulation 8 of the Mortgaging of Aircraft Regulations, 1997, were proposed based on costs directly related to these services. The fees were determined at break-even point and will not result in the Authority incurring a profit in supplying these services.

The implementation of an increase in user fees is considered essential to ensure that the Authority complies with its budgetary obligations and to assist the Authority in becoming self-funded through full cost recovery charging.
