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**GENERAL NOTICE****Environmental Affairs and Tourism, Department of***General Notice*

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**GENERAL NOTICE****NOTICE 190 OF 2009****DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM****NOTICE OF INTENTION TO MAKE REGULATIONS REGARDING FEES FOR THE PROVISION OF AVIATION METEOROLOGICAL SERVICES IN TERMS OF SECTION 28(b) OF THE SOUTH AFRICAN WEATHER SERVICE ACT, 2001 (ACT NO. 8 OF 2001)**

I, Marthinus Christoffel Johannes van Schalkwyk, Minister of Environmental Affairs and Tourism, hereby gives notice of my intention to make regulations under of Section 28(b) of the South African Weather Service Act, 2001 (Act No. 8 of 2001) regarding fees for the provision of aviation meteorological services as contemplated in Sections 4(2)(e) and 21(1)(b) of the said Act.

The proposed regulations are set out in the Schedule hereto.

Interested parties are requested to submit written representations on, or objections to, the proposed regulations to the Minister within 30 days from the date of publication of this notice. Comments must be submitted to the following addresses:

By post to: The Director-General: Environmental Affairs and Tourism  
Attention: Ms Phodiso Kganyago  
South African Weather Service Liaison and Coordination  
Private Bag X447  
Pretoria  
0001

By telephone at: (012) 310 3207

By fax to: (012) 320 1167

By email to: [pkganyago@deat.gov.za](mailto:pkganyago@deat.gov.za)

Comments received after the closing date may not be considered.



**MARTHINUS VAN SCHALKWYK**  
**MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM**

**SCHEDULE****1. Liability to pay fees for provision of aviation meteorological services**

- (1) Fees for aviation meteorological services as contemplated in Sections 4(2)(e) and 21(1)(b) of the South African Weather Service Act, 2001 (Act No. 8 of 2001) shall be payable by the operator of an aircraft to the South African Weather Service in respect of a flight undertaken within any flight information region established by the Commissioner for Civil Aviation in terms of the Civil Aviation Regulations, 1997, as amended.
- (2) The fees as contemplated in subregulation (1) shall be as set out in Appendix 1 of these regulations.
- (3) The fees referred to in subregulation (2) are exclusive of value-added tax and are therefore subject to the appropriate rate as may be applicable to any specific fee.
- (4) The fees as contemplated in subregulation (1) shall be payable within 30 days of receipt of an invoice from the South African Weather Service.

**2. Information of flights taking place and payment of fees**

All the relevant information that is provided by an operator of an aircraft to the Air Traffic and Navigation Service Company of South Africa which will enable that company to calculate an air traffic service charge in terms of the flight, shall be used by the South African Weather Service to calculate the fees as contemplated in regulation 1(1) for that flight.

**3. General Regulations**

- (1) The fees as contemplated in 1(1) shall be payable in respect of South African and foreign state aircraft, unless other provision has been made by means of a written agreement with the South African Weather Service.
- (2) No fees as contemplated in 1(1) shall be payable in respect of an aircraft engaged in search and rescue operations and coastal patrol flights of the South African Air Force.

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**APPENDIX 1****Fees for the provision of aviation meteorological services**

**1. Category 1**

In respect to an aircraft with a maximum certified mass (MCM) of 2000kg and above, the fee for the provision of aviation meteorological services shall be calculated according to the following formula:

$$\text{Fee} = T \times W \times D$$

Where T = Tariff amount in ZAR

W = Square root of (MCM in metric tonnes divided by 50)

D = Distance flown in kilometres within the flight information region of South Africa in kilometre divided by 100

The tariff for the next three financial years will be as follows:

- 1 April 2009 – 31 March 2010 R23,73
- 1 April 2010 – 31 March 2011 R24,99
- 1 April 2011 – 31 March 2012 R28,05

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

**2. Category 2**

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

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