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GENERAL NOTICE

NOTICE 126 OF 2010

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

**SOUTH AFRICAN WEATHER SERVICE ACT, 2001 (ACT NO. 8 OF 2001)
NOTICE OF INTENTION TO MAKE REGULATIONS REGARDING FEES FOR THE
PROVISION OF AVIATION METEOROLOGICAL SERVICES**

I, Buyelwa Patience Sonjica, Minister of Water and Environmental Affairs, hereby gives notice of my intention to make regulations under 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.

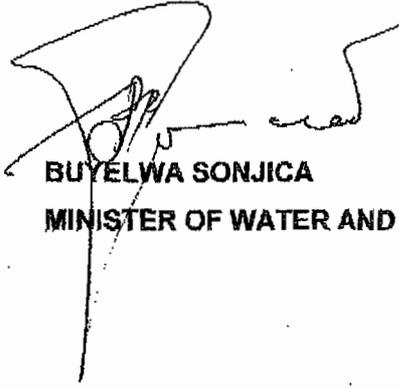
The proposed regulations are set out in the Schedule hereto.

Interested and affected parties are invited to submit to the Minister, within 30 days of the publication of the notice in the *Gazette*, written representations on or objections to the proposed regulations to the following addresses:

By post to: The Director-General
 Department of Environmental Affairs
 Attention: Mr Tsietsi Mahema
 South African Weather Service Liaison and Coordination
 Private Bag X447
 Pretoria
 0001

By fax to: 012 320 1167 and e-mail to Tmahema@deat.gov.za

Or hand deliver at 315 Pretorius Street, Corner Pretorius and Van Der Walt Streets, Fedsure Forum Building, 2nd Floor, North Tower. Representations or objections received after the closing date may not be considered.

A handwritten signature in black ink, appearing to be 'Buyelwa Sonjica', written over the printed name and title.

BUYELWA SONJICA

MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

SCHEDULE

FEEES FOR THE PROVISION OF AVIATION METEOROLOGICAL SERVICES

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

- (1) The South African Weather Service charges an operator of an aircraft a fee 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), 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 applicable fee as contemplated in subregulation (1) is set out in Appendix 1 to these regulations.
- (3) Any fee referred to in subregulation (2) is exclusive of value-added tax and is therefore subject to the appropriate rate as may be applicable to any specific fee.
- (4) Any fee as contemplated in subregulation (1) is 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

In order to calculate in respect of a flight a fee as contemplated in regulation 1(1), the South African Weather Service must use all the relevant information provided by an operator of an aircraft to the Air Traffic and Navigation Services Company of South Africa, which enables that company to calculate an air traffic service charge for the flight.

3. General

- (1) Any fee as contemplated in regulation 1(1) is payable in respect of a South African aircraft (other than an aircraft referred to in subregulation (2)) and a foreign state aircraft, unless provision to the contrary has been made by means of a written agreement with the South African Weather Service.

- (2) No fee as contemplated in regulation 1(1) is payable in respect of an aircraft of the South African Air Force engaged in search and rescue operations and coastal patrol flights.

APPENDIX 1

FEES FOR THE PROVISION OF AVIATION METEOROLOGICAL SERVICES

1. Category 1

The fee for the provision of aviation meteorological services in respect of an aircraft with a maximum certificated mass (MCM) of 2000 kilograms and above, is calculated according to the following formula:

$$\begin{aligned} \text{Fee} &= T \times W \times D \\ \text{Where } T &= \text{Tariff amount in ZAR} \\ W &= \text{Square root of (MCM in metric tonnes divided by 50)} \\ D &= \text{Distance flown in kilometres within the flight information region of} \\ &\quad \text{South Africa in kilometre divided by 100} \end{aligned}$$

The tariffs for the next three financial years are as follows:

1 April 2010 – 31 March 2011	R31,79
1 April 2011 – 31 March 2012	R35,36
1 April 2012 – 31 March 2013	R28,86

Exception rule: Aircraft with a maximum certificated mass (MCM) between 2000 and 4999 kilograms that operate exclusively under Visual Flight Rules (VFR), fall into Category 2 below.

2. Category 2

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