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GENERAL NOTICE

NOTICE 104 OF 2012

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

SOUTH AFRICAN WEATHER SERVICE ACT, 2001 (ACT NO. 8 OF 2001)

PROPOSED REGULATIONS REGARDING FEES FOR THE PROVISION OF AVIATION METEOROLOGICAL SERVICES

I, Bomo Edith Edna Molewa, Minister of Water and Environmental Affairs, hereby give notice of my intention, under section 28(b) read with sections 4(2)(e) and 21(1)(b) of the South African Weather Service Act, 2001 (Act No. 8 of 2001), to make regulations regarding fees for the provision of Aviation Meteorological Services. The proposed regulations are set out in the Schedule hereto.

Members of the public are invited to submit written comments on the proposed regulations within 30 days from the date of publication of this notice in the *Gazette* to the following addresses:

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

By fax to: (012) 320 1167
By e-mail to: BBokwe@environment.gov.za

Enquiries: Ms Babalwa Bokwe Tel. (012) 395 1701

Representations or objections received after the closing date may not be considered.

MRS B E E MOLEWA, MP

MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

SCHEDULE

FEES FOR THE PROVISION OF AVIATION METEOROLOGICAL SERVICES

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

- (1) The Weather Service charges the operator of an aircraft fees for aviation meteorological services as contemplated in section 4(2)(e) and 21(1)(b) of the Act, 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 sub regulation (1) are set out in Appendix 1 to these regulations.
- (3) The fees referred to in sub regulation (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 sub regulation (1) are payable within 30 days of receipt of an invoice from the Weather Service.

2. Information of flights taking place and payment of fees

The Weather Service uses all the relevant information provided by the 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, to calculate the fees as contemplated in regulation 1(1) for that flight.

3. General

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

APPENDIX 1

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:

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

$$\text{Where } T = \text{Tariff amount in ZAR}$$

$$W = \text{Square root of (MCM in metric tonnes divided by 50)}$$

$$D = \text{Distance flown in kilometres within the flight information region of South Africa divided by 100}$$

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

1 April 2012 – 31 March 2013: R33.38

1 April 2013 – 31 March 2014: R34.87

1 April 2014 – 31 March 2015: R35.93

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 aircraft that qualify according to the exception rule, the tariff is set at zero.
