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No. 44225

## THE PRESIDENCY

No. 82

4 March 2021

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

Act No. 17 of 2020: Airports Company Amendment Act, 2020

## DIE PRESIDENSIE

No. 82

4 Maart 2021

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

Wet No. 17 van 2020: Wysigingswet op die Lughawensmaatskappy, 2020

**GENERAL EXPLANATORY NOTE:**

- [                    ]    Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

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*(English text signed by the President)*  
*(Assented to 2 March 2021)*

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**ACT**

**To amend the Airports Company Act, 1993, so as to insert and amend certain definitions; to substitute certain expressions; to provide for the appointment and disqualification of members of the Committee; to provide for the vacation of office of members of the Committee; to provide for meetings of the Committee; to amend the period for the issuing of a permission; to provide for decisions of the Committee; to provide for the establishment of the Appeal Committee; to provide for appeals against the decisions of the Committee; to provide for the appointment and disqualification of members of the Appeal Committee; to provide for the vacation of office of members of the Appeal Committee; to provide for offences; and to provide for matters connected therewith.**

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

**Amendment of section 1 of Act 44 of 1993, as amended by section 17 of Act 98 of 1996 and section 1 of Act 2 of 1998**

1. Section 1 of the Airports Company Act, 1993 (Act No. 44 of 1993) (hereinafter referred to as the “principal Act”), is hereby amended—

- (a) by the insertion after the definition of “airport charge” of the following definitions:

“**‘Air Traffic and Navigation Services Company Act’** means the Air Traffic and Navigation Services Company Act, 1993 (Act No. 45 of 1993);

**‘Appeal Committee’** means the Appeal Committee established in terms of section 12B;

**‘approach document’** means the Committee’s guidelines to the company for the submission of a permission application;”

- (b) by the insertion after the definition of “Committee” of the following definition:

“**‘Companies Act’** means the Companies Act, 2008 (Act No. 71 of 2008);”

- (c) by the substitution for the definition of “company” of the following definition:

“**‘company’** means the Airports company established in section 2 and re-classified as a state owned company (SOC) Limited in terms of the Companies Act, subject to the applicable transitional arrangements under section 224 and Schedule 5 of the Companies Act;”

**ALGEMENE VERDUIDELIKENDE NOTA:**

- [ ]      Woorde in vet druk in vierkantige hakies dui op weglatings uit bestaande verordeninge.
- \_\_\_\_\_      Woorde met 'n volstreep daaronder dui op invoegings in bestaande verordeninge

\_\_\_\_\_  
 (Engelse teks deur die President geteken)  
 (Goedgekeur op 2 Maart 2021)

**WET**

Tot wysiging van die Lughawensmaatskappywet, 1993, ten einde sekere woordomsrywings in te voeg en te wysig; sekere uitdrukkings te vervang; voorsiening te maak vir die aanstelling en onbevoegdheid van lede van die Komitee; voorsiening te maak vir ampsontruiming deur lede van die Komitee; voorsiening te maak vir vergaderings van die komitee; die tydperk vir die uitreiking van 'n vergunning te wysig; voorsiening te maak vir die besluite van die Komitee; voorsiening te maak vir die instelling van die Appèlkomitee; voorsiening te maak vir appèl teen die besluite van die Komitee; voorsiening te maak vir die aanstelling en onbevoegdheid van lede van die Appèlkomitee; voorsiening te maak vir die ampsontruiming deur lede van die Appèlkomitee; voorsiening te maak vir misdrywe; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

**D**IE PARLEMENT van die Republiek van Suid-Afrika verorden, soos volg:—

**Wysiging van artikel 1 van Wet 44 van 1993, soos gewysig deur artikel 17 van Wet 98 van 1996 en artikel 1 van Wet 2 van 1998**

1. Artikel 1 van die Lughawensmaatskappywet, 1993 (Wet No. 44 van 1993) (hierna die “Hoofwet” genoem), word hierby gewysig—
- (a) deur die volgende omskrywings na die omskrywing van “Aandeelhoudende Minister” in te voeg:
- “ ‘**Appèlkomitee**’ die Appèlkomitee ingevolge artikel 12B ingestel; ‘**benaderingsdokument**’ die Komitee se riglyne aan die maatskappy vir die indiening van ’n aansoek om vergunning;”;
- (b) deur die volgende omskrywings na die omskrywing van “Departement” in te voeg:
- “ ‘**Direkteur-generaal**’ die Direkteur-generaal vir die Departement van Vervoer; ‘**ekonomiese regulasie**’ prysbeheer vir ’n maatskappy se lughawe-infrastruktuur en lugnavigasie-infrastruktuur; ‘**hierdie Wet**’ ook die regulasies;”;
- (c) deur die volgende omskrywing na die omskrywing van “lughawevordering” in te voeg:
- “ ‘**Lugverkeer- en -navigasiedienstemaatskappywet**’ die Lugverkeer- en -navigasiedienstemaatskappywet, 1993 (Wet No. 45 van 1993);”;

- (d) by the insertion after the definition of “Department” of the following definitions:  
 “**‘Director-General’** means the Director-General for the Department of Transport;  
**‘economic regulation’** means price controls for a company’s airport infrastructure and air navigation infrastructure;” 5
- (e) by the insertion after the definition of “permission” of the following definitions:  
 “**‘prescribed’** means prescribed by regulation;  
**‘Public Finance Management Act’** means the Public Finance Management Act, 1999 (Act No. 1 of 1999);” and 10
- (f) by the insertion after the definition of “Shareholding Minister” of the following definition:  
 “**‘this Act’** includes the regulations;”.

#### **Amendment of section 2 of Act 44 of 1993, as amended by section 2 of Act 2 of 1998** 15

2. Section 2 of the principal Act is hereby amended—
- (a) by the substitution for the heading of the following heading:  
**“Establishment and classification of [public] company”**
- (b) by the deletion of subsection (6);
- (c) by the substitution for paragraph (c) of subsection (7) of the following paragraph:  
 “(c) The majority of non-executive directors must not be employees in terms of the Public Service Act, 1994 (Proclamation 103 of 1994).”; and 20
- (d) by the insertion after subsection (7) of the following subsection: 25  
 “(8) As from the date of commencement of the Companies Act, the company is classified as a state owned company listed under schedule 2 of the Public Finance Management Act.”.

#### **Amendment of section 5 of Act 44 of 1993, as amended by section 5 of Act 2 of 1998**

3. Section 5 of the principal Act is hereby amended— 30
- (a) by the substitution for subsection (1) of the following subsection:  
 “(1) The company shall have the powers of a company as contemplated in **[section 34 of the Companies Act, 1973 (Act No. 61 of 1973)]** section 19(1)(b) of the Companies Act, unless expressly excluded or qualified by this Act.”; 35
- (b) by the substitution in subsection (2) for paragraph (d) of the following paragraph:  
 “(d) conduct its business in such a manner as to ensure that the company does not engage in any **[restrictive] prohibited** practices as defined in section 1 of the **[Maintenance and Promotion of Competition Act, 1979 (Act No. 96 of 1979)]** Competition Act, 1998 (Act No. 89 of 1998);” 40
- (c) by the substitution in subsection (2) for paragraph (f) of the following paragraph:  
 “(f) publish any airport charge by notice in the *Gazette* at least **[three]** ~~four~~ months prior to the coming into operation of such charge;” 45
- (d) by the substitution in subsection (2) for paragraph (k) of the following paragraph:  
 “(k) ensure that relevant activities are performed subject to section 12 (7)(b)[.];” 50
- (e) by the addition in subsection (2) after paragraph (k) of the following paragraph:  
 “(l) conduct its business and perform its functions, including the management of its revenue, expenditure, assets and liabilities, in accordance with the Public Finance Management Act.”; and 55

- (d) deur die omskrywing van “maatskappy” deur die volgende omskrywing te vervang:  
 “**‘maatskappy’** die Lughawensmaatskappy by artikel 2 gestig en herklassifiseer as ’n maatskappy in staatsbesit (MIB) Beperk ingevolge die Maatskappywet, onderworpe aan die toepaslike oorgangsmatreëls kragtens artikel 224 en Bylae 5 van die Maatskappywet;”;
- (e) deur die volgende omskrywing na die omskrywing van “Maatskappy” in te voeg:  
 “**‘Maatskappywet’** die Maatskappywet, 2008 (Wet No. 71 van 2008);”;
- (f) deur die volgende omskrywings na die omskrywing van “vergunning” in te voeg:  
 “**‘voorgeskrif’** by regulasie voorgeskryf;  
**‘Wet op Openbare Finansiële Bestuur’** die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999);”.

### Wysiging van artikel 2 van Wet 44 van 1993, soos gewysig deur artikel 2 van Wet 2 van 1998

2. Artikel 2 van die Hoofwet word hierby gewysig—
- (a) deur die opskrif deur die volgende opskrif te vervang:  
 “**‘Stigting en klassifikasie van [publieke] maatskappy’**”
- (b) deur subartikel (6) te skrap;
- (c) deur paragraaf (c) van subartikel (7) deur die volgende paragraaf te vervang:  
 “(c) Die meerderheid van nie-uitvoerende direkteure moet nie werknemers ingevolge die Staatsdienswet, 1994 (Proklamasie 103 van 1994), wees nie.”;
- (d) deur die volgende subartikel na subartikel (7) in te voeg:  
 “(8) Met ingang van die inwerkingtreedingsdatum van die Maatskappywet, is die maatskappy geklassifiseer as ’n maatskappy in staatsbesit genoteer kragtens bylae 2 van die Wet op Openbare Finansiële Bestuur.”.

### Wysiging van artikel 5 van Wet 44 van 1993, soos gewysig deur artikel 5 van Wet 2 van 1998

3. Artikel 5 van die Hoofwet word hierby gewysig—
- (a) deur subartikel (1) deur die volgende subartikel te vervang:  
 “(1) Die maatskappy het die bevoegdheids van ’n maatskappy soos beoog in **[artikel 34 van die Maatskappywet, 1973 (Wet 61 van 1973)]** artikel 19(1)(b) van die Maatskappywet, tensy uitdruklik deur hierdie Wet uitgesluit of beperk.”;
- (b) deur in subartikel (2) paragraaf (d) deur die volgende paragraaf te vervang:  
 “(d) moet sy sake op so ’n wyse bestuur dat verseker word dat die maatskappy nie in ’n **[beperkende]** verbode praktyk soos omskrywe in artikel 1 van die **[Wet op die Handhawing en Bevordering van Mededinging, 1979 (Wet No. 96 van 1979)]** Wet op Mededinging, 1998 (Wet No. 89 van 1998), betrokke raak nie;”;
- (c) deur in subartikel (2) paragraaf (f) deur die volgende paragraaf te vervang:  
 “(f) moet enige lughawevordering minstens **[drie]** vier maande voordat daardie vordering in werking tree, by kennisgewing in die *Staatskoerant* publiseer;”;
- (d) deur in subartikel (2) paragraaf (k) deur die volgende paragraaf te vervang:  
 “(k) moet verseker dat relevante bedrywighede onderhewig aan artikel 12(7)(b) verrig word[.];”;
- (e) deur in subartikel (2) na paragraaf (k) die volgende paragraaf in te voeg:  
 “(l) die maatskappy se sake doen en werksaamhede, met inbegrip van die bestuur van inkomste, uitgawes, bates en laste, verrig ooreenkomstig die Wet op Openbare Finansiële Bestuur.”;

(f) by the substitution in subsection (2A)(a) for subparagraphs (i) and (ii) of the following subparagraphs:

- “(i) the holding company, as [described in section 1(4) of the Companies Act, 1973 (Act No. 61 of 1973), of the Company] defined in section 1 of the Companies Act;
- (ii) a subsidiary, as [described in section 1 (3) of the Companies Act, 1973, of the company] defined in section 3 of the Companies Act; or;”.

**Amendment of section 11 of Act 44 of 1993, as amended by section 11 of Act 2 of 1998**

4. Section 11 of the principal Act is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

“(2) The members of the Committee shall be appointed by the Minister and shall consist of—

(a) a chairperson;

(b) a deputy chairperson; and

(c) three other persons who are not employees in terms of the Public Service Act, 1994 (Proclamation 103 of 1994), who are suitably qualified to perform the duties or exercise the powers of the Committee in terms of this Act and the Air Traffic and Navigation Services Company Act.”;

(b) by the substitution for subsection (4) of the following subsection:

“(4) A member of the Committee who is not an employee in terms of the Public Service Act, 1994 (Proclamation 103 of 1994) shall receive, from money appropriated by Parliament for this purpose, such remuneration and allowances as may be determined by the Minister with the concurrence of the Minister of Finance.”;

(c) by the substitution for subsection (6) of the following subsection:

“(6) All administrative work in connection with the performance of the duties or the exercise of the powers of the Committee shall be done by officials in the Department designated for such purpose by the Director-General[: **Transport**].”.

**Insertion of sections 11A to 11F in Act 44 of 1993**

5. The following sections are hereby inserted in the principal Act after section 11:

**Appointment of members of Committee**

**11A.** (1) The Minister shall, before appointing the members contemplated in section 11(2), by notice in the *Gazette* and through media, call for nominations from members of the public with interest in the civil aviation industry.

(2) The Minister shall appoint members of the Committee that—

(a) are suitably qualified and experienced in the field of law, finance, economics or the civil aviation industry;

(b) are collectively broadly representative of South African society as a whole;

(c) are committed and available to fulfil their role as members of the Committee; and

(d) shall be impartial and perform their functions without fear, favour or prejudice.

**Disqualification from membership**

**11B.** A person may not be appointed as a member or remain a member of the Committee if that person—

- (a) is not a South African citizen and ordinarily resident in the Republic;
- (b) is an unrehabilitated insolvent; or
- (c) has at any time been convicted of an offence involving dishonesty, whether in the Republic or elsewhere, and had been sentenced to a term of imprisonment without the option of a fine, for any other offence.

- (f) deur in subartikel (2A)(a) subparagrafe (i) en (ii) deur die volgende subparagrafe te vervang:

- “(i) die houermaatskappy, soos [omskryf in artikel 1(4) van die Wet op Maatskappye, 1973 (Wet No. 61 van 1973), van die maatskappy] omskrywe in artikel 1 van die Maatskappywet is; 5
- (ii) ’n filiaal, soos [omskryf in artikel 1(3) van die Wet op Maatskappye, 1973, van die maatskappy] omskrywe in artikel 3 van die Maatskappywet is; of;”.

#### Wysiging van artikel 11 van Wet 44 van 1993, soos gewysig deur artikel 11 van Wet 2 van 1998 10

#### 4. Artikel 11 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Die lede van die Komitee word deur die Minister aangestel en bestaan uit—

- (a) ’n voorsitter; 15
- (b) ’n ondervoorsitter; en
- (c) drie ander persone wat nie werknemers ingevolge die Staatsdienswet, 1994 (Proklamasie 103 van 1994), is nie, wat gepas gekwalifiseer is om die pligte van die Komitee te verrig of die bevoegdheids van die Komitee uit te voer ingevolge hierdie Wet en die Lugverkeer- en -navigasiedienstemaatskappywet.”; 20

- (b) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) ’n Lid van die Komitee wat nie ’n werknemer ingevolge die Staatsdienswet, 1994 (Proklamasie 103 van 1994), is nie, ontvang uit geld deur die Parlement vir hierdie doel bewillig, sodanige besoldiging en toelae soos deur die Minister, met die instemming van die Minister van Finansies, bepaal kan word.”; 25

- (c) deur subartikel (6) deur die volgende subartikel te vervang:

“(6) Alle administratiewe werk in verband met die verrigting van die pligte of die uitoefening van die bevoegdheids van die Komitee moet gedoen word deur amptenare in die Departement wat vir hierdie doel deur die Direkteur-generaal[: Vervoer] aangewys word.”. 30

#### Invoeging van artikels 11A tot 11F in Wet 44 van 1993

#### 5. Die volgende artikels word hierby na artikel 11 in die Hoofwet ingevoeg:

##### “Aanstelling van lede van Komitee 35

**11A.** (1) Die Minister moet, voor aanstelling van die lede in artikel 11(2) beoog, by kennisgewing in die *Staatskoerant* en deur die media, benoemings vra van lede van die publiek met ’n belang by die burgerlike lugvaartbedryf.

(2) Die Minister stel lede van die Komitee aan— 40

- (a) met die gepaste kwalifikasies en ervaring in die veld van reg, finansies, ekonomie of die burgerlike lugvaartbedryf;
- (b) wat gesamentlik in die breë verteenwoordigend van die Suid-Afrikaanse samelewing as ’n geheel is;
- (c) wat toegewyd en beskikbaar is om hulle rol as lede van die Komitee te vervul; en 45
- (d) wat onpartydig moet wees en hulle werksaamhede sonder vrees, guns of vooroordeel moet verrig. 50

##### Onbevoegdheid vir lidmaatskap

**11B.** Iemand mag nie as lid aangestel word of ’n lid van die Komitee bly nie indien daardie persoon— 50

- (a) nie ’n Suid-Afrikaanse burger is en gewoonlik in die Republiek woonagtig is nie;
- (b) ’n ongerehabiliteerde insolvent is; of
- (c) te eniger tyd skuldig bevind is aan ’n misdryf wat oneerlikheid behels het, hetsy in die Republiek of elders en vir enige ander misdryf tot gevangenisstraf sonder die opsie van ’n boete gevonnissen is. 55

**Disclosure of interest**

**11C.** (1) A member shall disclose to the Minister—

- (a) any interest in any person, firm, association or company engaged in the aviation industry, acquired before or during his or her term of office; 5  
 (b) if his or her spouse, life partner or child is in the employment of, or has a professional engagement with, or has any relationship with any person, firm, association or company engaged in the aviation industry, or has any interest in any such person, firm, association or company, acquired before or during his or her term of office. 10

(2) Every member shall terminate any employment relationship or professional engagement with any person, firm, association or company engaged in the aviation industry and may not take up any such employment or professional engagement during his or her term of office. 10

**Vacation of office and termination of appointment**

**11D.** (1) A member shall vacate his or her office if— 15

- (a) he or she has been declared by the High Court to be of unsound mind; 15  
 (b) he or she has, without leave from the Committee, been absent for more than three consecutive meetings; 15  
 (c) he or she resigns by written notification to the Minister; 15  
 (d) the Minister, after consultation with the Committee, withdraws the appointment of that member because the member is incompetent or unfit to comply with the conditions of his or her appointment timeously, efficiently and diligently; or 20  
 (e) he or she becomes disqualified from being a member on any of the grounds referred to in section 11B. 25

(2) The Minister may, in accordance with section 11A(2), appoint a person to fill the vacancy for the unexpired portion of the period for which that member was appointed. 25

**Meetings of Committee**

**11E.** (1) The Committee shall meet at such times that are necessary for the proper performance of its functions and at such place as may be determined by the chairperson. 30

(2) The Committee shall determine the procedure for conducting meetings. 35

(3) If the chairperson is absent from a meeting of the Committee, the deputy chairperson shall chair the meeting. 35

(4) If both the chairperson and the deputy chairperson are absent from a meeting, the members in attendance at the meeting shall elect one of the members present to chair the meeting. 40

(5) The quorum for any meeting of the Committee is three members. 40

(6) (a) A decision of the majority of the members present at a quorate meeting constitutes a decision of the Committee. 40

(b) In the event of an equality of votes on any matter, the person chairing the meeting has a casting vote in addition to his or her deliberative vote. 45

(7) No decision taken by the Committee is invalid if the decision was taken by the majority of those members present and entitled to vote. 45

(8) If the Committee takes a decision in any other manner other than at a formal meeting, such decision comes into effect only after it has been reduced to writing and signed by the majority of the members present, and must be submitted for noting at the first formal meeting of the Committee. 50

(9) The Committee must cause a record of all of its proceedings to be kept. 50

**Openbaarmaking van belang**

**11C.** (1) 'n Lid moet aan die Minister openbaar maak—

- |     |  |    |
|-----|--|----|
| (a) | enige belang in enige persoon, firma, vereniging of maatskappy betrokke by die lugvaartbedryf, verkry voor of tydens sy of haar ampstermyn;  | 5  |
| (b) | indien sy of haar gade, lewensmaat of kind in diens is van, 'n professionele verbintenis het met, of enige verhouding met enige persoon, firma, vereniging of maatskappy wat in die lugvaartbedryf betrokke is, het, of enige belang het by daardie persoon, firma, vereniging of maatskappy, wat voor of tydens sy of haar ampstermyn aangegaan is. | 10 |
|     | (2) Elke lid moet enige werksverhouding of professionele verbintenis met enige persoon, firma, vereniging of maatskappy betrokke by die lugvaartnywerheid, beëindig en mag nie enige sodanige werk of professionele verbintenis tydens sy of haar ampstermyn aanvaar nie.  | 15 |

**Ontruiming van amp en beëindiging van aanstelling**

**11D.** (1) 'n Lid ontruim sy of haar amp indien—

- |     |  |    |
|-----|--|----|
| (a) | hy of sy deur die Hooggeregshof verklaar is ontoerekeningsvatbaar te wees;   | 20 |
| (b) | hy of sy, sonder toestemming van die Komitee, van meer as drie agtereenvolgende vergaderings afwesig was;  | 25 |
| (c) | hy of sy by skriftelike kennisgewing aan die Minister bedank;  | 25 |
| (d) | die Minister, na oorleg met die Komitee, die aanstelling van daardie lid intrek omdat die lid onbevoeg of nie in staat is nie om betyds, doeltreffend en pligsgetrou aan die voorwaardes van sy of haar aanstelling te voldoen; of | 25 |
| (e) | hy of sy onbevoeg word om 'n lid te wees op enige van die gronde in artikel 11B bedoel.  | 30 |
|     | (2) Die Minister kan, ooreenkomstig artikel 11A(2), 'n persoon aanstel om die vakature vir die onverstreke gedeelte van die termyn waarvoor daardie lid aangestel is, te vul.  | 30 |

**Vergaderings van Komitee**

**11E.** (1) Die Komitee vergader op die tye wat nodig is vir die behoorlike verrigting van die Komitee se werksaamhede en op sodanige plek wat die voorsitter bepaal.

- |     |  |    |
|-----|--|----|
| (2) | Die Komitee moet die prosedure vir die voer van vergaderings bepaal.   | 35 |
| (3) | Indien die voorsitter afwesig is van 'n vergadering van die Komitee, moet die ondervoorsitter by die vergadering voorsit.  | 40 |
| (4) | Indien die voorsitter en ondervoorsitter albei afwesig is van 'n vergadering, moet die lede wat die vergadering bywoon 'n lid uit hulle geledere verkies om voor te sit.   | 40 |
| (5) | Die kworum vir enige vergadering van die Komitee is drie lede.   | 45 |
| (6) | (a) 'n Besluit van die meerderheid van die lede teenwoordig by 'n vergadering met 'n kworum, is 'n besluit van die Komitee.  | 45 |
| (b) | In die geval van 'n staking van stemme oor enige aangeleentheid, het die voorsitter van die vergadering 'n beslissende stem benewens sy of haar gewone stem.   | 50 |
| (7) | Geen besluit van die Komitee is ongeldig nie indien die besluit geneem is deur die meerderheid van dié lede wat teenwoordig en op 'n stem geregtig is.   | 50 |
| (8) | Indien die Komitee op enige ander wyse as by 'n formele vergadering 'n besluit neem, word daardie besluit slegs van krag nadat dit op skrif gestel en deur die meerderheid van die teenwoordige lede onderteken is, en moet by die eerste formele vergadering van die Komitee ingedien word vir aantekening. | 55 |
| (9) | Die Komitee moet 'n rekord van al die Komitee se verrigtinge laat hou.   | 55 |

**Recusal from Committee meetings**

**11F.** A member may not be present during the discussion or making of a decision on, or take part in, any matter before the Committee in which that member or his or her spouse, life partner, child or associate has any interest.”

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**Amendment of section 12 of Act 44 of 1993, as amended by section 12 of Act 2 of 1998**

6. Section 12 of the principal Act is hereby amended—

(a) by the substitution for subsection (2) of the following subsections:

“(2) Unless otherwise provided for in this Act, the company shall apply to the Committee for the issuing of a permission within the **[first three months of the third financial year]** last month of the fourth financial year of the period of validity of any permission held by the company in accordance with the approach document.

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(2A) (a) The Committee may develop, determine, issue and amend guidelines to the company, known as the approach document, after consultation with relevant and interested stakeholders, including company, for the submission of a permission application in terms of subsection (2).

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(b) The approach document may be reviewed after every three years from the date this Act comes into operation.”;

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(b) by the insertion after subsection (6) of the following subsection:

“(6A) If an existing permission lapses as a result of a delay in the issuance of a new permission, the tariff of the fifth year of the permission that recently lapsed shall remain applicable until the new permission comes into effect.”;

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(c) by the deletion of subsection (8);

(d) by the substitution in subsection (10) for paragraph (e) of the following paragraph:

“(e) in respect of relevant activities, ensure that the company, after taking into consideration any compensation paid or to be paid to the company by the State in terms of the provisions of this Act or any other law, is able to finance its obligations and has a reasonable prospect of earning a commercial return **[for each financial year]** on capital employed.”; and

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(e) by the substitution in subsection (11) for paragraph (a) of the following paragraph:

“(a) any condition mentioned in subsection (7) in respect of **[the last two financial years of the period of validity of]** a permission mentioned in subsection (2), if the Minister approves such amendment.”;

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**Insertion of sections 12A to 12I in Act 44 of 1993**

7. The following sections are hereby inserted in the principal Act after section 12:

**“Decisions of Committee**

**12A.** (1) Every decision of the Committee shall be in writing and shall be—

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(a) consistent with the Constitution and all applicable laws;

(b) in the interest of the civil aviation industry and the South African economy;

(c) taken in an open, transparent and fair manner and process, in which affected persons have the opportunity to submit their views and present relevant facts and evidence to the Committee;

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(d) based on reasons, facts and evidence that shall be summarised and recorded; and

(e) explained clearly as to its factual and legal basis and the reasons therefor.

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**Onttrekking van Komiteevergaderings**

**11F.** 'n Lid mag nie teenwoordig wees tydens die bespreking of neem van 'n besluit oor, of deelneem aan, enige aangeleentheid voor die Komitee waarin daardie lid of sy of haar gade, lewensmaat, kind of medewerker enige belang het nie.”

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**Wysiging van artikel 12 van Wet 44 van 1993, soos gewysig deur artikel 12 van Wet 2 van 1998**

6. Artikel 12 van die Hoofwet word hierby gewysig—

(a) deur subartikel (2) deur die volgende subartikels te vervang:

“(2) Tensy in hierdie Wet anders bepaal word, moet die maatskappy binne die [eerste drie maande van die derde] laaste maand van die vierde boekjaar van die geldigheidsduur van 'n vergunning wat hy besit, ooreenkomstig die benaderingsdokument by die Komitee aansoek doen om die uitreiking van 'n vergunning.

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(2A) (a) Die Komitee kan riglyne vir die maatskappy ontwikkel, bepaal, uitreik en wysig, bekend as die benaderingsdokument, na oorleg met die tersaaklike en belangstellende belanghebbendes, met inbegrip van die maatskappy, vir die indiening van 'n aansoek om vergunning ingevolge subartikel (2).

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(b) Die benaderingsdokument kan elke drie jaar sedert die inwerking-tredingsdatum van hierdie Wet hersien word.”;

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(b) deur die volgende subartikel na subartikel (6) in te voeg:

“(6A) Indien 'n bestaande vergunning weens 'n vertraging in die uitreiking van 'n nuwe vergunning verstryk, bly die vordering van die vyfde jaar van die vergunning wat onlangs verstryk het, van toepassing totdat die nuwe vergunning in werking tree.”;

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(c) deur subartikel (8) te skrap:

(d) deur in subartikel (10) paragraaf (e) deur die volgende paragraaf te vervang:

“(e) ten opsigte van relevante bedrywighede, te verseker dat die maatskappy, na inagneming van 'n vergoeding wat ingevolge die bepalings van hierdie Wet of 'n ander wet deur die Staat aan die maatskappy betaal is of word of staan te word, in staat is om sy verpligtinge te finansier en 'n redelike vooruitsig het om 'n kommersiële wins [vir elke boekjaar] op kapitaal wat aangewend is, te verdien.”; en

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(e) deur in subartikel (11) paragraaf (a) deur die volgende paragraaf te vervang:

“(a) enige voorwaarde vermeld in subartikel (7) ten opsigte van [die laaste twee boekjare van die geldigheidsduur van] 'n vergunning vermeld in subartikel (2) wysig, indien die Minister sodanige wysiging goedkeur.”;

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**Invoeging van artikels 12A tot 12I in Wet 44 van 1993**

7. Die volgende artikels word hierby na artikel 12 in die Hoofwet ingevoeg:

**“Besluite van Komitee**

**12A.** (1) Elke besluit van die Komitee moet skriftelik wees en moet—

- (a) bestaanbaar met die Grondwet en alle toepaslike wetsbepalings wees;
- (b) in die belang van die burgerlike lugvaartbedryf en die Suid-Afrikaanse ekonomie wees;
- (c) op 'n oop, deursigtige en billike wyse en proses geneem word waarin geraakte persone die geleentheid het om hulle opinies te lug en tersaaklike feite en bewyse aan die Komitee voor te lê;
- (d) op redes, feite en bewyse wat opgesom en aangeteken moet word, gegrond wees; en
- (e) vergesel gaan van 'n verduideliking van die feitlike en regsgrondslag en die redes daarvoor.

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(2) Any decision of the Committee and the reasons therefor shall be available to any affected party, except information that is protected in terms of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013).

### **Establishment of Appeal Committee**

**12B.** (1) There is hereby established an Appeal Committee. 5

(2) The members of the Appeal Committee shall be appointed by the Minister and shall consist of—

- (a) a chairperson;
- (b) a deputy chairperson; and
- (c) three other persons of whom at least two are not employees in terms of the Public Service Act, 1994 (Proclamation 103 of 1994). 10

(3) The Appeal Committee shall be impartial and perform its functions without fear, favour or prejudice.

(4) If the chairperson is for any reason unable to perform his or her functions, the deputy chairperson shall perform them until the chairperson is able to resume his or her functions or, in the event that the chairperson is unable to do so, the Minister shall designate another chairperson. 15

(5) The members of the Appeal Committee shall be appointed on a part-time basis.

(6) A member of the Appeal Committee shall hold office for a period determined by the Minister. 20

(7) The Appeal Committee shall convene as often as the business of the Appeal Committee may require.

### **Appointment and disqualification of members of Appeal Committee**

**12C.** (1) The Minister shall, before appointing the members contemplated in section 12B, by notice in the *Gazette* and through media, call for nominations from members of the public. 25

(2) A member of the Appeal Committee shall be—

- (a) suitably qualified and experienced in the field of law, finance, economics or the civil aviation industry; 30
- (b) collectively broadly representative of the South African society as a whole;
- (c) committed and available to fulfil the role as member of the Appeal Committee; and
- (d) impartial and perform his or her functions without fear, favour or prejudice. 35

(3) A person may not be appointed as, or remain, a member of the Appeal Committee if that person—

- (a) is not a South African citizen and ordinarily resident in the Republic;
- (b) is an unrehabilitated insolvent; or 40
- (c) has at any time been convicted of an offence involving dishonesty, whether in the Republic or elsewhere, and has been sentenced to a term of imprisonment without the option of a fine for any other offence. 45

### **Remuneration of members of Appeal Committee**

**12D.** The members of the Appeal Committee shall receive such remuneration, allowances and benefits as the Minister may determine with the concurrence of the Minister of Finance.

### **Disclosure of interest**

**12E.** (1) A member shall disclose to the Minister— 50

- (a) any interest in any person, firm, association or company engaged in the aviation industry, acquired before or during that member's term of office; and

(2) Enige besluit van die Komitee en die redes daarvoor moet beskikbaar wees vir enige geraakte party, behalwe inligting wat ingevolge die Wet op die Beskerming van Persoonlike Inligting, 2013 (Wet No. 4 van 2013), beskerm word.

### **Instelling van Appèlkomitee**

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**12B.** (1) 'n Appèlkomitee word hierby ingestel.

(2) Die lede van die Appèlkomitee word deur die Minister aangestel en bestaan uit—

- (a) 'n voorsitter;
- (b) 'n ondervoorsitter; en
- (c) drie ander persone, waarvan ten minste twee nie werknemers ingevolge die Staatsdienswet, 1994 (Proklamasie 103 van 1994), is nie.

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(3) Die Appèlkomitee moet onpartydig wees en sy werksaamhede sonder vrees, guns of vooroordeel verrig.

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(4) Indien die voorsitter om enige rede nie sy of haar werksaamhede kan verrig nie, moet die ondervoorsitter dit verrig totdat die voorsitter kan voortgaan met sy of haar werksaamhede of, indien die voorsitter dit nie kan doen nie, moet die Minister 'n ander voorsitter aanwys.

(5) Die lede van die Appèlkomitee word deelyds aangestel.

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(6) 'n Lid van die Appèlkomitee beklee die amp vir 'n tydperk deur die Minister bepaal.

(7) Die Appèlkomitee vergader wanneer die sake van die Appèlkomitee dit nodig maak.

### **Aanstelling en onbevoegdheid van lede van Appèlkomitee**

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**12C.** (1) Die Minister moet, voor aanstelling van die lede in artikel 12B beoog, by kennisgewing in die *Staatskoerant* en in die media, vra vir benoemings deur lede van die publiek.

(2) 'n Lid van die Appèlkomitee moet—

- (a) gepaste kwalifikasies en ervaring in die regte, finansies, ekonomie of die burgerlike lugvaartbedryf hê;
- (b) gesamentlik in die breë verteenwoordigend van die Suid-Afrikaanse samelewing as 'n geheel wees;
- (c) toegewy en beskikbaar wees om die rol as lid van die Appèlkomitee te vervul; en
- (d) onpartydig wees en sy of haar werksaamhede sonder vrees, guns of vooroordeel verrig.

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(3) Iemand mag nie aangestel word as, of aanbly as, 'n lid van die Appèlkomitee nie indien daardie persoon—

- (a) nie 'n Suid-Afrikaanse burger en gewoonlik in die Republiek woonagtig is nie;
- (b) 'n ongerehabiliteerde insolvent is; of
- (c) te eniger tyd skuldig bevind is aan 'n misdryf wat oneerlikheid behels, hetsy in die Republiek of elders, en vir enige ander misdaad tot gevangenisstraf sonder die opsie van 'n boete gevonnissen is.

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### **Besoldiging van lede van Appèlkomitee**

**12D.** Die lede van die Appèlkomitee ontvang vergoeding, toelaes en voordele soos die Minister, met die instemming van die Minister van Finansies, bepaal.

### **Openbaarmaking van belang**

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**12E.** (1) 'n Lid moet aan die Minister openbaar maak—

- (a) enige belang in enige persoon, firma, vereniging of maatskappy betrokke in die lugvaartbedryf, voor of tydens sy of haar ampstermyn verkry; en

(b) if that member's spouse, life partner or child is in the employ of, or acts as a consultant to, or has any relationship with any person, firm, association or company engaged in the aviation industry, or has any pecuniary interest in any such person, firm, association or company, acquired before or during that member's term of office. 5

(2) The administrative functions in connection with the performance of the functions or the exercise of the powers of the Appeal Committee may be done by the officers in the Department, designated for such purpose by the Director-General.

#### **Vacation of office and termination of appointment of members of Appeal Committee** 10

**12F.** (1) A member of the Appeal Committee shall vacate his or her office if that member—

- (a) has been declared by the High Court to be of unsound mind;
- (b) resigns by written notification to the Minister;
- (c) fails to comply with the conditions of his or her appointment efficiently and diligently; or
- (d) becomes disqualified from being a member on any of the grounds referred to in section 12C(3). 15

#### **Appeals** 20

**12G.** (1) The company or a person who has a substantial interest in the decision of the Committee to grant or refuse a written permission in terms of section 12 of this Act or any other decision related to economic regulation, may appeal, in writing, on a prescribed form against such decision to the Appeal Committee. 25

(2) An appeal in terms of subsection (1) must be submitted to the Appeal Committee within 30 days after the date on which the Committee made the decision.

(3) The Appeal Committee may, at any time, permit the company or a person to lodge an appeal after the period of 30 days has expired, if the Appeal Committee is satisfied, after having considered all the relevant circumstances, that good cause is shown by the company or such person for failing to comply with the applicable timeframes. 30

(4) The Appeal Committee shall hear and determine an appeal within 90 days after the appeal has been lodged and inform the appellant of the outcome in writing. 35

#### **Procedure for hearing of appeals**

**12H.** (1) The Appeal Committee shall determine the procedure for the hearing of an appeal.

(2) An appeal shall be heard at the time and place determined by the Appeal Committee. 40

(3) The chairperson shall, at least 14 days before the hearing of an appeal, notify the company and any person who may be affected by the appeal, or who may have an interest in the outcome of the appeal, in writing, of the date, time and place of the appeal. 45

(4) The chairperson may, for the purpose of hearing an appeal—

- (a) summon any person as a witness;
- (b) administer an oath or accept an affirmation from any person called as a witness at the hearing; and
- (c) call any person present at the hearing as a witness and interrogate him or her, and require him or her to produce any book, document or object in his or her possession or custody or under his or her control. 50

(b) indien daardie lid se gade, lewensmaat of kind in diens is van, of as 'n konsultant optree, 'n professionele verbintenis het met, of enige verhouding met enige persoon, firma, vereniging of maatskappy het wat by die lugvaartbedryf betrokke is, of enige geldelike belang het by daardie persoon, firma, vereniging of maatskappy, wat voor of tydens sy of haar ampstermyn aangegaan is. 5

(2) Die administratiewe werksaamhede in verband met die verrigting van die werksaamhede of die uitoefening van die bevoegdhede van die Appèlkomitee, kan deur die beamptes in die Departement vir dié doel deur die Direkteur-generaal aangewys, uitgevoer word. 10

### **Ontruiming van amp en beëindiging van aanstelling van lede van Appèlkomitee**

**12F.** (1) 'n Lid van die Appèlkomitee moet sy of haar amp ontruim indien daardie lid—

- (a) deur die Hooggeregshof verklaar is ontoerekeningsvaatbaar te wees; 15
- (b) by skriftelike kennisgewing aan die Minister bedank;
- (c) versuim om doeltreffend en pligsgetrou aan die voorwaardes van sy of haar aanstelling te voldoen; of
- (d) onbevoeg word om 'n lid te wees op enige van die gronde in artikel 12C(3) bedoel. 20

### **Appèlle**

**12G.** (1) Die maatskappy of 'n persoon wat 'n wesenlike belang het in die Komitee se besluit om 'n skriftelike vergunning ingevolge artikel 12 van hierdie Wet of enige ander besluit wat met ekonomiese regulering verband hou, toe te staan of te weier, kan skriftelik op 'n voorgeskrewe vorm appèl aanteken teen daardie besluit van die Appèlkomitee. 25

(2) 'n Appèl ingevolge subartikel (1) word binne 30 dae vanaf die datum waarop die Komitee die besluit geneem het, aan die Appèlkomitee voorgelê.

(3) Die Appèlkomitee kan te eniger tyd die maatskappy of 'n persoon toelaat om 'n appèl na afloop van die tydperk van 30 dae aan te teken, indien die Appèlkomitee oortuig is, na oorweging van al die tersaaklike omstandighede, dat goeie gronde vir die versuim om aan die toepaslike tydperke te voldoen deur die maatskappy of sodanige persoon aangevoer word. 35

(4) Die Appèlkomitee moet 'n appèl binne 90 dae van indiening van die appèl aanhoor en daaroor beslis en die appellant skriftelik van die uitslag verwittig.

### **Prosedure vir die aanhoor van appèlle**

**12H.** (1) Die Appèlkomitee bepaal die prosedure vir die aanhoor van 'n appèl. 40

(2) 'n Appèl word aangehoor op die tyd en plek deur die Appèlkomitee bepaal.

(3) Die voorsitter moet, ten minste 14 dae voor die aanhoor van 'n appèl, die maatskappy en enigiemand wat deur die appèl geraak kan word, of wat 'n belang by die uitkoms van die appèl kan hê, skriftelik inlig van die datum, tyd en plek van die appèl. 45

(4) Die voorsitter kan, met die doel om 'n appèl aan te hoor—

- (a) enige persoon as 'n getuie roep;
- (b) 'n eed afneem of 'n plegtige verklaring aanvaar van enige persoon wat as 'n getuie by die verhoor geroep is; en 50
- (c) enige persoon by die verhoor teenwoordig as 'n getuie roep om hom of haar te ondervra, en vereis dat hy of sy enige boek, dokument of voorwerp in sy of haar besit of bewaring, of beheer, verstrek.

(5) A summons for the attendance of a witness or for the production of any book, document or object before the Appeal Committee shall be signed by the chairperson and issued in a form determined by the Appeal Committee.

(6) The appellant, as well as the respondent, may be represented by a legal practitioner at the hearing of an appeal. 5

#### Decisions of Appeal Committee

**12I.** (1) The Appeal Committee may, after hearing an appeal—

(a) confirm the decision; 10  
 (b) set aside the decision; or  
 (c) refer the decision back to the Committee to be reconsidered.

(2) The decision of the majority of the members of the Appeal Committee shall be the decision of the Appeal Committee.

(3) The decision of the Appeal Committee shall be in writing, and a copy thereof shall be furnished to the appellant and the respondent within 30 days of the hearing of the appeal, unless the chairperson, in his or her discretion, determines otherwise, after taking into account submissions from the parties in relation to the— 15

(a) complexity of the issues to be decided; 20  
 (b) prolixity of documents to be considered; and  
 (c) importance of the issues to be decided.”.

#### Amendment of section 14 of Act 44 of 1993, as amended by section 15 of Act 2 of 1998

8. Section 14 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: 25

“(1) Any person who **[feels]** is aggrieved by the failure of the company to comply with any provision of section 5(2) or 12(1) or (12), may lodge with the Committee a complaint, in writing, on the prescribed form, which shall be accompanied by proof of the failure.”.

#### Insertion of section 14A in Act 44 of 1993 30

9. The following section is hereby inserted in the principal Act after section 14:

##### “Offences and penalties

**14A.** (1) Any person who wilfully interrupts the proceedings of the Appeal Committee or who wilfully hinders or obstructs the Appeal Committee in the performance of its functions, shall be guilty of an offence and liable on conviction to a fine or to imprisonment not exceeding five years or to both a fine and such imprisonment. 35

(2) Any person who—  
 (a) is summoned to appear before the Appeal Committee to give evidence or to produce any book, document or object before the Appeal Committee and who, without sufficient cause, fails or refuses to— 40

(i) attend the proceedings at the time and place specified in the summons, or to remain in attendance until the conclusion of the appeal; 45

(ii) remain in attendance until he or she is excused by the chairperson of the Appeal Committee from further attendance; or

(iii) be sworn in or to make an affirmation as a witness after he or she has been required by the chairperson of the Appeal Committee to do so; or 50

(b) having been sworn in or having made an affirmation, fails to answer fully and satisfactorily any question lawfully put to him or her, or fails to produce any book, document or object in his or her possession or custody or under his or her control, which he or she has been summoned to produce, 55

(5) 'n Dagvaarding vir die bywoning van 'n getuie of vir die verstrekking van enige boek, dokument of voorwerp voor die Appèlkomitee word onderteken deur die voorsitter en uitgereik in 'n vorm deur die Appèlkomitee bepaal.

(6) Die appellant, asook die respondent, kan by die aanhoor van 'n appèl deur 'n regspraktisyn verteenwoordig word. 5

### Besluite van appèlkomitee

**12I.** (1) Die Appèlkomitee kan, na aanhoor van 'n appèl—

(a) die besluit bevestig; 10  
(b) die besluit tersyde stel; of  
(c) die besluit na die Komitee terugverwys vir heroorweging.

(2) Die besluit van die meerderheid van die Appèlkomitee se lede is die besluit van die Appèlkomitee.

(3) Die besluit van die Appèlkomitee moet op skrif wees, en 'n afskrif daarvan moet binne 30 dae vanaf die aanhoor van die appèl aan die appellant en die respondent voorsien word, tensy die voorsitter, in sy of haar diskresie, anders bepaal, na inagneming van voorleggings van partye in verband met die— 15

(a) kompleksiteit van die kwessies waaroor beslis moet word; 20  
(b) breedsprakigheid van dokumente wat oorweeg moet word; en  
(c) gewigtigheid van die kwessies waaroor besluit moet word.”.

### Wysiging van artikel 14 van Wet 44 van 1993, soos gewysig deur artikel 15 van Wet 2 van 1998

8. Artikel 14 van die Hoofwet word hierby gewysig deur die vervanging van subartikel (1) deur die volgende subartikel: 25

“(1) Iemand wat [hom] veronreg [voel] is deur die maatskappy se versuim om aan enige bepaling van artikel 5(2) of 12(1) of (12) te voldoen, kan by die Komitee 'n skriftelike klagte op die voorgeskrewe vorm indien, wat vergesel moet gaan van bewys van die versuim.”.

### Invoeging van artikel 14A in Wet 44 van 1993 30

9. Die volgende artikel word hierby na artikel 14 in die Hoofwet ingevoeg:

#### “Misdrywe en strawwe

**14A.** (1) Iemand wat die verrigtinge van die Appèlkomitee opsetlik onderbreek of die Appèlkomitee opsetlik hinder of dwarsboom in die verrigtinge van die Appèlkomitee se werksaamhede, is skuldig aan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf van hoogstens vyf jaar of met beide 'n boete en sodanige gevangenisstraf. 35

(2) Iemand wat—

(a) gedagvaar word om voor die Appèlkomitee te verskyn om getuienis te lewer of om enige boek, dokument of voorwerp aan die Appèlkomitee te verstrek en wat, sonder voldoende gronde, versuim of weier om— 40

(i) die verrigtinge by te woon teen die tyd en op die plek in die dagvaarding gespesifiseer, of om daar te bly totdat die appèl afgehandel is; 45

(ii) teenwoordig te bly tot hy of sy deur die voorsitter van die Appèlkomitee van verdere bywoning verskoon word; of

(iii) ingesweer te word of om 'n plegtige verklaring af te lê as 'n getuie nadat die voorsitter van die Appèlkomitee dit van hom of haar vereis het; of 50

(b) nadat hy of sy ingesweer is of 'n plegtige verklaring afgelê het, versuim om enige vraag wat regtens aan hom of haar gestel word, ten volle en bevredigend te antwoord of versuim om enige boek, dokument of voorwerp in sy of haar besit of bewaring of onder sy of haar beheer, te verstrek, wat hy of sy gedagvaar is om te verstrek, 55

shall be guilty of an offence and liable on conviction to a fine or to imprisonment not exceeding five years, or to both a fine and such imprisonment.

(3) Any person who, after having been sworn in or having made an affirmation, gives false evidence before the Appeal Committee on any matter, knowing such evidence to be false or not knowing or believing it to be true, shall be guilty of an offence and liable on conviction to a fine or to imprisonment not exceeding five years, or to both a fine and such imprisonment.”.

**Amendment of section 15 of Act 44 of 1993, as amended by section 16 of Act 2 of 1998**

10. Section 15 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“The Minister may, by notice in the *Gazette*, make regulations—”;

(b) by the insertion in subsection (1), after paragraph (cB), of the following paragraphs:

“(cC) after consultation with the Committee, regarding any matter related to economic regulation;

(cD) after consultation with the Committee, regarding procedures to be followed by the Committee to enforce compliance by the company;

(cE) after consultation with the Committee, regarding the manner and form to be used to lodge a complaint with the Committee against the company for failing to comply with any provision of section 5(2), 12(1) or (12);

(cF) regarding the manner and form to be used to lodge an appeal with the Appeal Committee against the decision of the Committee to grant or refuse a written permission in terms of section 12 or any other decision related to economic regulation;”;

(c) by the substitution for subsection (2) of the following subsection:

“(2) A regulation under subsection (1) may, for any contravention thereof or failure to comply therewith, prescribe a penalty of a fine or imprisonment for a period not exceeding [six months] five years or of both a fine and such imprisonment.”.

**Amendment of long title of Act 44 of 1993**

11. The long title of the principal Act is hereby substituted for the following long title:

**“To provide for the establishment of a [public] company and the transfer of the State’s shares in the company; to regulate certain activities at company airports; to provide for the appointment and disqualification of members of the Committee; to provide for the vacation of office of members of the Committee; to provide for the meetings of the Committee; to provide for the establishment of the Appeal Committee; to provide for the appointment and disqualification of members of the Appeal Committee; to provide for the vacation of office of members of the Appeal Committee; to provide for offences and penalties; and to provide for matters connected therewith.”.**

**Substitution of certain citations and expressions in Act 44 of 1993**

12. The principal Act is hereby amended—

(a) by the substitution for the citation “Maintenance and Promotion of Competition Act, 1979 (Act No. 96 of 1979)”, wherever it occurs, of the citation “Competition Act, 1998 (Act No. 89 of 1998)”;

is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf van hoogstens vyf jaar, of met beide 'n boete en sodanige gevangenisstraf.

(3) Iemand wat, nadat hy of sy ingesweer is of 'n plegtige verklaring gemaak het, valse getuienis oor enige aangeleentheid voor die Appèlkomitee gee, wetende dat daardie getuienis vals is of nie weet of sonder wete of oortuiging dat dit waar is, is skuldig aan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf van hoogstens vyf jaar, of met beide 'n boete en sodanige gevangenisstraf.”

#### Wysiging van artikel 15 van Wet 44 van 1993, soos gewysig deur artikel 16 van Wet 2 van 1998

10. Artikel 15 van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
- “Die Minister kan, by kennisgewing in die *Staatskoerant*, regulasies uitvaardig—”;
- (b) deur in subartikel (1) die volgende paragrawe na paragraaf (cB) in te voeg:
- “(cC) na oorleg met die Komitee, rakende enige aangeleentheid wat met ekonomiese regulasie verband hou;
- (cD) na oorleg met die Komitee, aangaande prosedures wat die Komitee moet volg om nakoming deur die maatskappy af te dwing;
- (cE) na oorleg met die Komitee, aangaande die wyse en vorm vir die indiening van 'n klagte by die Komitee teen die maatskappy vir versuim om aan enige bepaling van artikel 5(2), 12(1) of (12) te voldoen;
- (cF) aangaande die wyse en vorm wat gebruik moet word om 'n appèl by die Appèlkomitee aan te teken teen die besluit van die Komitee om 'n skriftelike vergunning ingevolge artikel 12 toe te staan of te weier of enige ander besluit wat met ekonomiese regulasie verband hou;” en
- (c) deur subartikel (2) deur die volgende subartikel te vervang:
- “(2) 'n Regulasie kragtens subartikel (1) kan vir 'n oortreding daarvan of versuim om daaraan te voldoen 'n straf voorskryf van 'n boete of gevangenisstraf vir 'n tydperk van hoogstens [ses maande] vyf jaar, of van 'n boete sowel as sodanige gevangenisstraf.”

#### Wysiging van lang titel van Wet 44 van 1993

11. Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang:

“Om voorsiening te maak vir die oprigting van 'n [publieke] maatskappy en die oordrag van die Staat se aandele in die maatskappy; om sekere bedrywighede by maatskappylughawens te reguleer; vir die aanstelling en onbevoegdheid van lede van die Komitee voorsiening te maak; vir ampsontruiming deur lede van die Komitee voorsiening te maak; vir die vergaderings van die Komitee voorsiening te maak; vir die instelling van die Appèlkomitee voorsiening te maak; vir die aanstelling en onbevoegdheid van lede van die Appèlkomitee voorsiening te maak; vir ampsontruiming deur lede van die Appèlkomitee voorsiening te maak; vir misdrywe en strawwe voorsiening te maak; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.”

#### Vervanging van sekere aanhalings en uitdrukings in Wet 44 van 1993

12. Die Hoofwet word hierby gewysig—

- (a) deur die aanhaling “Wet op die Handhawing en Bevordering van Mededinging, 1979 (Wet No. 96 van 1979)”, waar dit ook al voorkom, te vervang deur die aanhaling “Wet op Mededinging, 1998 (Wet No. 89 van 1998)”;;

- (b) by the substitution for the expression “Minister of Safety and Security”, wherever it occurs, of the expression “Minister responsible for Police”; and
- (c) by the substitution for the expression “Minister of Finance”, wherever it occurs, of the expression “Minister responsible for Finance”.

**Short title and commencement**

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**13.** This Act is called the Airports Company Amendment Act, 2020, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.

- (b) deur die uitdrukking “Minister van Veiligheid en Sekuriteit”, waar dit ook al voorkom, te vervang deur die uitdrukking “Minister verantwoordelik vir Polisie”; en
- (c) deur die uitdrukking “Minister van Finansies”, waar dit ook al voorkom, te vervang deur die uitdrukking “Minister verantwoordelik vir Finansies”. 5

**Kort titel en inwerkingtreding**

13. Hierdie Wet heet die Wysigingswet op die Lughawensmaatskappy, 2020, en tree in werking op ’n datum deur die President by proklamasie in die *Staatskoerant* vasgestel.