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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF ENVIRONMENT, FORESTRY AND FISHERIES

NO. 927

26 AUGUST 2020

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

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby give notice of my intention to make Regulations regarding fees for the provision of Aviation Meteorological Services, under section 28(1)(b), read with sections 4(2)(e) and 21(1)(b) of the South African Weather Service Act, 2001 (Act No. 8 of 2001), set out in the Schedule hereto.

The Notice published for comment under Government Notice No. 764 in Government Gazette No. 43522, on 13 July 2020, is hereby replaced by the Notice as set out in the Schedule hereto.

Members of the public are invited to submit to the Minister, within 30 (thirty) days after the publication of this notice in the Government Gazette, written comments or inputs to the following address:

By post to: The Director-General: Environment, Forestry and Fisheries
Attention: Mr Phathutshedzo Raphalalani
Department of Environment, Forestry and Fisheries
Private Bag X447
PRETORIA
0001

By hand: Ground Floor (Reception), 473 Environment House, c/o Steve Biko and Soutpansberg Street, Arcadia, Pretoria, 0001

Please note that anyone entering the Department's building will be subjected to COVID-19 procedures. Due to the COVID 19 pandemic, delivering comments by hand at the Department is being discouraged.

By email: PRaphalalani@environment.gov.za

Comments received after the closing date may not be considered.



BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE

REGULATIONS REGARDING FEES FOR THE PROVISION OF AVIATION METEOROLOGICAL SERVICES

Definitions

1. In these Regulations any word or expression to which a meaning has been assigned in the Act shall have a meaning so assigned, unless the context otherwise indicates—

"the Act" means the South African Weather Services Act, 2001.

Liability to pay fees for provision of aviation meteorological services

2. (1) The Weather Service charges the operator of an aircraft fees for aviation meteorological services contemplated in sections 4(2)(e) and 21(1)(b) of the Act, in respect of a flight undertaken within any flight information region established by the Director for Civil Aviation in terms of the Civil Aviation Act, 2009 (Act No. 13 of 2009).
- (2) The fees contemplated in subregulation (1) are set out in Appendix 1 to 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 contemplated in subregulation (1) are payable within 30 days of receipt of an invoice from the Weather Service.

Information of flights taking place and payment of fees

3. The Weather Service uses all the relevant information provided by the operator of an aircraft to the Air Traffic and Navigation Services Company SOC Limited 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 2(1) for that flight.

General

4. (1) The fees contemplated in regulation 2(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 contemplated in regulation 2(1) are payable in respect of an aircraft engaged in search and rescue operations and coastal patrol flights of the South African Air Force.
- (3) The payment of user charges is hereby suspended for the period 1 April 2020 to 31 March 2021 for both domestic and international airlines.

Repeal of the Regulations regarding Fees for the Provision of Aviation Meteorological Services, 2019

5. The Regulations Regarding Fees for the Provision of Aviation Meteorological Services, 2019, published under Government Notice No. 1526. in Government Gazette No. 42855 of 25 November 2019, are hereby repealed.

Short title and commencement

6. These Regulations are called the Regulations Regarding Fees for the Provision of Aviation Meteorological Services, 2020, and takes effect on the date of publication in the *Gazette*.

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:

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

Where T = Tariff amount in ZAR

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

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

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

1 April 2020 – 31 March 2021:	R55.74
1 April 2021 – 31 March 2022:	R63.80
1 April 2022 – 31 March 2023:	R66.75

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.

