

REPUBLIC OF SOUTH AFRICA

SOUTH AFRICAN CIVIL AVIATION AUTHORITY LEVIES BILL

(As introduced in the National Assembly)

(MINISTER OF FINANCE)

[B 52—98]

REPUBLIEK VAN SUID-AFRIKA

WETSONTWERP OP HEFFINGS VAN DIE SUID-AFRIKAANSE BURGERLIKE LUGVAARTOWERHEID

(Soos ingedien in die Nasionale Vergadering)

(MINISTER VAN FINANSIES)

[W 52—98]

ISBN 0 621 27677 4

BILL

To provide for the imposition of levies by the South African Civil Aviation Authority; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Definitions

1. In this Act, unless the context indicates otherwise—
 - (i) “Authority” means the South African Civil Aviation Authority established by section 2(1) of the South African Civil Aviation Authority Act, 1998; 5
 - (ii) “levy” means an amount payable at intervals or at specified times by participants in civil aviation, as defined in section 1 of the South African Civil Aviation Authority Act, 1998, on one or more or all of the following criteria, namely—
 - (a) category of aviation service; 10
 - (b) category of participant;
 - (c) nature of aviation service;
 - (d) frequency of utilisation of aviation services provided by the authorities; and 15
 - (e) nationality of or country of registration of participant;
 - (iii) “Minister” means the Minister of Transport in the national sphere of government; and
 - (iv) “participant” means any person who directly or indirectly renders services to the aviation industry or aviation in general or who makes use of such services. 20

Levies

2. (1) The Authority may make determinations subject to subsections (2), (5) and (6)—
 - (a) imposing levies on participants and specifying the persons by whom, and the times when, such levies are payable; and 25
 - (b) fixing penalties for the purposes of subsection (7).
- (2) The Authority must give the Minister notice in writing of a proposed determination before making a determination in terms of subsection (1)—
 - (a) specifying the day from which the determination is intended to operate;
 - (b) if it imposes a levy or fixes a penalty, specifying the basis of such levy or penalty; and 30
 - (c) if it varies a levy or penalty, specifying the reason for the variation.
- (3) The Minister, acting in consultation with the Minister of Finance in the national sphere of government, must within a period of 60 days after receiving a notice contemplated in subsection (2), in writing give the Authority notice approving or not approving the proposed determination, and in the case of not approving that determination, also give reasons for his or her decision. 35
- (4) A notice by the Minister contemplated in subsection (3) disapproving a proposed determination may recommend an alternative determination.
- (5) The Authority may make a determination under subsection (1) only—
 - (a) after the Minister has approved that determination; or 40

(b) if the Minister has failed to give notice to the Authority within 60 days as contemplated in subsection (3).

(6) A determination made in terms of subsection (1) must be published in the *Gazette* at least 30 days before the commencement of that determination.

(7) The power to make a determination in terms of subsection (1) includes the power to amend or withdraw a determination. 5

Penalties

3. (1) Subject to subsection (2), where a levy imposed under section 2(1) is not paid within the period determined by the Authority, being a period beginning on the day on which the levy became due and payable, the person liable for the payment of the levy is liable to pay to the Authority, in addition to the levy, a penalty calculated upon the unpaid amount of the levy from the date on which the levy became due and payable, and compounded. 10

(2) The penalties fixed under subsection (1) may not exceed an amount equivalent to the percentage prescribed by regulation in terms of section 23 of the South African Civil Aviation Authority Act, 1998, of the unpaid amount of the levy for each day during which it remains unpaid, calculated from the date on which the levy became due and payable, and compounded. 15

(3) Levies and penalties may be recovered as debts due to the Authority.

Short title and commencement

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4. This Act is called the South African Civil Aviation Authority Levies Act, 1998, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.

**MEMORANDUM ON THE OBJECTS OF THE SOUTH AFRICAN
CIVIL AVIATION AUTHORITY LEVIES BILL, 1998**

The South African Civil Aviation Authority Bill, 1998, provides for the establishment of the Civil Aviation Authority as a public company.

The South African Civil Aviation Authority Levies Bill, 1998, provides that the Authority may impose levies on participants in the aviation industry and aviation in general. Costs incurred by the Authority will be deferred *inter alia* from the funds collected by way of these levies.

The Bill provides for the Ministers of Transport and of Finance to be consulted in respect of the determination of the levies. Clause 3 provides for penalties in respect of unpaid levies.

This Bill should in the opinion of the Department of Transport and the State Law Advisers be dealt with in accordance with section 77 of the Constitution of the Republic of South Africa, 1996.