

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
SOUTH AFRICAN CIVIL AVIA-
TION AUTHORITY BILL**

[B 55—98]

(As agreed to by the Portfolio Committee on Transport (National Assembly))

[B 55A—98]

REPUBLIEK VAN SUID-AFRIKA

**PORTEFEULJEKOMITEE-AMENDEMENTE
OP
WETSONTWERP OP DIE SUID-
AFRIKAANSE BURGERLIKE
LUGVAARTOWERHEID**

[W 55—98]

(Soos goedgekeur deur die Portefeuljekomitee oor Vervoer (Nasionale Vergadering))

[W 55A—98]

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AMENDMENTS AGREED TO

SOUTH AFRICAN CIVIL AVIATION AUTHORITY BILL [B 55—98]

CLAUSE 2

1. In the English text, on page 4, in line 43, after “Aviation” to insert “Authority”.

CLAUSE 5

1. On page 6, after line 35, to insert the following paragraph:

(d) the principles to be followed at the end of a financial year in respect of any surplus in the accounts of the Authority; and

CLAUSE 6

1. On page 6, in line 51, to omit “orders” and to substitute “order”.

CLAUSE 9

1. On page 10, in line 40, to omit “strictly”.

CLAUSE 14

1. On page 16, from line 1, to omit paragraph (g) and to substitute:

(g) any other money received in terms of the South African Civil Aviation Authority Levies Act, 1998, or in terms of or for the purposes of this Act or any other civil aviation legislation, including the income derived from the fees contemplated in section 22(1)(l) of the Aviation Act, 1962;

(h) prescribed levies on the supply of aircraft fuel; and
2. On page 16, in line 8, to omit “must” and to substitute “may”.
3. On page 16, in line 10, to omit “law” and to substitute “legislation”.

SCHEDULE 1

1. On page 24, after “SCHEDULE 1” to insert:

LAWS IN RESPECT OF WHICH THE ADMINISTRATION IS TRANSFERRED AND AMENDMENTS THEREOF (Section 4(2))

2. On page 24, to omit paragraphs (c) and (d) of item 1 and to substitute:
 - (c) by the insertion of the definition of “authorised person” after the definition of “authorised officer”:

“ ‘authorised person’ means an authorised person designated in terms of section 5(4);”;
 - (d) by the substitution for the definition of “inspector” of the following definition:

“ ‘inspector’ means a person designated in terms of section 5(4);”.
3. On page 24, to omit item 2 and to substitute:

2. The substitution for section 5 of the following section:

“Appointment of Commissioner and designation and powers of certain officers

5. (1) The Minister shall appoint an employee of the Authority as Commissioner for Civil Aviation.

(2) The Commissioner shall not, in respect of the functions performed by him or her as Commissioner, be paid any remuneration in addition to his or her remuneration as an employee of the Authority, nor shall he or she be paid any allowance in respect of subsistence and transport at a rate higher than that applicable to him or her as such an employee.

(3) The Commissioner shall—

(a) hold office on such conditions as the Minister may determine when making the appointment; and

(b) vacate his or her office if—

(i) he or she resigns by notice in writing addressed to the Minister;

(ii) the Minister removes him or her from office because he or she has in the opinion of the Minister failed to comply with any condition of his or her appointment, been guilty of improper conduct or neglected his or her duties as Commissioner or is unable to perform his or her duties as Commissioner.

(4) The Commissioner may designate one or more—

(a) persons in the service of the Authority as inspectors or authorised officers; and

(b) persons who are not in the service of the Authority as inspectors or authorised persons.

whose qualifications, powers and duties shall be as prescribed.

(5) For purposes of monitoring compliance with any legislation administered by the Authority, a person referred to in subsection (4) may enter into any aircraft or premises, search any such aircraft or premises, examine any object, make copies of or take extracts from any book or document or seize anything.

(6) For purposes of gathering evidence with the view to prosecuting any person for a contravention of any legislation administered by the Authority, a person referred to in subsection (4) shall not exercise any power to enter any aircraft or premises, search any aircraft or premises, examine any object, make copies of or take extracts from any book or document, or seize anything unless such person has obtained a warrant permitting any such action from a judge of the High Court or a

magistrate who has jurisdiction in the area where the aircraft or premises are situated, and such warrant shall only be issued if it appears from information on oath that there are reasonable grounds for believing that an article or thing is upon or in such aircraft or premises, and should specify which of the acts mentioned in this subsection may be performed thereunder by the person to whom it is issued.

(7) A warrant contemplated in subsection (6) shall only be issued if it appears to the judge or magistrate from information on oath that there are reasonable grounds for believing that an exercise of a power referred to in that subsection is necessary for the purpose of appropriate and applicable law enforcement.

(8) A warrant may be issued on any day and shall be in force until—

(a) it has been executed;

(b) it is cancelled by the person who issued it, or, if such person is not available, by any person with similar authority; or

(c) the expiry of one month from the date of its issue.

(9) (a) Any person who acts on the authority of a warrant may use such force as may be reasonably necessary to overcome any resistance against the entry and search, including the breaking of any door or window: Provided that such person shall first audibly demand admission and state the purpose for which he or she seeks entry.

(b) The proviso to paragraph (a) shall not apply where the person concerned is on reasonable grounds of the opinion that any object, book or document which is the subject of the search may be destroyed, tampered with or disposed of if the provisions of the said proviso are first complied with.

(10) A warrant issued in terms of this section shall be executed by day unless the person who issued it authorises the execution thereof by night at times which in the circumstances are reasonable.

(11) Any person executing a warrant in terms of this section shall immediately before commencing with the execution—

(a) identify himself or herself to the person in control of the premises, if such person is present, and hand to such person a copy of the warrant or, if such person is not present, affix such copy in a prominent place on the premises; and

(b) supply such person at his or her request with particulars regarding his or her authority to execute such warrant.”.

4. In the English text, on page 28, in paragraph (b) of item 1, to omit “substitution for” and to substitute “insertion after”.

SCHEDULE 2

1. On page 32, after “SCHEDULE 2” to insert:

LAWS AMENDED (Section 24)

2. On page 32, in respect of Act No. 60 of 1993, to omit item 2 and to substitute:

2. The amendment of section 4 by the substitution for paragraph (a) of subsection (1) of the following paragraph:

- “(a) a person designated by the Minister as chairperson;”.