

REPUBLIC OF SOUTH AFRICA

AIRPORTS COMPANY AMENDMENT BILL

(As introduced in the National Assembly as a section 75 Bill; explanatory summary of Bill published in Government Gazette No 21733 of 17 November 2000) (The English text is the official text of the Bill)

(MINISTER OF TRANSPORT)

[B 20—2001]

REPUBLIEK VAN SUID-AFRIKA

WYSIGINGSWETSONTWERP OP DIE LUGHAWENSMAATSKAPPY

(Soos ingedien in die Nasionale Vergadering as 'n artikel 75-wetsontwerp; verduidelikende opsomming van Wetsontwerp in Staatskoerant No 21733 van 17 November 2000 gepubliseer) (Die Afrikaanse teks is die amptelike vertaling van die Wetsontwerp)

(MINISTER VAN VERVOER)

[W 20—2001]

ISBN 0 621 30934 6

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.

BILL

To amend the Airports Company Act, 1993, so as to make new provision for the amendment of the conditions of a permission issued to the Airports Company Limited; and to provide for matters connected therewith.

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

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

1. Section 12 of the Airports Company Act, 1993, is hereby amended by the substitution in subsection (11) for paragraph (a) of the following paragraph: 5

“(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 [**and the company approve**] approves such amendment;”.

Short title and commencement 10

2. This Act is called the Airports Company Amendment Act, 2001, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.

**MEMORANDUM ON THE OBJECTS OF THE AIRPORTS
COMPANY AMENDMENT BILL, 2001**

1. The Airports Company Amendment Bill proposes an amendment to the Airports Company Act, 1993 (Act No. 44 of 1993).

2. Section 12(11)(a) of the Act presently states that the Regulating Committee may, after consultation with the company and other interested parties, amend any condition, mentioned in subsection (7), of the Permission to Levy Airport Charges issued to the Airports Company of South Africa, with the approval of the Minister of Transport *and the company*.

3. The proposed amendment of section 12(11)(a) seeks to remove the anomaly of the Regulating Committee having to consult with the company regarding a proposed change of condition and then having to obtain the *approval* of the company as well as that of the Minister. The effect of the amendment is that, although the Regulating Committee will still have to consult with the company on any proposed changes, it will not have to obtain the company's approval. It will still have to obtain the approval of the Minister for any changes.

4. CONSULTATION

The Regulating Committee was consulted regarding the proposed amendment.

5. IMPLICATIONS FOR PROVINCES

None.

6. FINANCIAL IMPLICATIONS FOR STATE

None.

7. PARLIAMENTARY PROCEDURE

The State Law Advisers and the Department of Transport are of the opinion that the Bill must be dealt with in accordance with the procedure established by section 75 of the Constitution since it contains no provision to which the procedure set out in section 74 or 76 of the Constitution applies.

