
REPUBLIC OF SOUTH AFRICA

**AVIATION LAWS AMENDMENT
ACT**

REPUBLIEK VAN SUID-AFRIKA

**WYSIGINGSWET OP
LUGVAARTWETGEWING**

No , 1997

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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ACT

To amend the Aviation Act, 1962, so as to further define a certain expression; to amend the Air Services Licensing Act, 1990, so as to further define a certain expression; to amend the Convention on the International Recognition of Rights in Aircraft Act, 1993, so as to define the expression “Commissioner for Civil Aviation”; and to substitute that expression for the word “Director-General”, wherever it occurs in the said Act; to amend the International Air Services Act, 1993, so as to extend the period within which the Commissioner for Civil Aviation must publish certain prescribed particulars; and to further regulate the period of validity of a foreign operator’s permit; and to provide for matters connected therewith.

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

Amendment of section 22A of Act 74 of 1962, as substituted by section 5 of Act 98 of 1996

1. Section 22A of the Aviation Act, 1962, is hereby amended by the substitution for subsection (6) of the following subsection: 5

“(6) For the purposes of this section, ‘international aviation standard’ means—

- (a) any international standard or recommended practice or procedure adopted by the International Civil Aviation Organization for the purposes of Article 37 of the Convention; 10
- (b) any standard, rule or requirement prescribed by the law of any other contracting State of the International Civil Aviation Organization; or
- (c) any other technical standard which is contained in a document which in the opinion of the Commissioner is too voluminous to be published in the normal manner.” 15

Amendment of section 1 of Act 115 of 1990, as amended by section 1 of Act 15 of 1992 and section 1 of Act 83 of 1995

2. Section 1 of the Air Services Licensing Act, 1990, is hereby amended by the

substitution for paragraph (d) of the definition of “air service” of the following paragraph:

“(d) any type of training or instruction in respect of flying an aircraft.”.

Amendment of section 1 of Act 59 of 1993

3. Section 1 of the Convention on the International Recognition of Rights in Aircraft Act, 1993, is hereby amended— 5

(a) by the insertion of the following definition before the definition of “Convention”:

“ ‘Commissioner for Civil Aviation’ means the Commissioner as defined in section 1 of the Aviation Act, 1962 (Act No. 74 of 1962);” and 10

(b) by the deletion of the definition of “Director-General”.

Substitution for word “Director-General” of expression “Commissioner for Civil Aviation” in Act 59 of 1993

4. The Convention on the International Recognition of Rights in Aircraft Act, 1993, is hereby amended by the substitution for the word “Director-General”, wherever it occurs, of the expression “Commissioner for Civil Aviation”. 15

Amendment of section 24 of Act 60 of 1993, as amended by section 8 of Act 10 of 1996

5. Section 24 of the International Air Services Act, 1993, is hereby amended by the substitution for subsection (1) of the following subsection: 20

“(1) The Commissioner for Civil Aviation—

(a) shall, within [14] 21 days after the receipt of an application referred to in section 23(1) or (2), make known by notice in the *Gazette* the prescribed particulars in respect of the application concerned, if he or she is of the opinion that that application does not comply with the prescribed requirements referred to in section 25(2)(d); or 25

(b) may, within [14] 21 days after the receipt of an application referred to in section 23(1) or (2), make known by notice in the *Gazette* the prescribed particulars in respect of the application concerned, if he or she is of the opinion that that application does comply with the prescribed requirements referred to in section 25(2)(d).” 30

Amendment of section 26 of Act 60 of 1993

6. Section 26 of the International Air Services Act, 1993, is hereby amended by the substitution for paragraph (i) of the proviso to subsection (2) of the following paragraph:

“(i) be subject to the provisions of an air transport service agreement if such an agreement applies to the permit concerned; [and] or” 35

Short title and commencement

7. This Act shall be called the Aviation Laws Amendment Act, 1997, and shall come into operation on a date fixed by the President by proclamation in the *Gazette*.