

**REPUBLIC OF SOUTH AFRICA**

**PORTFOLIO COMMITTEE AMENDMENTS**

**TO**

**CIVIL AVIATION AMENDMENT BILL**

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**[B44 — 2018]**

(As proposed to the Portfolio Committee on Transport (National Assembly))

**PROPOSED AMENDMENTS TO  
CIVIL AVIATION AMENDMENT BILL  
[B 44—2018]**

**CLAUSE 1**

1. On page 3, from line 17, to omit the definition of “air service” and to substitute the following definition:  
  
“ **‘air service’** means any service operated by means of an aircraft to transport passengers, freight or mail;’.
  
2. On page 3, in line 41, after the first “the”, to insert “Civil Aviation”.

**CLAUSE 8**

1. On page 8, in line 32, after “appointed”, to insert “by the Minister”.
  
2. On page 20, in line 41, after “safety;”, to substitute “and” for “or”.
  
3. On page 22, in line 7, to omit “aerodrone” and to substitute “aerodrome”.

**CLAUSE 13**

1. On page 28, from line 17, to omit paragraph (d) and to substitute the following paragraph:  
  
“(d) by the addition of the following subsections:

(4) The charges, fees and levies contemplated in subsection (1) or any amendment thereto must be published in the Gazette at least four months prior to their coming into operation.

(5) In instances where a person who has collected any money, fee, charge or levy on behalf of the Civil Aviation Authority is liquidated, placed under business rescue or is placed under administration, the Civil Aviation Authority is entitled, as a preferential creditor, to recover any such money, fee, charge or levy so collected by such a person.”.

#### **CLAUSE 28**

1. On page 32, in line 38, to omit “aerodrone” and to substitute “aerodrome”.

#### **CLAUSE 51**

1. On page 38, in line 55, to omit “addtion” and to substitute “addition”.

#### **CLAUSE 60**

1. On page 44, from line 11, to omit paragraph (xx) and to substitute the following paragraph:

“ (xx) legal action that must be taken for any failure by any person to transmit to the Civil Aviation Authority, as prescribed, any money, fees, charges or levies collected on behalf of the Civil Aviation Authority; and”.

## SCHEDULE

1. Schedule rejected.

## NEW SCHEDULE

## LAWS AMENDED

No. and year of Act	Short title	Extent of amendment
Act 36 of 1936	Insolvency Act, 1936	<p>1. Amendment of section 99 by the insertion in subsection (1) after paragraph (f) of the following paragraph:</p> <p><u>“(g) any money, fees, charges or levies which the insolvent has collected on behalf of the South African Civil Aviation Authority in terms of the Civil Aviation Act, 2009 (Act No. 13 of 2009).”</u>.</p>
Act 115 of 1990	Air Services Licensing Act, 1990	<p>1. Amendment of section 1—</p> <p>(a) by the substitution for the word 'Civil Aviation Act, 2008' of the word 'Civil Aviation Act, 2009' wherever it occurs;</p> <p>(b) by the deletion of the definition of 'Director of Civil Aviation'; and</p> <p>(c) by the insertion after the definition of 'authorised person' of the following definition:</p> <p>    " <b>'Commissioner'</b> means the Commissioner as defined in section 1 of the Civil Aviation Act, 2009;"</p> <p>2. The substitution for the word 'Director' of the words</p>

No. and year of Act	Short title	Extent of amendment
		'Commissioner' wherever it occurs in the Act.
Act 59 of 1993	Convention on the International Recognition of Rights in Aircraft Act, 1993	<p><b>1.</b> Amendment of section 1 by—</p> <p>(a) by the deletion of the definition of "Director"; and</p> <p>(b) by the insertion before the definition of 'Commissioner for Civil Aviation' of the following definition:</p> <p style="padding-left: 40px;">" '<b>Commissioner</b>' means the Commissioner as defined in section 1 of the Civil Aviation Act, 2009;"</p> <p><b>2.</b> The substitution for the word "Director" of the word "Commissioner" wherever it occurs in the Act.</p>
Act 60 of 1993	International Air Services Act, 1993	<p><b>1.</b> Amendment of section 1 by—</p> <p>(a) by the deletion of the definition of 'Director'; and</p> <p>(b) by the insertion after the definition of 'chairperson of the council' of the following definition:</p> <p style="padding-left: 40px;">" '<b>Commissioner</b>' means the Commissioner as defined in section 1 of the Civil Aviation Act, 2009;"</p> <p><b>2.</b> The substitution for the word "Director" of the word "Commissioner" wherever it occurs in the Act.</p>
Act 41 of 1998	South African Civil Aviation Authority Levies Act, 1998	<p>Amendment of section 1 by the substitution in the definition of "levy" for the words preceding paragraph (a) of the following words:</p> <p style="padding-left: 40px;">" 'levy' means an amount payable at intervals or at specified times by participants in civil</p>

No. and year of Act	Short title	Extent of amendment
		aviation, as defined in section 1 of the Civil Aviation Act, <b>[2008]</b> <u>2009</u> , on one or more or all of the following criteria, namely—".
Act 4 of 2007	Convention on International Interests in Mobile Equipment Act, 2007	<p><b>1.</b> The substitution for section 3 of the following section</p> <p><b>"Designation of entity</b></p> <p><b>3.</b> In the <b>[South African] Civil Aviation Authority</b>, as defined in section 1 of the <b>[South African Civil Aviation Authority Act, 1988 (Act No. 40 of 1988),]</b> <u>Civil Aviation Authority Act, 2009</u>, is hereby designated in accordance with Article 18 (5) of the Convention as the entry point through which the information required for registration may be transmitted to the International Registry."</p>