

REGULATIONS MADE IN TERMS OF

Air Services Act 51 of 1949

section 22

Civil Air Services Regulations

RSA Government Notice R.449 of 1964

(RSA GG 752)

came into force on date of publication: 26 March 1964

as amended by

RSA Government Notice R.1799 of 1967 **(RSA GG 1889)**

came into force on date of publication: 10 November 1967

Government Notice 224 of 1995 **(GG 1204)**

came into force on date of publication: 1 December 1995

Government Notice 59 of 1998 **(GG 1825)**

came into force on date of publication: 31 March 1998

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**Title and Savings**

**1.** (1) These regulations may be cited as the Civil Air Services Regulations, 1964.

(2) Anything done or deemed to have been done in terms or by virtue of any provision of the Civil Air Services Regulations promulgated in Government Notice No. 427 of 24 February 1950, shall be deemed to have been done in terms or by virtue of the corresponding provisions of these regulations.

**Interpretation of Terms**

**2.** In these regulations the expression “the Act” means the Air Services Act, 1949 (Act No. 51 of 1949), and, unless the context otherwise indicates, any expression used in these regulations to which a meaning has been assigned in the Act, bears the meaning so assigned and -

“aerial work air service” means an air service other than those defined under paragraphs (iii), (iv) and (v) hereof;

“flying club” means a club constituted as a non-profit organization for the sole purpose of furnishing flying training or recreational flying to its own members;

“flying training air service” means an air service whereby flying training of any description is provided by any person other than a flying club;

“non-scheduled air transport service” means an air transport service other than a scheduled air transport service;

“scheduled air transport service” means an air transport service in connexion with which flights are undertaken with such a degree of regularity and frequency that they cannot reasonably be regarded as merely casual or isolated, and are undertaken between points which do not vary from flight to flight or which vary so slightly that each flight can reasonably be regarded as being undertaken between the same localities or traffic areas.

**Classification of Air Services**

**3.** The following classes of air service are hereby established -

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Class | I | - | Scheduled Air Transport Service. |
|  | Class | II | - | Non-scheduled Air Transport Service. |
|  | Class | III | - | Flying Training Air Service. |
|  | Class | IV | - | Aerial Work Air Service. |

**Functions of Secretary to the Commission**

**4.** The secretary to the commission shall -

(a) issue any process required to be issued by or on behalf of the commission and any licence, certificate, document or thing granted or authorized by the commission under the Act or these regulations;

(b) cause to be given or published in the manner and form and containing the particulars prescribed in the Act or these regulations, such notices as may be required by the Act or these regulations to be so given or published;

(c) in writing, inform the applicant and every person who has made respresentations in support of or in opposition to an application of the date, time and place appointed for the hearing of such application.

[The word “representations” is misspelt in the *Government Gazette*, as reproduced above.]

**Manner of Publication of Notices**

**5.** Notice containing the information in the Act or these regulations prescribed, of any application for the grant, renewal, transfer, alteration, modification or amendment of a licence, or the conditions thereof, or for exemption from any provision of the Act or any condition of a licence, shall be published once in the *Gazette*.

**Contents of Certain Notices of Application**

**6.** (1) Notices of application for the transfer of a licence shall include -

(a) the name and address of the holder of the licence and the title under which the air service is operated;

(b) particulars of the licence in respect of which transfer is sought;

(c) the name and address of the person to whom it is proposed to transfer the licence.

(2) Notices of application for the alteration, modification or amendment of a licence or the conditions thereof shall include -

(a) the name and address of the applicant;

(b) the name under which the holder of a licence is conducting the air service;

(c) particulars of the licence and of the alteration, modification, or amendment thereto or the conditions thereof which has been applied for.

(3) Notices of application for exemption from the provisions of the Act or any condition of a licence shall include -

(a) the name and address of the applicant and, if the holder of a licence, particulars of the licence and the name under which the air service is being conducted;

(b) particulars of the provisions of the Act or the condition of a licence from which exemption is applied for.

**Manner and Form of Application**

**7.** (1) Applications for the grant, renewal, transfer, alteration, modification or amendment of a licence or the conditions thereof or for exemption from the provisions of the Act or any condition of a licence shall be made in writing to the Secretary for Transport in the form prescribed in Annex A, B, C, D or E hereto, as the case may be.

(2) Where transfer of a licence has been applied for the proposed transferee shall make an application in the form prescribed in Annex A, as if, he were an applicant for the grant of a licence.

(3) The sworn declarations to be submitted by the holder and the proposed transferee of a licence in terms of subsection (3) of section *fifteen* of the Act shall be in the form prescribed in Annex F hereto.

(4) The original of the application shall be signed by -

(a) the applicant, if an individual;

(b) each partner if the application is on behalf of a partnership.

(c) the officer or officers duly authorized to execute documents on, its behalf if the applicant is a company or organization and a certified true copy of the authorizing resolution shall accompany the, application.

(5) Where an applicant wishes to operate more than one class of air service a separate application shall be submitted in respect’ of each such class of air service;

**Form of Licence**

**8.** A licence or a certificate, of transfer, alteration, modification or amendment of a licence or the conditions thereof shall be in the form prescribed in Annex G, H or I hereto, as the case may be.

**Form of Operating Certificate**

**9.** The operating certificate required to be issued pursuant to the provisions of subsection (1) of section *thirteen* of the Act shall be in the form prescribed in Annex J hereto.

**Form of Summons**

**10.** A summons issued pursuant to the provisions of section *eight* of the Act shall be in the form prescribed in Annex K hereto.

**Fees**

**11.** The following fees shall be payable in respect of -

(a) the issue, transfer or renewal of a licence for an -

(i) aircraft of 5 700kg and over N$4000

(ii) aircraft under 5700kg N$2000

(b) furnishing of reasons in terms of section 3 (3) of the Act N$250

(c) the issue, transfer or renewal of an operating certificate for -

(i) an aircraft of 5700kg and over N$3000

(ii) every additional aircraft of 5700kg and over N$1000

(iii) an aircraft under 5700kg N$2000

(iv) every additional aircraft under 5700kg N$500

(d) furnishing of a copy of a licence or operating certificate N$100

(e) the issue of an amended licence N$600

(f) Where a staff member of the Ministry incurs any additional expenses relating to travel and subsistence in order to provide a person requiring any licence, certificate or other document referred to in paragraph (a), (b), (c), (d) or (e) with such licence, certificate or other document, such person shall be liable for such additional costs, calculated in accordance with paragraph D iii/ii of the Public Service Staff Rules.

[section 11 substituted by RSA GN R.1799/1967, GN 224/1995 and GN 59/1998]

**Insurance**

**12.** (1) The claims of the nature or class against which and the minimum sums or extent to which every licensed air carrier, irrespective of the class of air service provided by him, shall insure and keep insured, shall be -

(a) *passenger liability -* R6,000 per passenger seat for the total number of such, seats authorized by the certificate of airworthiness applicable to the aircraft concerned;

(b) *third party liability -* R20,000 per aircraft of a maximum permissible all-up weight of 10,000 lb. or less and in respect of an aircraft of a maximum permissible all-tip weight in excess of 10,000 lb. this sum shall be increased by R2 for every 1 lb. increase in the maximum permissible all-up weight of the aircraft up to a maximum of 50,000 lb.

(2) For the purpose of paragraph (b) of subregulation (1) the maximum permissible all-up weight” aircraft” an aircraft shall be the maximum permissible all-up weight specified by the certificate of airworthiness applicable to that aircraft.

ANNEXURES

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