INTERNATIONAL AIR SERVICES
REGULATIONS, 1994
<table>
<thead>
<tr>
<th>Amendment No.</th>
<th>Government Notice No.</th>
<th>Government Gazette No.</th>
<th>Date</th>
<th>Date entered</th>
<th>Entered by</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>R.2206</td>
<td>16172</td>
<td>15/12/94</td>
<td>S.I. 13</td>
<td>Digma</td>
</tr>
<tr>
<td>2</td>
<td>R.1743</td>
<td>18577</td>
<td>24/12/97</td>
<td>S.I. 20</td>
<td>Butterworth</td>
</tr>
<tr>
<td>3</td>
<td>R.1742</td>
<td>18577</td>
<td>24/12/97</td>
<td>S.I. 20</td>
<td>Butterworth</td>
</tr>
</tbody>
</table>
# INTERNATIONAL AIR SERVICES REGULATIONS, 1994

## CONTENTS

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Definitions</td>
<td>2107</td>
</tr>
<tr>
<td>2. Classes of international air services</td>
<td>2109</td>
</tr>
<tr>
<td>3. Types of international air services</td>
<td>2109</td>
</tr>
<tr>
<td>4. Categories of aircraft</td>
<td>2111</td>
</tr>
<tr>
<td>5. Insurance</td>
<td>2111</td>
</tr>
<tr>
<td>6. Application for licence</td>
<td>2112</td>
</tr>
<tr>
<td>7. Requirements in respect of aircraft, other than South African aircraft, concerning application for exemption</td>
<td>2113</td>
</tr>
<tr>
<td>8. Contents of notice of issuing or amendment of licence</td>
<td>2113</td>
</tr>
<tr>
<td>9. Application for permit</td>
<td>2114</td>
</tr>
<tr>
<td>10. Requirements in respect of international air service concerning application for permit or amendment thereof</td>
<td>2115</td>
</tr>
<tr>
<td>11. Tour operator’s permit</td>
<td>2116</td>
</tr>
<tr>
<td>12. Period of validity of permit</td>
<td>2117</td>
</tr>
<tr>
<td>13. [Deleted]</td>
<td></td>
</tr>
<tr>
<td>14. Contents of notice of application for licence or amendment thereof</td>
<td>2117</td>
</tr>
<tr>
<td>15. Contents of notice of issuing or amendment of licence</td>
<td>2118</td>
</tr>
<tr>
<td>16. Contents of notice of application for permit or amendment thereof</td>
<td>2119</td>
</tr>
<tr>
<td>17. Contents of notice of issuing or amendment of permit</td>
<td>2119</td>
</tr>
<tr>
<td>18. [Deleted]</td>
<td></td>
</tr>
<tr>
<td>19. Form of temporary licence</td>
<td>2120</td>
</tr>
<tr>
<td>20. Form of licence</td>
<td>2120</td>
</tr>
<tr>
<td>21. Form of permit</td>
<td>2120</td>
</tr>
<tr>
<td>22. [Deleted]</td>
<td></td>
</tr>
<tr>
<td>23. Form of summons</td>
<td>2120</td>
</tr>
<tr>
<td>24. Manner and form of notification</td>
<td>2120</td>
</tr>
<tr>
<td>25. Contents of representations</td>
<td>2121</td>
</tr>
<tr>
<td>26. Furnishing of statistical information</td>
<td>2121</td>
</tr>
<tr>
<td>27. Register of licences</td>
<td>2122</td>
</tr>
<tr>
<td>28. Register of permits</td>
<td>2123</td>
</tr>
<tr>
<td>Regulation</td>
<td></td>
</tr>
<tr>
<td>------------</td>
<td></td>
</tr>
<tr>
<td>29. Register of tour operator's permits</td>
<td>Page</td>
</tr>
<tr>
<td>30. [Deleted]</td>
<td>2123</td>
</tr>
<tr>
<td>31. Fees</td>
<td>2124</td>
</tr>
<tr>
<td>32. Manner of appeal</td>
<td>2125</td>
</tr>
<tr>
<td>33. Manner of complaint</td>
<td>2126</td>
</tr>
<tr>
<td>34. Advertisement</td>
<td>2126</td>
</tr>
<tr>
<td>35. Short title</td>
<td>2126</td>
</tr>
<tr>
<td>Annex A TV 2/295</td>
<td>2127</td>
</tr>
<tr>
<td>Annex B TV 2/296</td>
<td>2127</td>
</tr>
<tr>
<td>Annex C TV 2/297</td>
<td>2133</td>
</tr>
<tr>
<td>Annex D TV 2/298</td>
<td>2137</td>
</tr>
<tr>
<td>Annex E [Deleted]</td>
<td>2143</td>
</tr>
<tr>
<td>Annex F TV 2/300</td>
<td>2150</td>
</tr>
<tr>
<td>Annex G TV 2/301</td>
<td>2152</td>
</tr>
<tr>
<td>Annex H TV 2/302</td>
<td>2154</td>
</tr>
<tr>
<td>Annex I TV 2/303</td>
<td>2156</td>
</tr>
<tr>
<td>Annex J [Deleted]</td>
<td>2158</td>
</tr>
<tr>
<td>Annex K TV 2/305</td>
<td>2159</td>
</tr>
<tr>
<td>Annex L TV 2/306</td>
<td>2161</td>
</tr>
<tr>
<td>Annex M TV 330</td>
<td>2169</td>
</tr>
<tr>
<td>Annex N TV 331</td>
<td>2176</td>
</tr>
<tr>
<td>Annex O TV 332</td>
<td>2181</td>
</tr>
<tr>
<td>Annex P TV 333</td>
<td>2186</td>
</tr>
<tr>
<td>Annex Q TV 334</td>
<td>2207</td>
</tr>
<tr>
<td>Annex R TV 335</td>
<td>2213</td>
</tr>
<tr>
<td>Annex S TV 336</td>
<td>2219</td>
</tr>
<tr>
<td>Annex T TV 337</td>
<td>2225</td>
</tr>
</tbody>
</table>
DEPARTMENT OF TRANSPORT
Government Gazette 15633 of 15 April 1994

No. R. 722 15 April 1994

INTERNATIONAL AIR SERVICES ACT, 1993
(Act No. 60 of 1993)

The Minister of Transport has, under section 43 of the International Air Services Act, 1993 (Act No. 60 of 1993), and after consultation with the International Air Services Council, made the regulations in the Schedule.

□ SCHEDULE

International Air Services Regulations, 1994

1. Definitions
In these regulations, unless the context otherwise indicates —

“aircraft” means an aircraft as defined in section 1 of the Aviation Act, 1962 (Act No. 74 of 1962);

“cargo” includes animals;

“certificate of airworthiness” means a standard category certificate of airworthiness or a special category certificate of airworthiness issued in terms of regulation 21.08.6 of the Civil Aviation Regulations, 1997;

[Insertion of the definition of “certificate of airworthiness” by GNR 1742 of December 1997]

“flight crew member” means a person licensed in terms of Part 61, 63 or 64 of the Civil Aviation Regulations, 1997, and assigned by an operator to duty on an aircraft during flight;

[Insertion of the definition of “flight crew member” by GNR 1742 of December 1997]

“crew member” . . . . .

[Definition of “crew member” deleted by GNR 1742 of December 1997]

“general international air service” means an international air service other than an international public air transport service;
"helicopter" means a heavier-than-air aircraft supported in flight mainly by the reactions of air on one or more power-driven rotors on substantially vertical axes;

[Substitution of the definition of "helicopter" by GNR 1742 of December 1997.]

"inbound flight" means a flight with an aircraft undertaken from an airport in another State or territory to an airport in the Republic;

"inclusive tour" means a tour which is sold as a package consisting of –

(a) the transport of persons by air to and from any destination in the Republic; and

(b) such fixed accommodation and other land arrangements as may be appropriate for such persons in the Republic;

"international public air transport service" means an international air service that has as its main purpose the transport of passengers, cargo or mail;

"maximum certificated mass" means the maximum permissible mass shown in the aircraft flight manual or other document associated with the certificate of airworthiness at which an aircraft may commence its take-off under standard atmospheric conditions at sea level;

[Substitution of the definition of "maximum certificated mass" by GNR 1742 of December 1997.]

"non-scheduled international public air transport service" means an international public air transport service other than a scheduled international public air transport service in connection with which a specific flight or a specific series of flights is undertaken;

"operations manual" . . . . .

[Deletion of the definition of "operations manual" by GNR 1742 of December 1997.]

"outbound flight" means a flight with an aircraft undertaken from an airport in the Republic to an airport in another State or territory;

"passenger" means any person who travels in an aircraft, other than a flight crew member, and includes the baggage of such person;

[Substitution of the definition of "passenger" by GNR 1742 of December 1997.]

"perishable product" means a perishable product as defined in section 1 of the Perishable Products Export Control Act, 1983 (Act No. 9 of 1983);

"region" means one or more countries as determined by the Commissioner for Civil Aviation;

"return flight" means, in relation to an aircraft used by –

(a) a licensee, a flight consisting of an outbound flight and an inbound flight; and
(b) a permit holder, a flight consisting of an inbound flight and an outbound flight; and

"scheduled international public air transport service" means an international public air transport service in connection with which flights are undertaken—

(a) (i) between the same two or more airports; or

(ii) with such a slight variation from the route referred to in subparagraph (i) that each flight can reasonably be regarded as being between the same two or more airports; and

(b) (i) according to a published timetable; or

(ii) with such a degree of regularity and frequency that they constitute a recognisable systematic series in such a manner that each flight is open to use by members of the public;

Continued on page 2109
"seat" means any area in an aircraft designed to be occupied by a passenger, other than the area occupied by the baggage of such passenger;

"the Act" means the International Air Services Act, 1993 (Act No. 60 of 1993);

"visiting aircraft" means an aircraft referred to in section 13(2) of the Act.

2. Classes of international air services

(1) The classes of international air services are:

(a) Class I—scheduled international public air transport service;

(b) Class II—non-scheduled international public air transport service operated by means of an aircraft other than a visiting aircraft referred to in paragraph (d);

(c) Class III—general international air service;

(d) Class IV—non-scheduled international public air transport service operated by means of a visiting aircraft which with regard to nationality is registered in another State as contemplated in section 13(2) of the Act.

(2) An air carrier's licence, which in terms of section 47(1) of the Act shall be deemed to be an international air service licence issued under the Act, shall—

(a) in the case of a Class I air carrier's licence as contemplated in regulation 3 of the Civil Air Services Regulations, 1964, published by Government Notice No. R. 449 of 26 March 1964, be deemed to be a Class I international air service licence;

(b) in the case of a Class II air carrier's licence as contemplated in regulation 3 of the Civil Air Services Regulations, 1964, published by Government Notice No. R. 449 of 26 March 1964, be deemed to be a Class II international air service licence; and

(c) in the case of a Class III and IV air carrier's licence as contemplated in regulation 3 of the Civil Air Services Regulations, 1964, published by Government Notice No. R. 449 of 26 March 1964, be deemed to be a Class III international air service licence.

3. Types of international air services

The types of international air services shall be—

(a) in respect of a Class I licence or permit—

(i) type S1—the transport of passengers, cargo or mail or a combination thereof; and

(ii) type S2—the transport of cargo or mail or both;

(b) in respect of a Class II licence—

(i) type N1—the transport of passengers, cargo or mail or a combination thereof between the Republic and another State or territory for the purpose of carrying such passengers, cargo or mail on a return flight over a route where no scheduled international public air transport service is operated between the Republic and such other State or territory;
(ii) type N2—the transport of passengers between the Republic and another State or territory for the purpose of carrying such passengers as part of an inclusive tour on an inbound flight and an outbound flight over a route where a scheduled international public air transport service is operated between the Republic and such other State or territory;

(iii) type N3—the transport of cargo or mail or both on a return flight between the Republic and another State or territory for the purpose of carrying such cargo or mail on the inbound flight and perishable products produced in the Republic on the outbound flight over a route where a scheduled international public air transport service is operated between the Republic and such other State or territory; and

(iv) type N4—the transport of passengers, cargo or mail or a combination thereof between the Republic and another State or territory for the purpose of carrying such passengers, cargo or mail for purposes other than those referred to in subparagraphs (ii) and (iii) on a return flight over a route where a scheduled international public air transport service is operated between the Republic and such other State or territory;

(c) in respect of a Class III licence or permit—

(i) type G1—acrobatic operations;
(ii) type G2—advertising operations;
(iii) type G3—aerial patrol, observation and survey;
(iv) type G4—aerial photography;
(v) type G5—agricultural spraying, seeding and dusting;*
(vi) type G6—cloud spraying, seeding and dusting;
(vii) type G7—emergency medical services;
(viii) type G8—fire spotting, control and fighting;
(ix) . . . .
[Deletion of sub-reg 3(c)(ix) by GNR 1742 of December 1997.]

(x) type G10—game and livestock selection, culling, counting and herding;
(xi) type G11—parachute dropping operations;
(xii) type G12—semi-acrobatic operations;
(xiii) type G13—spraying, seeding and dusting operations other than for agricultural purposes and clouds;
(xiv) type G14—tug operations;
(xv) type G15—undertaking and winching operations; and
(xvi) type G16—other general international air service operations as specified on the licence or permit; and

(d) in respect of a Class IV permit—

(i) type NV1—the transport of passengers, cargo or mail or a combination thereof between the Republic and another State or territory

* See also Government Notice No. R. 1951 of 22 December 1995 on page 10101.
for the purpose of carrying such passengers, cargo or mail on a return flight over a route where no scheduled international public air transport service is operated between the Republic and such other State or territory;

(ii) type NV2 – the transport of passengers between the Republic and another State or territory for the purpose of carrying such passengers as part of an inclusive tour on an inbound flight and an outbound flight over a route where a scheduled international public air transport service is operated between the Republic and such other State or territory;

(iii) type NV3 – the transport of cargo or mail or both on a return flight between the Republic and another State or territory for the purpose of carrying such cargo or mail on the inbound flight and perishable products produced in the Republic on the outbound flight over a route where a scheduled international public air transport service is operated between the Republic and such other State or territory; and

(iv) type NV4 – the transport of passengers, cargo or mail or a combination thereof between the Republic and another State or territory for the purpose of carrying such passengers, cargo or mail for purposes other than those referred to in subparagraphs (ii) and (iii) on a return flight over a route where a scheduled international public air transport service is operated between the Republic and such other State or territory.

4. Categories of aircraft

The categories of aircraft shall be –

(a) category A1 – any aircraft, excluding a helicopter, with a maximum certificated mass exceeding 20 000 kilograms;

(b) category A2 – any aircraft, excluding a helicopter, with a maximum certificated mass exceeding 5 700 kilograms but not exceeding 20 000 kilograms;

(c) category A3 – any aircraft, excluding a helicopter, with a maximum certificated mass exceeding 2 700 kilograms but not exceeding 5 700 kilograms;

(d) category A4 – any aircraft, excluding a helicopter, with a maximum certificated mass of 2 700 kilograms or less;

(e) category H1 – any multi-engine helicopter; and

(f) category H2 – any single-engine helicopter.

5. Insurance

(1) A licensee shall at all times be insured for the following minimum amount, irrespective of the class of licence held by him:

(a) In respect of passenger liability: R1 000 000 per seat, irrespective of the category of aircraft, for the total number of seats authorised by the certificate of airworthiness applicable to the aircraft concerned; and
(b) in respect of third party liability –

(i) in relation to an aircraft with a maximum certificated mass exceeding 20 000 kilograms: R50 000 000;

(ii) in relation to an aircraft with a maximum certificated mass exceeding 5 700 kilograms but not exceeding 20 000 kilograms: R20 000 000;

(iii) in relation to an aircraft with a maximum certificated mass exceeding 2 700 kilograms but not exceeding 5 700 kilograms: R10 000 000; and

(iv) in relation to an aircraft with a maximum certificated mass of 2 700 kilograms or less: R2 500 000.

(2) The minimum amounts of coverage required for passenger and third party liability may be insured for a combined single limit of insurance per any one occurrence.

(3) Notwithstanding the provisions of subregulations (1) and (2), a licensee who operates an international air service under an air carrier’s licence which shall in terms of section 47 (1) of the Act be deemed to be an international air service licence issued in terms of the Act shall at all times keep himself insured in accordance with the provisions of regulation 12 of the Civil Air Services Regulations, 1964, published by Government Notice No. R. 449 of 25 March 1964, for as long as such licence remains in force.

(4) The council shall advise the Minister every three years on the desirability of revising the minimum amounts referred to in subregulation (1).

6. Application for licence

(1) An application –

(a) for a licence or an amendment thereof contemplated in section 15 (1) and (2) of the Act shall be made in sevenfold on a form prescribed in Annexure A;

(b) for an exemption referred to in section 17 (2) of the Act shall be made in sevenfold on a form prescribed in Annexure B, which form shall accompany the application for a licence.

(2) If an applicant wishes to operate more than one class of international air service he shall make a separate application in respect of each such class.

(3) An application for a licence or an amendment thereof referred to in section 15 (1) and (2) of the Act, respectively, shall be accompanied by —

(a) documents to the satisfaction of the council in support of the manner in which the applicant complies with the requirements referred to in section 17 (5) (b) of the Act;

(b) (i) a plan setting out in detail the manner in which the applicant will ensure that a safe and reliable international air service is operated;

(ii) proof that he is financially capable of operating such international air service and that he complies with all the other requirements referred to in section 17 (6) of the Act; and
(c) a certified true copy of—
(i) the existing licence held by the applicant, where applicable;
(ii) in the case of a company—
(aa) its memorandum and articles of association; and
(bb) the authorising resolution concerned;
(iii) in the case of a close corporation—
(aa) its founding statement; and
(bb) the authorising resolution concerned; and
(iv) in the case of any other applicant, the document referred to in subparagraph (i) and the articles of association or other founding documents and the authorising resolution concerned.

(4) Upon the granting of an amendment to a licence the licensee shall submit the original licence to the council for cancellation, whereupon a new licence shall be issued to him.

(5) Notwithstanding any provision to the contrary in the Regulations, an application by a licensee for a new licence by virtue of an application for an exemption in terms of section 17 (10) of the Act shall—
(a) be made in sevenfold on a form as prescribed in Annexure A, and
(b) contain only those particulars which pertain to the application for an exemption in terms of section 17 (10) of the Act.

(6) Upon the granting of an application referred to in subregulation (5) the licensee shall submit the original licence to the council for cancellation, whereupon a new licence shall be issued to him.

7. Requirements in respect of aircraft, other than South African aircraft, concerning application for exemption

An applicant who wishes to use an aircraft other than a South African aircraft in providing an international air service shall for the purposes of section 17 (10) of the Act satisfy the council that—

(a) an appropriate certificate of airworthiness has been issued in respect of the aircraft concerned in the country in which that aircraft is registered;
(b) the aircraft complies with the registration and identification requirements of the country in which it is registered;
(c) a type certificate has been issued by the Commissioner for Civil Aviation or an appropriate authority in the country in which the aircraft was manufactured; and
(d) the aircraft will be operated and maintained by staff who are in possession of licences or validations which in the opinion of the Commissioner for Civil Aviation comply with the standards prescribed in terms of the Aviation Act, 1982 (Act No. 74 of 1982).

8. Contents of notice of issuing or amendment of licence

A notice to the Minister of the issuing or amendment of a licence referred to in section 17 (13) of the Act shall contain the following particulars:

(a) The full name and surname and the trade name, if any, of the licensee;
(b) the particulars contained in the licence and the conditions, if any, on which the licence was issued or amended;
(c) the current situation with regard to the rules which control the international air services between the Republic and the other State or territory to which the international air service concerned may be operated;

(d) the current situation in respect of the operation of international air services between the Republic and the other State or territory;

(e) in the case where an air transport service agreement has been entered into between the Republic and the other State or territory –

(i) the provisions of such air transport service agreement with regard to —

(aa) the designation of persons to operate the international air service concerned;

(bb) the capacity and frequency of the flights which have been allotted and, if applicable, the extension or curtailment of such capacity and frequency;

(cc) the route which will be served; and

(dd) any other provision which may be important in the application of such issuing or amendment;

(ii) if necessary, recommendations on the need for the amendment of the air transport service agreement as a result of the issuing or amendment of the licence;

(f) in the case where no air transport service agreement has been entered into between the Republic and the other State or territory, recommendations on the need for or desirability of negotiating an air transport service agreement and the proposed terms thereof;

(g) the reason for granting the licence or the amendment thereof;

(h) recommendations on the action to be taken by the Minister as a result of the issuing or amendment of the licence;

(i) recommendations on the conditions under which a designation has been made, if applicable.

9. Application for permit

(1) Unless otherwise described by the Commissioner for Civil Aviation and subject to such conditions as he may determine an application for a permit or an amendment thereof contemplated in section 23 (1) and (2) of the Act shall be made in threefold on a form prescribed in Annexure C.

(2) If an applicant wishes to operate more than one class of international air service, he shall make a separate application in respect of each such class.

(3) Upon the granting of an amendment to a permit, the permit holder shall submit the original permit to the Commissioner for Civil Aviation for cancellation, whereupon a new permit shall be issued to him.

(4) For the purposes of section 25 (2) (b) of the Act, the Commissioner for Civil Aviation may require the applicant to submit the following documents:

(a) (i) A plan setting out in detail the manner in which the applicant will ensure that a safe and reliable international air service is operated;

(ii) proof that he complies with all the other requirements mentioned in section 25 (2) of the Act;

(b) a certified true copy of the existing foreign licence held by the applicant;
(c) a certified true copy of the memorandum and articles of association or any other founding document of the applicant if he is not a natural person;
(d) a valid guarantee, security or insurance policy in respect of the obligations and liabilities of the applicant which may arise from the operation of the international air service concerned;
(e) any other document in support of his ability to operate the international air service concerned.

10. Requirements in respect of international air service concerning application for permit or amendment thereof

(1) In addition to the requirements mentioned in section 25 (2) of the Act, an applicant who applies for a permit or an amendment thereof to operate a Class 1 international air service shall satisfy the Commissioner for Civil Aviation that the international air service concerned will be operated by virtue of the provisions of an air transport service agreement.

(2) In addition to the requirements mentioned in section 25 (2) of the Act, an applicant who applies for a permit or an amendment thereof to operate a Class IV international air service shall satisfy the Commissioner for Civil Aviation that –

(a) he will not take on any passengers, cargo or mail at any point in the Republic for discharge at any other point in the Republic, except those passengers who or that cargo or mail which he originally brought into the Republic;
(b) he will furnish the Commissioner for Civil Aviation with any statistical information which may be requested by the Commissioner for Civil Aviation, within 30 days after the date on which such information was requested;
(c) in the case of an application to operate a type NV2 international air service –
   (i) he has sufficient and appropriate experience in the operation of such international air service;
   (ii) the necessary arrangements have been made so that the specific flights which will be undertaken in the operation of the international air service can be accommodated at the terminal airport in the Republic at the time of arrival and departure;
   (iii) he will transport only passengers who are part of an inclusive tour, unless the Commissioner for Civil Aviation, on such conditions as he may determine, authorises the transport of other passengers on the first inbound flight and the last outbound flight of the series of return flights. Provided that the Commissioner for Civil Aviation may only authorise the transport of such other passengers on such flights if such series consists of at least four return flights;
(d) in the case of an application to operate a type NV3 international air service –
   (i) at least 90 per cent of the load capacity of the aircraft to be used in operating such international air service will be utilised for the transport of perishable products on the outbound flight; and
(ii) such international air service is in the opinion of the Perishable Products Export Control Board established in terms of section 2 of the Perishable Products Export Control Act, 1983 (Act No. 9 of 1983), necessary in the interests of the producers of perishable products;

(e) in the case of an application to operate a type NV4 international air service—

(i) such international air service will not cause unreasonable economic overlapping with a Class I international air service operated between the Republic and another State or territory contemplated in regulation 3 (d) (iv);

(ii) such international air service will satisfy the reasonable needs of the potential users of that international air service; and

(iii) such international air service will benefit the Republic as far as trade or tourism between the Republic and that other State or territory is concerned.

(3) For the purposes of considering an application to operate a type NV2 international air service, the Commissioner for Civil Aviation shall determine the ratio between the total number of type NV2 international air service flights inbound from a specific region and the total number of Class 1 international air service flights inbound from the same region during a specific period.

11. Tour operator’s permit

(1) A person who wishes to operate an inclusive tour where a type N2 or a type NV2 international air service forms part of such inclusive tour shall be in possession of a tour operator’s permit.

(2) An application for a tour operator’s permit shall be made on a form prescribed in Annexure D.

(3) An applicant who applies for a tour operator’s permit shall satisfy the Commissioner for Civil Aviation that—

(a) the required accommodation and other land arrangements in respect of his tour group have been made;

(b) the quality of such international air service and the accommodation and other land arrangements that are to be provided to the tour group are satisfactory in the opinion of the South African Tourism Board established by section 2 of the Tourism Act, 1983 (Act No. 72 of 1993);

(c) he is insured against any claims which may arise against him in respect of the inclusive tour; and

(d) he is to the satisfaction of the Commissioner for Civil Aviation in possession of securities or other arrangements made for the return flight.

(4) For the purposes of considering an application for a tour operator’s permit, the Commissioner for Civil Aviation shall take into consideration the previous experience and reputation of the applicant regarding the provision of such service.
(5) A tour operator's permit shall be issued by the Commissioner for Civil Aviation on a form prescribed in Annexure I.

(6) A tour operator's permit shall be valid for—

(a) the period determined by the Commissioner for Civil Aviation, which period shall not exceed 12 months; and

(b) a specified number of return flights determined by the Commissioner for Civil Aviation, which number shall not exceed 52.

12. Period of validity of permit

A permit to operate a Class IV international air service shall not—

(a) in respect of the period for which the permit was issued—

(i) in the case of a permit to operate a type NV2 international air service, exceed 12 months; or

(ii) in the case of a permit to operate any other type of a Class IV international air service, exceed 6 months; and

(b) in respect of the specified number of return flights for which the permit was issued—

(i) in the case of a permit to operate a type NV2 international air service, exceed 52 return flights; or

(ii) in the case of a permit to operate any other type of a Class IV international air service, exceed 26 return flights.

13. ……..

[Reg 13 withdrawn by GNR 1742 of December 1997.]

14. Contents of notice of application for licence or amendment thereof

(1) A notice under section 16 (1) of the Act of an application for a licence shall contain the following particulars:

(a) The full name and surname and the trade name, if any, of the applicant;

(b) the full business or residential address of the applicant;

(c) the class of licence applied for;

(d) the type of international air service to which the application pertains;

(e) the category or kind of aircraft to which the application pertains;

(f) the airport from and the airport to which flights will be undertaken;

(g) the area to be served, if applicable; and

(h) the frequency of flights, if applicable, in respect of which application is being made.

(2) A notice under section 16 (1) of the Act of an application for an amendment to a licence shall contain the following particulars:

(a) The full name and surname and the trade name, if any, of the applicant;

(b) the full business or residential address of the applicant;
(c) the class of licence in respect of which the amendment is being sought;
(d) the type of international air service and amendment thereto for which application is being made;
(e) the category or kind of aircraft and amendment thereto for which application is being made;
(f) the airport from and the airport to which flights are undertaken and the amendment thereto for which application is being made;
(g) the area to be served, if applicable;
(h) the frequency of flights, if applicable, and the amendment thereto for which application is being made; and
(i) the condition and the amendment thereto for which application is being made.

15. Contents of notice of issuing or amendment of licence

(1) A notice under section 17(12) of the Act of the issuing of a licence shall contain the following particulars:

(a) The class and number of the licence which was issued;
(b) the full name and surname and the trade name, if any, of the licensee;
(c) the type of international air service in respect of which the licence was issued;
(d) the category or kind of aircraft in respect of which the licence was issued;
(e) the airport from and the airport to which flights are undertaken;
(f) the area to be served, if applicable;
(g) the frequency of flights, if applicable, in respect of which the licence was issued; and
(h) the conditions under which the licence was issued.

(2) A notice under section 17(12) of the Act of an amendment to a licence shall contain the following particulars:

(a) The class and number of the licence in respect of which the amendment was made;
(b) the full name and surname and the trade name, if any, of the licensee;
(c) the type of international air service in respect of which the amendment was made;
(d) the category or kind of aircraft in respect of which the amendment was made;
(e) the airport in respect of which the amendment was made;
(f) the area to be served, if applicable;
(g) the frequency of flights, if applicable, in respect of which the amendment was made; and
(h) the conditions under which the amendment was made.
16. Contents of notice of application for permit or amendment thereof

(1) A notice under section 24 (1) of the Act of an application for a permit shall contain the following particulars:

(a) The full name and surname and the trade name, if any, of the applicant;
(b) the full business or residential address of the applicant;
(c) the class of permit applied for;
(d) the type of international air service to which the applicant pertains;
(e) the category or kind of aircraft to which the application pertains;
(f) the airport from and the airport to which flights will be undertaken; and
(g) the frequency of flights, if applicable, in respect of which application is being made.

(2) A notice under section 24 (1) of the Act of an application for an amendment to a permit shall contain the following particulars:

(a) the full name and surname and the trade name, if any, of the applicant;
(b) the full business or residential address of the applicant;
(c) the class of permit in respect of which the amendment is being sought;
(d) the type of international air service and amendment thereto for which application is being made;
(e) the category or kind of aircraft and amendment thereto for which application is being made;
(f) the airport from and the airport to which flights are undertaken and the amendment thereto for which application is being made;
(g) the frequency of flights, if applicable, and the amendment thereto for which application is being made; and
(h) the condition and the amendment thereto for which application is being made.

17. Contents of notice of issuing or amendment of permit

(1) A notice under section 25 (5) of the Act of the issuing of a permit shall contain the following particulars:

(a) The class and number of the permit which was issued;
(b) the full name and surname and the trade name, if any, of the permit holder;
(c) the type of international air service in respect of which the permit was issued;
(d) the category or kind of aircraft in respect of which the permit was issued;
(e) the airport from and the airport in respect of which the permit was issued;
(f) the frequency of flights, if applicable, in respect of which the permit was issued; and
(g) the conditions under which the permit was issued.
(2) A notice under section 25 (5) of the Act of an amendment to a permit shall contain the following particulars:

(a) The class and number of the permit in respect of which the amendment was made;
(b) the full name and surname and the trade name, if any, of the permit holder;
(c) the type of international air service in respect of which the amendment was made;
(d) the category or kind of aircraft in respect of which the amendment was made;
(e) the airport in respect of which the amendment was made;
(f) the frequency of flights, if applicable in respect of which the amendment was made; and
(g) the conditions under which the amendment was made.

18. ....... [Reg 18 withdrawn by GNR 1742 of December 1997.]

19. Form of temporary licence
A temporary licence in terms of section 18 (1) of the Act shall be issued on a form prescribed in Annexure F.

20. Form of licence
A licence referred to in section 18 (1) of the Act shall be issued on a form prescribed in Annexure G.

21. Form of permit
A permit referred to in section 26 (1) of the Act shall be issued on a form prescribed in Annexure H.

22. ....... [Reg 22 withdrawn by GNR 1742 of December 1997.]

23. Form of summons
A summons issued under section 12 (1) of the Act shall be in the form prescribed in Annexure K.

24. Manner and form of notification
(1) A notice of any change to the particulars of an application contemplated in section 22 (1) (d) (i) of the Act shall—
(a) be made on a form prescribed in Annexure A; and
(b) be accompanied by a certified true copy of the licence concerned and, in the case of a company, close corporation or organisation, by a certified true copy of the relevant authorising resolution.

(2) .......

[Deletion of sub-reg 24(2) by GNR 1742 of December 1997.]

(3) A notification of any curtailment, abandonment or extension of an international air service, or any part thereof, contemplated in section 22 (1) (d) (ii) of the Act shall—

(a) be made on a form prescribed in Annexure E; and

(b) be accompanied by a certified true copy of the licence concerned.

25. Contents of representations

(1) Representations in terms of section 16 (3) of the Act against or in favour of an application for a licence or an amendment thereof shall be made to the council by means of an affidavit.

(2) Representations in terms of section 24 (3) of the Act against or in favour of an application for a permit or an amendment thereof shall be made to the Commissioner for Civil Aviation by means of an affidavit.

26. Furnishing of statistical information

(1) The submission of statistical information in accordance with section 22 (1) (b) of the Act shall—

(a) in the case of a licensee who—

(i) holds a class I licence; or

(ii) holds a class I licence and a class II licence; and

(iii) operates a total fleet of aircraft which aggregate maximum certificated mass exceeds 200 tonnes,

be furnished on forms prescribed in Annexures M, N, O, P and Q, as the case may be;

(b) in the case of a licensee who—

(i) holds a class II licence; or

(ii) holds a class II licence and a class III licence; and

(iii) operates a total fleet of aircraft which aggregate maximum certificated mass exceeds 200 tonnes,

be furnished on forms prescribed in Annexures R, S and T, as the case may be; and

(c) in the case of a licensee who operates a total fleet of aircraft which aggregate maximum certificated mass is 200 tonnes or less, irrespective of the class of licence held by the licensee, be furnished on a form prescribed in Annexure U.
(2) The licensee shall furnish the council with the statistical information referred to in subregulation (1)—

(a) in the case of the statistical information to be furnished on the form prescribed in Annexure M in respect of each 90 day period, within 30 days from the last day of the period;

(b) in the case of the statistical information to be furnished on the form prescribed in Annexure N in respect of each calendar year, within 60 days from the last day of the calendar year;

(c) in the case of the statistical information to be furnished on the form prescribed in Annexure O in respect of each 90 day period, within 30 days from the last day of the period;

(d) in the case of the statistical information to be furnished on the form prescribed in Annexure P in respect of each calendar year, within 30 days from the last day of the calendar year;

(e) in the case of the statistical information to be furnished on the form prescribed in Annexure Q in respect of each financial year, within 90 days from the last day of the financial year;

(f) in the case of the statistical information to be furnished on the form prescribed in Annexure R in respect of each calendar year, within 30 days from the last day of the calendar year;

(g) in the case of the statistical information to be furnished on the form prescribed in Annexure S in respect of each calendar year, within 60 days from the last day of the calendar year;

(h) in the case of the statistical information to be furnished on the form prescribed in Annexure T in respect of each financial year, within 90 days from the last day of the financial year; and

(i) in the case of the statistical information to be furnished on the form prescribed in Annexure U in respect of each calendar year, within 60 days from the last day of the calendar year.

[Reg 26 substituted by GNR 1743 of December 1997.]

27. Register of licences

(1) The register of licences referred to in section 19 (1) of the Act shall contain the following particulars:

(a) The full name and surname and the trade name, if any, of the licensee;

(b) the full business or residential address of the licensee;

(c) the postal address of the licensee;

(d) the number of the licence issued to the licensee;

(e) the date on which the licence was issued;

(f) the class of licence issued to the licensee;

(g) particulars of the type of international air service for which the licence was granted.
(h) particulars of the category or kind of aircraft for which the licence was granted;
(i) the airport from and the airport to which flights are undertaken;
(j) the area to be served, if applicable, and
(k) the frequency of flights, if applicable, for which the licence was granted.

(2) The particulars referred to in subregulation (1) shall be recorded in the register within 30 days after the date of receipt thereof by the council.

(3) The register shall be kept in a safe place at the office of the council.

28. Register of permits

(1) The register of permits referred to in section 27 (1) of the Act shall contain the following particulars:

(a) The full name and surname and the trade name, if any, of the permit holder;
(b) the full business or residential address of the permit holder;
(c) the postal address of the permit holder;
(d) the number of the permit issued to the permit holder;
(e) the date on which the permit was issued;
(f) the class of permit issued to the permit holder;
(g) particulars of the type of international air service for which the permit was granted;
(h) particulars of the category or kind of aircraft for which the permit was granted;
(i) the airport from and the airport to which flights are undertaken; and
(j) the frequency of flights, if applicable, for which the licence was granted.

(2) The particulars referred to in subregulation (1) shall be recorded in the register within 30 days after the date of receipt thereof by the Commissioner for Civil Aviation.

(3) The register shall be kept in a safe place at the office of the Commissioner for Civil Aviation.

29. Register of tour operator’s permits

(1) The Commissioner for Civil Aviation shall keep a register of tour operator’s permits issued in terms of regulation 11 (5).

(2) The register referred to in subregulation (1) shall contain the following particulars:

(a) The full name and surname and the trade name, if any, of the permit holder;
(b) the full business or residential address of the permit holder;
(c) the postal address of the permit holder;
(d) the number of the permit issued to the permit holder;
(e) the date on which the permit was issued;
(f) particulars of the type of international air service for which the permit was issued;
(g) particulars of the category or kind of aircraft for which the permit was issued; and
(h) the airport from and the airport to which flights are undertaken.

(3) The particulars referred to in subregulation (2) shall be recorded in the register within 30 days after the date of receipt thereof by the Commissioner for Civil Aviation.

(4) The register shall be kept in a safe place at the office of the Commissioner for Civil Aviation.

30. ...... 

[Reg 30 withdrawn by GNR 1742 of December 1997.]

31. Fees

(1) The following fees shall be payable when application is made for—

(a) a Class I international air service licence—

(i) for a category A1 aircraft ........................................... 5 000
(ii) for a category A2 aircraft ........................................... 4 000
(iii) for a category A3 aircraft ......................................... 3 000
(iv) for a category A4 aircraft ......................................... 2 000
(v) for a category H1 aircraft ........................................... 3 000
(vi) for a category H2 aircraft ......................................... 2 000

(b) a Class II or III international air service licence—

(i) for a category A1 aircraft ........................................... 3 000
(ii) for a category A2 aircraft ........................................... 2 000
(iii) for a category A3 aircraft ......................................... 1 000
(iv) for a category A4 aircraft ......................................... 500
(v) for a category H1 aircraft ........................................... 1 000
(vi) for a category H2 aircraft ......................................... 500

(c) an amendment of any licence—

(i) for a category A1 aircraft ........................................... 1 000
(ii) for a category A2 aircraft ........................................... 750
(iii) for a category A3 aircraft ......................................... 500
(iv) for a category A4 aircraft ......................................... 250
(v) for a category H1 aircraft ........................................... 500
(vi) for a category H2 aircraft ......................................... 250
(c) a temporary licence, irrespective of the class of licence for or the category of aircraft in respect of which application is made... 100

(e) ........
[Deletion of sub-reg 31(1)(e) by GNR 1742 of December 1997.]

(f) ........
[Deletion of sub-reg 31(1)(f) by GNR 1742 of December 1997.]

(g) a foreign operator's permit—

(i) for a Class I, III or IV, type NV2, NV3 or NV4, international air service ........................................ 500

(ii) for a Class IV, type NV1, international air service ........ 250

(h) a tour operator’s permit .................................................. 500

(i) an amendment of a permit .................................................. 250

(j) the furnishing of information from the register of licences, the register of permits or the register of tour operator’s permits .. 100
[Sub-reg 31(1)(j) amended by GNR 1742 of December 1997.]

(k) a copy of an application for a licence or a permit ............... 50

(l) the furnishing of reasons for the approval or refusal of an application for a licence ....................................... 200

(m) a copy of the minutes of the proceedings of a meeting of the council [section 9 (5)] ........................................... 200

(n) an application by a licensee for a new licence by virtue of an application for an exemption in terms of section 17 (10) of the Act ................................................................. 10

(2) In the event of an application referred to in subregulation (1) being made in respect of more than one category of aircraft under any of the said classes of international air services, the highest of the fees leviable in respect of the class of international air service and category of aircraft for which the application is made shall be payable.

(3) An airline of another State which immediately prior to the commencement of the Act operated a scheduled international air transport service contemplated in section 2 (2) (a) of the International Air Services Act, 1949 (Act No. 51 of 1949), shall be exempted from the payment of the appropriate fee referred to in subregulation (1) when applying for a permit in terms of the Act.

32. Manner of appeal

An appeal contemplated in section 37 (1) of the Act shall be noted and prosecuted as if it were an appeal against a judgment in a magistrate's court in civil proceedings.
33. Manner of complaint

A complaint contemplated in section 21 (1) of the Act shall be lodged with the council by means of an affidavit.

34. Advertisement

Any advertisement advertising the class of international air service operated by any licensee shall reflect the number of the licence issued to such licensee.

[Substitution of reg 34 by GNR 1742 of December 1997.]

35. Short title

These regulations shall be called the International Air Services Regulations, 1994.