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# GENERAL NOTICE

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## NOTICE 1063 OF 2012

### AIRPORTS COMPANY SOUTH AFRICA LIMITED

AIRPORTS COMPANY ACT, 1993 (ACT No. 44 OF 1993), AS AMENDED

#### PUBLICATION OF AIRPORT CHARGES

In terms of section 5 (2) (f) of the Airports Company Act, 1993 (Act No. 44 of 1993), as amended, it is hereby published for general notice that as from 1 April 2013, the Airports Company South Africa Limited, Reg. No. 1993/04149/06, will levy the airport charges set out in the Schedule by virtue of a permission granted in terms of section 12 of the said Act.

**B MASEKO**

Acting Managing Director

#### SCHEDULE

##### AIRPORT CHARGES

###### 1. Liability to pay airport charges

- (1) Subject to the provisions of these rules, airport charges shall be payable by the operator of an aircraft to the Company.
- (2) Airport charges consist of :-
  - (a) a landing charge, payable at the company airport where a flight terminates;
  - (b) a parking charge, payable at the company airport where an aircraft is parked;
  - (c) a passenger service charge collected by the operator and payable at the company airport where a flight commences.
- (3) Subject to the provisions of these rules, the tariff of landing, parking and passenger service charges shall be as set out in Annexures A, B and C, respectively.

###### 2. Notification of movement of aircraft and payment of charges

- (1) Immediately after an aircraft has landed on a company airport the operator of that aircraft shall give notice to the airport manager, in the form provided by the latter for the purpose, of the time of arrival of that aircraft together with such other information as such operator is required by the airport manager to furnish when completing the notice in the said form.
- (2) Immediately before an aircraft is to take off from a company airport the operator of that aircraft shall give notice to the airport manager, in the form provided by the latter for the purpose, of the expected time of departure of that aircraft, supply such other information as such operator is required by the airport manager to furnish when completing the notice in the said form and pay all airport charges payable to the airport manager, unless such operator has previously entered into an agreement with the Company for payment.
- (3) The aircraft operator who has in terms of sub rules (1) and (2), given notice to the airport manager of the arrival or expected departure of that aircraft, shall,

as soon as such operator becomes aware of any variation in the information furnished by him in the said notice advise the airport manager of such variation.

- (4) The operator shall pay the appropriate charges for the landing, taking-off and parking of an aircraft, as set out in the schedules of charges. The operator shall also pay for any supplies, services or facilities provided to him or to the aircraft at the airport by or on behalf of the Company at the charges determined by the Company. All charges referred to in this paragraph shall accrue on a daily basis and shall become due on the day they were incurred and shall be payable to the Company on demand and in any event before the aircraft departs from the airport unless otherwise agreed to by the Company (which agreement may be withdrawn at any time at the sole discretion of the Company) or unless otherwise provided for in terms for payment included in the invoice for such charges.
- (5) Payment shall be made without deductions (including taxes or charges). If the applicable law requires any tax or charge to be deducted before payment the amount shall be increased so that the payment made will equal the amount due to the Company as if no such tax or charge had been imposed.
- (6) All sums due which are not paid on the due date shall bear interest from day to day at prime overdraft rate from the date when such sums were due until date of payment (both dates inclusive).
- (7) Where an aircraft operator has not used the airport in the previous 12 months (as calculated from the date that the operator proposes to commence operations), the airport manager will, require a deposit to be lodged with the Company before any flights by that operator commence. Any such deposit shall be paid to the Company and shall be in such a sum as the airport manager shall consider to be equivalent to the anticipated charges that the aircraft operator shall incur (based on the anticipated frequency and type of aircraft used and type of flight planned) for 3 months by that operator. Such deposit or the balance then remaining shall be refunded to the operator when the operator ceases to operate any flights from the airport subject to the right of the Company (which is hereby reserved) to set off against any such deposit any appropriate charges that have not been settled in accordance with the above provisions.
- (8) The operator shall not without the express written consent of the Company be entitled in respect of any claim he/she may have against the Company or otherwise to make any set off against or deduction from the charges provided for in this notice. He/she must pay such charges in full pending resolution of any claim.
- (9) Any queries relating to invoice should be logged with the credit control department at the relevant airport in writing within ten days of the invoice date. Contact numbers are shown on all invoices and statements.

### **3. Data**

- (1) The operator or its designated agent shall furnish on demand, in such form as the Company may from time to time determine:
  - a. Information relating to the movements of its aircraft or aircraft handled by the agent at the airport of the Company within 24 hours of each of these movements. This will include information about the total number of passengers per category, embarked and disembarked at the airport, total freight and mail carried in kilograms, IATA/ICAO prefix and local airport SITA address of the operator who is to be invoiced.
  - b. Details of the maximum design take off weight in respect of each aircraft owned or operated by the operator.

- c. Any changes in the maximum design take-off weight of each aircraft owned or operated by the operator.
- (2) The operator or its designated agent shall also provide to the Company details of all aircraft operators by timely transmission of complete and accurate operational data preferably by automatic electronic means using (and conforming to) IATA messaging and communications standards.
- (3) The required operational data includes:
  - a. aircraft registration (including aircraft substitutions)
  - b. variation to schedule (including flight number, aircraft type, route and scheduled time of operation)
  - c. estimated times of operation
  - d. actual times on and off stand
  - e. stand departure delays greater than 15 minutes
- (4) The Company may request in writing, within 60 days, copies of aircraft load sheets to enable verification of all details with respect to the passengers carried on any or all flights departing from that airport during a specified period and extracts from aircraft flight manuals to enable verification of aircraft weight. The operator shall, following a request in writing made by the Company, supply it with the original copies of such documents.
- (5) The operator shall inform the Company of details regarding the configuration of their aircraft and to notify the Company when any changes to these configurations occur.
- (6) Where the operator, or its handling agent, fails to provide the information required in paragraph 3(1) within the period stipulated herein, the Company shall be entitled to assess, at its sole discretion the charges payable hereunder by the operator by reference to the maximum take off weight and the maximum passenger capacity of the aircraft type.

#### **4. Landing Charges**

- (1) The landing charges set out in paragraph 2 of Annexure A shall only apply to an aircraft engaged in a flight which commenced at an airport within one of the States or territories mentioned in that paragraph and:-
  - (a) where the operator of such aircraft has the right, granted by the South African aeronautical authority, to take on passengers, cargo or mail at the said airport of departure and to discharge those passengers or at that cargo or mail at the company airport where the flight terminated; or
  - (b) where, notwithstanding the provisions of sub rule (2), the flight immediately preceding such flight commenced at an airport within the Republic, irrespective of whether or not the right referred to in subparagraph (a) has been granted to the operator of such aircraft.
- (2) If an aircraft is engaged in a flight between an airport within one of the States or territories mentioned in paragraph 2 of Annexure A and a company airport, and the operator of that aircraft does not have the right referred to in sub rule (1), then the previous airport from where such aircraft took off and where such right has been granted to such operator, shall be deemed to be the airport of departure for the purpose of calculating the appropriate landing charge when landing at that company airport.
- (3) A landing charge in respect of a helicopter shall be 20 per cent of the appropriate landing charge prescribed and set out in Annexure A, for an aircraft of equal maximum certificated mass.
- (4) When a landing is carried out solely for the purpose of aircrew training, the landing charge shall be 20 per cent of the appropriate charge set out in Annexure A.

- (5) When a landing is carried out solely for the purpose of military training, the landing charge shall be 10 per cent of the appropriate charge set out in Annexure A.

#### **5. Parking charges**

- (1) A parking charge shall be payable after an aircraft has been parked at a company airport for a period exceeding four hours: Provided that the parking charge payable shall be doubled if such aircraft has been parked at any company airport at a parking bay where a passenger loading bridge is in operation.
- (2) A parking charge shall be calculated for any period of 24 hours or any part thereof from 4 hours for which an aircraft has been parked.

#### **6. Passenger service charges**

- (1) The passenger service charge collected and payable by the operator shall be calculated on the basis of the number of embarking passengers on an aircraft and the appropriate tariff applicable to each passenger as set out in Annexure C.
- (2) The following passengers shall not be regarded as embarking passengers:
- (a) a passenger who does not disembark from an aircraft after such an aircraft has landed at a company airport and who remains on board that aircraft until such aircraft takes off from that company airport;
  - or
  - (b) a passenger who is not older than two years of age.

#### **7. General rules**

- (1) Airport charges shall be payable in respect of South African and foreign state aircraft unless other provision has been made by means of an agreement with the Company.
- (2) No airport charge shall be payable in respect of:-
- (a) an aircraft engaged in any flight for the calibration of any air navigation infrastructure;
  - (b) an aircraft engaged in search and rescue operations; and
  - (c) an aircraft engaged in a test flight, when such flight is required by the Commissioner for Civil Aviation in terms of the regulations made under the Aviation Act, 1962 (ACT No. 74 of 1962), for the purpose of issuing or rendering effective a certificate of airworthiness or after any major modification to an aircraft.

#### **8. Interpretation**

For the purposes of these rules, unless the context otherwise indicates:-

- (a) "aircraft" means an aircraft as defined in section 1 of Aviation Act, 1962;
- (b) "air navigation infrastructure" means air navigation infrastructure as defined in section 1 of the Air Traffic and Navigation Services Company Act, 1993 (Act No. 45 of 1993);
- (c) "airport" means an airport as defined in section 1 of the Aviation Act, 1962, and includes a company airport;
- (d) "airport charge" means a landing charge, a parking charge and a passenger service charge;
- (e) "airport manager" means a person designated by the Company for the purpose of these rules;
- (f) "Company" means the Airports Company South Africa Limited.

- (g) "company airport" means a company airport as defined in section 1 of the Airports Company Act, 1993 (Act No. 44 of 1993);
- (h) "crew member" means a person assigned by an operator to do duty on an aircraft during flight time;
- (i) "flight" means a flight as defined in regulation 1.3 of the Air Navigation Regulations, 1976, as amended;
- (j) "helicopter" means a helicopter as defined in regulation 1.3 of the Air Navigation Regulations, 1976, as amended;
- (k) "international flight" means a flight which commences or terminates at an airport outside the Republic;
- (l) "maximum certificated mass" means a maximum certificated mass as defined in regulation 1.3 of the Air Navigation Regulations, 1976, as amended;
- (m) "operator", in relation to an aircraft, means:-
  1. a licensee as defined in section 1 of the Air Services Licensing Act, 1990 (Act No. 115 of 1990), or an air carrier as defined in section 1 of the International Air Services Act, 1949 (Act No. 51 of 1949);
  2. any airline of another State which operates a scheduled international air transport service in terms of a bilateral agreement as contemplated in section 2 (2) (a) of the International Air Services Act, 1949; or any person who uses an aircraft under an authorisation by the Commissioner for Civil Aviation as contemplated in section 2 (2A) of the said Act;
  3. the owner of such aircraft;
- (n) "owner", in relation to an aircraft, means the person in whose name such aircraft is registered and includes any person who is or has been acting as agent in the Republic for a foreign owner, or a person by whom such aircraft is hired at the time;
- (o) "passenger" means any person other than a crew member on board an aircraft in flight;
- (p) "state aircraft" means any state aircraft as contemplated in article 3 of the Convention of International Civil Aviation signed at Chicago on 7 December 1944.

## ANNEXURE A

## AIRPORT CHARGES: LANDING CHARGES

1. The landing charge in respect of an aircraft which lands at a company airport and which has been engaged in a flight where the airport of departure of the that aircraft was within the Republic:

| Maximum Take off Weight (MTOW) in kg<br>of the aircraft up to and including:- | Per single landing |           |
|---|--------------------|-----------|
|   | VAT                |           |
|   | Exclusive          | Inclusive |
|   | R                  | R         |
| 500.....  | 81.96              | 93.43     |
| 1000.....   | 121.50             | 138.51    |
| 1 500.....  | 155.33             | 177.08    |
| 2 000.....  | 187.59             | 213.85    |
| 2 500.....  | 221.40             | 252.39    |
| 3 000.....  | 255.20             | 290.93    |
| 4 000.....  | 356.18             | 406.05    |
| 5 000.....  | 454.44             | 518.06    |
| 6 000.....  | 553.78             | 631.31    |
| 7 000.....  | 656.29             | 748.17    |
| 8 000.....  | 755.16             | 860.88    |
| 9 000.....  | 849.67             | 968.63    |
| 10 000.....   | 954.34             | 1087.95   |
| and thereafter, for every additional 2 000 kg or part thereof.....            | 144.30             | 164.50    |

2. The landing charge in respect of an aircraft which lands at a company airport and which has been engaged in a flight where the airport of departure of that aircraft was within Botswana, Lesotho, Namibia or Swaziland:

| Maximum Take off Weight (MTOW) in kg<br>of the aircraft up to and including:- | Per single landing |           |
|---|--------------------|-----------|
|   | VAT                |           |
|   | Exclusive          | Inclusive |
|   | R                  | R         |
| 500.....  | 92.40              | 105.34    |
| 1 000.....  | 143.19             | 163.23    |
| 1 500.....  | 202.34             | 230.67    |
| 2 000.....  | 256.26             | 292.13    |
| 2 500.....  | 311.23             | 354.80    |
| 3 000.....  | 367.72             | 419.20    |
| 4 000.....  | 500.89             | 571.02    |
| 5 000.....  | 632.55             | 721.11    |
| 6 000.....  | 763.03             | 869.86    |
| 7 000.....  | 896.71             | 1022.25   |
| 8 000.....  | 1026.67            | 1170.40   |
| 9 000.....  | 1157.24            | 1319.25   |
| 10 000.....   | 1290.88            | 1471.61   |
| and thereafter, for every additional 2 000 kg or part thereof.....            | 214.55             | 244.58    |

3. The landing charge in respect of an aircraft which lands at a company airport and which has been engaged in a flight where the airport of departure of that aircraft was within the State or territory other than those mentioned in paragraph 1 and 2:

| Maximum Take off Weight (MTOW) in kg<br>of the aircraft up to and including:- | Per single landing |           |
|---|--------------------|-----------|
|   | VAT                |           |
|   | Exclusive          | Inclusive |
|   | R                  | R         |
| 500.....  | 103.09             | 117.52    |
| 1 000.....  | 165.37             | 188.53    |
| 1 500.....  | 248.88             | 283.72    |
| 2 000.....  | 323.90             | 369.24    |
| 2 500.....  | 400.56             | 456.63    |
| 3 000.....  | 479.23             | 546.33    |
| 4 000.....  | 646.74             | 737.29    |
| 5 000.....  | 810.07             | 923.48    |
| 6 000.....  | 971.73             | 1107.77   |
| 7 000.....  | 1136.10            | 1295.16   |
| 8 000.....  | 1297.21            | 1478.81   |
| 9 000.....  | 1462.11            | 1666.81   |
| 10 000.....   | 1627.49            | 1855.33   |
| and thereafter, for every additional 2 000 kg or part thereof.....            | 284.77             | 324.63    |

#### ANNEXURE B

#### AIRPORT CHARGES: PARKING CHARGES

| Maximum Take off Weight (MTOW) in kg<br>of the aircraft up to and including:- | Per 24 hours or part<br>thereof |           |
|---|---------------------------------|-----------|
|   | VAT                             |           |
|   | Exclusive                       | Inclusive |
|   | R                               | R         |
| 2 000.....  | 61.96                           | 70.64     |
| 3 000.....  | 127.41                          | 145.25    |
| 4 000.....  | 181.41                          | 206.81    |
| 5 000.....  | 249.09                          | 283.96    |
| 10 000.....   | 366.75                          | 418.09    |
| 15 000.....   | 482.25                          | 549.76    |
| 20 000.....   | 607.90                          | 693.01    |
| 25 000.....   | 725.63                          | 827.21    |
| 50 000.....   | 959.90                          | 1 094.29  |
| 75 000.....   | 1 194.76                        | 1 362.03  |
| 100 000.....  | 1 432.43                        | 1 632.97  |
| 150 000.....  | 1 802.02                        | 2 054.30  |
| 200 000.....  | 2 174.54                        | 2 478.97  |
| 300 000.....  | 2 486.17                        | 2 834.24  |
| 400 000.....  | 3 131.34                        | 3 569.72  |
| And thereafter, for every additional 100 000 kg or part thereof.....          | 482.25                          | 549.76    |

**ANNEXURE C****AIRPORT CHARGES: PASSENGER SERVICE CHARGES**

|  | VAT       |           |
|--|-----------|-----------|
|  | Exclusive | Inclusive |
|  | R         | R         |
| 1. Passenger service charge per embarking passenger where such passengers will disembark from the aircraft at an airport within the Republic.....  | 105.26    | 120.00    |
| 2. Passenger service charge per embarking passengers where such passengers will disembark from the aircraft at an airport within Botswana, Lesotho, Namibia or Swaziland.....                  | 218.42    | 249.00    |
| 3. Passenger service charge per embarking passenger where such passengers will disembark from the aircraft within any State or territory other than those mentioned in paragraphs 1 and 2..... | 287.72    | 328.00    |