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|  | <b>REPUBLIC OF SOUTH AFRICA</b><br><br><b>CIVIL AVIATION AUTHORITY</b> | CAA<br>Private Bag x08<br>Waterkloof<br>0145  |
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**OPERATION OF AIRCRAFT**

**GENERAL**

**PAYMENT OF NAVIGATION AND APPROACH CHARGES**

- A* Indicates changes.
- A* This AIC replaces AIC 20A11 dated 94-02-15.
1. Since the establishment of the Air Traffic and Navigation Services Company (ATNS), cases have occurred in which pilots, contracted on charter to Government Departments, have attempted to obtain exemption from the payment of the published navigation charges. Claims have been made that the flights are state flights or that the aircraft are state aircraft.
- A2.* Paragraph 1(1) of Government Notice No 246 of 2001, dated 26 January 2001 states that the payment of the said charges are the responsibility of the operator of an aircraft. In the abovementioned Government Notice "operator" and "owner" are defined as follows:-
- a. "operator" in relation to an aircraft, means –**
- A(i)* a licensee as defined in section 1 of the Air Services Licensing Act, 1990 (Act No. 115 of 1990), or a license as defined in section 1 of the International Air Services Act, 1993 (Act No. 60 of 1993);
- A(ii)* any airline of another State which operates a scheduled international public air transport service in terms of an air transport service agreement as contemplated in section 35 (l) of the International Air Services Act, 1993, or a permit holder as defined in section l of the said Act; and
- (iii)* the owner of such aircraft; (paragraph 6(l))
- Ab.* "owner", in relation to an aircraft, means any 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. (paragraph 6(m))**
3. Further, under General rules, the stated Government Notice specifically makes mention of the instances in which payment of fees for such charges are not required. Paragraphs 5 (l) and (3) thereof provides as follows:

**" 5. GENERAL RULES**

- (1) *Air traffic services 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.***
- (3) *No air traffic service charge shall be payable in respect of an aircraft engaged in any flight for the calibration of any air navigation infrastructure."***

**COMMISSIONER FOR CIVIL AVIATION**