

Air Services Licensing Act 115 of 1990 (ASLA)

Topic: Air Transportation and Licensing

IN A CALABASH

Introduction

In order to operate an aircraft in South Africa or abroad, certain licenses are required.

Objectives of the Act

The purpose of the Air Services Licensing Act 115 of 1990 (ASLA) is to provide for the establishment of an Air Service Licensing Council and for the licensing and control of domestic aircraft and air services.

Application of the Act and its implication to Tourism

The ASLA applies to all persons and entities that own, operate or fly airplanes in domestic airspace or who operate domestic air services.

Summary of the provisions of the Act

No person may operate a domestic air service, unless it is operated under and in accordance with the terms and subject to the conditions of an air service license.

Conditions of license

A license will be issued on condition that–

- the licensee will comply with the specified requirements at all times during the operation of the licensee's air service;
- the licensee will not commence or continue with an air service unless the licensee is in possession of a valid operating certificate issued under the Civil Aviation Act 13 of 2009 (CAA);
- the licensee will commence with the air service within a period determined by the council, which will not exceed 12 months from the date of the issuing of the license, and the operation of that air service will not be interrupted for a period exceeding 12 months;

- a license will lapse as soon as the estate of the licensee is sequestrated or wound-up, as the case may be; and
- the licensee is insured as prescribed in relation to the class and type of air service, the category of aircraft mentioned on his, her or its license and in respect of the prescribed nature, class or kind of insurance.

Failure of licensee

The council may, if it suspects on reasonable grounds that a licensee has failed to comply with a provision of the Act–

- direct such licensee to comply with the provision within the period determined by the council;
- suspend the license concerned, on the conditions determined by the council, for a period not exceeding two years; or
- cancel the license concerned.

No license shall be suspended or cancelled unless–

- the council has notified the licensee in writing of its suspicions, stating the grounds for such suspicions; and
- the council has given the licensee the opportunity to address representations to the council regarding those suspicions within the period determined by the council.

Duties of licensee



The licensee must–

- keep his, her or its license in a safe place and produce such license to an authorised officer, inspector or authorised person for inspection if so requested by such officer, inspector or person; and
- notify the council in writing of any prescribed change in respect of the operation of the air service concerned or any part thereof. Such notice must reach the council at least 14 days before such change is effected.



WHAT HAPPENS IF YOU DO NOT COMPLY?

Any person convicted of an offence referred to above will be liable to a fine or to imprisonment for a period not exceeding five years.



RECOMMENDED ACTIONS OR CONTROLS WHICH SHOULD BE IMPLEMENTED BY THE TARGET AUDIENCE TO ENSURE COMPLIANCE WITH THE ACT

- All persons who own or operate an airplane must hold the required license;
- All persons who own or operate an airplane must comply with a term or condition of such license; and
- No one may use a fraudulent license or use a license or other document issued under the ASLA or the CAA which he, she or it is not the holder of.

FURTHER INFORMATION

Regulators

Department of Transport
Civil Aviation Authority

Websites

www.transport.gov.za
www.caa.co.za

Civil Aviation Act 13 of 2009 (CAA)

Topic: Air Transportation and Licensing

IN A CALABASH

Introduction

The Civil Aviation Authority Act 13 of 2009 (CAA) is an extremely detailed piece of law aimed at governing and regulating the operation and use of aircraft in South Africa, with a particular focus on health and safety issues.

Objectives of the Act

The CAA–

- gives effect to certain international aviation conventions;
 - provides for the control and regulation of aviation within South Africa;
 - provides for the establishment of a South African Civil Aviation Authority with safety and security oversight functions;
 - provides for the establishment of an independent Aviation Safety Investigation Board,
 - provides for remedies in connection with acts committed onboard an aircraft; and
 - provides for safety and related measures directed at more effective control of the safety and security of aircraft and airports.
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Application of the Act and its implication to Tourism

The CAA applies to–

- every aircraft, aerodrome, air navigation facility, aviation facility, designated airport, operators, passengers or any person boarding an aircraft or entering an aerodrome and registered owners of aircraft in the Republic;
 - every person employed at or in connection with such aerodrome, air navigation facility, aviation facility or designated airport;
 - all foreign registered aircraft and personnel of such aircraft operating in South Africa or over the territorial waters thereof; and
 - all South African aircraft and personnel of such aircraft, whether within or outside South Africa.
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Summary of the provisions of the Act

Smoking

In line with the South African Civil Aviation Authority Regulations, smoking onboard an aircraft is prohibited.

It is an offence to smoke on any South African registered aircraft. Smoking in the toilet compartments of an aircraft is deemed a safety risk and is lawfully punishable. This includes the smoking of any artificial device or cigarette such as electronic cigarettes.

Carry-on baggage

For safety reasons, passenger cabin baggage must comply with laid down weight and dimensions to fit into the approved stowage spaces either in the overhead luggage compartment or under the seat in front of the passenger.

To ensure compliance with the legislative requirements–

- lightweight hand luggage should be placed in the overhead stowage bins or at the passenger's feet underneath the seat in front of the passenger;
- when placing items in the overhead stowage bins, passengers must ensure that they are securely positioned so that they do not fall out when the bins are opened; and
- passengers must take care when opening the overhead stowage bins, as articles may have shifted before or during the flight and could fall out and cause injuries.

Business class allowance

Passengers in business class may have two pieces of cabin baggage, neither of which may exceed a total dimension of 115cm and 8kg in weight.

Economy class

Passengers in economy class may have one piece of cabin baggage not exceeding a total dimension of 115cm and 8kg in weight.

Seat Belts

Passengers must fasten their seat belt whenever the seat belt sign is illuminated.

When sleeping under a blanket, passengers must keep their seat belt loosely fastened over the blanket so that the cabin crew does not need to wake the passenger in the event of turbulence.

Seat belts should always be unfastened during transit stops and refueling.

Sleeping on the floor is prohibited

In the interest of safety, sleeping on the floor is not permitted in any circumstances.

Bassinets

Passengers travelling with a baby should use a bassinet. The baby should not be older than six months, not weigh more than 10kg and not be more than 75cm in length.

In the interest of safety, babies may not occupy bassinets during take-offs or landings.

Footrests

Passengers occupying seats with footrests must ensure that these are stowed for take-offs and landings.

Seats upright and tables stowed

As a safety precaution and in compliance with safety regulations, seats should be returned to their upright position and tables should be stowed or folded away during take-offs and landings.

Remain seated

As a safety precaution, passengers must remain seated after the aircraft has landed until the seat belt sign has been switched off by the captain.

Portable electronic equipment

Certain electronic equipment is dangerous onboard an aircraft as it may interfere with the aircraft's avionics system.

Electronic equipment which is allowed to be used at any time include—

- hearing aids (including digital devices);
- electronic watches;
- pagers (receivers only);
- heart pacemakers;
- devices powered by solar cells; and
- devices powered by micro battery cells.

Laptop computers

Laptop computers (including CD-ROMs and DVDs, but excluding intentional transmission such as wireless LAN), hand-held calculators, electric shavers and portable personal listening devices (including compact disk and mini disk players) may be used with the permission of the pilot-in-command. The commander's permission is normally indicated by the seat belt signs being switched OFF during climb. Should circumstances dictate otherwise, the commander will inform the senior cabin crew member.

3G Cards

The use of any 3G data cards is strictly prohibited, unless allowed and expressly stated by the aircraft attendants.

Use of cellphones in flight mode during flight

An aircraft may apply to the South African Civil Aviation Authority for an exemption to allow the use of cellular telephones in flight mode during the climb, cruise and descent phase of flights.

Such exemption would apply to all flights (domestic, regional and international) and all aircraft types. Passengers would be permitted to use personal electronic devices such as cellphones, e-readers and electronic tablets in flight mode or an equivalent mode.

Other electronic items

The items below may be used with the permission of the pilot-in-command–

- laptops with CD-ROM and DVD drive;
- palm-held organizers;
- audio equipment (e.g. CD Player, iPod, MP3 players);
- computer consoles (e.g. Nintendo DS, PSP);
- devices capable of recording;
- digital cameras;
- GPS hand-held receivers;
- video camera/recorder (including digital equipment);
- Bluetooth devices in flight mode;
- mobile phones in flight mode;
- devices with Blackberry technology in flight mode; and
- laptops, PDAs, tablets and e-readers in wireless off setting;

Prohibited electronic devices

The items below are prohibited at all times–

- devices transmitting radio frequencies intentionally;
- walkie-talkies;
- remote-controlled toys;
- display units with cathode ray tubes;
- wireless computer equipment (e.g. mouse);
- PC printers;
- PC scanners;
- laser pointers;
- CD writers and mini disk recorders in recording mode;
- portable stereo sets;
- pocket radios (AM/FM);
- TV transmitters/receivers;
- telemetric equipment; and
- wireless LAN.

Liquids, aerosols and gels (LAGS)

When travelling on international flights from South Africa, passengers are restricted from carrying certain liquids, aerosols and gels (LAGS) in the aircraft cabin. These rules are aligned to International Civil Aviation Organisation standards.

Passengers are required to place essential liquids which they wish to carry with them onboard the aircraft in a re-sealable clear plastic bag with a capacity of not more than

one litre and a total diameter of 80cm. Each item containing liquid cannot exceed 100ml in quantity and must fit comfortably inside the sealed bag.

If these limitations are not adhered to, items will be confiscated by airport security and will not be recoverable.

When proceeding through airport security checkpoints, the bag holding these items must be separated from any other cabin bag.

Items which are exempt from the LAG restrictions and may be carried onboard, without being placed in a clear plastic bag, include–

- baby formula/milk and baby food in small containers, if a baby or small child is travelling with the person carrying such items;
- essential and other non-prescription medicines not exceeding 100ml per container, including saline solution and eye care products such as eye drops and contact lens solution;
- liquids, gels and juice for diabetic passengers who indicate a need for such items to address their medical condition;
- solid cosmetics and personal hygiene items such as lipstick in a tube, solid deodorant, lip balm and similar solids; and
- sealed duty-free LAG products purchased after security checkpoints and placed in special security bags at the store. Passengers connecting to further destinations are advised to keep these sealed throughout the journey.

General

No passenger onboard an aircraft may–

- commence any action that jeopardises or may jeopardise the safety of an aircraft, passenger and/or crew member;
- disobey a valid instruction from a crew member (safety officer);
- interfere with the normal operation of the aircraft;
- assault or willfully interfere with any member of the aircraft in the performance of his/her duties;
- ignore warning signs and/or safety signs within the cabin of the aircraft;
- willfully cause damage to an aircraft which renders it incapable of flight or which is likely to endanger its safety in flight;
- communicate any information which he/she knows to be false, thereby endangering the safety of an aircraft in service; or
- commit any disruptive, disorderly or indecent act, be in a state of intoxication induced by alcohol and/or any other substance, behave in a violent or offensive manner to the annoyance of any other person on the aircraft or use abusive, indecent or offensive language



WHAT HAPPENS IF YOU DO NOT COMPLY?

There are a number of consequences of non-compliance with the Act, including criminal and civil consequences.

Any person committing any of the acts detailed above may be arrested at his/her point of arrival and prosecuted. Such prosecution may result in the imposition of a fine and/or imprisonment, including criminal charges.

Examples of unlawful behaviour and related offences are detailed below.

A person onboard any aircraft may not—

- intimidate, threaten or commit an act of violence, including an assault or threat, whether of a physical or verbal nature against any person, including a crew member, which is likely to endanger the safety of that aircraft; wilfully interfere with any member of the crew of that aircraft in the performance of his or her duties;
- wilfully cause damage to an aircraft which is likely to endanger its safety;
- communicate information which he or she knows to be false, thereby endangering the safety of an aircraft in service;
- place at or in any airport, heliport or air navigation facility any device or substance which is calculated to endanger, injure or kill any person, or to endanger, damage, destroy, disrupt, render useless or unserviceable or put out of action any property, vehicle, aircraft, building, equipment or air navigation facility or part thereof, thereby endangering safety at such airport, heliport or aviation navigation facility; or
- commit an act which causes or is likely to cause serious injury or death at an airport,

or such person will be guilty of an offence and liable on conviction to a fine, to imprisonment not exceeding 30 years or to both such fine and imprisonment.

Any person onboard an aircraft who—

- smokes in a toilet or any other place on the aircraft where smoking is prohibited;
- tampers with a smoke detector or any other safety-related device onboard the aircraft;
- operates a portable electronic device when the operation of such a device is prohibited; or
- refuses to obey a lawful instruction given by the commander or pilot-in-command or on behalf of the pilot-in-command by a crew member for the purpose of ensuring the safety of the aircraft or of any person or property onboard or for the purpose of maintaining good order and discipline onboard the aircraft,

is guilty of an offence and liable to a fine, imprisonment for a period not exceeding ten years or to both such fine and imprisonment.

Any person onboard any aircraft who—

- commits any nuisance or disorderly or indecent act;
- is in a state of intoxication; or

- behaves in a violent manner towards any person including a crew member which is likely to endanger the safety or security of the aircraft or of any person onboard such aircraft,
- is guilty of an offence and liable to a fine, imprisonment for a period not exceeding six months or to both such fine and imprisonment.
- No person may convey any conventional arms, drugs or animal product in an aircraft.
- Any person who contravenes the above is guilty of an offence and liable to a fine, imprisonment for a period not exceeding 30 years or both such fine and imprisonment.
- Furthermore, any conventional arms, drugs, animal product, aircraft or other thing seized must be forfeited to the State. Anything forfeited must be disposed of as the Minister may either generally or in any particular case order.



RECOMMENDED ACTIONS OR CONTROLS WHICH SHOULD BE IMPLEMENTED BY THE TARGET AUDIENCE TO ENSURE COMPLIANCE WITH THE ACT

- No smoking onboard aircraft;
- Passenger cabin baggage must comply with laid down weight and dimensions and correctly stowed;
- Seat belts worn, when required; Seat belts should always be unfastened during transit stops and refueling;
- Sleeping on the floor is prohibited;
- Bassinets used should a passenger travel with a baby younger than six months weighing not more than 10kg and not more than 75cm in length;
- Seats upright and tables stowed for take-off;
- Passengers must remain seated after the aircraft has landed until the seat belt sign has been switched off by the captain;
- Only permitted portable electronic equipment used;
- Use of cellphones in flight mode during flight, when permitted;
- Liquids, aerosols and gels (LAGS) as allowed;
- Passenger onboard an aircraft to behave;
- No interference with operation of air carrier, airport or heliport;
- No interference with director, member or staff of the Aviation Safety Investigation Board, staff of the Civil Aviation Authority or member of the Civil Aviation Authority Board; and
- No illegal practices in connection with cargo, baggage, mail or other goods.

FURTHER INFORMATION

Regulators

Department of Transport
Civil Aviation Authority

Websites

www.transport.gov.za
www.caa.co.za