

MEDIA STATEMENT

30 May 2011

SACAA INTRODUCES NEW PENALTY SYSTEM

In a statement released today, the South African Civil Aviation Authority (SACAA) has announced that it will be implementing a monetary penalty system against those who transgress applicable civil aviation regulations. This new system, which becomes effective on Wednesday, 01 June 2011, is spelled out in Part 185.00.3 of the Civil Aviation Regulations.

“This new regulation is a huge leap forward and will certainly assist the SACAA in ensuring compliance with applicable regulations, while it simultaneously allows for greater flexibility in imposing various penalties on transgressors. In a nutshell, SACAA inspectors and/or authorised officers will now be able to impose monetary penalties for infractions listed in Part 185.00.1. Such infractions include, among others, the obstruction of authorised SACAA officers in performing their duties, flying illegally, falsifying records, as well as the general contravention of the Civil Aviation Act,” said Mr. Ntheri Magoai, head of the SACAA’s legal division.

According to Mr. Magoai, the new system does not replace but rather augments existing punitive measures. “A few years ago we identified a gap in our regulations, with particular reference to the applicable punitive measures. Whilst our regulations are watertight in terms of dealing with severe contraventions, they also left a gap in terms of dealing with minor contraventions that did not pose any serious safety risks. So, instead of just warning and letting culprits walk away unpunished for minor contraventions, we now have in place a comprehensive system that can deter rampant disregard of all civil aviation regulations,” explained Mr. Magoai.

He further added that rules alone without any form of punishment become meaningless in the eyes of perpetrators. The fines range between R5 000 and R20 000 for individuals and between R16 000 and R53 000 for organizations.

“Even though our officers can issue a fine on the spot, we have also put mechanisms in place to discourage callous and overzealous implementation or abuse of this new system. For instance, all fines are centralised and can only be enforced once sanctioned by the relevant SACAA senior executive. This is after all internal checks and balances have been applied. Moreover, offenders will also be granted a platform to defend themselves against the alleged contravention. It is only after this and robust internal deliberations that a guilty or not guilty verdict can be pronounced. If the culprit is guilty, a SACAA Law Enforcement Officer will then issue the offender with a notice stating the contravention and the penalty imposed” Mr. Magoai elaborated.

In the statement, the SACAA further asserted that the implementation of this regulation is in the interest of aviation safety and all stakeholders concerned.

“Whilst aviation safety and security is our primary mandate, we are also responsible for ensuring development of the industry. In applying this new system, we will strive to strike a balance between ensuring safety and enabling the industry to flourish” Mr. Magoai concluded.

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About the SACAA:

The South African Civil Aviation Authority (“SACAA”) is a juristic body established in terms of the Civil Aviation Act, 2009 (Act No. 13 of 2009) (“the Act”). SACAA is governed and controlled by the Civil Aviation Authority Board (“the Board”). In terms of mandate, the SACAA is tasked with promoting and maintaining a safe, secure and sustainable civil aviation environment, by regulating and overseeing the functioning and development of the industry in an efficient, cost-effective, and customer-friendly manner according to international standards.

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