

ACT

To provide for the Licensing and Control of Air Carriers and Air Services.

(English Text signed by the Governor-General.)
(Assented to 1st July, 1949.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows :—

Definitions.

1. In this Act, unless the context indicates otherwise—
 - (i) "air carrier" means a person who operates an air service; (vi)
 - (ii) "air service" means any service performed by means of an aircraft for reward, and includes an air transport service; (v)
 - (iii) "air transport service" means a service by aircraft for the carriage of passengers or goods for reward, and includes such a service on charter terms; (vii)
 - (iv) "commission" means the National Transport Commission established under section *three* of the Transport (Co-ordination) Act, 1948; (iii)
 - (v) "international air transport service" means an air transport service which passes through the air space over the territory of the Union or of South-West Africa and at least one other State; (ii)
 - (vi) "licence" means an air carrier's licence granted under section *nine*, or deemed in terms of sub-section (4) of section *twenty* to have been so granted; (iv)
 - (vii) "person" includes the Railway Administration; (viii)
 - (viii) "prescribed" means prescribed by regulation; (x)
 - (ix) "regulation" means a regulation made under section *twenty-two*; (ix)
 - (x) "scheduled" or "non-scheduled" in relation to an air transport service, shall be construed by reference to the definitions contained in the regulations made under paragraph (g) of section *twenty-two*; (xi)
 - (xi) "this Act" includes the regulations; (i).

Air service not to be provided except under licence.

2. (1) Subject to the succeeding provisions of this section, no person shall, after a date to be notified by the Governor-General by proclamation in the *Gazette*, use an aircraft for the provision of any air service, except under and in accordance with the terms and conditions of a licence granted to that person or deemed to have been so granted.

(2) No licence shall be required in respect of a scheduled international air transport service which is being operated by an airline of another State in terms of any bilateral agreement concluded between the Government of the Union and such other State.

(3) The Governor-General may, if it appears to him expedient to do so, by proclamation in the *Gazette* exclude or modify, to such extent as to him seems desirable, the application of sub-section (1) to or in respect of visiting aircraft, registered as to nationality in another contracting State, which are engaged in the carriage of passengers, cargo or mail for remuneration or hire on other than scheduled international air services.