

Statutory Instrument No. 7 of 1974

ESSENTIAL SUPPLIES AND SERVICES ACT, 1973
(22 of 1973)

ESSENTIAL SUPPLIES (AVIATION FUEL) REGULATIONS, 1974

(Published on the 25th January, 1974)

IN EXERCISE of the powers conferred by section 3 of the Essential Supplies and Services Act, 1973, His Excellency the President hereby makes the following Regulations —

1. These Regulations may be cited as the Essential Supplies (Aviation Fuel) Regulations, 1974. Citation

2. In these Regulations, unless the context otherwise requires — Inter-pretation

“aeroplane” means a power-driven, heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;

“aircraft” means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface;

“aviation fuel” includes Avgas and Avtur;

“Avgas” means the fuel specified by the manufacturer of an aircraft reciprocating engine for use in the operation of that engine;

“Avtur” means the fuel specified by the manufacturer of an aircraft gas turbine engine for use in the operation of that engine;

“Controller” means the Fuel Controller nominated as such under the Essential Supplies (Petrol) Regulations, 1973. S.I. 100/1973

“permit” means a permit issued by the Controller in terms of which authority is granted to any specified person to supply, receive, have in his possession or hold aviation fuel not exceeding such quantity as may be specified therein;

“supplier of aviation fuel” means any person who, in the course of or as part of his duty as an employee, or any person who, in the course of any business carried on by him, supplies any quantity of aviation fuel to the owner or operator of an aircraft.

3. (1) Except under and in accordance with the provisions of a permit, no supplier of aviation fuel shall supply, or in any other way whatsoever dispose of, any quantity of Avgas from supplies in his possession or under his control, for use in an aeroplane on a Saturday or a Sunday, and no person shall receive from such supplier any such Avgas on such days: Supply of Avgas

Provided that this prohibition shall not apply —

(a) to the supply of Avgas to an air carrier for the provision of a scheduled air transport service;

(b) to a person having to use an aeroplane for the purpose of saving human life;

- (c) to a person having to use an aeroplane for the purpose of preventing damage to property where such damage cannot be avoided except by the use of an aeroplane during the period during which the prohibition applies;
- (d) to a medical practitioner having to use an aeroplane for the purpose of treating a patient, the rendering of treatment to whom is necessary in the period during which the prohibition applies;
- (e) to a person having to use an aeroplane to transport a patient to a place where medical treatment must be rendered, the transport of whom by an aeroplane is essential in the period during which the prohibition applies;
- (f) to the holder of an aerial work air service licence having to use an aeroplane for the purpose of undertaking an aerial work air service for agricultural, aerial survey, air patrol, fish spotting or research purposes:

Provided further that a person having to use an aeroplane for any of the purposes specified in paragraphs (b) to (f) inclusive shall, at the time the Avgas is supplied, himself record in a book (which shall not be of a loose-leaf type and which shall have the pages numbered in advance and which shall be provided and kept by the supplier of aviation fuel), his full name and address, the nationality and registration marks of the aeroplane, particulars in regard to the necessity for, and the nature and extent of, the flight and the date upon which the flight was undertaken.

(2) Any person who contravenes any of the provisions of this regulation shall be guilty of an offence and liable to a fine of R2 000 and to imprisonment for one year.

Restrictions
on supply and
possession of
aviation fuel

4. (1) Except under and in accordance with the provisions of a permit —

- (a) no supplier of aviation fuel shall supply, otherwise than direct into the tank or tanks of an aircraft, more than 25 litres of aviation fuel to any person other than the holder of an aerial work air service licence engaged in aerial work for —
 - (i) agricultural purposes;
 - (ii) aerial survey purposes;
 - (iii) air patrol purposes;
 - (iv) fish spotting purposes; or
 - (v) research purposes; and
- (b) no person other than the holder of a licence referred to in paragraph (a) shall receive from any such supplier a quantity of aviation fuel in excess of 25 litres otherwise than direct into the tank or tanks of an aircraft.

(2) Except under and in accordance with the provisions of a permit, no person, other than a supplier of aviation fuel, shall have in his possession or under his control any quantity of aviation fuel in excess of 25 litres other than in the tanks of an aircraft.

(3) Any person who contravenes the provisions of this regulation shall be guilty of an offence and liable to a fine of R2 000 and to imprisonment for one year.

(4) For the avoidance of doubt, it is expressly declared that the possession of a permit does not absolve the person to whom it is issued from complying with the requirement of any written law relating to the handling and storage of aviation fuel on any premises.

5. (1) No person shall use Avgas to fly an aeroplane — Use of Avgas

(a) to advertise therewith;

(b) for photographic purposes other than for aerial photographic surveying or other than for a photographic purpose in respect of which a permit has been granted;

(c) for taking part in an air rally, air race or any competition;

(d) for the sole purpose of entertaining the passengers.

(2) Any person who contravenes any of the provisions of this regulation shall be guilty of an offence and liable to a fine of R2 000 and to imprisonment for one year.

6. Applications for permits shall be made to the Fuel Controller, c/o. Applications
for permits
Ministry of Commerce and Industry, Private Bag 4, Gaborone, or to such other persons as he may from time to time specify.

7. The Essential Supplies (Petrol) Regulations, 1973, are amended — Amendment
of S.I. 100
of 1973

(a) in regulation 2 thereof, by inserting immediately after the word "engines", which appears in the definition of "petrol", the words "but does not include aviation fuel as defined in the Essential Supplies (Aviation Fuel) Regulations, 1974."; and

(b) by revoking regulation 7.

MADE this 23rd day of January, 1974.

P.L. STEENKAMP,
Acting Permanent Secretary,
Office of the President.