

Tanzania

Civil Aviation Act

Civil Aviation (Charges for Air Navigation Services) Regulations, 1986 Government Notice 461 of 1986

Legislation as at 31 July 2002

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Civil Aviation (Charges for Air Navigation Services) Regulations, 1986

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Tanzania
Civil Aviation Act
**Civil Aviation (Charges for Air
Navigation Services) Regulations, 1986**
Government Notice 461 of 1986

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Commenced on 14 July 1985

[This is the version of this document at 31 July 2002.]

[Note: This legislation has been thoroughly revised and consolidated under the supervision of the Attorney General's Office, in compliance with the Laws Revision Act No. 7 of 1994, the Revised Laws and Annual Revision Act (Chapter 356 (R.L.)), and the Interpretation of Laws and General Clauses Act No. 30 of 1972. This version is up-to-date as at 31st July 2002.]

[G.N.s. Nos. 461 of 1986; 624 of 1987]

1. Citation

These Regulations may be cited as the Civil Aviation (Charges for Air Navigation Services) Regulations.

2. Interpretation

In these Regulations, except where the context otherwise requires—

"Flight Information Region" means the area allocated to the jurisdiction of the Dar es Salaam Flight Information Centre by the International Civil Aviation Organisation;

"journey in the Flight Information Region" means—

- (a) where an aircraft in the course of a flight originating at a place outside the Flight Information Region enters the airspace over the Flight Information Region without landing within the Flight Information Region, the journey from the time it enters such airspace to the time it leaves it; or
- (b) where an aircraft in the course of a flight originating at a place outside the Flight Information Region and terminating at a place outside the Flight Information Region enters the airspace over the Flight Information Region and lands, whether on one or more occasions, in the Flight Information Region in the course of such flight, the journey from the time it enters such airspace to the time it leaves it; or
- (c) where an aircraft in the course of a flight originating at a place inside the Flight Information Region and terminating at a place outside the Flight Information Region leaves the airspace over the Flight Information Region whether there are intermediate landings, the journey from the time it leaves the place of departure and the Flight Information Region to the time when it leaves such airspace; or
- (d) where an aircraft makes one of a series of flights originating at a place inside the Flight Information Region and terminating at the same or any other place inside the Flight Information Region within a period of 24 hours commencing at midnight G.M.T. on one day and terminating at midnight G.M.T. on the following day, whether or not in the course of such flight or flights it leaves and re-enters the airspace over the Flight Information Region, the journey from the time it leaves the first place of departure to the time it arrives at the terminal place;

"**maximum total weight authorised**" in relation to an aircraft means the maximum total weight of the aircraft and its contents at which the aircraft may take off in accordance with the Certificate of Airworthiness of the aircraft;

"**owner**" means the person in whose name the aircraft is registered and includes any person who is or has been acting as agent in Tanzania for a foreign owner, and where the aircraft is operated for hire or reward by some persons other than the registered owner, that person who operates the aircraft.

3. Charges to be paid

- (1) There shall be paid to the Tanzania Government by the owner of an aircraft making a journey in the Flight Information Region charges provided for in these Regulations in respect of air navigation services provided by the Directorate of Civil Aviation.
- (2) Subject to paragraph (4) charges shall be paid in respect of such journey in the Flight Information Region of an aircraft at the rates specified in the Schedule to these Regulations.
- (3) The Director-General shall send to the owner of aircraft, other than an owner who has elected to pay the normal charges, commuted charges to be paid and be reduced as follows—
 - (a) when the application is made during the month of April, May or June, the charges shall be reduced by one-quarter of their amount;
 - (b) when the application is made during the month of July, August or September, the charges shall be reduced by one-half of their amount; and
 - (c) when the application is made during the month of October, November, or December, the charge shall be reduced by three-quarters of their amount.

4. Recovery of charges

- (1) Any charge to be paid under these Regulations shall constitute a debt to the Tanzania Government and may be recovered by legal proceedings brought by the Director-General of Civil Aviation in that name and the officer holding such appointment may for the purpose of such proceedings be described by that name.
- (2) An entry in the aircraft movements log-books at the Flight Information Centre at Dar es Salaam shall be *prima facie* proof that the particular aircraft was within the airspace of the Flight Information Region at the time recorded in the log-book.
- (3) A certificate issued by the Director-General of the maximum total weight authorised and the maximum permitted member of passengers of an aircraft shall in respect of Tanzanian aircraft be *prima facie* proof.

5. Detention of aircraft

- (1) Notwithstanding that a statement may not have been sent to the owner under paragraph (3) of regulation 3, it shall be lawful for the Director-General or any person authorised by him in writing in that regard, to detain any aircraft the owner of which has refused or neglected to pay charges payable by him under these Regulations.
- (2) Any aircraft which has been detained under paragraph (1) shall be released upon payment in full of the charges owing by the owner.
- (3) The Director-General and any person authorised by him under paragraph (1) shall not be liable to any suit or other proceedings on account of any act performed by him under paragraph (1).

6. Exemption from liability for charges

- (1) If prior notice is given to the Director-General by or on behalf of the owner of an aircraft, that a journey in the Flight Information Region is to be made for the purpose of testing the aircraft, the owner of the aircraft shall be exempted from liability to pay a charge under these Regulations in respect of that journey.
- (2) The Director-General may in writing exempt from liability to pay charges under these Regulations owners of aircraft making journeys for any of the following purposes—
 - (a) The search for, or relief or rescue of persons in distress;
 - (b) the transport of refugees sponsored by the United Nations Organisation;
 - (c) the transport of foreign diplomatic missions,and such other purposes as the Director-General may approve.

7. Refunds of commuted charges

- (1) The Director-General may in accordance with paragraph (2) grant a refund of any commuted charge paid in respect of an aircraft, where such aircraft is sold or otherwise disposed of by the owner, or becomes unserviceable during the year in respect of which the commuted charge was paid.
- (2) The amount of any refund made under paragraph (1) shall be calculated to the nearest shilling at the rate of one-fifteenth part of the commuted charge for each completed month remaining in the year in respect of which the charge was made at the date of the sale, disposal or unserviceability of the aircraft.

Schedule

Navigation charges per journey

[Charges omitted: Subject to variation. Items for which charges may be levied are listed below.]

Aircraft weight	Foreign Aircraft (US\$)	Local Aircraft (T.Shs.)	
		Normal	Commuted
(i) Single Engine			
(ii) Light Multi-Engines Up to 5,670 kg (12,500 lbs)			
(iii) Medium Multi-Engines, 5,671-22,680 kg (12,501-50,000 lbs)			
(iv) Light/Heavy Multi-Engines 22681-90718 kg (50,001-200,000 lbs)			
(v) Heavy Multi-Engines 90,719-181,437 kg (200,000-400,000 lbs)			
(vi) Wide Body Multi-Engines in excess of 181,437 kg (400,000 lbs)			