

Aviation

Our capabilities

2023 Norton Rose Fulbright South Africa Inc - Private and confidential



Aviation

We are a leading, global aviation practice providing a multifaceted service to the aviation industry. We offer our clients many years of experience, having worked on many award-winning and innovative transactions and claims. Our clients include airlines, banks and financiers, lessors, insurers, brokers, governments and regulatory bodies.

Our global aviation group provides the specialist legal service needed by today's aviation industry. We offer our clients the benefit of years of in-depth experience from all sides of the aviation business.

Our aviation lawyers work on the full range of aviation legal services, including fleet selection programs, partnering arrangements with fellow carriers, travel companies and other third parties, restructurings, competition law compliance and a range of employment issues. We also advise on major aircraft financing and leasing transactions, including acting on significant 'first-of-their-kind' matters.

The team's strength is bolstered by our aviation disputes group, which advises on all aspects of aviation industry disputes including delivery disputes, lease defaults and repossessions, airline passenger claims, risk management and contractual and insurance issues. We also have a truly global footprint which allows our lawyers to serve clients wherever they may need us.

Africa practice



Local and international clients interact with our South Africa-based aviation team on disputes, finance and leasing transactions, sale and purchase of aircraft, registration of mortgages and other forms of security, drafting of aviation-related commercial agreements, handling claims, interpreting and drafting policy wording, assessing liability and risk, and enforcing commercial agreements across the continent and abroad.



We offer proficient advice in all respects of aviation from the acquisition of aircraft (leasing, financing and sale), mitigation of risks through security (mortgages, International Interests) and insurance (hull, cargo, all risks, liability, war risks, repossession risk, political risk, hanger keepers, and product liability), drafting of aviation related commercial agreements (including hangarage agreements, aircraft maintenance agreements, charter agreements and pilot services agreement), ensuring compliance with the regulatory framework, the handling and resolution of claims and disputes, to the enforcement of commercial, financing and leasing agreements across Africa. We work with our clients to develop new products as well as to manage their legal requirements.



Norton Rose Fulbright in South Africa has substantial dispute resolution experience in third party and passenger claims, insurance and reinsurance, and commercial disputes including repossession. Our aviation dispute resolution experience extends from South Africa throughout the majority of Africa.



Our work on the acquisition of aircraft includes advising on finance and operating leases through tax leases, export credit financings, Islamic leases, securitisations and pre-delivery payment financing. We have significant experience in the drafting of aviation-related commercial agreements including hangarage, aircraft maintenance agreements, charter and pilot services agreements, and are strong in restructuring and insolvencies.

What we offer

Close relationships with industry stakeholder, including insurance brokers, loss adjusters, insurers, reinsurers, financial institutions, Export Credit Agencies (ECA) and the transport authorities across Africa and abroad assuring thorough, current and commercially relevant aviation skills and advice.

Global experience feeding into our local knowledge, and vice versa, for a comprehensive, niche approach, incorporating claims, liability, disputes and enforcements to your aviation law requirements.

Regular general and client-specific workshops providing ongoing education and an ideal forum for the exchange of ideas and concepts.

Extensive market knowledge and research.

Globally, our team of over 100 aviation lawyers gives us the capability to handle large and complex matters for clients. We are ranked amongst the top legal practices for aviation regulatory work by both Chambers and Legal 500 directories.

Our team comprises of young, keen lawyers duly supported by those who have been practicing for longer periods. We have access to highly competent counsel, familiar with aviation law as well as experts to advise on technical matter.

Our mission is to continue developing the practice for the benefit of clients and their needs.

The sky has no limit.

Market Recognition

Our aviation practice holds 10 tier 1 rankings across the leading legal directories

Chambers and Legal 500

"The firm was very responsive and accommodating amidst tight time constraints."

Chambers Global, 2022

Top 10 law firm in Africa

African Legal Awards, 2022

Africa Alliance Firm of the Year

African Legal Awards, 2021

'...is one of the best at the litigation/ aircraft finance aspects of the business.'

Legal 500

"The lawyers have strong legal minds and are solution-oriented."

Chambers Global, 2022

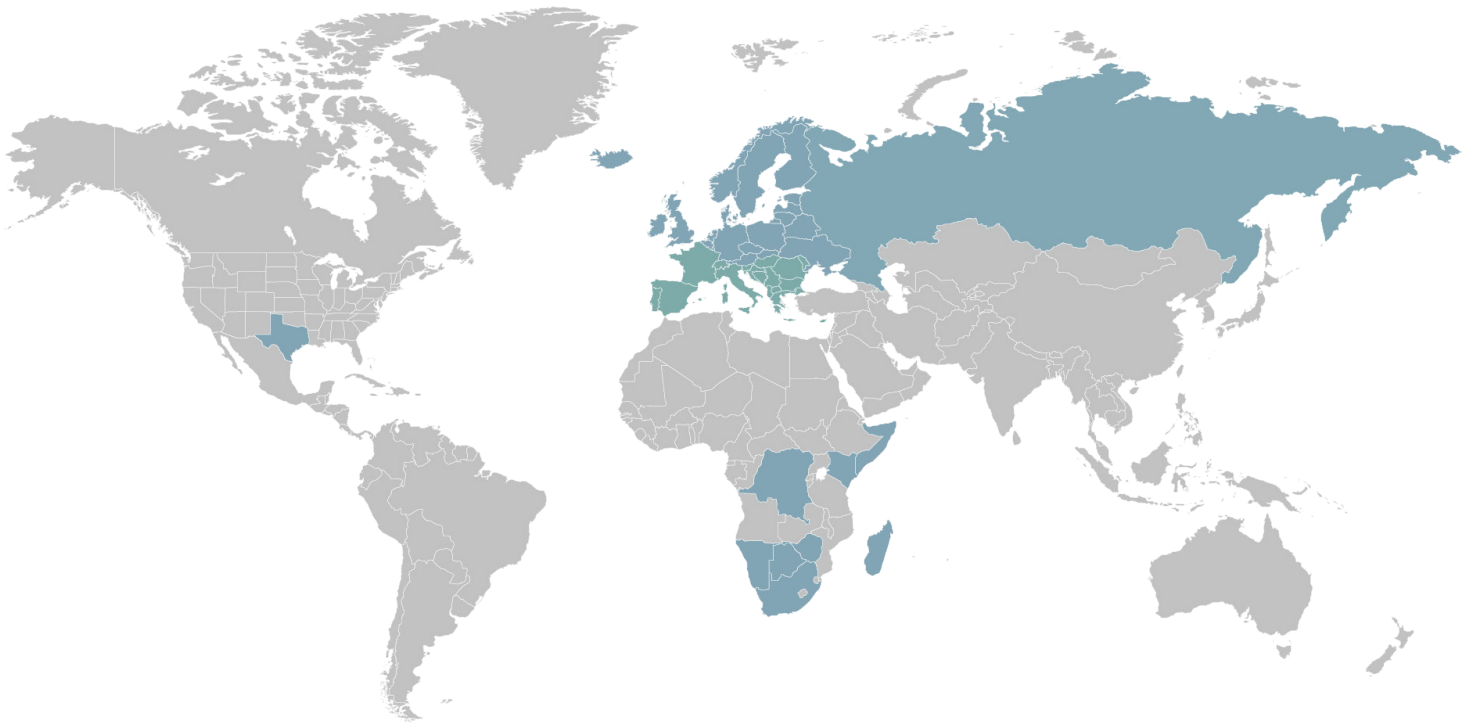
Legal Adviser of the Year

IJ Global Awards, 2022

2022, Acritas, Global Elite Law Firm

Brand Index

Some journeys we have taken with our clients



AMO and Insurer

Botswana

Passenger Damages and Loss of Support Claims.

An aircraft maintenance organization and its liability insurers

Botswana

Passenger fatalities and injuries.

A liability insurer and its insured insurers

Namibia

American and French passengers in an accident involving a Cessna 210 aircraft. Montreal Conventions, and a defence of sudden emergency.

Large airline and its liability insurer

South Africa

Moving of aircraft causing damage to other aircraft. The Ground Handling Agreement between the airline and the ground handler was of relevance.

Liability insurers

South Africa

Civilian aircraft in mid-air collision with a military aircraft. Sovereign immunity and actions against the State were relevant.

Operator and its hull insurers

South Africa

Subrogated action against licensed airport for damages arising out of deficient facilities. Issues considered include the duties owed by an aerodrome operator to users, and the extent to which these duties can be delegated to a third party.

National airline and its liability insurers

South Africa

Subrogated claim against the operators of Kimberley Airport. Aircraft damaged after hitting wild animal.

A national airline and its hull insurer

South Africa

Subrogated claim against an airport authority in respect of damage to a commercial jet aircraft. Limitation of liability in the conditions of use as well as the pilot's and aerodrome operator's statutory responsibilities were relevant.

Helicopter owner and hull insurers

South Africa

Subrogated recovery action for Robinson R44 helicopter which struck power lines. Statutory compliance with the marking and construction of the power cables were relevant.

Insurer

Chad

Breakdown of a commercial relationship with a Chadian based operator: Claim by South African aircraft owner under the All Risks and War Risks sections of a policy. The concepts of "accidental loss", "malicious act" and "seizure" were considered.

Company and Named Pilot

South Africa

Bell 505 hull loss due to LTE.

Insurer

Somalia

Ongoing dispute re, cause of complete hull loss on landing aircraft.

Parts Manufacturing Company / Insurer

USA

South African Court Jurisdiction questioned; product liability.

Insurer

South Africa

Baggage trolley collided with aircraft engine.

Brokerage and PI Insurer

South Africa / Botswana

Dispute relation to transfer of ownership and breach of ANR re. night flying.

Ground Handling Company

South Africa

Successfully defended tender review application for a ground handling company to offer its services.

Acquitted a well-known investigative journalist and television presenter and local broadcast station.

South Africa

Claim relating to allegations of interference of an airline crew.

A pilot

South Africa

Criminal charges arising from the Pilot's operation of an aircraft. The charges were dropped.

OR Tambo International Airport

South Africa

Enforcing the rights under a lease agreement and the Cape Town Convention against a defaulting operator, and assisted in the grounding and repossession of an A330 at OR Tambo International Airport.

A large airline

South Africa

Provided an opinion on the impact of the recent Ugandan anti-gay laws on its cabin crew who are required to fly to, and stay over-night in Uganda in response to concern that some of their cabin crew may be affected by such laws when in Uganda.

A large airline

South Africa

Preparing a consolidated Central Bargaining Agreement to replace the South African Airways Bargaining Forum Constitution.

A large airline

South Africa

Successfully overturned a decision of the Supreme Court of Appeal (SCA) in the Constitutional Court in respect of the Big Five Duty Free tender on behalf of Airports Company South Africa (ACSA), which had financial implications in excess of R1 billion, after having taken over the matter from another firm of attorneys after ACSA had lost the matter in the SCA.

A large airline

South Africa

Funding of national airline in respect of working capital facility and the guarantees issued by the government of South Africa, acting through the Minister of Finance.

A large airline

South Africa

Debt restructuring of National Airline.

European low cost carrier

European Union

Assisted a large low cost carrier in the drafting of all EC261 litigation in respect of passenger delay claims through the European Union.

A private aircraft operator

South Africa

Duty of care to maintain a municipal airfield in a safe condition and the interpretation of ICAO Annexure 14 in respect of the standards required for aerodromes globally.

Aviation



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NORTON ROSE FULBRIGHT

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Law around the world

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