Republic of Namibia
Annotated Statutes

REGULATIONS

REGULATIONS SURVIVING IN TERMS OF

Civil Aviation Act 6 of 2016

section 236(2)

Namibian Civil Aviation Regulations (NAM-CARS), 2001

Government Notice 1 of 2001

(GG 2467)

came into force on 2 March 2001 (GN 1/2001)

These regulations were made in terms of section 22 of the Aviation Act 74 of 1962, which was repealed by the Civil Aviation Act 6 of 2016. They survive pursuant to section 236(2) of the Civil Aviation Act 6 of 2016.

Note that the Air Navigation Regulations, 1963 were repealed by reg 139.01.37 of the original regulations in GN 1/2001 (GG 2467); that regulation has since been substituted.

In addition, the Rules of the Air, Air Traffic Services, Search and Rescue and Overflight Regulations, 1975, were repealed in part by regulation 91.01.14 of the original regulations in GN 1/2001 (GG 2467) (which repealed Chapters 1, 2, 3, 4, 5, 10 and 11 of the 1975 regulations) and in part by regulation 172.01.10 of the original regulations in GN 1/2001 (GG 2467) (which repealed Chapters 6-9 inclusive of the 1975 regulations). The rules in question consisted of only 11 chapters, so these two provisions together constituted a full repeal. Both of these original regulations have since been substituted.

The Government Notice which publishes these regulations notes that they were made, where necessary, after consultation with the Minister of Finance.

as amended by

Government Notice 57 of 2006 (GG 3615)
came into force on date of publication: 1 April 2006
The Government Notice which publishes these amendments notes that they were made after consultation with the Minister of Finance.

Government Notice 201 of 2006 (GG 3741)
came into force on 1 December 2006 (GN 201/2006)
The Government Notice which publishes these amendments notes that they were made after consultation with the Minister of Finance.

Government Notice 80 of 2017 (GG 6281)
came into force on date of publication: 4 April 2017
The Government Notice which publishes these amendments notes that they were made with the concurrence of the Minister responsible for finance.

Government Notice 210 of 2018 (GG 6696)

came into force 90 days after the publication date of 31 August 2018

The Government Notice which publishes these amendments notes that they were made on the recommendation of the Board of Directors of the Namibia Civil Aviation Authority and with the concurrence of the Minister responsible for finance.

Government Notice 293 of 2018 (GG 6763)

as amended by Government Notice 369 of 2018 (GG 6816),
Government Notice 409 of 2019 (GG 7086),
Government Notice 112 of 2020 (GG 7199),
Government Notice 137 of 2021 (GG 7567),
Government Notice 90 of 2022 (GG 7775) and
Government Notice 294 of 2022 (GG 7917)
came into force on date of publication: 8 November 2018,
***except for* substituted Part 139, which comes into effect as follows:**

(i) Subpart 4 in relation to aerodromes in Category D, and Subpart 5 in relation to aerodromes in Category E, and any provision in Part 139 that refers to a Category D or E aerodrome, come into operation on **31 March 2023**;

(ii) in relation to the Categories D and E aerodromes referred to in subparagraph (i), the Executive Director must, based on safety and security standards and recommended practices, make determinations in the **interim period** regarding the use of aerodromes by both commercial and non-commercial domestic air traffic of a maximum certified take-off mass of not more than 20 000 kilogrammes; and

(iii) all the other provisions of Part 139 come into effect on **1 May 2020**.

The Government Notice which publishes these amendments notes that they were made after consultation with the Board of Directors of the Namibia Civil Aviation Authority. It also repeals the Civil Aviation Security Regulations, 1996 contained in GN 181/1996 (GG 1348) and made in terms of the Civil Aviation Offences Act 10 of 1972.

Government Notice 410 of 2019 (GG 7086)

came into force on date of publication: 30 December 2019

The Government Notice which publishes these amendments notes that they were made after consultation with the Board of Directors of the Namibia Civil Aviation Authority.

Government Notice 89 of 2020 (GG 7157)

came into force 90 days after date of publication (date of publication: 27 March 2020)

The Government Notice which publishes these amendments notes that they were made after consultation with the Board of Directors of the Namibia Civil Aviation Authority. It also repeals (i) the Air Navigation Regulations, 1976 published under RSA GN R.141/1976 (RSA GG 4975), as amended by RSA GN R.1283/1976 (RSA GG 5234), RSA GN R.2380/1977 (RSA GG 5804), GN 225/1995 (GG 1204) and GN 60/1998 (GG 1825); and (ii) Safety Directive No. DCA 97-1 published in General Notice 223/1997(GG 1639).

Government Notice 236 of 2020 (GG 7348)

came into force 6 months after date of publication (date of publication: 30 September 2020),
with the *exception* of Part 21: Subparts 2, 3, 5, 6 and 7 and other provisions of Part 21
that make reference to type certification, which will be brought into force
on a date set by the Minister by notice in the *Government Gazette*

The Government Notice which publishes these amendments notes that they were made under sections 54-57 of the Act and after consultation with the Board of Directors of the Namibia Civil Aviation Authority. This Government Notice states that these regulations were amended by Government Notice 112/2020. This is incorrect; Government Notice 112/2020 amends Government Notice 293/2018 (GG 6763) as recorded above, not Government Notice 1/2001.

[The original regulations were presented in a format that is somewhat different from that used in other sets of regulations. However, recent amendments adopt a format that follows other post-Independence regulations more closely. The format utilised here replicates the more modern style.

GN 89/2020 amends the regulations globally to substitute the expressions

- **"authorised officer, inspector or authorised person"**
- **"authorised officer, inspector and authorised person"**

for the expressions:

- **"designated inspector, authorised officer or authorised person"**
- **"designated inspector, authorised officer and authorised person".**

The plural forms of these two expressions have been replaced by the plural forms of the substituted expressions, and where the previous expression was preceded by the word "a"

("a designated…"), **this has been replaced with the word "an"** ("an authorised…") **for grammatical consistency.**

The following notes concern inconsistencies in certain terms in the regulations:
*** "amateur-built" appears both with a hyphen and as two words ("amateur built")**
*** "firefighting" (one unhyphenated word) also appears as "fire fighting" (two words) or as "fire-fighting" (hyphenated)**
*** "gear box" (two words) also appears as "gearbox" (one word)**
*** "kilogram" is sometimes used in the singular form to denote weight, regardless of how many kilograms are referred to**
*** "lift-off" appears both with a hyphen and as two words ("lift off")**
*** "operator" is sometimes capitalised and sometimes not capitalised**
*** "pre-flight" appears both with a hyphen and as one unhyphenated word ("preflight")**
*** "production-built" appears both with a hyphen and as two words ("production built")**
*** "propeller-driven" appears both with a hyphen and as two words ("propeller driven")**
*** "take-off appears both with a hyphen and as two words ("take off")**
*** "waybill" sometimes appears as two words ("way bill").**

Several regulations refer to specific annexes of the Chicago Convention.
The Civil Aviation Act 6 of 2016 defines the "Chicago Convention" as follows:

"Chicago Convention" means the Convention on International Civil Aviation signed in Chicago on 7 December 1944, and adopted by section 1 of the Aviation Amendment Act, 1947 (Act No. 42 of 1947), and contained in Schedule 1, and includes -

(a) any amendment to the Convention that has entered into force under Article 94(a) of the Convention and has been ratified by Namibia; and
(b) any Annex or amendment to any Annex accepted under Article 90 of the Convention, to the extent ratified by Namibia; and
(c) the international standards and procedures adopted and amended by the International Civil Aviation Organisation under Article 37 of the Convention, but subject to any notification of differences by Namibia pursuant to Article 38 of the Convention.

The Convention is supported by Annexes containing international standards and practices which are adopted by decision of the International Civil Aviation Council and regularly amended by means of a tacit acceptance procedure. While these international standards and recommended practices are viewed as authoritative technical specifications, most of them do not have the status of binding international law; Member States are expected to comply with them in terms of Article 37 of the Convention to "the highest practicable degree". The International Civil Aviation Organisation provides a subscription service for up-to-date versions of the Annexes. For more information about the Annexes, see the entry on the *Convention on International Civil Aviation (Chicago Convention), 1944* in the Namlex Appendix.]

NAMIBIAN CIVIL AVIATION REGULATIONS, 2001

[The table of contents is amended by GN 293/2018. Consequential adjustments have been made where not specifically directed, indicated in green type, following the same format as the other entries in the table of contents.]

DEFINITIONS

Part 1 Definitions and abbreviations
[Part 1 is amended by GN 210/2018, GN 293/2018, GN 89/2020 and GN 236/2020.]

PROCEDURES

Part 2 Units of measurement to be used in air and ground operations
[Part 2 is inserted by GN 293/2018.]
Part 3 Regulations making, issuing of technical standards, exemptions, directives, filing of differences and other procedures
[Part 3 is inserted by GN 293/2018.]

Part 11 Establishment of technical committees, panels and related procedures
[Part 11, including its heading, is substituted by GN 293/2018. In the text of the regulations below, the heding of the substituted PART 11 is "Establishment of technical committees, panels and procedures" (without the word "related").]
Part 13 Enforcement procedures
[Part 13 is substituted by GN 293/2018; GN 293/2018 also substitutes the heading of Part 13, but the substituted heading is the same as the original one.]

AIRCRAFT

Part 21 Certification procedures for products and parts and Airworthiness of Aircraft
[Part 21, including its heading, is substituted by GN 236/2020.]
Part 24 Airworthiness requirements: non-type certificated aircraft
[Part 24 is inserted by GN 236/2020.]
Part 34 Engine emission certification
[Part 34, including its heading, is substituted by GN 236/2020.]
Part 36 Noise certification
[Part 36, including its heading, is substituted by GN 236/2020.]
Part 43 General maintenance rules
[Part 43, including its heading, is substituted by GN 236/2020.]
Part 44 Maintenance rules: non-type certificated aircraft
[Part 44 is inserted by GN 236/2020.]
Part 47 Registration and marking of aircraft
[Part 47, including its heading, is substituted by GN 236/2020.]

PERSONNEL

Part 61 Pilot licensing
[In this Part, Regulation 61.01.17 is substituted by GN 410/2019.]
Part 63 Flight engineer licensing
Part 64 Cabin crew licensing
Part 65 Air traffic service personnel licensing
Part 66 Aircraft maintenance engineer licensing
Part 67 Medical certification

RULES OF THE AIR AND GENERAL OPERATING RULES

Part 71 Airspace and air routes
[Part 71 is inserted by GN 89/2020.]
Part 90 Performance-based navigation
[Part 90 is inserted by GN 293/2018.]
Part 91 General operating and flight rules
Part 92 Safe transport of dangerous goods by air
[Part 92, including its heading, is substituted by GN 293/2018.]
Part 98 Operation of powered paragliders
Part 100 Operation of gyroplanes
Part 101 Operation of remotely piloted aircraft
[Part 101, including its heading, is substituted by GN 89/2020.]
Part 102 Operation of free balloons and airships
Part 103 Operation of microlight aeroplanes
Part 104 Operation of gliders
Part 105 Operation of parachutes
Part 106 Operation of hang gliders
Part 107 Operation of amateur-built aircraft

AVIATION SECURITY

Part 108 Acceptance, forwarding, storage and carriage of cargo, mail and in-flight supplies
[Part 108 is inserted by GN 293/2018.]
Part 109 Aviation security training organisations
[Part 109 is inserted by GN 293/2018.]
Part 110 Aviation security screeners and instructors certification
[Part 110 is inserted by GN 293/2018.]
Part 111 Aviation security programmes and security measures
[Part 111 is inserted by GN 293/2018.]
Part 112 (Reserved for future use)
Part 113 Aviation security service providers: certification
[Part 113 is inserted by GN 293/2018.]
Part 114 Aviation security background checks
[Part 114 is inserted by GN 293/2018.]

CERTIFICATED AIRCRAFT OPERATORS AND OTHER FLIGHT OPERATIONS

Part 121 Air transport operations - large aeroplanes
Part 127 Air transport operations - helicopters
Part 133 Helicopter external - load operations
Part 135 Air transport operations - small aeroplanes
Part 137 Agricultural operations

AERODROMES AND HELIPORTS

Part 139 Aerodromes
[Part 139, including its heading, is substituted by GN 293/2018.]

ORGANISATIONS

Part 140 Safety management systems and related matters (SMS)
[Part 140 is inserted by GN 293/2018.]
Part 141 Aviation training organisations
Part 145 Aircraft maintenance organisations
Part 147 Design organisations for products, parts and appliances
Part 148 Manufacturing organisations
Part 149 Aviation recreation organisations

AIR TRAFFIC SERVICES [AIR NAVIGATION SERVICES]

[The amendments made by GN 89/2020 did not amend the headings which appear above the groups of parts in the original regulations. However, it appears from the headings of Parts 170-179 in GN 89/2020 that they were intended to be grouped together under the overarching heading "Air Navigation Services". Furthermore, According to regulation 170.01.1, "air navigation services (ANS) Parts" means "Parts 171, 172, 173, 174, 175 and 179".]

Part 170 General
[Part 170 is inserted by GN 89/2020.]
Part 171 Aeronautical telecommunication services
[Part 171 is inserted by GN 89/2020.]
Part 172 Air traffic services
[Part 172, including its heading, is substituted by GN 89/2020.]
Part 173 Flight procedure design services
[Part 171 is inserted by GN 89/2020.]

AERONAUTICAL INFORMATION AND RELATED SERVICES

[As explained in the note under the previous boldface heading, it appears that the intention of GN 89/2020 was to delete this heading and group Parts 170-179 under the single heading AIR NAVIGATION SERVICES. However, GN 89/2020 provides no directions regarding the table of contents.]

Part 174 Aviation meteorological services
[Part 174, including its heading, is substituted by GN 89/2020.]
Part 175 Aeronautical information services and aeronautical charts
[Part 175, including its heading, is substituted by GN 89/2020.]
Part 179 Search and rescue services
[Part 179 is inserted by GN 89/2020.]

ADMINISTRATION

Part 183 General
Part 185 Offences, fines and related matters
[Part 185, including its heading, is substituted by GN 293/2018.]
Part 187 Fees
[Part 187 is substituted by GN 57/2006, amended by GN 201/2006, substituted by GN 80/2017 and amended by GN 210/2018.]

[The headings in boldface type in the table of contents above do not appear in the text of the regulations as amended. They have been inserted in the text below as an editorial addition, in green type, to guide the user.]

DEFINITIONS

PART 1
DEFINITIONS:
DEFINITIONS AND ABBREVIATIONS

LIST OF REGULATIONS

1.00.1 Definitions
1.00.2 Abbreviations
1.00.3 Classification of aircraft
1.00.4 Categories of precision approach and landing conditions

Definitions

1.00.1 In these Regulations any word or expression to which a meaning has been assigned in the Act shall have that meaning and, unless the context otherwise indicates -

"ab initio training", in relation to pilots, means initial training in an aircraft or a simulator;

"accelerate-stop distance available" means the length of the take-off run available plus the length of stopway, if provided;

"access control" means the application of means by which the entry of unauthorised persons or unauthorised vehicles or both may be restricted or prohibited;

[definition of "access control" inserted by GN 293/2018]

[definition of "accident" deleted by GN 293/2018]

[definition of "accountable manager and compliance officer" deleted by GN 293/2018]

"acrobatic flight" means manoeuvres intentionally performed by an aircraft involving an abrupt change in its attitude, an abnormal attitude, or an abnormal variation in speed;

[The word "altitude" is misspelt in the *Government Gazette* both time it appears in this definition, as reproduced above.]

"acoustical change" means any voluntary change in type design which may increase the noise levels of the aircraft;

"acts of unlawful interference" means acts or attempted acts so as to jeopardise the safety of civil aviation and air transport, including -

(a) unlawful seizure of aircraft in flight;

(b) unlawful seizure of aircraft on the ground;

(c) hostage-taking on board aircraft or on aerodromes;

[The phrase "on aerodromes" may have been intended to be "in aerodromes" or "at aerodromes".]

(d) forcible intrusion on board an aircraft, at an airport or on the premises of an aeronautical facility;

(e) introduction on board an aircraft or at an airport of a weapon or hazardous device or material intended for criminal purposes;

(f) communication of false information such as to jeopardise the safety of an aircraft in flight or on the ground, of passengers, crew members, ground personnel or the general public, at an airport or on the premises of a civil aviation facility; and

(g) use of an aircraft with intent to cause death or serious bodily injury to persons, serious damage to an aircraft or other property or serious damage to the environment;

[definition of "acts of unlawful interference" inserted by GN 293/2018]

"administrative fines" are the category of fines referred to in section 54(2)(c)(ii) in the Act,

and which are imposed by the Authority;

[definition of "administrative fines" inserted by GN 293/2018]

"adviser" means a person designated by the Director, on the basis of his or her qualifications, for the purpose of assisting the investigator-in-charge in an investigation;

"advisory airspace" means an airspace of defined dimensions, or designated route, within which an air traffic advisory service is available;

"advisory area" means a designated area within a flight information region where air traffic advisory services are available;

"advisory route" means a designated route along which an air traffic advisory service is available;

"aerial work" means an aircraft operation in which the aircraft is used for specialised services, including -

(a) an acrobatic operation;

(b) an aerial advertising operation;

(c) an aerial patrol, observation or survey operation;

(d) an aerial recording operation by photographic or electronic means;

(e) an agricultural operation;

(f) a cloud spraying, seeding or dusting operation;

(g) a construction operation;

(h) an emergency medical service operation;

(i) a fire spotting, control or fighting operation;

(j) a game and livestock cull operation;

(k) a parachute dropping operation;

(l) a search and rescue operation;

(m) a semi-acrobatic operation;

(n) a spraying, seeding or dusting operation other than for agricultural purposes and clouds;

(o) a tug operation; and

(p) a helicopter external-load operation;

"aerobatic flight" means an acrobatic flight;

[definition of "aerodrome" deleted by GN 293/2018]

[definition of "aerodrome control service" deleted by GN 293/2018]

"aerodrome control tower" means a unit established to provide an air traffic control service to aerodrome traffic;

[definition of "aerodrome flight information service" deleted by GN 293/2018]

"aerodrome manager" means the person appointed as aerodrome manager in terms of Part 139 by the holder of an aerodrome licence;

"aerodrome operating minima" means the limits of usability of an aerodrome for -

(a) take-off, expressed in terms of runway visual range or visibility and, if necessary, cloud conditions;

(b) landing in precision approach and landing operations, expressed in terms of visibility or runway visual range and decision altitude or height as appropriate to the category of the operation; and

(c) landing in non-precision approach and landing operations, expressed in terms of visibility or runway visual range, minimum descent altitude or height and, if necessary, cloud conditions;

"aerodrome reference point" means the designated geographical location of an aerodrome;

[definition of "aerodrome traffic" deleted by GN 293/2018]

"aerodrome traffic area" means an airspace of defined dimensions at an aerodrome where an aerodrome flight information centre, established for the protection of aerodrome traffic, is in operation;

"aerodrome traffic zone" means an airspace of defined dimensions, established around an aerodrome for the protection of aerodrome traffic;

"Aeronautical Information Circular" means a notice issued by the -

(a) Executive Director under these regulations and containing information that does not qualify for the origination of a NOTAM or for inclusion in the AIP, but which relates to fight safety, air navigation, technical, administrative or legislative matters; or

[The word "flight" is misspelt in the *Government Gazette* in the term "flight safety", as reproduced above.]

(b) Head of Air Navigation Services pursuant to regulation 3.04.1;

[definition of "Aeronautical Information Circular" substituted by GN 293/2018]

"Aeronautical Information Publication" means a publication issued by or with the authority of the Director and containing aeronautical information of a lasting character essential to air navigation;

"aeronautical information regulation and control" means a system aimed at advance notification based on common effective dates, of circumstances that necessitate significant changes in operating practices;

"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;

"agricultural operation" means an operation in which the aircraft is used to provide a service to persons engaged in agriculture or farming, including topdressing, seeding, dusting, spraying, dropping or poison baits and laying of poison;

[The phrase "dropping or poison baits" was probably intended to be "dropping of poison baits".]

"AIP Supplement" means temporary changes to the information contained in the AIP which are published by means of special pages;

"air carrier" means a person who operates an air service as defined in section 1 of the Air Services, 1949 (Act No. 51 of 1949);

**[The definition of "air carrier" is inserted by GN 293/2018.
The word "Act" is omitted in the name of the "Air Services Act".]**

[definition of "aircraft" deleted by GN 293/2018]

"aircraft component" means any component part of an aircraft up to and including a complete powerplant or any operational or emergency equipment;

"aircraft maintenance engineer" means a natural person who has been licensed and appropriately rated as an aircraft maintenance engineer in terms of Part 66;

[definition of "aircraft maintenance engineer" inserted by GN 236/2020]

"aircraft maintenance organisation" means an organisation that has been approved and appropriately rated in terms of Part 145, to perform maintenance of aircraft or parts of the aircraft, and operating under supervision of the Executive Director;

[definition of "aircraft maintenance organisation" inserted by GN 236/2020]

"aircraft in flight" means an aircraft from the moment when all its external doors are closed following embarkation until the moment when such doors are open for disembarkation;

[definition of "aircraft in flight" inserted by GN 293/2018]

"aircraft proximity" means a situation in which, in the opinion of a pilot or an air traffic service personnel member, the distance between aircraft as well as their relative positions and speed, have been such that the safety of the aircraft involved may have been compromised;

"aircraft register" means the Namibia Register of Aircraft established under section 50 of the Act;

[definition of "aircraft register" inserted by GN 236/2020]

"aircraft stand" means a designated area on an apron intended to be used for parking an aircraft;

"aircraft stand taxilane" means a portion of an apron designated as a taxiway and intended to provide access to aircraft stands only;

"airframe" means the fuselage, booms, nacelles, cowlings, fairlings, airfoil surfaces, including rotors but excluding propellers and rotating airfoils of engines, and landing gear of an aircraft and their accessories and controls;

[definition of "air navigation facility" deleted by GN 293/2018]

"airship" means a power-driven lighter-than-air aircraft;

"air operator certificate" means a certificate issued by the Director, authorising an operator to carry out specified commercial air transport operations;

"air racing" means participating in air races, including practising for such air races and flying to and from racing events;

"air side" means the movement area of an aerodrome, adjacent terrain and buildings or portions thereof, access to which is controlled;

[definition of "air traffic" deleted by GN 293/2018]

"air traffic advisory service" means a service provided within advisory airspace to ensure separation, in so far as practical, between aircraft which are operating on IFR flight plans;

[definition of "air traffic control service" deleted by GN 293/2018]

"air traffic controller" means a person licensed in terms of Part 65 to provide an air traffic control service;

"air traffic control service" means an area control service, an approach control service or an aerodrome control service provided for the purpose of -

(a) preventing collisions -

(i) between aircraft; and

(ii) on the manoeuvring area between aircraft and obstructions; and

(b) expediting and maintaining an orderly flow of air traffic;

"air traffic control unit" means an area control centre, an approach control office or an aerodrome control tower;

[definition of "air traffic service" deleted by GN 293/2018]

"air traffic service assistant" means a person licensed in terms of Part 65 to provide assistant services to an air traffic controller;

"air traffic service incident" means an incident or serious incident associated with and related to the provision of air traffic services, including aircraft proximity or other serious difficulty resulting in a hazard to an aircraft, caused by faulty procedures, non-compliance with procedures, failure of ground facilities or any other similar cause;

"air traffic service personnel" means air traffic controllers and air traffic service assistants;

"air traffic service reporting office" means a unit established for the purpose of receiving reports concerning air traffic services and flight plans submitted before departure;

"air traffic service unit" means air traffic control unit, flight information centre or air traffic service reporting office;

"airway" means a control area or a portion thereof established in the form of a corridor;

"airworthiness data" means any information necessary to ensure that the aircraft or aircraft component can be maintained in a condition such that airworthiness of the aircraft, or serviceability of operational and emergency equipment as appropriate, is assured;

"airworthiness design standards" includes maintenance standards;

"airworthiness directive" means an airworthiness directive which the Executive Director is empowered to issue under section 38(3) of the Act;

[definition of "airworthiness directive" inserted by GN 293/2018]

"airworthy" means, when used in relation to an aircraft, that the aircraft is serviceable and meets all the requirements prescribed for the issue of a certificate of airworthiness and such other requirements as have been prescribed for the continuing validity of such certificate;

"aisle" means a longitudinal passageway between aircraft seats;

[definition of "alerting service" deleted by GN 293/2018]

"all weather operations" means any take-off, en route or landing operations in IMC and operated in accordance with IFR;

"alternate aerodrome" means an aerodrome to which an aircraft may proceed when it becomes either impossible or inadvisable to proceed to or to land at the aerodrome of intended landing, and includes a take-off alternate aerodrome, an en route alternate aerodrome and a destination alternate aerodrome;

"altitude" means the vertical distance of a level, a point or an object considered as a point, measured from mean sea level;

"amateur-built aircraft" means an aircraft of which 51 per cent or more of the airframe has been constructed and assembled by the owner thereof, or an organisation which has not been approved in terms of Part 147, exclusively for non-commercial use;

"amphibious aeroplane" means an aeroplane designed and constructed to take-off and land from land surfaces as well as water surfaces;

"amphibious aircraft" means amphibious aeroplanes and amphibious helicopters;

"amphibious helicopter" means a helicopter equipped with wheels, skids, floats or other devices enabling it to land and take-off from land and the surface of water;

"appliance" means any instrument, mechanism, equipment, part, apparatus, appurtenance or accessory, including communications equipment, that is used or intended to be used in operating

or controlling an aircraft in flight, is installed in or attached to the aircraft, and is not part of an airframe, engine or propeller;

"approach control office" means a unit established to provide an air traffic control service to controlled flights arriving at, or departing from, one or more aerodromes;

[definition of "approach control service" deleted by GN 293/2018]

"appropriate authority", for the purposes of these Regulations -

(a) means any institution, body or person in a State or territory which, on behalf of that State or territory carries out the provisions of the Convention; or

(b) if such Convention does not apply to a State or territory, means the institution, body or person in that State or territory which on behalf of the State or territory, performs the functions which are performed by an institution, body or person contemplated in paragraph (a), and which is recognised as such by the Director;

"approved", unless used with reference to another person, means approved in writing by the Director as suitable for a particular purpose;

"approved person" means a natural person who has been authorised and appropriately rated in terms of Part 4 of Part 66 by the Executive Director or the designated organisation, as the case may be, to carry out maintenance inspections and repairs on a non-type certificated aircraft in compliance with the applicable aircraft maintenance schedule;

[definition of "approved person" inserted by GN 236/2020]

"approved standard" means a manufacturing, design, maintenance or quality standard approved by the Director;

"apron" means a defined area, on a land aerodrome, intended to accommodate aircraft for purposes of loading or unloading passengers, mail or cargo, fueling, parking or maintenance;

"apron taxiway" means a portion of a taxiway system located on an apron and intended to provide a through taxi route across the apron;

"area control centre" means a unit established to provide an air traffic control service to controlled flights in control areas under its jurisdiction;

[definition of "area control service" deleted by GN 293/2018]

"assistant services" means services of assisting air traffic controllers to discharge air traffic service-related duties, including coordination services, clearance delivery services, flight information services or aerodrome flight information services;

"ATS route" means a specified route designed for channelling the flow of traffic as necessary for the provision of air traffic services;

"authorised officer" means a person designated as such under 37(1)(a) of the Act;

[definition of "authorised officer" inserted by GN 89/2020]

"authorised person" means a person designated as such under 37(1)(b) of the Act;

[definition of "authorised person" inserted by GN 89/2020]

"automatic activation device" means an automatic altitude and descent-rate activated device designated to self activate a parachute;

[The word "self-activate" should be written with a hyphen.]

"automatic fixed emergency locator transmitter" means an emergency locator transmitter which is permanently attached to an aircraft;

"automatic portable emergency locator transmitter" means an emergency locator transmitter which is rigidly attached to an aircraft but readily removable from the aircraft after a crash;

"automatically deployable emergency locator transmitter" means an emergency locator transmitter which is rigidly attached to an aircraft and deployed automatically or manually in response to a crash;

"aviation directive" means an aviation directive which the Executive Director is empowered to issue under section 38(6) of the Act;

**[The definition of "aviation directive" is inserted by GN 293/2018.
For correct alphabetical order, it should come after the definition of "available seat".]**

"available seat" means the seat or space on an aircraft configured for the purposes of passenger use in relation to its scheduled flight;

[definition of "available seat" inserted by GN 210/2018]

"aviation directive" means an aviation directive which the Executive Director is empowered to issue under section 38(6) of the Act;

**[The definition of "aviation directive" is inserted above as directed by GN 293/2018.
For correct alphabetical order, it should come here, after the definition of "available seat".]**

"aviation recreation" means microlight flying, gliding, ballooning, gyroplane flying, hang gliding, paragliding, powered paragliding, parachuting, powerflying and any other flying for the purpose of recreation or sport or involvement in aviation events;

"aviation security" means the combination of measures and human and material resources intended to safeguard civil aviation against acts of unlawful interference that jeopardise or have the potential to jeopardise the security of civil aviation;

[definition of "aviation security" inserted by GN 293/2018]

"balloon" means a non-power-driven lighter-than-air aircraft, and for the purposes of Part 102, includes an airship;

"base jump" means a parachute descent from an object other than an aircraft;

"bogus part" means a part or material, intended for installation in a type certificated product, which has not been manufactured according to approved procedures, or does not conform to an

approved type design or established civil aviation industry or Namibian civil aviation specifications, and includes -

(a) a part which has been manufactured, reclaimed or reconditioned and marked by an unauthorised source and provided with documents which falsely indicate that the part is a genuine part and conforms to the specifications contained in a manufacturer's authorised Illustrated Parts Catalogue;

(b) a part which has not been maintained, overhauled or repaired in accordance with approved airworthiness data or the provisions of the Regulations, or which has been maintained, overhauled or repaired by persons who are not authorised to perform and certify such maintenance, overhaul or repair; and

(c) a part which is directly supplied to a purchaser by a manufacturer, supplier or distributor, who does not hold an appropriate production certificate for the part and who has not been authorised by the type certificate holder to directly supply such part to the purchaser;

"bomb threat" means a communicated threat, anonymous or otherwise, which suggests or infers, whether true or false, that the safety of an aircraft in flight or on the ground or of any airport or civil aviation facility or any person may be in danger from an explosive or other item or device;

[definition of "bomb threat" inserted by GN 293/2018]

"break", for the purposes of Part 65, means a period not exceeding 60 minutes within the period of operational duty, during which an air traffic controller or an air traffic service assistant is released from all duties;

"cabin crew member" means a crew member licensed in terms of Part 64, who performs, in the interest of the safety of passengers, duties assigned by the operator or the pilot-in-command of the aircraft, but who does not act as a flight crew member;

"cargo aircraft", for the purposes of Part 92, means any aircraft, other than a passenger aircraft, which is carrying goods or property;

"cargo building" means a building through which cargo passes between air and ground transport, and in which processing facilities are located or in which cargo is stored pending transfer to air or ground transport;

**[The definition of "cargo building" is inserted below as directed by GN 293/2018.
For correct alphabetical order, it should appear here, before the definition of "causes".]**

"causes", for the purposes of Part 12, means actions, omissions, events, conditions or a combination thereof, which led to an accident or incident;

"cargo building" means a building through which cargo passes between air and ground transport, and in which processing facilities are located or in which cargo is stored pending transfer to air or ground transport;

**[The definition of "cargo building" is inserted by GN 293/2018.
For correct alphabetical order, it should come before the definition of "causes".]**

"ceiling" means the height above the ground or water of the base of the lowest layer of cloud below 6 000 metres, or 20 000 feet, covering more than half the sky;

"charges" include the following categories of charges:

(a) in relation to air navigation services provided by the Authority -

(i) "aerodrome charge", or ADR, means the amount payable by the holder or participant, inclusive of an owner or operator, in respect of a flight arriving, departing, transiting or undertaken within any control zone (CTR) or aerodrome traffic zone (ATZ);

(ii) "en-route charge" means the amount payable by the holder or participant, inclusive of an owner or operator, in respect of a flight undertaken within the Windhoek Flight Information Region as designated by the Authority; and

(iii) "terminal control area charge", or TMA, means the amount payable by the holder or participant, inclusive of an owner or operator, in respect of a flight entering, exiting, transiting or undertaken within any TMA for air navigation services provided by the Authority; and

(b) in relation to international or domestic carriage, "civil aviation safety charge" means the amount payable, either in respect of a domestic or an international flight, for services by the Authority which are provided directly, related to, or ultimately beneficial for the Namibia Civil Aviation Authority System in accordance with the requirements of the Act, by the holder or participant, inclusive of an owner or operator, who provides air services departing on an aircraft from an aerodrome within the territory of Namibia to a destination within or outside the territory of Namibia;

[definition of "charges" inserted by GN 210/2018]

"child" means an aircraft passenger who has reached his or her second but not his or her twelfth birthday;

"Civil Aviation Regulations" means the regulations contained in this schedule as amended from time to time;

[The schedule referred to is the Schedule to GN 1/2002, which published the original Civil Aviation Regulations.]

"Class C airspace" means that portion of the airspace classified in terms of regulation 172.02.2;

"Class D airspace" means that portion of the airspace classified in terms of regulation 172.02.2;

"Class E airspace" means that portion of the airspace classified in terms of regulation 172.02.2;

"Class G airspace" means that portion of the airspace classified in terms of regulation 172.02.2;

"Class A helicopter-load combination" means a helicopter-load combination in which the external load can not move freely, can not be jettisoned, and which does not extend below the landing gear;

[The term "cannot" normally appears as one word.]

"Class B helicopter-load combination" means a helicopter-load combination in which the external load is jettisonable and which is lifted free of land or water during the helicopter operation;

"Class C helicopter-load combination" means a helicopter-load combination in which the external load is jettisonable and which remains in contact with land or water during the helicopter operation;

"Class D helicopter-load combination" means a helicopter-load combination, other than a Class A, Class B or Class C helicopter-load combination, which has been specifically approved by the Director for that operation;

"Class I product" means a complete aircraft, aircraft engine or propeller, which -

(a) has been type certificated in accordance with the provisions of these Regulations and for which Namibian Specifications or type certificate data sheets have been issued; or

(b) is identical to a type certificated product referred to in paragraph (a) in all respects except as is otherwise acceptable to the appropriate authority of the importing State;

"Class II product" means -

(a) a major component of a Class I product, including wings, fuselages, empennage assemblies, landing gears, power transmissions, control surfaces and installed equipment, the failure of which will jeopardise the safety of a Class I product; or

(b) a part, material or appliance, approved and manufactured under the TSO system as prescribed in Subpart 12 of Part 21;

"Class III product" means any part or component which is not a Class I or a Class II product and includes parts;

"clearance" means air traffic control clearance;

"clearance delivery service" means a service specifically dedicated to the issue of air traffic control clearances to pilots on behalf of one or more air traffic service units;

"clearway" means a defined rectangular area on the ground or water selected or prepared as a suitable area over which an aeroplane may make a portion of its initial climb to a specified height;

"close corporation" means a close corporation registered under the Close Corporations Act, 1988 (Act No. 26 of 1988);

[definition of "commercial air transport operation" deleted by GN 293/2018]

"Co-Mail" means air carrier company mail, shipped within the company's network of stations;

"Co-Mat" means air carrier company materials, shipped within the company's network of stations;

[The definitions of "Co-Mail" and "Co-Mat" are inserted below as directed by GN 293/2018, but they should appear here for correct alphabetical order (since hyphens are generally treated as being blank spaces in alphabetisation).]

"command and control (C2) link" means the data link between the remotely piloted aircraft and the remote pilot station for the purposes of managing the flight;

[definition of "command and control (C2) link" inserted by GN 89/2020]

"communication failure procedure" means a procedure prescribed by the International Civil Aviation Organisation, the full details of which are published in the AIP;

"company" means a company incorporated under the Companies Act, 1973 (Act No. 61 of 1973);

[The Companies Act 61 of 1973 has been replaced by the Companies Act 28 of 2004.]

"condition", which may be imposed by the Director or any person, body or institution as a functionary, on, and which must be complied with by, any other person, organisation, body or institution in case of applications for approval, consent or permission in connection with any matter, object or activity, or in any other case with regard to anything else, means, subject to other relevant provisions of the Act, these Regulations or any other applicable and relevant law, a condition -

(a) which is clear, reasonable, practically executable and appropriate to the relevant matter;

(b) which is calculated to achieve the particular objectives of the relevant empowering provision, read with the Act and these Regulations and any other relevant and appropriate law, and, in general, the promotion of civil aviation safety and the public interest;

(c) which may during the period of validity of the matter in respect of which the condition is imposed, if any, from time to time be amended on written application of the person, organisation, body or institution in respect of which the condition applies;

(d) which provides that if the functionary imposing the condition is satisfied, after the person, organisation, body or institution referred to in paragraph (c) has been afforded a reasonable opportunity to be heard, that a contravention or failure to comply with the condition or a provision thereof has occurred, the functionary may, in his, her or its discretion, permit the person, organisation, body or institution within a stated period to cease the contravention or rectify the failure to comply, to the satisfaction of the functionary, or to notify that person, organisation, body or institution that the condition is deemed as having lapsed and that such person, organisation, body or institution shall forthwith cease carrying out any activity in respect of which the lapsed condition applied; and

(e) which is to be reduced to writing, delivered to the other person, organisation, body or institution in a manner ensuring proper receipt thereof, and recorded by the functionary imposing the condition in an appropriate manner;

"configuration" means a particular combination of the positions of the moveable elements which affect the aerodynamic characteristics of the aircraft;

"consignment", for the purposes of Part 92, one or more packages of dangerous goods accepted by an operator from one shipper at one time and at one address, receipted for in one lot and moving to one consignee at one destination address;

"contaminated runway", for the purposes of these Regulations, means a runway of which more than 25 per cent of the runway surface area, whether in isolated areas or not, within the required length and width being used is covered by -

(a) sand or other foreign objects, such as dung, sticks or grass;

(b) surface water more than three millimetres deep;

(c) slush or loose snow, equivalent to more than three millimetres of water;

(d) snow which has been compressed into a solid mass which resists further compression and will hold together or break into lumps if picked up; or

(e) ice, including wet ice;

"contracted AMO" means an aircraft maintenance organisation (AMO) contracted by the owner or operator of an aircraft to carry out maintenance on an aircraft;

[definition of "contracted AMO" inserted by GN 236/2020]

"control area" means a controlled airspace extending upwards from a specified limit above the earth;

[definition of "controlled airspace" deleted by GN 293/2018]

[definition of "controlled flight" deleted by GN 293/2018]

"control system" means a system by which the flight path, attitude or propulsive force of an aircraft is changed, including the flight, engine and propeller controls, the related system controls and the associated operating mechanisms;

[The word "altitude" is misspelt in the *Government Gazette*, as reproduced above.]

"control zone" means a controlled airspace extending upwards from the surface of the earth to a specified upper limit;

[definition of "controlled flight" deleted by GN 293/2018]

"Convention" means the Convention on International Civil Aviation drawn up at Chicago on 7 December 1944, and includes any amendments thereof and additions thereto;

"conveyance by air" means conveyance in an aircraft in flight;

"coordination service" means a service of coordinating the discharge of air traffic service-related duties by an air traffic service assistant;

"co-pilot" means a licensed pilot serving in any piloting capacity other than as pilot-in-command but excluding a pilot who is on board the aircraft for the sole purpose of receiving flight instruction;

"Co-Mail" means air carrier company mail, shipped within the company's network of stations;

"Co-Mat" means air carrier company materials, shipped within the company's network of stations;

[The definitions of "Co-Mail" and "Co-Mat" are inserted by GN 293/2018. For correct alphabetical order, they should come before the definition of "command and control (C2) link".]

[definition of "crew member" deleted by GN 293/2018]

"critical phases of flight" includes all ground operations involving taxi, take-off, climb up to cruise or 10 000 feet, as the case may be, and approach from cruise altitude or 10 000 feet, as appropriate;

"cross country flight" when used in connection with the acquisition of flight experience required for a pilot licence, means a flight between a point of departure and a point of landing not less than 20 nautical miles apart;

"cull" includes selection, counting and herding;

"current flight plan" means the flight plan, including changes, if any, brought about by subsequent clearances;

"damp runway" means a runway of which the surface is not dry and on which the moisture does not give the runway a shiny appearance;

"danger area" means an airspace of defined dimensions within which activities dangerous to the flight of aircraft may exist at specified times;

[definition of "dangerous goods" deleted by GN 293/2018]

"dangerous goods accident" means an occurrence associated with and related to the conveyance of dangerous goods by air which results in fatal or serious injury to a person or major property damage;

"dangerous goods incident" means -

(a) an occurrence, other than a dangerous goods accident, associated with and related to the conveyance of dangerous goods by air, not necessarily occurring on board an aircraft, which results in injury to a person, property damage, fire, breakage, spillage, leakage of fluid or radiation or other evidence that the integrity of the packaging has not been maintained; or

(b) any other occurrence, other than a dangerous goods accident, relating to the conveyance of dangerous goods which seriously jeopardises the aircraft or its occupants;

"date of application" when used in connection with the issue, renewal or reissue of a licence, certificate or rating, means the date on which the application is received in the prescribed form by the Director;

"day", for the purposes of these Regulations, means the period from 15 minutes before sunrise to 15 minutes after sunset;

"decision altitude/height" means a specified altitude or height in a precision approach at which a missed approach must be initiated if the required visual reference to continue the approach has not been established;

"defined point after take-off" means the point, within the take-off and initial climb phase, before which the helicopter's ability to continue the flight safely, with one engine inoperative, is not assured and a forced landing may be required;

"defined point before landing" means the point, within the approach and landing phase, after which the helicopter's ability to continue the flight safely, with one engine inoperative, is not assured and a forced landing may be required;

"design work", in relation to a terminal instrument flight procedure, means any of the following work:

(a) designing the procedure or a part of the procedure;

(b) verifying, maintaining, reviewing, amending or adapting the procedure; or

(c) supervising a person carrying on any work mentioned in paragraph (a) or (b);

[definition of "design work" inserted by GN 293/2018]

"diplomatic bag" means a shipping container having diplomatic immunity from search or seizure;

[The definition of "diplomatic bag" is inserted by GN 293/2018. For correct alphabetical order, it should come after the definition of "destination alternate aerodrome".]

"designated" means designated by the Director;

"designated aviation medical examiner" means an aviation medical examiner designated by the Director in terms of regulation 67.00.4;

[definition of "designated inspector, authorised officer or authorised person" inserted by GN 293/2018 and deleted by GN 89/2020]

"designated organisation" means the body or institution that has been designated by the Executive Director under Part 149, to perform the functions assigned to it, or exercise the powers conferred on it, by or under these regulations;

[definition of "designated organisation" inserted by GN 236/2020]

"destination alternate aerodrome" means an alternate aerodrome to which an aircraft may proceed should it become impossible or inadvisable to land at the aerodrome of intended landing;

"diplomatic bag" means a shipping container having diplomatic immunity from search or seizure;

[The definition of "diplomatic bag" is inserted above as directed by GN 293/2018, but it should appear here for correct alphabetical order.]

"disembarkation" means the leaving of an aircraft after a landing, except by crew or passengers continuing on the next stage of the same through-flight;

"ditching" means the forced landing of an aircraft on water;

"Document *CATS-AAR" means a document on the Namibian Civil Aviation Technical Standards relating to Airspace and Air Routes which is published by the Executive Director in terms of section 227 of the Act;

[definition of "Document NAM-CATS-AAR" inserted by GN 89/2020]

"Document NAM-CATS-AH" means a document on the Namibian Civil Aviation Technical Standards relating to Aerodromes and Heliports, which is published by the Director in terms of section 22A of the Act:

"Document NAM-CATS-AIS" means a document on the Namibian Civil Aviation Technical Standards relating to Aeronautical Information Services which is published by the Executive Director in terms of section 227 of the Act;

[definition of "Document NAM-CATS-AIS" (Aeronautical Information Services) substituted for definition of "Document NAM-CATS-AIRS" (Aeronautical Information and Related Services) by GN 89/2020]

"Document NAM-CATS-AMEL" means a document on the Namibian Civil Aviation Technical Standards relating to Aircraft Maintenance Engineer Licensing, which is published by the Director in terms of section 22A of the Act;

"Document NAM-CATS-AMO" means a document on the Namibian Civil Aviation Technical Standards relating to Aircraft Maintenance Organisations, which is published by the Director in terms of section 22A of the Act;

"Document NAM-CATS-AR" means a document on the Namibian Civil Aviation Technical Standards relating to Airworthiness Requirements, which is published by the Director in terms of section 22A of the Act;

"Document NAM-CATS-AR-NTCA" means a document on the Namibian Civil Aviation Technical Standards relating to Airworthiness Requirements for Non-Type Certificated Aircraft which is published by the Executive Director in terms of section 227 of the Act;

[definition of "Document NAM-CATS-AR-NTCA" inserted by GN 236/2020]

"Document NAM-CATS-ARM" means a document on the Namibian Civil Aviation Technical Standards relating to Aircraft Registration and Marking, which is published by the Director in terms of section 22A of the Act;

"Document NAM-CATS-ARO" means a document on the Namibian Civil Aviation Technical Standards relating to Aviation Recreation Organisations, which is published by the Director in terms of section 22A of the Act;

"Document NAM-CATS-ATEL" means a document on the Namibian Civil Aviation Technical Standards relating to Aeronautical Telecommunications Services which is published by the Executive Director in terms of section 227 of the Act;

[definition of "Document NAM-CATS-ATEL" inserted by GN 89/2020]

"Document NAM-CATS-ATO" means a document on the Namibian Civil Aviation Technical Standards relating to Aviation Training Organisations, which is published by the Director in terms of section 22A of the Act;

"Document NAM-CATS-ATS" means a document on the Namibian Civil Aviation Technical Standards relating to Air Traffic Services, which is published by the Director in terms of section 22A of the Act;

"Document NAM-CATS-ATSPL" means a document on the Namibian Civil Aviation Technical Standards relating to Air Traffic Service Personnel Licensing, which is published by the Director in terms of section 22A of the Act;

"Document NAM-CATS-CCL" means a document on the Namibian Civil Aviation Technical Standards relating to Cabin Crew Licensing, which is published by the Director in terms of section 22A of the Act;

"Document NAM-CATS-DG" means a document on the Namibian Civil Aviation Technical Standards relating to the Conveyance of Dangerous Goods, which is published by the Director in terms of section 22A of the Act;

"Document NAM-CATS-DO" means a document on the Namibian Civil Aviation Technical Standards relating to Design Organisations, which is published by the Director in terms of section 22A of the Act;

"Document NAM-CATS-ENVIRO" means a document on the Namibian Civil Aviation Technical Standards relating to Environment Protection, which is published by the Director in terms of section 22A of the Act;

"Document NAM-CATS-FCL 61" means a document on the Namibian Civil Aviation Technical Standards relating to Flight Crew Licensing: Pilots, which is published by the Director in terms of section 22A of the Act;

"Document NAM-CATS-FCL 63" means a document on the Namibian Civil Aviation Technical Standards relating to Flight Crew Licensing: Flight Engineers, which is published by the Director in terms of section 22A of the Act;

"Document NAM-CATS-FPD" means a document on the Namibian Civil Aviation Technical Standards relating to Fight Procedure Design which is published by the Executive Director in terms of section 227 of the Act;

**[The definition of "Document NAM-CATS-FPD" is inserted by GN 89/2020.
The word "Flight" is misspelt in the *Government Gazette*, as reproduced above.]**

"Document NAM-CATS-GMR" means a document on the Namibian Civil Aviation Technical Standards relating to General Maintenance Rules, which is published by the Director in terms of section 22A of the Act;

"Document NAM-CATS-MET" means a document on the Namibian Civil Aviation Technical Standards relating to Aeronautical Meteorological Services which is published by the Executive Director in terms of section 227 of the Act;

[definition of "Document NAM-CATS-MET" inserted by GN 89/2020]

"Document NAM-CATS-MORG" means a document on the Namibian Civil Aviation Technical Standards relating to Manufacturing Organisations, which is published by the Director in terms of section 22A of the Act;

"Document NAM-CATS-MR" means a document on the Namibian Civil Aviation Technical Standards relating to Medical Requirements, which is published by the Director in terms of section 22A of the Act;

"Document NAM-CATS-MR-NTCA" means a document on the Namibian Civil Aviation Technical Standards relating to Maintenance Rules for Non-Type Certificated Aircraft which is published by the Executive Director in terms of section 227 of the Act;

[definition of "NAM-CATS-MR-NTCA" inserted by GN 236/2020]

"Document NAM-CATS-OPS 91" means a document on the Namibian Civil Aviation Technical Standards relating to General Operating and Flight Rules, which is published by the Director in terms of section 22A of the Act;

"Document NAM-CATS-OPS 98" means a document on the Namibian Civil Aviation Technical Standards relating to Operation of Powered Paragliders, which is published by the Director in terms of section 22A of the Act;

"Document NAM-CATS-OPS 100" means a document on the Namibian Civil Aviation Technical Standards relating to Operation of Gyroplanes, which is published by the Director in terms of section 22A of the Act;

"Document NAM-CATS-OPS 102" means a document on the Namibian Civil Aviation Technical Standards relating to Operation of Free Balloons and Airships, which is published by the Director in terms of section 22A of the Act;

"Document NAM-CATS-OPS 103" means a document on the Namibian Civil Aviation Technical Standards relating to Operation of Microlight Aeroplanes, which is published by the Director in terms of section 22A of the Act;

"Document NAM-CATS-OPS 104" means a document on the Namibian Civil Aviation Technical Standards relating to Operation of Gliders, which is published by the Director in terms of section 22A of the Act;

"Document NAM-CATS-OPS 105" means a document on the Namibian Civil Aviation Technical Standards relating to Operation of Parachutes, which is published by the Director in terms of section 22A of the Act;

"Document NAM-CATS-OPS 106" means a document on the Namibian Civil Aviation Technical Standards relating to Operation of Hang Gliders, which is published by the Director in terms of section 22A of the Act;

"Document NAM-CATS-OPS 121" means a document on the Namibian Civil Aviation Technical Standards relating to Air Transport Operations: Large Aeroplanes, which is published by the Director in terms of section 22A of the Act;

"Document NAM-CATS-OPS 127" means a document on the Namibian Civil Aviation Technical Standards relating to Air Transport Operations: Helicopters, which is published by the Director in terms of section 22A of the Act;

"Document NAM-CATS-OPS 133" means a document on the Namibian Civil Aviation Technical Standards relating to Helicopter External-load Operations, which is published by the Director in terms of section 22A of the Act;

"Document NAM-CATS-OPS 135" means a document on the Namibian Civil Aviation Technical Standards relating to Air Transport Operations: Small Aeroplanes, which is published by the Director in terms of section 22A of the Act;

"Document NAM-CATS-OPS 137" means a document on the Namibian Civil Aviation Technical Standards relating to Agricultural Operations, which is published by the Director in terms of section 22A of the Act;

"Document NAM-CATS-PBN 90" means a document on the Namibian Civil Aviation Technical Standards relating to Performance-based Navigation, which is published by the Executive Director in terms of section 227 of the Act;

[definition of "Document NAM-CATS-PBN 90" inserted by GN 293/2018]

"Document NAM-CATS-RPA" means a document on the Namibian Civil Aviation Technical Standards relating to Remote Piloted Aircraft and Remote Piloted Aircraft systems which is published by the Executive Director in terms of section 227 of the Act;

[definition of "Document NAM-CATS-RPA" inserted by GN 89/2020]

"Document NAM-CATS-SAR" means a document on the Namibian Civil Aviation Technical Standards relating to Search and Rescue operations which is published by the Executive Director in terms of section 227 of the Act;

[definition of "Document NAM-CATS-SAR" inserted by GN 89/2020]

"Document NAM-CATS-SMS 140" means a document on the Namibian Civil Aviation Technical Standards relating to the Safety Management Systems, which is published by the Executive Director in terms of section 227 of the Act;

[definition of "Document NAM-CATS-SMS 140" inserted by GN 293/2018]

"Document NAM-CATS-UOM" means a document on the Namibian Civil Aviation Technical Standards relating to the Units of Measurement used in civil aviation, which is published by the Executive Director in terms of section 227 of the Act;

[definition of "Document NAM-CATS-UOM" inserted by GN 293/2018]

"dry operating mass" means the total mass of the aircraft ready for a specific type of operation, excluding all usable fuel and traffic load, and includes -

(a) crew and crew baggage;

(b) catering and removable passenger service equipment; and

(c) portable water and lavatory chemicals;

"dry runway" means a runway which is neither wet nor contaminated, and includes those paved runways which have been specially prepared with grooves or porous pavement and maintained to retain "effective dry" braking action even when moisture is present;

"elevated heliport" means a heliport located on a raised structure on land;

"embarkation" means the boarding of an aircraft for the purpose of commencing a flight, except by such crew or passengers who have embarked on a previous stage of the same through-flight;

"emergency locator transmitter" means equipment which broadcast distinctive signals on designated frequencies and, depending on application, may either sense a crash and operate automatically or be manually activated, and includes an automatic fixed emergency locator transmitter, an automatic portable emergency locator transmitter, an automatically deployable emergency locator transmitter and a survival emergency locator transmitter;

"emergency parachute" means a parachute assembly designed and intended to be used by persons in an emergency;

"emission change" means any voluntary change in type design of the aircraft or engine which may increase fuel venting or engine emission;

"employment permit" means a permit issued under the Immigration Control Act, 1993 (Act No. 7 of 1993), to a person who intends to enter or reside in Namibia for the purpose of employment or conducting a business or carrying on a profession or occupation in Namibia;

"enforcement code" means the code referred to in regulation 13.01.1(2) that enables the Executive Director to enforce the Act and these regulations;

**[The definition of "enforcement code" is inserted by GN 293/2018.
The Enforcement Code is contained in General Notice 28/2020 (GG 7100).]**

"en route alternate aerodrome" means an alternate aerodrome at which an aircraft would be able to land after experiencing an abnormal or emergency condition while en route;

"en route safe altitude" means an altitude which will ensure a separation height of at least 1 500 feet above the highest obstacle located within five nautical miles of the aircraft in flight;

"ensure", in relation to any person, organisation, body or institution and in respect of any matter, activity, process, condition, requirement or other person, or anything else, means to take, considering the nature and context of the provision requiring the ensuring, and any other appropriate legal provisions, in good faith, all necessary, and all reasonably incidental and practically executable preliminary, precedent and precautionary steps in order to be able and prepared to take, and afterwards to take, all necessary and reasonably incidental and practically executable steps, to substantially achieve the clear particular objectives of the provision requiring the ensuring and, in general, the promotion of civil aviation safety and the public interest;

"estimated time of arrival" -

(a) for IFR flights, means the time at which it is estimated that the aircraft will arrive over that designated point, defined by reference to navigation aids, from which it is intended that an instrument approach procedure will be commenced or, if no navigation aid is associated with the aerodrome, the time at which the aircraft will arrive over the aerodrome; and

(b) for VFR flights, the time at which it is estimated that the aircraft will arrive over the aerodrome;

"exhibition" means exhibiting the aircraft's flight capabilities, performance or unusual characteristics at air shows, motion picture, television and similar productions, and the maintenance of exhibition flight proficiency, including, for persons exhibiting aircraft, flying to and from such air shows and productions;

"experimental certificate" means a special certificate of airworthiness issued in terms of Part 21 for the purpose of -

(a) research and development;

(b) showing compliance with the Regulations;

(c) flight crew training;

(d) exhibition;

(e) air racing;

(f) market surveys;

(g) operating amateur-built aircraft; or

(h) operating production-built aircraft;

"extended range operation" means any flight by an aeroplane with two turbine power-units where the flight time at the one power-unit inoperative cruise speed, in ISA and still air conditions, from a point on the route to an adequate alternate aerodrome, is greater than 60 minutes;

"external-load" means a load that is carried, or extends, outside of the helicopter fuselage;

"external-load attaching means" means the structural components used to attach an external-load to a helicopter, including external-load containers, the backup structure at the attachment points, and any quick-release device used to jettison the external-load;

"facility" for the purposes of Part 172, means air navigation facility;

"final approach" means that part of an instrument approach procedure which commences at the specified approach fix, or where such a fix is not specified -

(a) at the end of the last procedure turn, base turn or inbound turn of a racetrack procedure, if specified; or

(b) at the point of interception of the last track specified in the approach procedure,

and ends at a point in the vicinity of an aerodrome from which a landing can be made or a missed approach procedure is initiated;

"final approach fix" means that fix or point of an instrument approach procedure where the final approach segment commences;

"final approach segment" means that segment of an instrument approach procedure in which alignment and descent for landing are accomplished;

"first aid" means first aid appropriate to the type of aircraft, and includes -

(a) the recognition and treatment of food poisoning;

(b) the recognition and treatment of contamination of the skin and eyes by aviation fuel and other fluids;

(c) the recognition and treatment of hypoxia and hyperventilation;

(d) first aid associated with survival training, appropriate to the routes to be operated; and

(e) other related aeromedical aspects;

"flares", for the purposes of Part 101, means flares other than flares used for air traffic control;

"flight crew member" means a crew member licensed in terms of Part 61 or Part 63 and charged with duties essential to the operation of an aircraft during flight time;

"flight information centre" means a unit established to provide flight information services and alerting services;

"flight information region" means an airspace of defined dimensions within which flight information services and alerting services are provided;

[definition of "flight information service" deleted by GN 293/2018]

"flight instructor" means a pilot who is the holder of the appropriate flight instructor rating;

"flight level" means a surface of constant atmospheric pressure which is related to a specific pressure datum, 1013.2 hectopascals and is separated from other such surfaces by specific pressure intervals;

"flight manual" means a manual, associated with the certificate of airworthiness, containing limitations within which the aircraft is to be considered airworthy, and instructions and information necessary to the flight crew members for the safe operation of the aircraft;

"flight plan" means specified information provided to air traffic service units, relative to an intended flight or portion of a flight of an aircraft;

"flight recorder" means any type of recorder installed in the aircraft for the purposes of complementing aviation accident or incident investigation, and for the purposes of Part 91, includes a flight data recorder and a cockpit voice recorder;

"flight time" means the total time from the moment an aircraft first moves under its own power for the purpose of taking off until the moment it comes to rest at the end of the flight;

"flight visibility" means the visibility forward from the cockpit of an aircraft in flight;

"forecast" means a statement of expected meteorological conditions for a specified time or period, and for a specified area or portion of airspace;

"general aviation operation" means an aircraft operation other than a commercial air transport operation or an aerial work operation;

"glide path" means a descent profile determined for vertical guidance during a final approach;

"glider" means a non-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, and for the purposes of these Regulations, includes a motor glider;

"ground visibility" means the visibility at an aerodrome, as reported by an observer who is recognised by the Director for the purpose;

"gyroplane" means a heavier-than-air aircraft supported in flight by the reactions of the air on one or more rotors which rotate freely on substantially vertical axes;

"handicapped passenger" means a passenger who is physically or mentally handicapped due to illness, injury, congenital malfunction or other temporary or permanent incapacity or disability;

"hang glider" means a non-power-driven heavier-than-air aircraft capable of being carried, launched and landed solely by the energy of the pilot, having -

(a) a rigid primary structure with pilot weightshift as the primary method of control; or

(b) a rigid primary structure with movable aerodynamic surfaces as the primary method of control in at least two axes,

and for the purposes of Part 106, includes a paraglider;

"hazard" means any act, omission, event or condition, or a combination thereof, that could lead to or result in an accident or incident;

"Head of Air Navigation Services" means the head of Air Navigation Services appointed in terms of section 49(2) of the Act;

[definition of "Head of Air Navigation Services" inserted by GN 293/2018]

"heavier-than-air aircraft" means any aircraft deriving its lift in flight chiefly from aerodynamic forces:

"height" means the vertical distance of a level, a point or an object considered as a point, measured from a specified datum;

"helicopter" means a heavier-than-air aircraft supported in flight chiefly by the reactions of the air on one or more power-driven rotors on substantially vertical axes;

"helicopter-load combination" means the combination of a helicopter and an external-load, including the external-load attaching means;

"helideck" means a heliport located on a floating or fixed off-shore structure;

"heliport" means an aerodrome or a defined area on a structure intended to be used wholly or in part for the arrival, departure, and surface movement of helicopters;

"heliport operating minima" means the limits of usability of a heliport for -

(a) take-off, expressed in terms of runway visual range or visibility and, if necessary, cloud conditions;

(b) landing in precision approach and landing operations, expressed in terms of visibility or runway visual range and decision altitude or height as appropriate to the category of operation; and

(c) landing in non-precision approach and landing operations, expressed in terms of visibility or runway visual range, minimum descent altitude or height and, if necessary, cloud conditions;

"high-risk cargo or mail" means cargo or mail presented by an unknown entity and cargo or mail showing signs of tampering must be considered as high risk if, in addition, it meets either one of the following criteria:

(a) specific intelligence indicates that the cargo or mail poses a threat to civil aviation;

(b) the cargo or mail shows anomalies that give rise to suspicion; or

(c) the nature of the cargo or mail is such that baseline security measures alone are unlikely to detect prohibited items that could endanger the aircraft;

[definition of "high-risk cargo or mail" inserted by GN 293/2018]

[definition of "incident" deleted by GN 293/2018]

"industrial aid" means an operation in which an aircraft is operated solely for the benefit of a company or a group of companies, or any subsidiary thereof, in its commercial activities by a person who is a member or in the employ of such company or group of companies or subsidiary, and which is not offered for remuneration or hire to the public in general;

"infant" means an aircraft passenger who has not reached his or her second birthday;

"initial approach fix" means the fix determined in terms of instrument approach procedures which identifies the beginning of the initial approach segment;

"inspection" means the examination of an aircraft or aircraft component to establish conformity with an approved standard;

"inspector" means a person designated as such under 37(1)(a) of the Act;

[definition of "inspector" inserted by GN 89/2020]

"instructions for safe operation and continued airworthiness" means instructions prepared by the holder of a type certificate for a product, comprising descriptive data and accomplishment instructions;

"instrument approach procedure" means a series of predetermined manoeuvres by reference to flight instruments with specified protection from obstacles from the initial approach fix, or where applicable, from the beginning of a defined arrival route, to a point from which a landing can be completed and thereafter, if a landing is not completed, to a position at which holding or en route obstacle clearance criteria apply;

"instrument approach and landing operations" means approach and landing operations using instrument approach procedures and classified as -

(a) non-precision approach and landing operations; and

(b) precision approach and landing operations;

"instrument flight time" means time during which a pilot is piloting an aircraft solely by reference to instruments and without external reference points;

"instrument ground time" means time during which a pilot is practising, on the ground, simulated instrument flight in a simulator;

"instrument meteorological conditions" means meteorological conditions expressed in terms of visibility, distance from cloud, and ceiling, less than the minima specified for visual meteorological conditions;

"instrument time" means instrument flight time or instrument ground time;

"integrated training" means an uninterrupted training course, consisting of a theoretical and practical syllabus, designed to train a student with no knowledge of aviation, to the standard required for a commercial pilot licence or an airline transport pilot licence;

"Integrated Aeronautical Information Package" means a package which consists of the following elements:

(a) AIP, including an amendment service;

(b) supplements to the AIP;

(c) NOTAM and pre-flight information bulletins;

(d) AIC; and

(e) checklists and summaries;

[definition of "international flight" deleted by GN 293/2018]

"International Regulations for Preventing Collisions at Sea" means the International Regulations for Preventing Collisions at Sea made under the Convention on the International Regulations for Preventing Collisions at Sea, signed at London on 20 October 1972, set out in the Third Schedule to the Merchant Shipping Act, 1951 (Act No. 57 of 1951);

"in-flight supplies" means all items intended to be taken on board an aircraft for use, consumption or purchase by passengers or crew members during a flight, other than -

(a) cabin baggage;

(b) items carried by persons other than passengers; and

(c) air carrier company mail (Co-Mail) and company materials(Co-Mat);

[definition of "in-flight supplies" inserted by GN 293/2018]

"in the vicinity of an aerodrome", in relation to an aircraft, means when the aircraft is in, entering or leaving an aerodrome traffic circuit;

"investigation", for the purposes of Regulations Regarding the Investigation of Accidents, 2000, means a process conducted for the purpose of accident prevention which includes the gathering and analysis of information, the drawing of conclusions, including the determination of causes and, when appropriate, the making of safety recommendations;

"investigator" means a person designated by the Director in terms of Regulations Regarding the Investigation of Accidents, 2000;

[This refers to the Regulations regarding the Investigation of Aircraft Accidents contained in GN 82/2000 (GG 2298).]

"investigator-in-charge" means a person charged, on the basis of his or her qualifications, with the responsibility for the organisation, conduct and control of an investigation;

"kite" means a framework, covered with paper, cloth, metal, or other material, intended to be flown at the end of a rope or cable, and having as its only support the force of the wind moving past it surfaces;

[The word "it" in the phrase "it surfaces" should be "its" to be grammatically correct.]

"known consigner", relation to -

(a) cargo, means the originator of property for transportation by air, and who has established business with a regulated agent or aircraft operator;

(b) mail, means the originator of mail for transportation by air, and who has established business with a regulated postal authority or administration,

and who in either case, has been certificated by the Executive Director as such;

[The definition of "known consigner" is inserted by GN 293/2018. The word "in" has been omitted in the introductory phrase: "in relation to**".]**

"known supplier of airport supplies" means a supplier whose procedures meet the security rules and standards prescribed in Part 108 sufficiently to allow delivery of airport supplies to a security restricted area;

[definition of "known supplier of airport supplies" inserted by GN 293/2018]

"known supplier of in-flight supplies" means a supplier whose procedures meet the security rules and standards prescribed in Part 108 sufficiently to allow delivery of in-flight supplies to an air carrier or regulated supplier, but not directly to aircraft;

[definition of "known supplier of in-flight supplies" inserted by GN 293/2018]

"landing area" means that part of a movement area intended for the landing or take-off of aircraft;

"landing decision point" means the point used in determining landing performance from which, a power unit failure occurring at this point, the landing may be safely continued or a balked landing initiated;

"landing distance available" means the length of the runway which is declared available and suitable for the ground run of an aeroplane landing;

"landside" means that area of an airport and buildings to which both travelling passengers and the non-travelling public have unrestricted access;

[definition of "landside" inserted by GN 293/2018]

"large aeroplane" means an aeroplane with a maximum certificated take-off mass exceeding 5 700 kilogram;

"letter of TSO design approval" means a design approval for a foreign-manufactured article which complies with a specific TSO;

"lighter-than-air aircraft" means any aircraft supported chiefly by its buoyancy in the air;

"line flight" means a flight carried out under normal commercial operations by the holder of an air operator certificate;

"line flying" means flying done by flight crew under normal commercial operations;

"low-visibility procedures" means procedures applied at an aerodrome for the purpose of ensuring safe operations during Category II and III approaches and take-offs;

"low-visibility take-off" means a take-off where the runway visual range is less than 400 metres;

"Mach number" means the ratio of true airspeed to the speed of sound;

"mail" means dispatches of correspondence and other items tendered by, and intended for delivery to, postal services;

[definition of "mail" inserted by GN 293/2018]

"main parachute" means a parachute which is designed and intended to be used as the primary parachute for a parachute descent;

"maintenance" means any one or combination of overhaul, repair, inspection, replacement, modification or defect rectification of an aircraft or aircraft component;

"major change" means any change in the type design which is extensive enough to require a substantially complete investigation to determine compliance with the type certification basis;

"major modification" means a modification not listed in the aircraft, aircraft engine, or propeller specifications -

(a) which may appreciably affect mass, balance, structural strength, performance, powerplant operations, flight characteristics, or other qualities affecting airworthiness; or

(b) which is not done according to accepted practices or cannot be done by elementary operations;

"major repair" means a repair -

(a) which, if improperly done, may appreciably affect mass, balance, structural strength, performance, powerplant operation, flight characteristics, or other qualities affecting airworthiness; or

(b) which is not done according to accepted practices or cannot be done by elementary operations;

"mandatory periodic inspection" means an inspection carried out and certified at intervals not exceeding 12 months or 100 hours of flight time, whichever occurs first, or any other approved inspection programme;

[definition of "manoeuvring area" deleted by GN 293/2018]

"market surveys" means the use of aircraft for purposes of conducting market surveys, sales demonstrations and customer crew training;

"Master" means the Master of the High Court appointed in terms of the Administration of Estates Act, 1965 (Act No. 66 of 1965);

"master minimum equipment list" means a list established for a particular aircraft type by the manufacturer with the approval of the State of Manufacture containing items, one or more of which is permitted to be unserviceable at the commencement of a flight, and which may be associated with special operating conditions, limitations or procedures;

"maximum approved passenger seating configuration" means the maximum passenger seating capacity of an aircraft, excluding pilot seats, cockpit seats or flight deck seats and cabin crew seats as applicable, used by the operator in a commercial air transport operation, approved by the Director and specified in the operations manual;

"maximum certificated mass" means the maximum permissible mass shown in the aircraft flight manual or other document associated with the certificate of airworthiness at which an aircraft may commence its take-off under standard atmospheric conditions at sea level;

"maximum certificated take-off mass" means maximum certificated mass;

"maximum mass" means maximum certificated take-off mass;

"meteorological information" means any meteorological report, analysis, forecast and any other statement relating to existing or expected meteorological conditions;

"meteorological service" means any of the following services which provide meteorological information in support of aviation:

(a) Climatology service, which is a service for the development and supply of climatological information for a specific place or airspace;

(b) Forecast service, which is a service for the supply of forecast meteorological information for a specific area or portion of airspace;

(c) Information dissemination service, which is a service for the collection and dissemination of meteorological information:

(d) Meteorological briefing service, which is a service for the supply of written and oral meteorological information on existing and expected meteorological conditions;

(e) Meteorological reporting service, which is a service for the supply of routine meteorological reports: and

(f) Meteorological watch service, which is a service for maintaining a watch over meteorological conditions affecting aircraft operations in a specific area;

"microlight aeroplane" means an aeroplane of which the maximum certificated mass does not exceed 450 kilogram;

"minimum descent altitude or minimum descent height" means a specified altitude or height in a non-precision approach or circling approach below which descent must not be made without the required visual reference;

"minimum equipment list" means a list which provides for the operation of aircraft, subject to specified conditions, with particular equipment inoperative, prepared by an operator in conformity with, or more restrictive than, the master minimum equipment list established for the aircraft type;

"minor change" means any change in type design which has no appreciable effect on the mass, balance, structural strength, reliability, operational characteristics or other characteristics affecting the airworthiness of the product;

"minor modification" means a modification other than a major modification;

"missed approach point" means that point in an instrument approach procedure at or before which the prescribed missed approach procedure must be initiated in order to ensure that the minimum obstacle clearance is not infringed;

"missed approach procedure" means the procedure to be followed if the approach cannot be continued;

"model aircraft" means a heavier-than-air aircraft of limited dimensions, with or without a power source and not able to carry a human being, which can be sustained in the atmosphere by forces exerted on it by the air;

"modification" means the alteration of an aircraft or aircraft component in conformity with an approved standard;

"motor glider" means an aircraft equipped with one or more engines which has, with the engine or engines not operating, the performance characteristics of a glider;

"movement area" means that part of an aerodrome to be used for the take-off, landing and taxiing of aircraft, consisting of the manoeuvring area and the apron;

"Namibian registered aircraft" means any aircraft which is registered by the Director in terms of regulation 47.00.6;

"NAM-TSO authorisation" means a design and production approval issued to the manufacturer of an article which complies with a specific TSO;

[definition of "NAM-TSO authorisation" inserted by GN 236/2020]

"nautical mile" means the length equal to 1 852 metres exactly;

"newly overhauled", when used to described a product, means that the product has not been operated or placed in service, except for functional testing, since having been overhauled, inspected and approved for return to service in accordance with the provisions of these Regulations;

[The word "described" should be "describe" to be grammatically correct.]

"night", for the purposes of these Regulations, means the period from 15 minutes after sunset to 15 minutes before sunrise;

"night duty" means a period of not less than 4 hours between 20h00 and 06h00 of the next day;

"non-precision approach and landing operation" means an instrument approach and landing which does not utilize electronic glide path guidance;

"non-type certificated aircraft" means any aircraft that does not qualify for the issue of a certificate of airworthiness in terms of Part 21 and includes any type certificated aircraft that has been scrapped, of which the original identification plate has to be removed and returned to the appropriate aviation authority and is rebuild as a fullscale replica;

**[definition of "non-type certificated aircraft" inserted by GN 236/2020;
the word "rebuild" should be "rebuilt" and the word "fullscale" should be "full-scale"]**

"Notice to Airmen" means a notice distributed by means of telecommunication containing information concerning the establishment, condition or change in any aeronautical facility, service, procedure or hazard, the timely knowledge of which is essential to personnel concerned with flight operations;

"obstacle" means any fixed, whether temporary or permanent, or mobile object, or part thereof, that is located on an area intended for the surface movement of aircraft or that extends above a defined surface intended to protect aircraft in flight;

"operational flight plan" means the operator's plan for the safe conduct of the flight based on considerations of aircraft performance, other operating limitations and relevant expected conditions on the route to be followed and at the aerodromes concerned;

"operations manual" means a manual containing procedures, instructions and guidance for use by operational personnel in the execution of their duties;

"operations personnel", for the purposes of Subpart 11 of Part 91, means personnel assigned to or directly involved in ground and flight emergency medical service operations;

"operator" means a person, organisation or enterprise engaged in or offering to engage in an aircraft operation;

"organisation" includes a natural person, trust, company, close corporation and voluntary association;

"ornithopter" means a heavier-than-air aircraft supported in flight chiefly by the reactions of the air on planes to which a flapping motion is imparted;

"overhaul" means the restoration of an aircraft or aircraft component by inspection and replacement in conformity with an approved standard to extend the operational life;

"overpack" means an enclosure used by a single shipper to contain one or more packages and to form one handling unit for convenience of handling and stowage;

[definition of "owner" deleted by GN 293/2018]

"package" means the complete product of the packing operation consisting of the packaging and its contents prepared for conveyance;

"packaging" means receptacles and any other components or materials necessary for the receptacle to perform its containment function and to ensure compliance with the requirements and standards prescribed in Part 92;

"packing" means the art and operation by which articles or substances are enveloped in wrappings, enclosed in packagings or otherwise secured;

"parachute" means any device comprising a flexible drag, or drag and lift, surface from which load is suspended by shroud lines capable of controlled deployment from a packed condition;

"parachute assembly" means any parachute and its associated harness and container system, and other attached equipment for use by a person;

"parachute descent" means any descent made from an aircraft by a person with the prior intention of deploying a parachute;

"parachute drop zone" means a designated area of airspace in which parachute descents are intended to be made, and includes a parachute landing area;

"parachute landing area" means an area of ground or water onto which parachute landings are intended to be made;

"paraglider" means a hang glider with no rigid primary structure;

"passenger aircraft", for the purposes of Part 92, means an aircraft that carries any person other than a crew member, an operator's employee in an official capacity, an authorised officer or a person accompanying a consignment or other cargo;

"period of operational duty" means the period during which an air traffic controller or an air traffic service assistant is actually exercising the privileges of the air traffic service licence;

[definition of "pilot-in-command" deleted by GN 293/2018]

"precision approach and landing operation" means an instrument approach and landing using precision azimuth and glide path guidance with minima as determined by the category of operation specified in regulation 1.00.4;

"precision approach procedure" means an instrument approach procedure utilising azimuth and glide path information provided by ILS or PAR;

"pre-flight information bulletin" means a presentation of current NOTAM information of operational significance, prepared prior to flight;

"preliminary report" means the communication used for the prompt dissemination of data obtained in the early stages of the investigation;

"pressure altitude" means an atmospheric pressure expressed in terms of altitude which corresponds to that pressure in the standard atmosphere;

"problematic use of substances" means the use of one or more psychoactive substances by flight crew, cabin crew, air traffic service personnel and aircraft maintenance engineers in a way which -

(a) constitutes a direct hazard to the user or endangers the lives, health or welfare of others; or

(b) causes or worsens an occupational, social, mental or physical problem or disorder;

"process release certificate or report" means a certificate or report which verifies compliance with a specific process standard;

"product", for the purposes of Part 21, means an aircraft, aircraft engine or propeller;

"production-built aircraft" means an aircraft of which less than 51 per cent of the airframe has been constructed and assembled by the owner thereof, or an organisation which has not been approved in terms of Part 147, exclusively for non-commercial use;

"progressive inspection" means a sustained airworthiness inspection of an aircraft, its components, installed systems and equipment, at scheduled intervals in accordance with approved procedures;

"prohibited area" means an airspace of defined dimensions, above the land areas or territorial waters of Namibia, within which the flight of aircraft is prohibited;

"proper shipping name" means the name to be used to describe a particular article or substance in all shipping documents and notifications and, where appropriate, on packagings;

"psychoactive substance" includes alcohol, optoids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, but excludes coffee and tobacco;

[The word "optoids" was probably intended to be "opioids".]

"rapid exit taxiway" means a taxiway connected to a runway at an acute angle and designed to allow landing aeroplanes to turn off at higher speeds than are achieved on other exit taxiways and thereby minimising runway occupancy times;

"rating" means an authorisation entered on or associated with a licence and forming part thereof, stating special conditions, privileges or limitations pertaining to such licence;

"receptacle" means any container used for or capable of receiving and holding substances or articles, including any means of closing;

"register" means any register which is kept or required to be kept in terms of these regulations and which register forms part of the Civil Aviation Registry established in terms of section 52 of the Act;

[definition of "register" substituted by GN 89/2020]

"registry manual" means the manual of the Civil Aviation Registry (CAR) referred to in regulation 3.01.1(3);

[definition of "registry manual" inserted by GN 293/2018]

"regulated agent" means an agent, freight forwarder or any other entity who conducts business with an operator and provides and ensures security controls that are accepted or required by the Executive Director in respect of cargo, and mail and who has certificated by the Executive Director as such;

**[definition of "regulated agent" is inserted by GN 293/2018;
The word "been" has been omitted in the phrase "who has been certificated"]**

"regulated supplier of in-flight supplies" means a supplier whose procedures meet the security rules prescribed in Part 108 to a standard sufficient to allow delivery of in-flight supplies directly to aircraft, and who has been certificated by the Executive Director as such;

[definition of "regulated supplier of in-flight supplies" inserted by GN 293/2018]

"rejected take-off distance required" means the horizontal distance required from the start of the take-off to the point where the helicopter comes to a full stop following a power-unit failure and rejection of the take-off at the take-off decision point;

"release to service" -

(a) in relation to an aircraft, means -

(i) in respect of scheduled maintenance, the issue of a certificate of release to service or an aircraft release certificate, as the case may be; and

(ii) in respect of line maintenance, the appropriate entry in the technical logbook or technical log, as the case may be; and

(b) in relation to an aircraft component, means the issuing of -

(i) a serviceable label; or

(ii) an authorised release certificate;

"remotely piloted aircraft (RPA)" means an unmanned aircraft which is piloted from a remote pilot station;

[definition of "remotely piloted aircraft (RPA)" inserted by GN 89/2020]

"remote pilot station" means the component of the RPA system containing the equipment used to pilot the RPA;

[definition of "remote pilot station" inserted by GN 89/2020]

"RPA system" means a remotely piloted aircraft, its associated remote pilot station or stations, the required command and control links and any other components as specified in the type design;

[The definition of "RPA system" is inserted by GN 89/2020. The full stop at the end of the inserted definition has been corrected to be a semicolon since the list of definitions continues. Note also that the directions for insertion in GN 89/2020 have the result that this definition is not in the correct alphabetical order; it should appear after the definition of "rotorcraft".]

"repair" means the restoration of an aircraft or aircraft component to a serviceable condition in conformity with an approved standard;

"rescue co-ordination centre" means a unit responsible for promoting efficient organisation of search and rescue services and for co-ordinating the conduct of search and rescue operations within a search and rescue region;

"rescue subcentre" means a unit subordinate to a rescue co-ordination centre, established to complement the latter within a specified portion of a search and rescue region;

"research and development" means the testing of new aircraft design concepts, new aircraft equipment, new aircraft installations, new aircraft operating techniques or new uses for aircraft;

"reserve parachute" means an emergency parachute assembly designed and approved to be used as the secondary parachute after the failure of a main parachute;

"resident of Namibia" means a person who has his or her ordinary residence in Namibia and who is a Namibian citizen or is in possession of a permanent residence permit or a temporary residence permit issued in terms of the Immigration Control Act, 1993 (Act No. 7 of 1993);

"restricted area" means an airspace of defined dimensions, above the land areas or territorial waters of Namibia, within which the flight of aircraft is restricted in accordance with certain specified conditions, and -

(a) for the purposes of these Regulations, includes a danger area; and

(b) for the purposes of Part 139, means air side;

"rigger" means a person who certifies parachute equipment;

"river" includes a canal;

"rocket" means -

(a) an aircraft propelled by ejected expanding gases generated in the engine of the aircraft from self-contained propellants and not dependent on the intake of outside substances; and

(b) any part of the aircraft which becomes separated from such aircraft during its operation,

and for the purposes of Part 101, includes pyrotechnics, missiles and flares;

"rotorcraft" means a power-driven heavier-than-air aircraft supported in flight by the reactions of the air on one or more rotors;

"RPA system" means a remotely piloted aircraft, its associated remote pilot station or stations, the required command and control links and any other components as specified in the type design;

[The definition of "RPA system" is inserted above as directed by GN 89/2020, but it should appear here to be in correct alphabetical order.]

"runway" means a defined rectangular area on a land aerodrome prepared for the landing and take-off of aircraft;

"runway visual range" means the range over which the pilot of an aircraft on the centre line of a runway can see the runway surface markings or the lights delineating the runway or identifying its centre line;

"safety" means the freedom from risk of bodily injury or death and the freedom from risk of loss or damage to property;

"safety recommendation" means a proposal of the Inspector of Accident based on information derived from the investigation or any other proposal made with the intention of preventing accidents or incidents;

"scheduled commercial air transport operation" means a commercial air transport operation in connection with which flights are undertaken -

(a) (i) between the same two or more points; or

(ii) with such a slight variation from the same two or more points that each flight can reasonably be regarded as being between the same two or more points;

(b) (i) according to a published timetable; or

(ii) with such a degree of regularity and frequency that they constitute a recognisable systematic series; and

(c) in such a manner that each flight is open to use by members of the public;

"screening" means the application of technical or other means which are intended to identify or detect weapons, explosives or other dangerous devices, articles or substances which may be used to commit an act of unlawful interference;

[definition of "screening" inserted by GN 293/2018]

"seaplane" means an aeroplane designed and constructed to take off from and land on water surfaces only;

"search and rescue region" means an area of defined dimensions within which search and rescue services are provided;

"security" means a combination of measures and human and material resources intended to safeguard civil aviation against acts of unlawful interference;

"security audit" means an in-depth compliance examination of all aspects of the implementation of the national civil aviation security programme;

"security background check" means the procedures prescribed in section 134 of the Act, including a check of a person's identity and previous experience including, where legally permissible, any criminal history, as part of the assessment of an individual's fitness to implement a security control or for unescorted access to a security restricted area;

"security control" means a process by which the introduction of weapons, explosives or other dangerous devices, articles or substances which may be used to commit an act of unlawful interference can be prevented;

"security equipment" means devices of a specialised nature for use, individually or as part of a system, in the prevention or detection of acts of unlawful interference with civil aviation and its facilities;

"security inspection" means an examination of the implementation of relevant national civil aviation security programme requirements by an operator of an aircraft, airport, or other entity involved in security;

"security programme" means written measures adopted to safeguard international civil aviation against acts of unlawful interference;

[The definitions of "security", "security audit", "security background check", "security control", "security equipment", "security inspection" and "security programme" are inserted by GN 293/2018. For correct alphabetical order, these definitions should appear after the definition of "sector".]

"sector" includes take-off, en route flight time and landing, but excludes circuit operations;

"security" means a combination of measures and human and material resources intended to safeguard civil aviation against acts of unlawful interference;

"security audit" means an in-depth compliance examination of all aspects of the implementation of the national civil aviation security programme;

"security background check" means the procedures prescribed in section 134 of the Act, including a check of a person's identity and previous experience including, where legally permissible, any criminal history, as part of the assessment of an individual's fitness to implement a security control or for unescorted access to a security restricted area;

"security control" means a process by which the introduction of weapons, explosives or other dangerous devices, articles or substances which may be used to commit an act of unlawful interference can be prevented;

"security equipment" means devices of a specialised nature for use, individually or as part of a system, in the prevention or detection of acts of unlawful interference with civil aviation and its facilities;

"security inspection" means an examination of the implementation of relevant national civil aviation security programme requirements by an operator of an aircraft, airport, or other entity involved in security;

"security programme" means written measures adopted to safeguard international civil aviation against acts of unlawful interference;

[The definitions of "security", "security audit", "security background check", "security control", "security equipment", "security inspection" and "security programme" are inserted above as directed by GN 293/2018. For correct alphabetical order, these definitions should appear here, after the definition of "sector".]

"Selcal watch and Selcal callsign" means a selective calling system to effect communication with aircraft by the use of a specific code which is detected by apparatus in the aircraft;

"senior accountable manager" means the natural person of the participant or holder, including an owner or operator, who is to have or is likely to have control over the exercise of privileges under an aviation document, carries responsibility for day-to-day aviation activities and compliance of the participant or holder, performs the duties as required by the Act, these regulations and technical standards, and who meets the fit and proper person test and other relevant prescribed requirements in the manner contemplated in section 69 of the Act;

[definition of "senior accountable manager" inserted by GN 293/2018]

"serious incident" means an incident involving circumstances indicating that an accident nearly occurred, and for the purposes of these Regulations, includes -

(a) a technical loss of separation, a near collision requiring an avoidance manoeuvre to avoid the collision or an unsafe situation or when an avoidance action would have been appropriate;

(b) a controlled flight into terrain only marginally avoided;

(c) a rejected take-off on a closed or engaged runway;

(d) a take-off from a closed or engaged runway with marginal separation from an obstacle;

(e) a landing or attempted landing on a closed or engaged runway;

(f) a gross failure to achieve predicted performance during take-off or initial climb;

(g) fire or smoke in the passenger compartment, in cargo compartments or engine fires, even though such fires were extinguished by the use of extinguishing agents;

(h) an event requiring an emergency descent or the emergency use of oxygen by the flight crew;

(i) an engine fails or is shut down as a precautionary measure;

(j) an aircraft structural failure or engine disintegration not classified as an accident;

(k) a multiple malfunction of one or more aircraft systems seriously affecting the operation of the aircraft;

(l) any crew member whose duties are directly related to the safe operation of the aircraft is unable to perform its duties as a result of a physical incapacitation that poses a threat to the safety of any person, property or the environment;

(m) a fuel shortage occurs that necessitates a diversion or requires approach and landing priority at the destination of the aircraft;

(n) the aircraft is refueled with the incorrect type of fuel or contaminated fuel;

(o) where the aircraft fails to remain within the landing or take-off area, lands with all or part of the landing gear retracted or drags a wingtip, an engine pool or any other part of the aircraft;

(p) difficulties in controlling the aircraft are encountered owing to any aircraft system, malfunction, weather phenomena, wake turbulence, uncontrolled vibrations or operations outside the flight envelope;

(q) a failure of more than one system in a redundancy system mandatory for flight guidance and navigation;

(r) any dangerous goods are released in or from the aircraft;

(s) a crew member declares an emergency or indicates any degree of emergency that requires priority handling by an air traffic control unit or the standing by of emergency response services;

(t) a transmission gearbox malfunction occurs; and

(u) an external-load is released unintentionally, or as a precautionary or emergency measure;

"serious injury" means an injury which is sustained by a person in an accident and which -

(a) requires hospitalisation for more than 48 hours, commencing within seven days from the date the injury was received;

(b) results in a fracture of any bone, except simple fractures of fingers, toes or nose;

(c) involves lacerations which cause severe haemorrhage, or nerve, muscle or tendon damage;

(d) involves injury to any internal organ;

(e) involves second or third degree bums, or any bums affecting more than five per cent of the body surface; or

(f) involves verified exposure to infectious substances or injurious radiation;

"serviceable" means, when used in relation to an aircraft, that the aircraft has been maintained and inspected in accordance with the requirements of the approved maintenance schedule and that all adjustments and rectifications found to be necessary, have been satisfactorily made;

"shift" means the period between the actual commencement and the actual end of a period of duty during which an air traffic controller or an air traffic service assistant exercises, or may be called upon to exercise, the privileges of the rating at the air traffic service unit for which such rating is validated, and includes breaks and time spent on other duties including training, aerodrome inspection, administration, flight information service and any extension of duty;

"shift cycle" means a consecutive 28 day period;

"showing compliance with the Regulations" means conducting flight tests and other operations to show compliance with the regulations in Part 21, including flights to show compliance for the

issue of type certificates and supplemental type certificates, flights to substantiate major design changes and flights to show compliance with the function and reliability requirements;

"shipper" means any person who prepares or offers a package or overpack of dangerous goods for conveyance by air;

"SIGMET information" means information issued by a meteorological watch office concerning the occurrence or expected occurrence of specified en route weather phenomena which may affect the safety of aircraft operations;

"simulator" means a synthetic flight training;

"small aeroplane" means an aeroplane with a maximum certificated take-off mass of 5 700 kilogram or less;

"special flight permit" means a special certificate of airworthiness issued in terms of Part 21 for an aircraft which may not currently meet applicable airworthiness requirements but is capable of safe flight, for the purpose of -

(a) flying the aircraft to a base where repairs, modifications or maintenance are to be performed, or to a point of storage;

(b) delivering or exporting the aircraft;

(c) production flight testing new production aircraft;

(d) evacuating aircraft from areas of impending danger; or

(e) conducting customer demonstration flights in new production aircraft which have satisfactorily completed production flight tests;

"special VFR flight" means a VFR flight cleared by air traffic control to operate within a control zone in meteorological conditions below VMC;

"standard training" means ongoing training;

"State of Design" means the State having jurisdiction over the organisation responsible for the type design of the aircraft;

"State of Manufacture" means the State having jurisdiction over the organisation responsible for the final assembly of the aircraft;

"State of Registry" means the State on whose register the aircraft is entered;

"State of the Operator" means the State in which the operator's principal place of business is located or, if there is no such place of business, the operator's permanent residence;

"stopway" means a defined rectangular area on the ground at the end of take-off run available prepared as a suitable area in which an aircraft can be stopped in the case of an abandoned take-off;

"stores" means articles of a readily consumable nature for use or sale on board an aircraft during flight, including commissary supplies;

"student parachutist" means a person who is at the first level of training;

"student pilot-in-command instrument time" means flight time during which a flight instructor will only observe the student acting as pilot-in-command without influencing or controlling the flight of the aircraft;

"subsonic aeroplane" means an aeroplane incapable of sustaining level flight at speeds exceeding flight Mach number of one;

"supplemental type certificate" means a certificate issued in terms of regulation 21.05.3, which authorises the holder thereof to alter a product for which such holder is not the type certificate holder, by introducing a major change in the type design which is not great enough to require a new application for a type certificate;

"survival emergency locator transmitter" means an emergency locator transmitter which is removable from an aircraft, stowed so as to facilitate its ready use in an emergency and activated by survivors, or automatically activated;

"synthetic flight trainer", for the purposes of these Regulations, means -

(a) a flight simulator, which provides an accurate representation of the flight deck of a particular aircraft type to the extent that the mechanical, electrical and electronic aircraft systems control functions, the normal environment of flight crew members and the performance and flight characteristics of that type of aircraft are realistically simulated;

(b) a flight procedures trainer, which provides a realistic flight deck environment, and which simulates instrument responses, simple control functions of mechanical, electrical and electronic aircraft systems, and the performance and flight characteristics of aircraft of a particular class;

(c) a basic instrument flight trainer, which is equipped with appropriate instruments, and which simulates the flight deck environment of an aircraft in flight in instrument flight conditions, and which is approved by the Director for the purpose;

"take-off alternate aerodrome" means an alternate aerodrome at which an aircraft can land should this become necessary shortly after take-off and it is not possible to use the aerodrome of departure;

"take-off decision point" means the point used in determining take-off performance from which, a power unit failure occurring at this point, either a rejected take-off may be made or a take-off safely continued;

"take-off distance available" means the length of the take-off run available plus the length of the clearway, if provided;

"take-off mass" means the mass of the aircraft, including everything and every person carried in the aircraft at the commencement of the take-off run or lift-off, as the case may be;

"take-off run available" means the length of runway declared available and suitable for the ground run of an aeroplane taking off;

"tandem master" means the person responsible for the direct control of a tandem parachute descent using a tandem parachute assembly when a tandem passenger is being carried and who has been authorised by an approved aviation recreation organisation;

"tandem parachute descent" means a parachute descent involving a tandem passenger and tandem master in a common tandem parachute assembly which is under the direct control of the tandem master;

"tandem pair" means a tandem master and tandem passenger;

"tandem passenger" means a person participating in a tandem parachute descent under the direct control of a tandem master using the secondary harness of a tandem harness system;

"taxi" means the movement of an aircraft on the surface of an aerodrome under its own power, excluding take-off and landing;

"taxiway" means a defined path on a land aerodrome established for the taxiing of aircraft and intended to provide a link between one part of the aerodrome and another, and includes an aircraft stand taxilane, an apron taxiway and a rapid exit taxiway;

"technical standard", in relation to civil aviation, means any standard, including any rule, requirement, method, specification, characteristic or procedure, issued by the Executive Director in accordance with section 227 of the Act in respect of civil aircraft or aircraft components, or in respect of persons engaged in any civil aviation activity or in respect of civil aviation related services, facilities or equipment;

[definition of "technical standard" inserted by GN 293/2018]

"Technical Standard Order" means a minimum performance standard issued by the Director for specified materials, parts, processes or appliances, used on aircraft;

"temporary training" means any intermittent training;

"terminal control area" means a control area normally established at the confluence of ATS routes in the vicinity of one or more major aerodromes;

"the Act" means the Civil Aviation Act, 2016 (Act No. 6 of 2016);

[definition of "the Act" substituted by GN 293/2018]

"the Regulations" means the regulations contained in this Schedule in the several Parts of the Namibian Civil Aviation Regulations, including this Part, as amended from time to time;

"these Regulations" means the Regulations;

"threshold" means the beginning of that portion of the runway usable for landing;

"through-flight" means a particular operation of aircraft, identified by the operator by the use throughout of the same symbol from point of origin via any intermediate points to point of destination;

"total cosmic radiation" means the total of ionizing and neutron radiation of galactic and solar origin:

"touchdown and lift-off area" means a load bearing area on which a helicopter may touch down of lift off;

[The phrase "touch down of lift off" was probably intended to be "touch down or lift off".]

"touchdown area available" means the length and width of the touchdown area which is declared available and suitable for the landing of a helicopter;

"traffic load" means the total mass of passengers, baggage and cargo, including any non-revenue load;

"training" means -

(a) the training courses; or

(b) the tests or verifications of skill or proficiency,

specified in these Regulations;

"TSO authorisation" means a design and production approval issued to the manufacturer of an article which complies with a specific TSO;

"type certificate" means a design approval for a Class I product, issued in terms of regulation 21.02.8;

"type of aircraft" means all aircraft of the same basic design including all modifications thereto except those modifications which result in a change in handling or flight characteristics;

"unaccompanied baggage" means baggage that is transported as cargo and may or may not be carried on the same aircraft with the person to whom it belongs;

[definition of "unaccompanied baggage" inserted by GN 293/2018]

"unknown cargo" means any cargo for which there is no evidence that it has been subjected to the applicable screening procedures or continuous security controls specified in Part 108 and the NCASP;

[definition of "unknown cargo" inserted by GN 293/2018]

"unit load device" means any type of freight container, aircraft container, aircraft pallet with a net, or aircraft pallet with a net over an igloo;

"unmanned free balloon" means a non-power-driven, unmanned, lighter-than-air aircraft in free flight;

"valid" when used in connection with a licence, certificate or rating issued, renewed or reissued under these Regulations, means that all the requirements applicable to such licence, certificate or rating, as prescribed by these Regulations, have been complied with;

"validation", for the purposes of Part 65, means an authorisation entered on a licence and forming part thereof, to exercise a specific rating at a specific air traffic service unit, containing special conditions, privileges or limitations pertaining to such rating;

"validation examiner" means an official validation examiner appointed by the Director or a validation examiner who has been designated in terms of regulation 65.01.9;

"veteran aircraft" means a previously type-certificated aircraft of which the airworthiness is no longer supported by the holder of the type certificate, or for which a valid type certificate is no longer held by any person;

[definition of "veteran aircraft" inserted by GN 236/2020]

"violation" means the breach, including the contravention or failure to comply with, or manner of careless or incompetent manner in which the privileges or duties of an aviation document was carried out or utilised, or grossly negligent or wilful conduct in respect of, any provisions of the Act, a regulation, a technical standard or an aviation directive;

[The definition of "violation" is inserted by GN 293/2018. There is a grammatical problem with the phrase "the breach, including the contravention or failure to comply with, or manner of careless or incompetent manner in which the privileges or duties of an aviation document was carried out or utilised"; it is not clear what was intended.]

"visibility" means the ability, as determined by atmospheric conditions and expressed in units of measurement, to see and identify prominent unlighted objects by day and prominent lighted objects by night;

"visual approach" means an approach when either part or all of an instrument approach procedure is not completed and the approach is executed with visual reference to the terrain;

"visual meteorological conditions" means meteorological conditions expressed in terms of visibility, distance from cloud, and ceiling, equal to or better than specified minima;

"wet runway" means a runway of which less than 25 per cent of the surface is covered with water, slush or loose snow or when there is sufficient moisture on the runway surface to cause it to appear reflective, but without significant areas of standing water;

[The full stop at the end of this definition has been corrected to be a semicolon (since the list of definitions continues).]

"Windhoek Flight Information Region" is as defined in the current edition of Namibian AIP ENR Section.

Abbreviations

1.00.2 In these Regulations -

(a) AGL means above ground level;

(b) AIC means an Aeronautical Information Circular;

(c) AIP means an Aeronautical Information Publication;

(d) AIP SUP means an AIP Supplement;

(e) AIRAC means aeronautical information regulation and control;

(eA) A-MET means Aviation Meteorological Services;

[Paragraph (eA) is inserted by GN 89/2020; note that this abbreviation is not in the correct alphabetical order]

(eA) AME means aircraft maintenance engineer;

[Paragraph eA is inserted by GN 236/2020 without deletion of the existing eA.]

(eB) AIS means Aeronautical Information Services;

[paragraph (eB) inserted by GN 89/2020]

(eB) AMO means aircraft maintenance organisation;

[Paragraph eB is inserted by GN 236/2020 without deletion of the existing eB.]

(f) ATA means aerodrome traffic area;

(fA) ATEL means Aeronautical Telecommunications Services;

[paragraph (fA) inserted by GN 89/2020]

(g) ATS means air traffic service;

(h) ATZ means an aerodrome traffic zone;

(i) AVGAS means aviation gasoline;

(iA) CAR means the Civil Aviation Registry established under section 52 of the Act;

[paragraph (iA) inserted by GN 293/2018]

(j) COL means a configuration deviation list;

(k) CTA means a control area;

(l) CTR means a control zone;

(m) DA/H means decision altitude/height;

(n) DAME means designated aviation medical examiner;

(o) ELT means emergency locator transmitter;

(p) ELT (AF) means automatic fixed emergency locator transmitter;

(q) ELT (AP) means automatic portable emergency locator transmitter;

(r) ELT (AD) means automatic deployable emergency locator transmitter;

(s) ELT (S) means survival emergency locator transmitter;

(t) EROPS means extended range operations;

(u) ETOPS means extended range operations with twin-engine aircraft;

(v) FL means flight level;

(vA) FPD means Flight Procedure Design;

[paragraph (vA) inserted by GN 89/2020]

(w) IAIP means an Integrated Aeronautical Information Package;

(x) IFR means instrument flight rules;

(y) ILS means instrument landing system;

(z) JMC means instrument meteorological conditions;

(aa) LDP means landing decision point;

(bb) MCM means maximum certificated mass;

(bbA) MCTOW means maximum certificated take-off weight;

[paragraph (bbA) inserted by GN 236/2020]

(cc) MDA means minimum descent altitude;

(dd) MDA/H means minimum descent altitude/height;

(ee) MDH means minimum descent height;

(ff) MEL means a minimum equipment list;

(gg) MMEL means a master minimum equipment list;

(hh) MNPS means minimum navigation performance specifications;

(ii) MSL means mean sea level;

(iiA) NCASCQP means the Namibia Civil Aviation Security Quality Control Programme;

(iiB) NCASP means the Namibia Civil Aviation Security Programme;

(iiC) NCASTP means Namibia Civil Aviation Security Training Programme;

[paragraphs (iiA)-(iiC) inserted by GN 293/2018]

(jj) NAM-CARs means Namibian Civil Aviation Regulations;

(jjA) NAM-PMA means Namibia Parts Manufacturing Approval;

[paragraph (jjA) inserted by GN 236/2020]

(jjB) NAM-TSO means Namibia Technical Standard Order;

[paragraph (jjB) inserted by GN 236/2020]

(kk) NOB means a non-directional radio beacon;

(ll) nm means nautical mile;

(mm) NOTAM means Notice to Airmen;

(nn) PI means pilot-in-command;

(oo) PII means co-pilot;

(pp) PAR means Precision Approach Radar;

(qq) PBE means portable breathing equipment;

(rr) PIB means Pre-flight Information Bulletin;

(ss) PPI means a Plan Position Indicator;

(tt) RNP means the required navigation performance;

(ttA) RPA means remotely piloted aircraft;

[paragraph (ttA) inserted by GN 89/2020]

(ttA) RVSM means reduced vertical separation minima;

[Paragraph (ttA) is inserted by GN 236/2020 without deletion of the existing paragraph (ttA); it is inserted in correct place with regard to the lettering of the paragraphs, but this results in incorrect alphabetical order.]

(uu) RVR means runway visual range;

(uuA) SI means the International System of Units;

(uuB) SSP means the State Safety Programme;

[paragraphs (uuA) and (uuB) inserted by GN 293/2018]

(vv) STOL means short take-off and landing;

(ww) TOP means take-off decision point;

(xx) TLOF means touchdown and lift-off area;

(yy) TMA means a terminal control area;

(zz) TSO means Technical Standard Order;

(aaa) VFR means visual flight rules;

(bbb) VHF means very high frequency;

(ccc) VMC means visual meteorological conditions;

(ddd) VOR means VHF omnidirectional radio range.

Classification of aircraft

1.00.3 Aircraft are classified as -

(a) a lighter-than-air aircraft:

(i) a non-power-driven aircraft:

(aa) a free balloon- spherical or non-spherical; or

(bb) a captive balloon- spherical or non-spherical; and

(ii) a power-driven aircraft: an airship - rigid, semi-rigid or non-rigid; and

(b) a heavier-than-air aircraft:

(i) a non-power-driven aircraft:

(aa) a glider - land or sea; or

(bb) a kite; and

(ii) a power-driven aircraft:

(aa) an aeroplane - land, sea or amphibian; or

(bb) a rotorcraft:

(A) a gyroplane- land, sea or amphibian; or

(B) a helicopter - land, sea or amphibian; and

(cc) an ornithopter - land, sea or amphibian.

Categories of precision approach and landing opertions

[The word "operations" is misspelt in the *Government Gazette*, as reproduced above.]

1.004 (1) The categories of precision approach and landing operations are the following:

(a) Category I operation - a precision instrument approach and landing with a decision height not lower than 60 m, or 200 ft, and with either a visibility not less than 800 m or a runway visual range not less than 550 m;

(b) Category II operation a precision instrument approach and landing with a decision height lower than 60 m, or 200 ft, but not lower than 300 m, or 100 ft, and a runway visual range not less than 350 m;

(c) Category IIIA operation - a precision instrument approach and landing with -

(i) a decision height lower than 30 m, or 100 ft, or no decision height; and

(ii) a runway visual range not less than 200 m;

(d) Category IIIB operation - a precision instrument approach and landing with -

(i) a decision height lower than 15 m, or 50 ft, or no decision height; and

(ii) a runway visiual range less than 200 m but not less than 50 m; and

[The word "visual" is misspelt in the *Government Gazette*, as reproduced above.]

(e) Category IIIC operation - a precision instrument approach and landing with no decision height and no runway visual range limitations.

(2) Where decision height and runway visual range fall into different categories of operation, the instrument approach and landing operation shall be conducted in accordance with the requirements of the most demanding category.

PROCEDURES

PART 2
UNITS OF MEASUREMENT TO BE USED IN AIR AND GROUND OPERATIONS

[Part 2 is inserted by GN 293/2018. GN 293/2018 directs that Parts 2 and 3 should be inserted after the heading "PROCEDURES" in the regulations. There is no such heading in the body of the regulations, but the table of contents of the regulations suggests that the heading should appear as shown above in green type.]

LIST OF REGULATIONS

SUBPART 1: GENERAL

2.01.1 Applicability

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2.02.3 Additional non-SI alternative units for temporary use with SI
2.02.4 Application of specific units
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SUBPART 1
GENERAL

Applicability

2.02.1 (1) This Part -

(a) applies to all aspects of civil aviation air and ground operations in Namibia; and

(b) contains specifications for the use of standardised system of units of measurement in civil aviation air and ground operations based on the international system of units (SI) and certain non-SI units considered necessary for use in Namibia to meet the requirements of civil aviation.

(2) The technical definitions of the SI of measurement are set out in Document NAM-CATS-UOM.

SUBPART 2
STANDARD APPLICATION OF UNITS OF MEASUREMENT

Standard SI units

2.02.1 (1) The SI developed and maintained by the General Conference of Weights and Measures (CGPM) must, subject to regulations 2.02.2 and 2.02.3, be used as the standard system of units of measurement for all aspects of civil aviation air and ground operations in Namibia.

(2) The prefixes and symbols referred to in subregulation (3) must be used to form names and symbols of the decimal multiples and submultiples of SI units and the use of the term SI units must include base units and derived units as well as their multiples and sub-multiples.

(3) The SI unit prefixes in accordance with subregulation (2) must be as prescribed in the Document NAM-CATS-UOM.

Non-SI units for permanent use with SI units

2.02.2 The non-SI units to be used as primary units of measurement in addition to the SI units specified in regulation 2.02.1 must be as prescribed in Document NAM-CATS-UOM, and include units for measurement of specific quantities of -

(a) mass;

(b) plane angle;

(c) temperature;

(d) time; and

(e) volume.

Additional non-SI alternative units for temporary use with SI

2.02.3 The additional non-System International (non-SI) units to be used in Namibia with the SI must be as described in Document NAM-CATS-UOM and include the units for measuring the following:

(a) distance (longitudinal);

(b) elevation or distance (altitude, elevation, height, vertical speed);

(c) speed (horizontal); and

(d) speed (vertical).

Application of specific units

2.02.4 (1) The application of units of measurement for certain quantities used in civil aviation air and ground operations including the means and provisions for design and training must be as prescribed in Document NAM-CATS-UOM.

(2) Means and provisions for design, procedures and training must be established for operations in environments involving the use of standard and non-SI alternatives of specific units of measurement or the transition between environments using different units, with due consideration to human performance.

Termination of use of non-SI alternative units

2.02.5 The application of non-SI alternative units listed in this Part must continue to apply in Namibia until a decision is reached by the ICAO on the dates of termination of their use following an agreement on unified international application of the SI equivalent units.

PART 3
REGULATIONS MAKING, ISSUING OF TECHNICAL STANDARDS, EXEMPTIONS, DIRECTIVES, FILING OF DIFFERENCES AND OTHER PROCEDURES

[Part 3 is inserted by GN 293/2018.]

LIST OF REGULATIONS

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3.01.2 Submission of documents
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SUBPART 2: ISSUING OF TECHNICAL STANDARDS

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3.04.1 Publication of aeronautical information circulars
3.04.2 Directives: aviation and airworthiness
3.04.3 Issue and publication of aviation notices
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3.04.6 Maintenance of documents in CAR and related matters

SUBPART 5: PROCEDURES FOR THE IDENTFICATION AND NOTIFICATION OF DIFFERENCES

[The word "IDENTIFICATION" is misspelt in the *Government Gazette*, as reproduced above.]

3.05.1 General
3.05.2 Identification of differences
3.05.3 Notification of differences
3.05.4 Publication of differences

SUBPART 1
PROCEDURES FOR MAKING REGULATIONS

Applicability

3.01.1 (1) This Part is applicable to the making, amendment and revocation of regulations (hereafter collectively referred to as "the making of regulations").

(2) The Authority may amend these procedures, and similarly, any other regulations, after conducting a regulation-making procedure after the date of coming into force of these regulations.

(3) The documentation required under these regulations and any other Part, whether in physical or electronic form, must be registered with the CAR in accordance with the procedures set out in the registry manual approved by the Executive Director.

Submission of documents

3.01.2 (1) In these regulations where a person is required to submit a document "in writing to the Authority", he or she must submit that document either -

(a) physically by hand to the head offices of the Authority, for the time being at the c/o No 12 Rudolf Hertzog Street, Windhoek;

(b) by post to the head offices of the Authority, namely, Private Bag 12003 Ausspannplatz, Windhoek;

(c) by electronic mail, to the following address: legal@ncaa.com.na, and any other address as indicated by the Authority for the purpose of emailing;

(d) by facsimile to the facsimile number as indicated by the Authority; or

(e) in any other manner approved in writing by the Authority.

(2) The Authority may set out alternative addresses in the "Notice of Intention to Make Regulations".

Regulations-making procedure: notice

3.01.3 (1) The Authority must initiate a regulations-making process to make regulations required to be prescribed by the Act.

(2) The regulations process under subregulation (1) comprises the procedures set out in this Part to make regulations in a manner that is compliant with the Act, and necessary or expedient in order to implement the provisions of the Act.

(3) A regulations-making procedure under subregulation (1) must be initiated by the Authority by the publication of a "Notice of Intention to Make Regulations" uploaded to the website and intranet of the Authority, and in at least two newspapers circulating nationally in Namibia, or in the *Gazette*, as the Authority may consider appropriate.

(4) The "Notice of Intention to Make Regulations" -

(a) must include a concise statement of the purpose and reason for the proposed regulations;

(b) must, if not included in the publication mentioned in subregulation (3), indicate how a draft of the proposed regulations can be obtained; and

(c) may, as part of subregulation (3), include a reference to an explanatory memorandum or other document, providing background information, defining issues or setting out the Authority's preliminary views.

(5) A "Notice of Intention to Make Regulations" must be registered with the CAR in the manner provided for in the registry manual and be available for scrutiny at the head offices of the Authority during normal business hours.

(6) Copies of the notice referred to in subregulation (5) may be made available to the public on payment of a prescribed fee determined in Part 187 or by way of download from the Authority's website or intranet, free of charge.

Proposals to initiate regulation-making process: notice

3.01.4 (1) Any person may submit a proposed regulation in writing to the Authority and request the Authority to initiate the regulation-making process in accordance with the notice issued under regulation 3.01.3(3).

(2) The notice referred to in subregulation (1) must include a "Proposal to Initiate a Regulation" in the format acceptable to the Executive Director and must contain at least the following information:

(a) the name and contact details of the person making the submission and the name and contact details of the person for whom the submission is made, if different;

(b) explain the interests of the proposer;

(c) state the contents of the regulation or the amendment proposed or specify the regulation which the proposer wishes to be withdrawn; and

(d) a clear and concise statement setting out the purpose and reasons for the proposed regulation.

(3) If, in the opinion of the Authority, the submitted proposed regulation provide sufficient reasons for initiating a regulation-making process, the Authority must initiate the regulation-making process.

[The verb "provide" should be "provides" to be grammatically correct. Alternatively, "regulation" should be the plural "regulations"]

(4) If, in the opinion of the Authority, the submitted proposed regulations -

(a) do not provide sufficient reasons for initiating regulation-making process;

(b) is frivolous or vexatious or malicious; or

(c) will compromise civil civil aviation safety and security, the Authority must decline the request and notify the person who submitted the request in writing, stating the particular reasons the request is declined.

[The word "the" appears to have been omitted before "regulation-making process" in paragraph (a). The verb "is" in paragraph (b) should be "are" to be grammatically correct. The word "civil" in paragraph (c) is repeated in the *Government Gazette* as reproduced above.]

Written submissions

3.01.5 (1) After the Authority publishes a "Notice of Intention to Make Regulations", any person or group of persons may in writing submit comments to the Authority within the time set out in the "Notice of Intention to Make Regulations", which time may not be less than 30 days from the date of publication the notice.

(2) For public consultations during the regulations-making process, and when considered appropriate, the Authority must also provide the opportunity for the submission of a reply to comments by the proposer of the regulation in a "Notice of Intention to Make Regulations".

(3) Reply comments must be submitted in writing to the Authority within the time established by the Authority, which time may not be less than 14 days from the submission of written comments.

(4) The times for the submission of comments are to be determined by the Authority in light of the nature of the proposed regulation.

(5) The Authority may consider written submissions not timely filed if, in its opinion, it is practicable to do so.

(6) The Authority may request further written submissions to secure further information or clarification, which submissions must be provided to the Authority in the manner set out by the Authority.

(7) All written submissions must -

(a) contain the name and contact details of the person making the written submissions and the name and contact details of the person for whom the written submission is made, if different;

(b) be clear and concise; and

(c) conform to any further requirements determined by the Authority as set out in the "Notice of Intention to Make Regulations" or, if applicable, the relevant *Gazette* notice.

Oral hearings

3.01.6 (1) Despite the provisions on public meetings of the Board contemplated by section 17(8) to (11) of the Act, if the Authority considers it appropriate, it may also hear oral submissions after compliance with regulations 3.01.3, 3.01.4 and 3.01.5.

(2) The Authority may invite members of the public to make oral submissions either in the "Notice of Intention to Make Regulations" or subsequently by notice at least once in two English language newspapers circulating nationally in Namibia or uploaded to the website or intranet of the Authority, provided that members of the public must be given at least 21 days' notice prior to the scheduled date of the hearing.

(3) Unless otherwise specified by the Authority, hearings are open to the public.

(4) The format and agenda of the hearing is at the discretion of the Authority, depending on the nature of the regulation-making process, except that the hearing may take on the character of a workshop or conference.

(5) All oral submissions must -

(a) include a statement of the name and contact details of the person making the oral submission and the name and contact details of the person for whom the oral submission is made, if different;

(b) be clear and concise; and

(c) conform to any further requirements determined by the Authority as set out in the "Notice of Intention to Make Regulations".

(6) The Authority may request further oral or written submissions to secure further information or clarification, which submissions must be provided to the Authority in the manner set out by the Authority.

(7) At the conclusion of the hearing, the secretariat referred to in regulation 3.01.11 must prepare a concise report summarising the oral submissions which report must be placed in the relevant regulation making file in the CAR in the manner set out in the registry manual.

[The term "regulation making" should be hyphenated as "regulation-making".]

Confidential information

3.01.7 (1) A person making written submissions may designate information as confidential, but, if the Authority is of the opinion that the information is not confidential, it must inform the person that it may withdraw the information from the regulation-making process or agree with the person that the information will be treated as confidential.

(2) A person making oral submissions may request a closed hearing on the grounds that the submissions are confidential, and a closed hearing must be treated as a confidential meeting.

Record of minutes

3.01.8 (1) All documents considered relevant by the Authority to a regulation-making process, including "Proposals to Initiate a Regulation Making Process", "Notices of Intention to Make Regulations", written submissions, petitions for reconsideration and reports of oral hearings, and the Authority must maintain reports of confidential meetings in a regulation making file kept separately for each regulation-making process, physically at the CAR and where appropriate, electronically, for download from the Authority's website or intranet.

[The term "Regulation Making" should be written as "Regulation-making".]

(2) Except for confidential information, any person may examine a regulation making file at the CAR for scrutiny at the head offices of the Authority during normal business hours.

[The term "regulation making" should be hyphenated as "regulation-making".]

(3) Copies of the file referred to subregulation (2) may be made available to the public on payment of a fee determined by the Authority under Part 187, and from the website or intranet of the Authority, where copies may be downloaded free of charge.

Publication of regulations

3.01.9 (1) After considering all written submissions recorded as filed and oral recordings, if any, the Executive Director must submit the draft regulations for consideration by the Board, in compliance with a consultation procedure or its recommendation, as the case may be, and thereafter, to the Minister for approval and issue of the regulations in the *Gazette*, with or without changes to the draft regulations.

(2) The Authority must maintain copies and the originals, and a register, of regulations made or deemed to have been made under the Act, and physically at or in the database of the CAR for scrutiny in the manner provided for in the registry manual.

(3) Any person may examine the register of regulations and copies of regulations either -

(a) at the CAR at the head offices of the Authority during normal business hours or copies may be made on payment of a fee determined by the Authority under Part 187; or

(b) by download from the Authority's website or intranet, free of charge.

Reconsideration

3.01.10 (1) The Authority may reconsider any regulations made in terms of the regulation-making procedures, within a period of 12 months after publication of the regulations.

(2) Any person (the "requesting party") may submit a request in writing to the Authority to reconsider any regulation made or any technical standard or aviation directive issued, in terms of the regulation-making procedures, within 12 months of the publication of the final regulations in the *Gazette* or the publication of the technical standard or aviation directive, and the Authority must reconsider such regulation, technical standard or aviation directive within a period of 90 days from the date of receipt of the request.

(3) The requesting party must submit the request on a "Reconsideration Form" uploaded by the Authority and made available for download from the Authority's website.

(4) The requesting party must indicate in the "Reconsideration Form" his or her direct or substantial interest in the matter and the safety and security considerations that form the basis for the request.

(5) If the Authority is satisfied that there are sufficient reasons to reconsider the regulations, it may grant the request and authorise a hearing on the reconsideration in the manner set out in regulation 3.01.6.

(6) The Authority must communicate to the requesting party its decision within 30 days of the filing of the request for reconsideration and the reasons for the decision.

(7) The Executive Director may decline the request for reconsideration on the same grounds as provided for in regulation 3.01.4(4).

Administration

3.01.11 Any administrative work as well as secretarial work, in connection with the making of regulations must be carried out by staff members of the Authority designated for such purpose by the Executive Director.

Civil aviation regulations technical advisory panel

3.01.12 The Civil Aviation Regulations Technical Advisory Panel which the Executive Director may establish for each or any regulation-making procedure in terms of Part 11 is responsible for the related actions and procedures set out in this Part.

Subscriber notification service

3.01.13 To facilitate the consultation process in the process of making regulations the Executive Director may make available on the website or intranet of the Authority, a subscriber notification service to which interested persons may subscribe and unsubscribe at no cost and by which every subscriber must be notified by e-mail, of any proposal to amend any regulation by way of insertion, substitution, repeal, deletion or any other manner.

SUBPART 2
ISSUING OF TECHNICAL STANDARDS

Procedure

3.02.1 The procedure for making regulations in this Part applies, subject to necessary changes and modifications that may be required by the context, to the making of technical standards in the manner contemplated by section 227 of the Act.

Publication

3.02.2 A technical standard must be published by upload on the website and intranet of the Authority for free downloading, but a person may also order the technical standard from the Authority in either hard copy or electronic format at a fee as may be determined by the Authority under Part 187.

Keeping and inspection of technical standards

3.02.3 The Authority must keep originals and copies of published technical standards issued under these regulations and must register the standards with the CAR in the manner provided in the registry manual and make them available for inspection by any person.

SUBPART 3
PROCEDURE FOR GRANTING EXEMPTIONS AND ACCEPTANCE OF ALTERNATIVE METHODS OF COMPLIANCE

Applicability

3.03.1 The Executive Director may exempt an applicant from the requirements of these regulations or any other regulations made under sections 54 to 58 of the Act after having regard to either -

(a) the requirement that has been substantially complied with and that further compliance is unnecessary;

(b) the action taken or provision made in respect of the matter to which the requirement relates is as effective or more effective than actual compliance with the requirement;

[The word "as" appears to have omitted after the phrase "as effective".]

(c) the prescribed requirements are clearly unreasonable or inappropriate in the particular case; or

(d) events have occurred that make the prescribed requirements unnecessary or inappropriate in the particular case,

and that the risk to civil aviation safety and security is not or is not likely to be significantly increased by the granting of the exemption.

[The word "that" is superfluous both times that it appears in paragraph (a), and also in the closing phrase.]

Application for exemption

3.03.2 (1) An application for an exemption must be made in writing to the Executive Director and must -

(a) state the name, street and postal address of the applicant;

(b) state the requirement from which exemption is requested;

(c) explain the interests of the applicant in the exemption requested, including the nature and extent of the exemption requested and a description of each person or thing to be covered by the exemption;

(d) contain any information, views or arguments supporting the application;

(e) explain why the applicant believes that the exemption should be granted, including the reasons why it would not be possible or desirable to comply with the requirement which is the subject of the application, as well as the extent to which the exemption may affect civil aviation safety and security; and

(f) include a summary of the application which summary must contain a reference to the requirement from which exemption is requested and a brief description of the general nature of the exemption requested.

(2) An application for an exemption must be accompanied by the appropriate fee prescribed in Part 187 and -

(a) must be submitted at least 60 days or such shorter period as the Executive Director may allow on good cause shown, before the proposed effective date of the exemption; or

(b) in the case of an urgent exemption, must be submitted five working days before the proposed effective date of the exemption or such shorter period as the Executive Director may allow on good cause shown.

(3) In cases where an application for exemption cannot be processed within the periods referred to in subregulation (2), the Executive Director must notify the applicant and in the case of urgent exemptions adjust the prescribed applicable fee to the amount as prescribed in Part 187.

Processing of application for exemption

3.03.3 The Executive Director may, before deciding whether to grant or refuse an exemption, afford the applicant an opportunity to make representations either in writing or in person, regarding the exemption.

Granting or refusal of exemption

3.03.4 (1) The Executive Director may in the manner contemplated in section 46 of the Act -

(a) grant an exemption, subject to such conditions and for such period which the Executive Director may determine, which may not exceed 180 days; or

(b) refuse an exemption.

(2) The Executive Director must give written notice to the applicant of -

(a) the Executive Director's decision; and

(b) if the decision was to refuse to grant the exemption or to impose a condition not sought by the applicant, the reasons for the decision.

(3) The Executive Director must within five working days from the date from which any exemption has been granted, and in such manner as decided by the Executive Director, publish the full particulars thereof for download from the Authority website or intranet.

Application for extension of exemption

3.03.5 (1) The Executive Director may not grant an exemption under this Part to a person in the same or similar terms as an exemption previously granted under this Part to the person unless that person -

(a) applies, in accordance with regulation 3.03.2, for the new exemption; and

(b) includes with the application a statement of the additional reasons why the exemption is necessary or the reasons why the continuation of the exemption is necessary.

(2) The Executive Director may grant an extension to an exemption under such conditions and for such period which the Executive Director may determine, which may not exceed 180 days.

(3) An application for the extension of exemption must be accompanied by the fees prescribed in Part 187.

(4) The provisions of regulations 3.03.3 and 3.03.4 apply with the necessary changes in relation to the consideration of an application mentioned in subregulation (1).

Acceptance of alternative method of compliance

3.03.6 (1) The Executive Director may, on good cause shown by an applicant, approve an alternative method of compliance, if the Executive Director is satisfied that civil aviation safety and security is not or is not likely to be compromised.

(2) An application for acceptance of an alternative method of compliance must be in the format, and dealt with in the same manner, as prescribed in regulations 3.03.2, 3.03.3 and 3.03.4.

SUBPART 4
PUBLICATION OF AERONAUTICAL INFORMATION CIRCULARS, AVIATION DIRECTIVES, AVIATION NOTICES, TECHNICAL GUIDANCE MATERIAL AND PAMPHLETS

Publication of aeronautical information circulars

3.04.1 Subject to the securing of services as contemplated in section 10(6) of the Act, and the information services requirements contemplated in section 53 of the Act, and in compliance with Part 174 (Aeronautical Information Services), the Head of Air Navigation Services may publish aeronautical information circulars, containing information on -

(a) technical standards, practices or procedures including methods that, for purposes of provision of air navigation services, are found to be acceptable for compliance with the associated regulations on air navigation services;

(b) the differences to be notified in terms of Subpart 5, but with the approval of the Executive Director; and

(c) issues that can properly and effectively be distributed to interested parties by any means whatsoever.

Directives: aviation and airworthiness

3.04.2 (1) Whenever the Executive Director from time to time issues any aviation directive as contemplated in section 38(6) of the Act, the objective of the applicable regulatory requirement to be met thereby, and any change or amendment to the directive, if any, must be indicated in the relevant aviation directive.

(2) As a general requirement the aviation directive must explain that it -

(a) is remedial and desirable in the context of the aviation activity in question;

(b) does not conflict with matters already authorised, prohibited or otherwise contemplated elsewhere in the Act or these regulations; and

(c) does not or is not likely to compromise civil aviation safety and security.

(3) An aviation directive must be of general application, or may be directed at a particular group of affected persons, and not be limited in its application to an individual civil aviation participant.

(4) The Executive Director must forthwith upload an airworthiness directive issued under section 38(3) of the Act or an aviation directive issued under section 38(6) of the Act, as the case may be, on the website or intranet of the Authority and, where appropriate, in such other place or manner as will, in the Executive Director's opinion, most effectively inform the public and those directly affected by the issue of the directive.

(5) An airworthiness directive or aviation directive must be registered with the CAR in the manner set out in the registry manual.

Issue and publication of aviation notices

3.04.3 (1) The Executive Director may, in accordance with subregulation (2), issue civil aviation notices regarding any matter which the Executive Director may consider necessary or expedient to publish in order that the objects of the Act and these regulations may be achieved.

(2) Subject to subregulation (3), the Executive Director must upload notices referred to in subregulation (1) to the website or intranet of the Authority, and where appropriate publish it in such other place or manner as will, in the opinion of the Executive Director, most effectively inform the public and those affected by that notice.

(3) Where the Executive Director determines that the interests of aviation safety or security require immediate action, he or she may forego publication of an aviation notice under subregulations (1) and (2) but he or she must, to the extent practicable, advise affected persons of the issue of the notice.

Issue and publication of technical guidance material, advisory pamphlets and other information

3.04.4 (1) The Executive Director may issue technical guidance material, advisory pamphlets containing information, other guidance and training material to assist authorised officers, inspectors or authorised persons, in the implementation and continued compliance with the Act, these regulations and technical standards pursuant to section 10(1)(l) and (m) of the Act.

(2) The Head of Air Navigation Services may, pursuant to regulation 3.04.1 but subject to Part 174, publish an advisory pamphlet in an Aeronautical Information Circular or in such other manner as will, in his or her opinion, most effectively inform the public and those affected on air navigation services.

Amendment, suspension or withdrawal of aviation directives, aviation notices or advisory pamphlets

3.04.5 The Executive Director or the Head Air Navigation Services, as the case may be, may at any time amend, suspend or withdraw any directive, notice or advisory pamphlet issued

under this Part and must upload notification of any such amendment, suspension or withdrawal to the website or intranet of the Authority.

Maintenance of documents in CAR and related matters

3.04.6 (1) With a view to the establishment of the CAR pursuant to section 52 of the Act, and for matters in relation to its administration, the Executive Director must designate a staff member of the Authority as head of the CAR who must at the same time be the designated person responsible for compliance with the provisions of sections 61(4) and 227(4), as the case may be, of the Act.

(2) The designated head of the CAR must keep the registry manual providing for the procedures for channelling, lodging and securing or archiving of the prescribed documents and issued out to the public, in the manner as set out in regulation 3.01.1.

(3) The designated head of the CAR must ensure the review, and monitor compliance with the registry manual, by the staff members of the Authority.

(4) The designated head of the CAR, must on behalf of the Executive Director, ensure the establishment and maintenance of the register of inspectors, authorised officers and authorised persons as designated in the manner contemplated in section 37 of the Act, to ensure compliance with section 36(d) of the Act.

(5) The head of the CAR must, on behalf of the Executive Director, issue any required measures on public access, copying, audit and inspection of such documents, and related matters in the manner contemplated in section 52(3) and (4) of the Act.

SUBPART 5
PROCEDURES FOR THE IDENTIFICATION AND NOTIFICATION OF DIFFERENCES

General

3.05.1 (1) The Authority must develop and implement procedures for the review of regulatory requirements to ensure the regulations or practices are in full accord, where practicable, with any established international standards or, where necessary, recommended practices, and in accordance with its prescribed procedures.

(2) If the Authority finds it impracticable to comply in all respects with any international standard or procedure or to bring its own regulations or practices into full accord with any international standards or procedures after amendment of the standards or procedures, a notification of difference may be filed in accordance with regulation 3.05.3.

(3) The responsibility under the Chicago Convention for the identification and notification of differences rests with the Authority.

(4) In the course of discharging the responsibility to notify, the Authority must, when necessary, liaise with other relevant agencies of the Government of Namibia on the identification and the notification functions set out in this Subpart.

(5) In the case of amendments to international standards, if the Authority does not make the appropriate amendments to its own regulations or practices, notice must be given to the ICAO

within 60 days for the adoption of the amendment to the international standard or an indication of the action which the Authority proposes to take.

(6) If the Authority considers it necessary to adopt regulations or practices differing in any particular respect from those established by an international standard, it must give immediate notification to the ICAO of the differences between its own practice and that established by the international standard.

Identification of differences

3.05.2 The following differences may, without limitation, be identified by the Authority:

(a) a category A identification: when a provision of these regulations is more stringent than the corresponding Standard and Recommended Practice (SARP) or imposes an obligation within the scope of the Annex which is not covered by an SARP;

(b) a category B identification: when a provision of these regulations is different in character from the corresponding ICAO SARP or when the regulation differs in principle, type or system from the corresponding SARP, without necessarily imposing an additional obligation; and

(c) a category C identification: when a provision of these regulations is less protective than the corresponding SARP or when no regulation has been promulgated to address the corresponding SARP, in whole or in part.

Notification of differences

3.05.3 (1) The notification of differences must be in the format as may be determined by the ICAO and, without limitation, must be notified by the Executive Director, in the following manner:

(a) reference - the number of the paragraph or subparagraph in an Annex as amended which contains the Standard or Recommended Practice to which the difference relates;

(b) category - indicate the category of the difference as mentioned in regulation 3.05.2;

(c) description of the difference - clearly and concisely describe the difference and its effect;

(d) remarks - indicate reasons for the difference and intentions including any planned date for implementation by Namibia.

(2) The notification of differences referred to in subregulation (1) must be submitted within the timelines indicated by ICAO, unless it is found to be impracticable due to circumstances as reported to or by and condoned by the Minister in terms of section 4(2) of the Act.

(3) The Executive Director must ensure that all identified differences are promptly recorded and notified -

(a) by means of the ICAO on-line system for the electronic filing of differences; and

(b) by the creation and maintenance of a printed register of differences within the CAR on the record to be designated as the "Register of Namibian Notification of Differences from ICAO Standards and Recommended Practices".

(4) The Executive Director must, in accordance with the provisions of sections 52(4) and 53 of the Act, provide access to, and permit the copying of, documentation and information relating to the notification of differences by Namibia under the Chicago Convention.

Publication of differences

3.05.4 (1) The Authority must publish in the Aeronautical Information Publication a list of significant differences between the national regulations and practices and the related ICAO Standards, Recommended Practices and Procedures, given in a form that would enable a user to differentiate readily between the requirements of Namibia and the related ICAO provisions -

(a) by means of the ICAO on-line system for the electronic filing of differences; and

(b) by the creation and maintenance of a printed register of differences within the CAR on the record to be designated as the "Register of Namibian Notification of Differences from ICAO Standards and Recommended Practices".

(2) The Executive Director must, in accordance with the provisions of section 52(4) of the Act, provide access to, and permit the copying of, documentation and information relating to the notification of differences by Namibia under the Chicago Convention.

PART 11
ESTABLISHMENT OF TECHNICAL COMMITTEES, PANELS AND PROCEDURES

[Part 11 is substituted by GN 293/2018. In the table of contents of the regulations, as amended by GN 293/2018, the heading of the substituted Part 11 is "ESTABLISHMENT OF TECHNICAL COMMITTEES, PANELS AND **RELATED** PROCEDURES"**.]**

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SUBPART 1
INTERNAL CIVIL AVIATION REGULATIONS, TECHNICAL COMMITTEES, PANELS AND RELATED PROCEDURES

General

11.01.1 (1) The Executive Director must establish internal technical committees or panels to advice and recommend appropriate regulatory measures to comply with the powers conferred on, or the functions or duties entrusted to, the Executive Director by or under the Act and these regulations, based on good corporate governance and the proper management and control of the affairs of the Authority.

(2) For the purposes of this Part the following internal technical aviation safety and security committees may be established on the basis of subregulation (1):

(a) Civil Aviation Regulations Technical Advisory Panel (CARTAP);

(b) National Airspace Committee (NAirC); and

(c) National Safety Programme Steering Committee (NSPC)

[There should be a full stop at the end of paragraph (c).]

(3) The establishment of additional committees is done on the recommendation of a committee of the Board established in terms of section 20 of the Act.

Meetings of internal committees

11.01.2 (1) Each committee established under this Part must be chaired by the Executive Director or a staff member of the Authority assigned by the Executive Director for the purposes of chairing a committee in the Executive Director's stead.

(2) The membership of a committee consists of not less than three staff members of the Authority designated by the Executive Director for respective purposes.

(3) A committee may consist of representatives, designates or invitees from -

(a) the Namibian Police Force;

(b) the Namibian Defence Force ;

(c) the Namibia Revenue Agency established by the Namibia Revenue Agency Act, 2017 (Act No. 12 of 2017);

(d) the department of immigration control in the Ministry responsible for home affairs;

(e) an organisation or association representing aviation operators and owners associations;

(f) an organisation or association representing commercial aviation operators;

(g) an organisation or association representing recreational aviation operators;

(h) the Ministry;

(i) the Air Navigation Services unit referred to in section 49 of the Act;

(j) the Airports Company referred to in section 2 of the Airports Company Act, 1998 (Act No. 25 of 1998); and

(k) any other organisation designated by the Executive Director.

(3) Each committee must make resolutions at its meetings on recommendations and advice to the Executive Director by way of consensus, and any divergent views must be formally recorded.

(4) Each committee must hold meetings at such times and places as may from time to time be determined by the chairperson, but at least three meetings each year must be held.

(5) The Executive Director may at any time call an extraordinary meeting of the committee in circumstances which the Executive Director considers it necessary.

Secretariat, minutes and records

11.01.3 (1) Each committee must be supported by a secretariat which consists of staff of the Authority designated for that purpose by the Executive Director.

(2) The secretariat must cause minutes to be kept of every meeting of the respective committees, and which must in each case also be submitted as a report to the Executive Director indicating the matters discussed at the meeting.

(3) The minutes of a committee must be tabled for approval at an ensuing meeting of the committee and be filed with the CAR for recordkeeping by the secretariat.

(4) Subject to the provisions in this Part, a committee must develop its terms of reference determining the procedures to be followed in the performance of its functions and the procedures to be followed by any subcommittee, if any, in the performance of the functions of the subcommittee, for approval by the Executive Director.

(5) Committees may establish subcommittees of experts of limited duration and membership to provide technical guidance on the work or programme of a committee, and the secretariat referred to in subregulation (1) must provide secretarial services to any such subcommittee.

Remuneration of members

11.01.4 A member of a committee established in terms of this Part, and a member of any subcommittee established in terms thereof, may not be remunerated in respect of the functions performed by such member as a member of the committee or a subcommittee, unless they have been assigned by the Executive Director to perform a task which requires specialist expertise or skills.

SUBPART 2
NATIONAL AIRSPACE COMMITTEE

Institution of Committee

11.02.1 (1) In accordance with the objectives set out in section 56 of the Act on navigable airspace, the National Airspace Committee (the Committee) must consider proposals made by users and service providers and provide guidelines and recommendations to the Executive Director on -

(a) the designation of airspace and related matters for purposes of air navigation services;

(b) the classification of such designated airspace and related matters for purposes of air navigation services;

(c) the introduction, amendment or withdrawal of such airspaces;

(d) the allocation of air traffic services provided or intended to be provided within airspaces or at aerodromes;

(e) the validity of current airspace structures and associated air traffic services provided within such structures as defined in the national airspace master plan (NAMP);

(f) the introduction, amendment or withdrawal of communication navigation and surveillance (CNS) or air traffic management (ATM) facilities, where these affect the designation or classification of airspace or the NAMP;

(g) the application for an aerodrome aviation document as well as any significant amendment thereof as required under Part 139, where such aerodrome is situated -

(i) within any portion of airspace designated as a control zone (CTR) or an aerodrome traffic zone (ATZ) or within 10 nautical miles of such airspace's boundary;

(ii) under any portion of airspace designated as a terminal control area (TMA);

(h) proposals for significant amendments of aerodrome aviation documents for any airspace or manoeuvring changes;

(i) the compliance and use of the airspace by any remotely piloted aviation system (RPAS) or any unmanned aerial vehicle system (UAVS), or any part thereof, for beyond visual line of sight (BVLOS) use; and

(j) any matter relating to the national airspace, including such matter referred to it by the Executive Director.

(3) A representative of the Namibian Defence Force (Namibian Airforce referred to in section 2 of the Defence Act, 2001 (Act No. 1 of 2001) or a representative from that force designated for such a meeting, must be the chairperson of the Committee.

[The phrase: "Namibian Defence Force (Namibian Airforce" was probably intended to be "Namibian Defence Force: Namibian Air Force". See section 2 of the Defence Act 1 of 2001.]

(4) Subject to the provisions of the regulations in this Part, the Committee must, in consultation with the Executive Director, determine the procedures to be followed and the criteria to be taken into account when the Committee exercises its functions.

Submission of proposals

11.02.2 (1) Any interested person may submit to the National Airspace Committee referred to in regulation 11.02.1, a proposal on -

(a) the introduction, amendment or withdrawal of national airspace designation or classification;

(b) the allocation of air traffic services provided or intended to be provided within airspaces or at aerodromes;

(c) the introduction, amendment or withdrawal of communication navigation and surveillance (CNS) or ATM facilities where these affect the designation or classification of airspace or the national airspace master plan (NAMP);

(d) the application for an aerodrome aviation document as well as any significant amendment thereof as per regulation 139.03.8, in case of a certificate, and 139.04.8, in case of a licence, where such aerodrome is situated -

(i) within any portion of airspace designated as a control zone (CTR) or aerodrome traffic zone (ATZ) or within 10 nautical miles of such airspace's boundary; or

(ii) under any portion of airspace designated as a terminal control area (TMA); or

(e) the use of an RPAS or UAVS for BVLOS usage in designated airspace.

(2) The proposal referred to in subregulation (1) must be submitted in writing to the Authority, and must -

(a) contain the name and contact details of the person making the written submissions and the name and contact details of the person for whom the written submission is made, if different;

(b) be clear and concise; and

(c) conform to any further requirements determined by the Authority as set out in the "Notice of Intention to Amend Airspace Designation or Classification" issued by the Executive Director in the *Gazette*.

Processing and consideration of proposals

11.02.3 (1) The secretariat of the Committee must put any received proposal on the agenda of the next meeting of the committee, as long as the agenda has not yet been closed, in which case it must be put on the agenda of the subsequent meeting.

(2) The secretariat must notify the proposer in writing of the time and place of the meeting during which the proposal will be considered, to give the proposer the opportunity to motivate his or her proposal and to participate in the deliberations thereon in person or in support of a representative association, organisation or body, if he or she so wishes.

(3) The Committee must give due consideration to the proposal and take a position thereon, if necessary after obtaining additional information and advice.

(4) The secretariat must inform the proposer in writing of any decision by the Committee in respect of his or her proposal, and should the decision have been a rejection, stating the reasons therefore.

(5) The Committee must give due consideration to any comments received and make an appropriate recommendation to the Executive Director.

Issuing of aeronautical information

11.02.4 The Executive Director must, if he or she is satisfied, after considering the recommendation made by the Committee in terms of regulation 11.02.1(1), that giving effect to the proposal is in the interest of aviation safety, publish the changes in the AIP.

SUBPART 3
STATE SAFETY PROGRAMME STEERING COMMITTEE

State Safety Programme

11.03.1 (1) The Authority is the custodian or placeholder organisation of the State Safety Programme (SSP) for aviation in Namibia in the manner contemplated in Annex 19 of the Chicago Convention.

(2) In compliance with subregulation (1), the Executive Director is responsible and accountable for the formulation of the SSP, and oversees its implementation and coordination within the Namibia civil aviation system contemplated in Part 10 (NCAS) of the Act, and in compliance with Part 140 and the technical standards prescribed in Document NAM-CATS-SMS 140.

SSP Steering Committee: composition and functions

11.03.2 (1) The Executive Director must establish an SSP Steering committee, chaired by the designated head of safety in the Authority, that must coordinate the SSP implementation and continuous monitoring activities involving relevant national regulatory and administrative organisations.

[The word "committee" in the phrase "SSP Steering Committee" should be capitalised.]

(2) The SSP Steering Committee may further consist of -

(a) the Director of Investigations in the Directorate or a person designated by him or her;

(b) the head of meteorological services in the Ministry or a person designated by him or her;

(c) a representative from the Government nominated by the Permanent Secretary of the Ministry;

(d) the senior accountable manager at the Air Namibia (Proprietary) Limited or a person designated by him or her;

(e) the senior accountable manager at the Namibian Airports Company referred to in section 2 of the Airports Company Act, 1998 (Act No. 25 of 1998) or a person designated by him or her;

(f) the president of the Aircraft Owners and Pilots Association of Namibia or a person designated by him or her;

(g) a representative from the Namibian Defence Force (Namibian Airforce); and

(h) the Head of the Air Navigation Services Unit of the Authority or a person designated by him or her.

(3) The SSP Steering Committee may co-opt any expert body or person as adviser at its discretion.

(4) The functions of the SSP Steering Committee include -

(a) the development of policy and decisions pertaining to SSP activities as considered necessary;

(b) periodic review of the State safety policy, and its priorities and performance indicators;

(c) advise on, and review of, senior accountable management and key personnel requirements to meet the safety requirements of the Namibia civil aviation system, the enforcement policy and safety data protection and voluntary or mandatory information sharing;

[The word "advise" should be "advice".]

(d) the resolution of the issues pertaining to the implementation of the SSP; and

(e) the promotion of the SSP to applicable service providers.

(5) The SSP Steering committee may meet as frequently as may be necessary to ensure resolution of safety concerns.

[The word "committee" in the phrase "SSP Steering Committee" should be capitalised.]

(6) The Executive Director must ensure that the decisions taken during proceedings of the committee are communicated to relevant entities, and monitor the implementation of decisions in accordance with acceptable management practices.

PART 13
ENFORCEMENT PROCEDURES

[Part 13 is substituted by GN 293/2018.]

LIST OF REGULATIONS

SUBPART 1: ENFORCEMENT POWERS OF EXECUTIVE DIRECTOR, AUTHORISED OFFICERS, INSPECTORS AND AUTHORISED PERSONS AND PROCEDURES FOR INVESTIGATIONS

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SUBPART 4: INTERNAL REVIEWS

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SUBPART 1
ENFORCEMENT POWERS OF EXECUTIVE DIRECTOR, AUTHORISED OFFICERS, INSPECTORS AND AUTHORISED PERSONS AND PROCEDURES FOR INSPECTIONS AND INVESTIGATIONS

Applicability

13.01.1 (1) This Part applies to -

(a) alleged violations by holders or participants, inclusive of aircraft operators, crew members, owners, passengers and pilots-in-command;

(b) authorised officers, inspectors and authorised persons, performing functions or exercising powers or delegated powers of inspection, investigation, control and monitoring adherence as required under Part 5 of the Act; and

(c) the review of entry into and exiting from, and within, the Namibia civil aviation system (NCAS) contemplated in Part 10 of the Act.

(2) The Executive Director must publish, for the use, application training and guidance of authorised officers, inspectors and authorised persons, and holders or participants -

(a) an enforcement code which must set out the relevant procedures, determinations and decisions on enforcement provided for in these regulations, the technical standards and directives;

(b) any amendments to the enforcement code; and

(c) any other directives, advisory and information pamphlets, setting out the manner in which enforcement actions, including inspections and investigations, duties, powers and responsibilities, and the required forms for use, shall be conducted and exercised.

[The Enforcement Code referred to in this subregulation is published in General Notice 28/2020 (GG 7100).]

(3) In compliance with section of 66 of the Act, every participant or holder must produce, when so requested by the Executive Director, the management system for monitoring and review, and submit reports in the format as directed, on the provision of training, and supervision to its staff and on the provision of sufficient resources to ensure that safety standards and conditions attached to aviation documents are complied with.

[The word “of” in the phrase “section of 66” is superfluous.]

(4) The Executive Director, and through his or her delegations, must in the manner contemplated by section 38 of the Act, report on monitoring actions on adherence to the requirements of subregulation (3), and may apply the enforcement code where the availability of manuals, guidance material and other material which are needed to ensure that the Act and these regulations are not contravened, are inadequate.

(5) Despite the provisions on offences as provided for in the Act which are subject to the Criminal Procedure Act of 1977 (Act No. 51 of 1977), and the suspension, revocation and imposition of conditions (including endorsement) on aviation documents contemplated in

sections 42 and 43 of the Act, enforcement through the imposition of administrative fines must be applied in the manner as set out in this Part and in any other Part of these regulations.

Authority of authorised officers, inspectors and authorised persons

13.01.2 (1) In addition to any specific power granted to, or duty imposed on, an authorised officer, inspector or authorised person or under the Act or these regulations, and required under the delegations issued by the Executive Director as contemplated by section 37 of the Act, such authorised officer, inspector or authorised person may, upon showing his or her credentials, or if required, to produce his or her credentials -

(a) without prior notification to the holder or participant, enter any premises for the purposes of the on-site inspection of any aircraft, aircraft factory, aerodrome, civil aviation related facility, aircraft component, aircraft equipment, licence, certificate, permit, approval, authorisation, register, computer, data, cable, book or document which the authorised officer, inspector or authorised person believes to be either in or on such premises, in the possession of the holder or participant or suspected of being under the custody or control of the holder or participant;

(b) search, impound, confiscate, remove or retain any thing, article, book, register, computer, data, cable, document, aircraft, aircraft component, aircraft equipment, vehicle, licence, certificate, permit, approval or authorisation, which the authorised officer, inspector or authorised person reasonably believes relates to a contravention of the Act or these regulations and record same for purposes of evidence;

(c) ground any aircraft which the authorised officer, inspector or authorised person reasonably believes to be unsafe, not duly registered or not airworthy;

(d) close any aviation related facility which the authorised officer, inspector or authorised person reasonably believes does not comply with the Act or these regulations;

(e) require the pilot of an aircraft, a crew member, holder or participant to furnish his or her name and address and any other particulars concerning his or her juristic person;

(f) require any person on an aerodrome or in an aircraft, aircraft factory or civil aviation related facility to furnish his or her name and address and any other particulars concerning either or his or her juristic person and to furnish such information as is, or at his or her disposal, concerning the juristic person of the pilot, owner of any aircraft or of any aerodrome or a crew member, any aerodrome, holder, participant, aircraft factory or other civil aviation related facility;

[There appear to be some words missing in paragraph (f), as "either or" and "as is" do not make sense as they stand. It is not clear what was intended.]

(g) require the owner or operator, crew member, holder or participant of an aircraft to furnish such information as may be necessary concerning the juristic person of the pilot of the aircraft at any time or during any particular period;

(h) inspect an aircraft or any part, component or equipment of such aircraft, for the purpose of ascertaining whether the provisions of the Act and these regulations are being complied with;

(i) ascertain the mass of any aircraft with or without load and, for the latter purpose, require any passengers or goods to be removed from such aircraft;

(j) call upon any person required by these regulations to be the holder of a licence, certificate, permit, approval or authorisation or, in the case of a crew member or an aircraft maintenance engineer, his or her logbook, for inspection within a reasonable time to be stipulated by such inspector, authorised officer or authorised person; and

(k) call upon the owner, operator, crew member, holder or participant or pilot-in-command of any aircraft, to produce or cause to be produced for inspection any licence, certificate, permit, manual, logbook or other document relating to the aircraft.

(2) Before an authorised officer, inspector or authorised person exercises any power under subregulation (1)(a), (b), (c) or (d), he or she must, unless he or she has already secured a warrant from a competent court, obtain the prior approval of the Executive Director.

(3) If it appears to any authorised officer, inspector or authorised person that any aircraft or aeronautical product, as it appears to him or her -

(a) is intended or likely to be flown or used in such circumstances that the flight or usage would involve a contravention of the Act or these regulations; or

(b) is likely to be a cause of danger to persons in the aircraft or when using the aeronautical product or to persons or property on the ground,

the authorised officer, inspector or authorised person may take such action to detain and seize the aircraft or aeronautical product in the manner contemplated in section 47 of the Act, and such other action as he or she may consider necessary for the purpose of causing the circumstances relating to the flight or usage to be investigated or the aircraft or aeronautical product to be inspected.

(4) If an aircraft or aeronautical product has been detained or seized pursuant to the provisions of subregulation (3), the aircraft or aeronautical product may not be operated or used until the Executive Director, being satisfied that the Act or these regulations are being complied with, approves, or until such alterations or repairs or any adjustments have been effected which the Executive Director considers necessary, to render such aircraft fit for flight or that the threat or danger on the safe use of the aeronautical product has been removed.

In-flight inspections

13.01.3 (1) The Executive Director may authorise an authorised officer, inspector or authorised person to carry out, at any time, an in-flight inspection in any civil aviation aircraft engaged in an aircraft operation.

(2) The owner, operator or pilot-in-command of an aircraft must immediately take all reasonable steps to accommodate the authorised officer, inspector or authorised person to facilitate the carrying out of the in-flight inspection.

(3) The provisions of this regulation may not be construed as derogating from the duties to be executed by an in-flight security officer authorised in terms of section 159 of the Act.

Notice of infringement: suspension, revocation and imposition of conditions

13.01.4 (1) An authorised officer, inspector or authorised person must within seven days of exercising any power under regulation 13.01.1, complete and submit an inspection report in writing and in the form set out in the enforcement code to the Executive Director stating the reasons why, in the opinion of the authorised officer, inspector or authorised person, such holder or participant must have his or her aviation document suspended or revoked and the conditions thereon to be imposed with endorsement, in the manner as set out in section 44 of the Act.

(2) Following on the report made in terms of subregulation (1) the Executive Director may issue a notice on infringement with particulars in the form set out in the enforcement code, informing the holder or participant, as the case may be, of the intention to suspend or revoke the privileges associated with the aviation document in issue or to impose conditions thereon, including its endorsement, in the manner contemplated by sections 42 and 43 of the Act, and in such manner, by notice -

(a) prevent the holder or participant from being part of any safety or security inspection, certification process or audit or from performing any of the functions that he or she or it is permitted to perform in terms of the Act and these regulations; or

(b) proceed with an investigation or administrative actions leading to an administrative fine or criminal prosecution, as the case may be, after such participant or holder has been given at least 14 days within which to comply with any directive issued by the Executive Director pursuant to the infringement notice.

(3) The Executive Director may, on good cause shown, in writing withdraw a notice of infringement issued under subregulation (2) and, send a copy of the withdrawal to the holder or participant cited in the infringement notice and to the authorised officer, inspector or authorised person or person concerned with the inspection report.

Notice of investigation of participant or holder of aviation document

13.01.5 (1) Pursuant to section 41 of the Act, the Executive Director must issue a notice of investigation to a holder or participant, as the case may be, similar in the form set out in the enforcement code which must at least -

[The phrase "similar in the form" was probably intended to be "similar to the form".]

(a) indicate the particulars and address or addresses of the holder or participant being the subject of an investigation;

(b) specify the nature of the alleged conduct or act with reference to the Act, these regulations, the technical standards or aviation directive that is the subject of the investigation;

(c) include evidence being relied upon pertaining to the alleged conduct or act;

(d) indicate the particulars, contact details and address of the lead investigator, if any;

(e) indicate the expected commencement date and conclusion date of the investigation; and

(f) invite the participant or holder to make representations either orally or in writing on the allegations within 30 days of the issue or service of the notice.

(2) Following the investigation, the Executive Director must, as part of the results thereof, including any recommendations required to be made pursuant to section 41(2)(b)(ii) of the Act, inform the holder or participant that the reasonable grounds identified require that further action be taken following the investigation regarding -

(a) an alleged offence in terms of the Act;

(b) contravention of, or failure to comply with, the Act or these regulations;

(c) failure to comply with conditions as required by the Act, these regulations or the technical standards; or

(d) the manner of careless or incompetent conduct with any aviation safety and security standard and practices,

and that the recommendations or actions as contemplated in sections 42 and 43 of the Act, where relevant will be taken, and, in addition, either -

[There should be a comma after the phrase "where relevant" to offset that phrase properly.]

(i) that the prescribed process regarding court action to impose a fine or imprisonment or both such fine and imprisonment as contemplated in section 54(2)(c)(ii) of the Act, read with regulation 13.03.2, will be pursued by the Authority;

(ii) the imposition of an administrative fine as provided in Subpart 3, read with Part 185, by the Executive Director; or

(iii) the taking of other action as in the discretion of the Executive Director is considered appropriate to meet the requirements as contemplated in section 66 of the Act.

(3) The results of an investigation may cause the Executive Director to reject the proposed action, report or recommendation, of an authorised officer, inspector or authorised person, as the case may be, and to allow the inspection or another or related inspection, on the alleged violation in issue, to be conducted afresh.

SUBPART 2
DOCUMENTS, RECORDS AND EVIDENCE

Service of documents and records

13.02.1 (1) Any notice or related documents served on an individual in terms of this Subpart must be served -

(a) by giving it to the individual personally;

(b) by leaving it at, or by sending it by registered mail to the address of the place of residence or business of the individual's last known to the Executive Director or authorised officer, inspector or authorised person;

[The word "individual's" should be "individual". There should be a comma after the phrase "sending it by registered mail to", to offset that phrase properly.]

(c) by giving it, at the place of residence or business of the individual's last known to the Executive Director or authorised officer, inspector or authorised person, to an individual who is, or is reasonably believed to be, above the age of 16 years and apparently an occupant of, or employed at, the place; or

[The word "individual's" should be "individual".]

(d) by sending it to the last known electronic communication address of the individual.

(2) Any notice served on a juristic person in terms of this Subpart must be served -

(a) by sending it by registered mail to the head office, registered office, principal place of business or other postal address of the juristic person;

(b) by giving it to an individual who is, or is reasonably believed to be, an officer of, or in the service of, the juristic person and above the age of 16 years, at the head office, registered office, principal office or other place of business of the juristic person; or

(c) by sending it to the last known email or electronic communication address of the juristic person or a representative of the juristic person.

(3) The Executive Director must ensure that -

(a) proper records of all enforcement actions taken in terms of these regulations are kept in the premises of the Authority and with the Civil Aviation Registry; and

(b) copies of all notices issued, reports written and decisions taken in respect of any alleged offence, violation or any inspection or investigation undertaken in terms of this Part are retained on the individual's or juristic person's file or holder's or participant's file with the Authority.

Evidence

13.02.2 (1) In proceedings under this Part -

(a) a written statement certified and signed by an authorised officer, inspector or authorised person that a licence, rating, certificate, permit, approval, authorisation or exemption, as the case may be, has been or has not been granted or issued to a specific person must, upon the mere production thereof, be accepted as *prima facie* proof of the facts mentioned therein;

(b) a document certified and signed by an authorised officer, inspector or authorised person to be a copy of a licence, certificate, permit, approval, authorisation or exemption and signed by the Executive Director must, upon the mere production thereof, be accepted as *prima facie* proof of the fact that the person whose name appears as the holder of the licence, certificate, permit, approval, authorisation or exemption, as the case may be, on that copy, was the holder of the licence, certificate, permit, approval, authorisation or exemption at the time when the offence or violation was committed;

(c) a document certified by an authorised officer, inspector or authorised person to be an extract or a copy signed by the Executive Director, of any register maintained in terms of the Act or these regulations must, upon the mere production thereof, be accepted as *prima facie* proof of the facts mentioned therein; and

(d) evidence supplied by an authorised officer, inspector or authorised person and obtained by the use of specialised equipment, such as weighing scales, video recorders, small hand-held recording devices, cameras, smartphones, navigation and communication transceivers and secondary equipment, must be proved in terms of any law, including the common law rules relating to the admissibility and proof of evidence.

(2) The Executive Director must ensure that any evidentiary material that is the subject of any process of inspection, investigation, enforcement review or court action and that requires its detention and seizure as contemplated in section 47 of the Act, is deposited in a secure room or office separate from the CAR, but under the supervision of the head of the CAR referred in regulation 3.04.6(1), to ensure its retention status as evidence for purposes of any such process.

SUBPART 3
ADMINISTRATIVE FINES

Administrative fines

13.03.1 (1) Despite the provisions of sections 42 and 43 of the Act regarding the suspension and revocation, and imposition of conditions, including endorsement, of aviation documents, an authorised officer, inspector or authorised person may recommend to the Executive Director to take action, after application of the procedures set out in this Part, which may result in the imposition of the appropriate category of administrative fine prescribed in regulation 185.01.3 where it is established, on a balance of probabilities, that the conduct or act of a holder or participant constitutes a violation.

(2) The power of a court to impose and provide penalties in the amounts similar to or lower than the administrative fine threshold provided for in subregulation (1) for various offences as contemplated in the Act, does not imply that the Executive Director may not impose an administrative fine for a violation based on the same set of facts that constitute the offence.

Process on imposition of administrative fine

13.03.2 (1) The Executive Director may, by way of process instituted in terms of this Part, seek the imposition of an administrative fine not exceeding N$200 000 for any violation to the extent provided for, where appropriate, in the Act, these regulations, the technical standards or aviation directives.

(2) The criteria to be used on the imposition of administrative fines must be in the manner set out in Subpart 2 of Part 185.

Administrative fine notice

13.03.3 (1) An authorised officer, inspector or authorised person must prepare the administrative fine notice in writing and in the form set out in the enforcement code, for issuing by the Executive Director to the holder or participant, if the authorised officer, inspector or authorised person is satisfied, following an inspection in the manner provided under regulation

13.01.4 or investigation in the manner provided under regulation 13.01.5, that the holder or participant, as the case may be, has -

(a) contravened or caused failure with regard to;

(b) acted in a negligent, careless or incompetent manner with regard to; or

(c) not complied with,

the Act, these regulations, the technical standards or aviation directive, to the extent indicated in the administrative fine notice.

(2) An administrative fine notice must -

(a) specify the nature of the alleged act or conduct committed;

(b) include evidence being relied upon pertaining to the alleged act or conduct;

(c) specify the administrative fine payable for the act or conduct;

(d) invite the alleged infringer to make representations either orally or in writing on the allegations or pay the administrative fine within 30 days of the issue or service of the notice; and

(e) specify the rights and obligations pertaining to the notice.

(3) If the holder or participant pays the administrative fine referred to in subregulation (2), any liability specified in the notice is considered as discharged.

(4) Despite the provisions on the administrative fines in subregulation (3), the Executive Director may require the holder, participant or a person designated by the Executive Director to -

(a) complete or submit any rectification required that led to the imposition of the administrative fine; and

(b) submit the acceptance of a corrective action plan.

(5) The Executive Director may withdraw the administrative fine notice -

(a) prior to the payment of the fine, upon a favourable outcome of enforcement review representation as set out in Supart 4;

[The word "Subpart" is misspelt in the *Government Gazette*, as reproduced above.]

(b) prior to conclusion of court proceedings, if any, on good cause shown by the Executive Director; or

(c) on the resolution of the matter on appeal by the High Court.

Use of information regarding administrative fines

13.03.4 (1) The imposition of an administrative fine in terms of this Part does not constitute a previous conviction by the holder or participant and is not for criminal record purposes.

(2) The records on the information on inspections and investigations set out in this Part are part of the records required under section 52 of the Act and may not be made available for public scrutiny, except by way of a court order.

(3) Nothing in this regulation prevents the service of an administrative fine notice by the Executive Director on an individual or juristic person for repeating an offence based on the records held by the Authority.

SUBPART 4
INTERNAL REVIEWS

Administrative review of decisions of authorised officers, inspectors and authorised persons

13.04.1 (1) A holder or participant whose rights have been detrimentally affected by an administrative action taken in terms of this Part by an authorised officer, inspector or authorised person under delegation in terms of the Act, may, after payment of the non-refundable application fee prescribed in Part 187, apply to the Executive Director to seek an internal review of such a decision.

(2) An internal review referred to in subregulation (1) must be lodged on the appropriate form similar to the form set out in the enforcement code, within 30 days after receipt of the infringement notice referred to in regulation 13.01.4(2) in terms whereof the applicant becomes aware of the decision or recommendation of the authorised officer, inspector or authorised person.

(3) If, on receipt of an application for review made under subregulation (1), the Executive Director decides that further investigations or inquiries must be carried out before he or she makes a decision on the application, the Executive Director must ensure that -

(a) the authorised officer, inspector or authorised person whose decision or recommendation is the subject matter of the review;

(b) any person who was responsible for supervising the authorised officer, inspector or authorised person who made the decision or recommendation; and

(c) any other person who was in any way involved in the making of the decision or recommendation,

does not in any way participate in the further investigation or inquiry or the determination of the matter on review.

(4) The Executive Director must within 14 days of receiving the application for review confirm, amend or withdraw the decision or recommendation in writing.

(5) The Executive Director must, upon the request by the person in relation to whom a decision or recommendation is confirmed, amended or withdrawn under subregulation (4), within 14 days of the application furnish written reasons for the decision.

(6) The Executive Director may after the provision of the reasons in terms of subregulation (5), proceed to institute an investigation in terms of regulation 13.01.5.

(7) An application for review in terms of this regulation must be considered finalised if upon compliance with either of the actions set out in subregulation (3), (4) or (5), the applicant takes no further action within 30 days of any written notice of such actions.

Administrative review of decisions of Executive Director

13.04.2 A holder or participant may exercise the rights on review of a decision of the Executive Director based on remedies available under the laws of Namibia.

AIRCRAFT

PART 21
AIRCRAFT:
CERTIFICATION PROCEDURES FOR
PRODUCTS AND PARTS AND AIRWORTHINESS OF AIRCRAFT

[Part 21 is substituted by GN 236/2020. Note that Subparts 2, 3, 5, 6 and 7 of Part 21, and all other provisions of Part 21 that make reference to type certification, are not yet in force; they will come into force on a date determined by the Minister by notice in the *Government Gazette*.]

LIST OF REGULATIONS

SUBPART 1: GENERAL

21.01.1 Applicability
21.01.1 Types of aircraft
[This regulation should be numbered as "21.01.2". The incorrect numbering here is not duplicated in the text of the regulations below.]
21.01.3 Reporting of failures, malfunctions, defects and other occurrences
[In the text of the regulations below, this heading appears as "Reporting of failures, malfunctions and defects and other occurrences".]
21.01.4 Issuing of airworthiness directives
21.01.5 Safety inspections and audits
21.01.6 Register of certificates
21.01.7 Unapproved (bogus) parts
21.01.8 Suspension, revocation and appeal
21.01.9 Alternative means of compliance
21.01.10 Deferred compliance
21.01.11 Conflict with other continuing airworthiness instructions

SUBPART 2: TYPE CERTIFICATES

[Subpart 2 is not yet in force; it will come into force on a date determined by the Minister by notice in the *Government Gazette*.]

21.02.1 Categories of type certificates
21.02.2 Application for type certificate
21.02.3 Airworthiness design standards
21.02.4 Type design
21.02.5 Inspections and tests
21.02.6 Statements of conformity
21.02.7 Flight tests
21.02.8 Issue of type certificate
21.02.9 Privileges of holder of type certificate
21.02.10 Period of validity
21.02.11 Transferability
[This heading is "Transferability [of] certificates" in the text of the regulations below.]
21.02.12 Special conditions
21.02.13 Duties of holder of type certificate

SUBPART 3: CHANGES TO TYPE CERTIFICATES

[Subpart 3 is not yet in force; it will come into force on a date determined by the Minister by notice in the *Government Gazette*.]

21.03.1 Changes in type design
21.03.2 Reporting of minor changes in type design
21.03.3 Approval of major changes in type design
21.03.4 Required design changes
21.03.5 Airworthiness design standards

SUBPART 4: ACCEPTANCE OF TYPE CERTIFICATES

21.04.1 Categories of type acceptance certificates
21.04.2 Application for type acceptance certificate
21.04.3 Airworthiness design standards
21.04.4 Data requirements
21.04.5 Issue of type acceptance certificate
21.04.6 Period of validity
21.04.7 Duty of holder of type acceptance certificate

SUBPART 5: SUPPLEMENTAL TYPE CERTIFICATES

[Subpart 5 is not yet in force; it will come into force on a date determined by the Minister by notice in the *Government Gazette*.]

21.05.1 Requirements for supplemental type certificate
21.05.2 Application for supplemental type certificate
21.05.3 Issue of supplemental type certificate
21.05.4 Privileges of holder of supplemental type certificate
21.05.5 Period of validity
21.05.6 Duty of holder of supplemental type certificate
21.05.7 Requirements for supplementary type certificate issued by State of Design
21.05.8 Issue of supplemental type certificate by another State

SUBPART 6: PRODUCTION UNDER TYPE CERTIFICATE

[Subpart 6 is not yet in force; it will come into force on a date determined by the Minister by notice in the *Government Gazette*.]

21.06.1 Production under type certificate
21.06.2 Production inspection system
21.06.3 Tests for aircraft
21.06.4 Tests for aircraft engines
21.06.5 Tests for propellers
21.06.6 Statement of conformity

SUBPART 7: PRODUCTION CERTIFICATES

[Subpart 7 is not yet in force; it will come into force on a date determined by the Minister by notice in the *Government Gazette*.]

21.07.1 Requirements for production certificate
21.07.2 Application for production certificate
21.07.3 Issue of production certificate
21.07.4 Terms of approval
21.07.5 Duties of holder of production certificate
21.07.6 Privileges of holder of production certificate

21.07.7 Transferability and period of validity

SUBPART 8: CERTIFICATES OF AIRWORTHINESS

21.08.1 Categories of Certificates of Airworthiness
21.08.2 Requirements for Certificate of Airworthiness
[The heading of this regulation in the text of the regulations below uses the singular word "Requirement".]
21.08.3 Application for issue, renewal or amendment of certificate of airworthiness
21.08.4 Requirements for standard or restricted category certificate of airworthiness
21.08.5 Carrying out test flights in certain circumstances
21.08.6 Requirements and application for experimental certificate
21.08.7 Requirements and application for special flight permit
21.08.8 Special flight permits with continued authorisation
21.08.9 Issue, renewal or amendment of certificate of airworthiness
21.08.10 Period of validity
21.08.11 Transferability
21.08.12 Application for duplicate certificate
21.08.13 Validation of Certificate of Airworthiness issued by appropriate authority
21.08.14 Reduced vertical separation minima approval
[The heading of this regulation in the text of the regulations below uses the abbreviation "RSVM", appearing as "RSVM approval".]
21.08.15 Temporary loss of airworthiness
21.08.16 Damage to aircraft
21.08.17 Aircraft limitations and information

SUBPART 9: APPROVAL OF PARTS AND APPLIANCES

21.09.1 Replacement and modification parts
21.09.2 Inspections and tests
21.09.3 Application for NAM-PMA

21.09.4 Issue of NAM-PMA
21.09.5 Duties of holder of NAM-PMA
21.09.6 Transferability and period of validity

SUBPART 10: APPROVAL OF PARTS AND APPLIANCES: IMPORT

21.10.1 Approval

SUBPART 11: EXPORT: AIRWORTHINESS APPROVALS

[The heading of this Subpart in the text of the regulations below does not have a colon after the word "EXPORT".]

21.11.1 Export airworthiness approvals
21.11.2 Application for export airworthiness approval
21.11.3 Issue of export airworthiness approval
21.11.4 Duties of holder of export airworthiness approval
21.11.5 Inspections and overhauls
21.11.6 Validity of certificate
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SUBPART 12: NAM-TSO AUTHORISATIONS

21.12.1 NAM-TSO markings
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[The heading of this regulation in the text of the regulations is "Granting of approval**".]**
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[This regulation is incorrectly numbered as "21.14.**08" in the text of the regulations below.]**
21.14.9 Display of certificate
21.14.10 Transferability and period of validity
21.14.11 Authorised signatories
21.14.12 Certification: aeronautical products
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SUBPART 15: IDENTIFICATION OF AIRCRAFT, AIRCRAFT ENGINES AND PROPELLERS

21.15.1 Identification of aircraft, aircraft engines and propellers
21.15.2 Identification information
21.15.3 Removal, alteration and replacement of identification information
21.15.4 Removal and reinstallation of data plate
21.15.5 Identification of critical parts
21.15.6 Identification of replacement and modification materials, parts and appliances
21.15.7 Life-limited component identification

SUBPART 1:
GENERAL

Applicability

21.01.1 (1) This Part applies to -

(a) the type certification of products to be manufactured in Namibia;

(b) the approval of changes to type certificates;

(c) the type acceptance certification of products to be imported into Namibia;

(d) the issuing of supplemental type certificates;

(e) the issuing of production certificates;

(f) the airworthiness certification of aircraft;

(g) the approval of parts and appliances to be manufactured in Namibia;

(h) the approval of parts and appliances to be imported into Namibia;

(i) the issuing of export airworthiness approvals;

(j) the issuing of NAM-TSO authorisations;

(j) the distribution of aeronautical products in Namibia; and

[There are two paragraphs labelled as "(j)" in the *Government Gazette*, as reproduced above.]

(k) the identification of aircraft, aircraft engines, propellers, appliances and components of aircraft parts.

(2) This Part does not apply to -

(a) hang gliders;

(b) paragliders;

(c) unmanned free balloons;

(d) captive balloons;

(e) kites;

(f) model aircraft;

(g) parachutes;

(h) powered paragliders;

(i) rigid airships; and

(j) remotely piloted aircraft.

Types of aircraft

[This regulation is incorrectly numbered in the LIST OF REGULATIONS as "21.01.1".]

21.01.2 (1) For the purposes of the regulations in this Part, the applicable types of aircraft are -

(a) gliders, power-assisted gliders and touring gliders;

(b) very light aeroplanes;

(c) aeroplanes of normal, utility, acrobatic and commuter categories;

(d) aeroplanes of the transport category;

(e) rotorcraft of the normal category;

(f) rotorcraft of the transport category;

(g) manned free balloons; and

(h) remotely piloted aircraft.

(2) The airworthiness design standards for each type of aircraft referred to in subregulation (1) are those referred to in 21.02.3.

(3) A person may not operate an aircraft within Namibia or apply for registration of an aircraft in Namibia, unless the aircraft and the aeronautical products therein have received type certification -

(a) in terms of the regulations in this Part; or

(b) from the State of Design and a production approval from the State of Manufacture by the appropriate authority of those states.

Reporting of failures, malfunctions and defects and other occurrences

[The heading of this regulation appears more correctly as "Reporting of failures, malfunctions, defects and other occurrences" in the LIST OF REGULATIONS above.]

21.01.3 (1) The holder of any type certificate, type acceptance certificate, supplemental type certificate, production certificate, NAM-PMA or NAM-TSO authorisation issued in terms of the regulations in this Part, must, in accordance with subregulation (3), and in writing, report to the Executive Director the occurrence and circumstances of any failure, malfunction or defect in any product, part or appliance manufactured by such holder which -

(a) has resulted in any of the occurrences specified in Document NAM-CATS-AR; or

(b) has passed through such holder's quality assurance system and may result in any of the occurrences specified in Document NAM-CATS-AR.

(2) A report referred to in subregulation (1) must include -

(a) the aircraft serial number;

(b) if the failure, malfunction or defect is associated with an article approved under NAM-TSO authorisation, the article serial number and model designation;

(c) if the failure, malfunction or defect is associated with an aircraft engine or aircraft propeller, the engine or propeller serial number;

(d) the product model;

(e) an identification, including the part number, of the part, component or system involved; and

(f) the nature of the failure, malfunction or defect.

(3) The holder of a certificate or an authorisation referred to in subregulation (1) must submit the report referred to in that subregulation to the Executive Director within 24 hours after the holder has become aware of the failure, malfunction or defect required to be reported, but a report which was due on a -

(a) Saturday or a Sunday, may be submitted on the following Monday; or

(b) public holiday, may be submitted on the next working day.

(4) In the case of the investigation of an accident or service difficulty report indicating that a product is unsafe because of a manufacturing or design defect, the holder concerned must report to the Executive Director the results of its investigation and any action taken or proposed by such holder to correct such defect.

(5) If action is required to correct the defect in existing products the holder concerned must submit to the Executive Director, the data necessary for the issuing of an appropriate airworthiness directive by the Executive Director.

[The comma in subregulation (5) is misplaced and should appear after the phrase "If action is required to correct the defect in existing products" instead of after "Executive Director".]

Issuing of airworthiness directives

21.01.4 (1) The Executive Director may, pursuant to section 38(3) of the Act and in the interest of aviation safety, issue an appropriate airworthiness directive to correct an unsafe condition in a product.

(2) If the Executive Director issues an airworthiness directive for a product, the holder of any certificate issued under the regulations in this Part for the product type, must -

(a) upon the request of the Executive Director, submit appropriate design changes to the Executive Director for approval; and

(b) upon approval of the design changes, make the descriptive data covering the changes available to all operators of the product.

(3) An operator of an aircraft may not operate the aircraft unless the operator complies with -

(a) every applicable airworthiness directive issued by the Executive Director in accordance with this subregulation (1); and

[The word "this" before the phrase "subregulation (1)" is superfluous.]

(b) for an aircraft in excess of 5 700 kilogrammes MCTOW, or in the case of an aircraft operated in terms of Part 135, less than 5 700 kilogrammes MCTOW, every -

(i) applicable airworthiness directive issued by the State of Design of the aircraft; and

(ii) applicable airworthiness directive issued by the State of Design of a product that is used on the aircraft; or

(c) an alternative means of compliance in the manner contemplated in Part 3 in respect of an airworthiness directive that is applicable to the aircraft under paragraphs (a) and (b).

Safety inspections and audits

21.01.5 (1) An applicant for the issuing of any certificate, approval or authorisation in terms this Part must permit an authorised officer, inspector or authorised person to carry out such safety inspections and flight and ground tests which may be necessary to verify the validity of any application made in terms of this Part.

(2) The holder of any certificate, approval or authorisation issued under this Part must permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits, including safety inspections and audits of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

Register of certificates

21.01.6 (1) The Executive Director must, pursuant to section 52 of the Act, maintain or cause to be maintained a register of all certificates, approvals or authorisations issued in terms of this Part.

(2) The register must contain the following particulars -

(a) The full name of the holder of the certificate, approval or authorisation;

(b) the postal address of the holder of the certificate, approval or authorisation;

(c) the date on which the certificate, approval or authorisation was issued;

(d) the nationality of the holder of the certificate, approval or authorisation;

(e) the number of the certificate, approval or authorisation issued;

(f) the telephone, telefax numbers, email address of the holder of the certificate, approval or authorisation; and

(g) the date on which the certificate, approval or authorisation was suspended or revoked, if applicable.

(3) The Executive Director must record or cause to be recorded the particulars referred to in subregulation (2) in the register within seven days from the date on which the certificate, approval or authorisation is issued by the Executive Director.

(4) The Executive Director, on payment of the appropriate fee as prescribed in Part 187, must furnish a copy of the register to any person who requests for the copy.

[The word "for" after the word "requests" is superfluous.]

Unapproved (bogus) parts

21.01.7 (1) A person may not trade in any unapproved (bogus) part intended for installation, or install any unapproved part, in a type certificated product.

(2) A person authorised by these Regulations to install parts in a type certificated product, must, when installing a part, ensure that the part -

(a) is not an unapproved (bogus) part;

(b) is an approved and serviceable part; and

(c) conforms to the standard determined by the appropriate type certificate holder as being suitable for the intended application.

(3) The person referred to in subregulation (2) must, when obtaining the part from the supplier, ensure that the purchase order contains an accurate description of the part and sufficient details to indicate that such part is an approved part.

Suspension, revocation and appeal

21.01.8 (1) Without prejudice to the Executive Director's powers to suspend, revoke or impose conditions upon any aviation document under sections 42 and 43 of the Act, an authorised officer, inspector or authorised person may suspend any certificate, approval or authorisation issued under this Part, if -

(a) after safety inspection or an audit carried out in terms of regulation 21.01.5, it is evident that the holder of the certificate, approval or authorisation -

(i) does not comply with the requirements prescribed in this Part; and

(ii) has failed to remedy such non-compliance within 30 days after receiving notice in writing from the authorised officer, inspector or authorised person to do so;

(b) the authorised officer, inspector or authorised person is prevented by the holder of the certificate, approval or authorisation or a person acting on behalf of that holder, from carrying out a safety inspection and audit in terms of regulation 21.01.5; or

(c) the suspension is necessary in the interest of aviation safety.

(2) The authorised officer, inspector or authorised person who has suspended a certificate, approval or authorisation in terms of subregulation (1), must, in the manner acceptable to the Executive Director, deliver a written report to the Executive Director as soon as possible after the suspension and stating the reasons for the suspension.

(3) The authorised officer, inspector or authorised person concerned must as soon as possible submit a copy of the report referred to in subregulation (2) to the holder of the certificate, approval or authorisation which has been suspended.

(4) The holder of a certificate, approval or authorisation whose certificate, approval or authorisation has been suspended may seek a review of the actions of the authorised officer, inspector or authorised person's actions made in subregulation (1) pursuant to Subpart 4 of Part 13.

(5) A person in respect of whom a decision is taken under this regulation may, after exhausting the review process referred to in subregulation (4), appeal against the decision to the High Court under section 225 of the Act.

Alternative means of compliance

21.01.9 An operator of an aircraft who is required under regulation 21.01.4(3)(a) and (b) to comply with the requirements of an airworthiness directive, may apply to the Executive Director for the approval of an alternative means of complying with the requirements specified in the airworthiness directive in the manner set out in in Subpart 3 of Part 3.

[The word "in" is repeated before the phrase "Subpart 3".]

Deferred compliance

21.01.10 If an airworthiness directive requires a series of inspections of an aircraft or a product installed in an aircraft, the operator of the aircraft may, unless specifically prohibited by the airworthiness directive, defer a required inspection, except the initial inspection, for a period of not more than 10% of the inspection interval specified in the airworthiness directive to allow the inspection to be carried out during other scheduled maintenance.

Conflict with other continuing airworthiness instructions

21.01.11 If there is a conflict between the requirements specified in an airworthiness directive and any other applicable instruction for continuing airworthiness, the requirements specified in the airworthiness directive prevail.

SUBPART 2:
TYPE CERTIFICATES

[Subpart 2 is not yet in force; it will come into force on a date determined by the Minister by notice in the *Government Gazette*.]

Categories of type certificates

21.02.1 The categories of type certificates are -

(a) standard category type certificate for a Class I product to be manufactured in Namibia; and

(b) restricted category type certificate for a Class I product to be manufactured in Namibia.

Application for type certificate

21.02.2 (1) An application for the issue or amendment of a type certificate for a Class I product must be -

(a) made to the Executive Director in the appropriate form set out in Document NAM-CATS-AR; and

(b) accompanied by -

(i) a copy of the approval held by the selected design organisation;

(ii) in the case of an application for an aircraft type, a three-view drawing of the aircraft type and available preliminary basic data;

(iii) in the case of an application for an aircraft engine type or an aircraft propeller type, a description of the -

(aa) design features;

(bb) operating characteristics; and

(cc) proposed operating limitations;

(iv) the proposed certification basis; and

(v) the appropriate fee as prescribed in Part 187.

(2) An application referred to in subregulation (1) is valid -

(a) in the case of an application for an aeroplane type with a maximum certificated mass exceeding 5 700 kilogrammes, for a period of five years;

(b) in the case of an application for an aeroplane type with a maximum certificated mass of 5 700 kilogrammes or less, for a period of three years;

(c) in the case of an application for a rotorcraft type with a maximum certificated mass exceeding 2 730 kilogrammes, for a period of five years;

(d) in the case of an application for a rotorcraft type with a maximum certificated mass of 2 730 kilogrammes or less, for a period of three years,

calculated from the date on which the application is submitted to the Executive Director.

(3) If a type certificate is not issued within the appropriate period referred to in subregulation (2), the applicant may -

(a) submit a new application in accordance with the provisions of subregulation (1); or

(b) submit an application to extend the original application made in terms of subregulation (1), and comply with the appropriate airworthiness design standards referred to in regulation 21.02.3, effective on a date selected by the applicant: Provided that such date of validity precedes the date of the issuing of the type certificate by the appropriate period referred to in subregulation (2) in respect of the original application.

Airworthiness design standards

21.02.3 (1) An applicant for the issue or amendment of a type certificate for a Class I product must provide the Executive Director with proof that -

(a) the product complies with the appropriate airworthiness design standards in force as set out in Document NAM-CATS-AR;

(b) the product complies with the appropriate fuel venting and engine emission standards and aircraft noise standards referred to in Part 34 and Part 36;

(c) the product complies with any special conditions prescribed by the State of Design of the product;

(d) any airworthiness design standards not complied with are compensated for by factors providing an equivalent level of safety; and

(e) in the case of an aircraft type, no feature or characteristic makes the aircraft type unsafe for the intended use.

(2) If the applicant selects a later date referred to in subregulation (1)(a), the applicant must provide proof that the product complies with any other airworthiness design standard which the Executive Director determines is directly related.

(3) Where -

(a) there are no airworthiness design standards applicable to a Namibian registered aircraft set out Document NAM-CATS-AR as contemplated in subregulation (1)(a); or

[The word "in" seems to be missing before the phrase "Document NAM-CATS-AR".]

(b) Document NAM-CATS-AR does not contain a code of airworthiness design standards applicable to a Namibian registered aircraft,

the applicable airworthiness design standards in respect of any such aircraft are the requirements and mandatory design standards of the State of Design or a code of airworthiness which code complies with Annex 8 to the Chicago Convention.

Type design

21.02.4 An applicant for the issue or amendment of a type certificate for a Class I product must -

(a) provide the Executive Director with a type design consisting of -

(i) the drawings and specifications necessary to define the configuration and the design features of the product which have been shown to comply with the appropriate airworthiness design standards referred to in regulation 21.02.3;

(ii) a list of the drawings and specifications referred to in subparagraph (i);

(iii) information on dimensions, materials and processes and on methods of manufacture and assembly of the product necessary to ensure the conformity of the product;

(iv) the airworthiness limitations specified in the appropriate airworthiness design standards referred to in regulation 21.02.3; and

(v) any other data necessary to allow, by comparison, the determination of the airworthiness, noise characteristics, fuel venting and engine emissions, if applicable, of later products of the same type; and

(b) identify each type design and each variant within the type design.

Inspections and tests

21.02.5 (1) An applicant for the issue or amendment of a type certificate for a Class I product must inspect and test a product of the type to ensure that -

(a) the product complies with the appropriate airworthiness design standards referred to in regulation 21.02.3;

(b) the product complies with the appropriate fuel venting and engine emission standards and aircraft noise standards referred to in Part 34 and Part 36;

(c) the materials and product conform to the specifications in the type design;

(d) all parts in the product conform to the drawings in the type design; and

(e) the manufacturing processes, construction and assembly conform to those specified in the type design.

(2) The applicant must, after making the inspections and tests referred to in subregulation (1) -

(a) permit the Executive Director to perform any inspection and flight and ground tests which the Executive Director may require;

(b) provide proof to the Executive Director that the product complies with the requirements referred to in subregulation (1)(c), (d) and (e); and

(c) ensure that the product remains unchanged between the time that the product is shown to comply with the requirements referred to in subregulation (1)(c), (d) and (e), and the time of presentation to the Executive Director for testing.

Statements of conformity

21.02.6 An applicant for the issue or amendment of a type certificate presenting a product to the Executive Director for the tests referred to in regulation 21.02.5(2), must provide the Executive Director with a statement of conformity stating that -

(a) the applicant has complied with the requirements referred to in regulation 21.02.5(1)(c), (d) and (e); and

(b) the product complies with the applicable type design.

Flight tests

21.02.7 (1) Subject to the provisions of subregulations (2) and (3), an applicant for the issue or amendment of a type certificate for an aircraft must carry out such flight tests as the Executive Director may require to determine whether -

(a) the aircraft complies with the appropriate airworthiness design standards referred to in regulation 21.02.3;

(b) the aircraft and the aircraft components and equipment are reliable and function properly.

(2) before carrying out any flight test referred to in subregulation (1), the applicant must ensure that -

(a) the aircraft complies with the structural requirements of the appropriate airworthiness design standards referred to in regulation 21.02.3;

(b) the aircraft has undergone the necessary ground inspections and tests; and

(c) the aircraft conforms to the type design.

(3) The flight tests referred to in subregulation (1) must be carried out in accordance with the requirements set out in Document NAM-CATS-AR.

Issue of type certificate

21.02.8 (1) The Executive Director must grant An application in terms of regulation 21.02.2 and issue a type certificate for a Class I product if -

(a) the applicant complies with the provisions of regulations 21.02.3 to 21.02.7, inclusive; and

(b) the inspection and testing of the product confirms that the product complies with the appropriate airworthiness design standards referred to in regulation 21.02.3.

(2) A type certificate may be issued in both the standard and restricted categories referred to in regulation 21.02.1 if the provisions of regulations 21.02.3 to 21.02.7, inclusive for each category are complied with.

(3) A restricted category type certificate must specify the operational purposes for which the product is certificated.

(4) A type certificate is issued on the appropriate form set out in Document NAM-CATS-AR.

Privileges of holder of type certificate

21.02.9 The holder of a type certificate is entitled to -

(a) upon compliance with the appropriate requirements prescribed in Subpart 7, obtain a production certificate for the type certificated product concerned;

(b) obtain approval of replacement parts for such product;

(c) in the case of an aircraft, upon compliance with the appropriate requirements prescribed in Subpart 8, obtain a certificate of airworthiness; and

(d) in the case of an aircraft engine or propeller, obtain approval for the installation thereof on a certificated aircraft.

Period of validity

21.02.10 (1) A type certificate is valid until it is surrendered by the holder thereof, or is suspended by the Executive Director or by an authorised officer, inspector or authorised person, or revoked by the Executive Director pursuant to regulation 21.01.8.

(2) The holder of a type certificate which is suspended must forthwith produce the type certificate upon suspension thereof to the Executive Director or to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(3) The holder of a type certificate which is revoked must forthwith surrender such type certificate to the Executive Director.

Transferability certificate

[This heading appears to be missing the word "of" between "Transferability" and "certificate". The heading of this regulation in the LIST OF REGULATIONS is "Transferability".]

21.02.11 The holder of a type certificate must, before transferring the type certificate -

(a) notify the Executive Director in writing of the name and address of -

(i) the transferee; and

(ii) the subsequent selected design organisation; and

(b) produce the certificate to the Executive Director for amendment.

Special conditions

21.02.12 The Executive Director may impose special conditions for a Class I product to establish a level of safety equivalent to the appropriate airworthiness design standards referred to in regulation 21.02.3, if the Executive Director determines that the airworthiness design standards do not contain adequate or appropriate safety levels because -

(a) the product has novel or unusual design features relative to the design practices on which the appropriate airworthiness design standards are based; or

(b) the intended use of the product is unconventional.

Duties of holder of type certificate

21.02.13 The holder of a type certificate must -

(a) keep the original type certificate in a safe place and produce such certificate to an authorised officer, inspector or authorised person for inspection if so requested by such officer, inspector or person;

(b) retain all relevant design information, drawings, test reports and inspection records of the product for a period of two years from the date on which the last example of the product has been permanently withdrawn from service;

(c) produce the design information, drawings, test reports and inspection records to an authorised officer, inspector or authorised person for inspection if so requested by such officer, inspector or person;

(d) provide at least one set of instructions for safe operation and continued airworthiness, prepared in accordance with the appropriate airworthiness design standards referred to in regulation 21.02.3, to each purchaser of the product upon its delivery or upon the issuing of the first standard certificate of airworthiness for the product concerned, whichever occurs later;

(e) make the instructions referred to in paragraph (d), and any changes to those instructions, available to any other person required in terms of the regulations in this Part to comply with the instructions;

(f) develop and maintain a system for receiving and analysing information relating to defects in the product type;

(g) inform each owner of a product of the same type of the details of the system developed according to the provisions of paragraph (f); and

(h) report to the Executive Director any failure, malfunction or defect in accordance with the provisions of regulation 21 .01.3.

SUBPART 3
CHANGES TO TYPE CERTIFICATES

[Subpart 3 is not yet in force; it will come into force on a date determined by the Minister by notice in the *Government Gazette*.]

Changes in type design

21.03.1 The changes in type design for products are -

(a) a minor change;

(b) a major change;

(c) an acoustical change; and

(d) an emission change.

Reporting of minor changes in type design

21.03.2 The holder of a type certificate must in writing report All minor changes in a type design to the Executive Director prior to the implementation of such changes.

Approval of major changes in type design

21.03.3 (1) The holder of a type certificate who applies for the approval of a major change in a type design, must submit to the Executive Director substantiating data and necessary descriptive data for inclusion in the type design.

(2) Approval of a major change in the type design of an aircraft engine must be limited to the specific engine configuration upon which the change is made, unless the applicant -

(a) identifies in the necessary descriptive data for inclusion in the type design, the other configurations of the same engine type for which approval is requested; and

(b) shows that the change is compatible with such other configurations.

Required design changes

21.03.4 (1) In the event of the Executive Director issuing an airworthiness directive, the holder of the type certificate for the product concerned must -

(a) if design changes are necessary to correct the unsafe condition of such product, submit the appropriate design changes and substantiation data to the Executive Director for approval, when required to do so; and

(b) upon approval of the design changes, make available the descriptive data covering the changes to all operators of products previously certificated under the type certificate.

(2) In a case where there are no current unsafe conditions, but the Executive Director or the holder of the type certificate finds through service experience that changes in type design will contribute to the safety of the product, the holder of the type certificate may submit appropriate design changes and substantiation data to the Executive Director for approval.

(3) Upon approval of the design changes referred to in subregulation (2), the holder of the type certificate must make available information on the design changes to all operators of the same type of product.

Airworthiness design standards

21.03.5 An applicant for the approval of a change to a type certificate must comply with the appropriate airworthiness design standards referred to in regulation 21.02.3.

SUBPART 4

ACCEPTANCE OF TYPE CERTIFICATES

Categories of type acceptance certificates

21.04.1 The categories of type acceptance certificates are -

(a) standard category type acceptance certificate for a Class I product to be imported into Namibia; and

(b) restricted category type acceptance certificate for a Class I product to be imported into Namibia.

Application for type acceptance certificate

21.04.2 An application for the issue of a type acceptance certificate for a Class 1 product must be -

[It appears that the reference to "Class 1" was intended to be "Class I" with a Roman numeral "I", as in regulation 21.04.1.]

(a) made in the appropriate form set out in Document NAM-CATS-AR; and

(b) accompanied by -

(i) the appropriate fee as prescribed in Part 187; and

(ii) proof of compliance with the provisions of regulations 21.04.3 and 21.04.4.

Airworthiness design standards

21.04.3 (1) In this regulation, "appropriate airworthiness design standards" means the standards referred to in regulation 21.02.3(1) or standards contained in a recognised airworthiness code referred to in regulation 21.02.3(3) relating to the design, materials, construction equipment, performance and maintenance of aircraft or aircraft components issued by the States of Design and which code complies with Annex 8 to the Chicago Convention.

(2) An applicant for the issuing of a type acceptance certificate for a Class I product must provide the Executive Director with proof that -

(a) the product complies with the appropriate airworthiness design standards referred to in regulation 21.02.3, effective at the date assigned in the foreign type certificate or equivalent document, unless another date is specified by the Executive Director.

(b) the product complies with any special conditions imposed by the Executive Director in terms of regulation 21.02.12 and, if applicable, meets any special conditions under the foreign type certificate;

(c) any airworthiness design standards not complied with are compensated for by factors providing an equivalent level of safety;

(d) no feature or characteristic of the product makes it unsafe for the intended use; and

(e) the type certificate or equivalent document was issued based on an airworthiness code recognised by the Executive Director.

Data requirements

21.04.4 (1) An applicant for the issuing of a type acceptance certificate for a Class I product must provide the Executive Director with -

(a) proof that the type design has been approved by the appropriate authority of the exporting State by the issuing of a type certificate or an equivalent document and that type certificate or equivalent document is considered to be valid by the State of Design;

(b) details of the airworthiness design standards complied with for the issuing of the type certificate referred to in paragraph (a), including -

(i) the statement of conformity compared to the airworthiness design standards;

(ii) the effective date of such standards;

(iii) any special conditions imposed under the foreign type certification;

(iv) any requirements not complied with and any compensating factors providing an equivalent level of safety; and

(v) any airworthiness limitations;

(c) a list identifying the data submitted for the issuing of the type certificate referred to in paragraph (a), showing compliance with the appropriate airworthiness design standards;

(d) a certified true copy of the flight manual approved under a foreign type certificate or, if the appropriate design standards do not require a flight manual to be provided, a flight manual which complies with the standards set out in Document NAM-CATS-AR;

(e) the illustrated parts or products catalogue; and

(f) if required by the Executive Director -

(i) the maintenance manual for the product;

(ii) current service information issued by the manufacturer of the product; and

(iii) proof that the manufacturer has agreed to provide the Executive Director with a certified true copy of all amendments and re-issues of the documents referred to in paragraphs (d), (e) and(f).

(2) The Executive Director may specify the range of serial numbers or models of products to which the application relate or redefine the applicability of the certificate if the provisions of this regulation and regulation 21.04.3 are complied with in respect of any additional product.

[The verb "relate" should be "relates" to be grammatically correct.]

(3) If the application relates to a variant of an aircraft type for which there is already a type acceptance certificate in force, then only data peculiar to the variant need be supplied and the type acceptance certificate will be amended to include the new variant.

(4) The applicant must provide general familiarisation training or full type training course to the Executive Director or to an authorised officer, inspector or authorised person for the purpose of enabling them to conduct an effective safety oversight on the accepted aircraft type.

Issue of type acceptance certificate

21.04.5 (1) The Executive Director must grant An application in terms of regulation 21.04.2 and issue a type acceptance certificate for a Class I product if the applicant complies with the provisions of regulations 21.04.3 and 21.04.4.

(2) A type acceptance certificate may be issued in both the standard and restricted categories referred to in regulation 21.04.1, if the provisions of regulations 21.04.3 and 21.04.4 for each category are complied with.

(3) A restricted category type acceptance certificate must specify the operational purposes for which the product is certificated.

(4) A type acceptance certificate must be issued on the appropriate form set out in Document NAM-CATS-AR.

Period of validity

21.04.6 (1) A type acceptance certificate is valid until it is surrendered by the holder thereof or is suspended by the Executive Director or by an authorised officer, inspector or authorised person or revoked by the Executive Director, pursuant to regulation 21.01.8.

(2) The holder of a type acceptance certificate which is suspended must forthwith produce the type acceptance certificate upon suspension thereof to the Executive Director or to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(3) The holder of a type acceptance certificate which is revoked must forthwith surrender such type acceptance certificate to the Executive Director.

Duty of holder of type acceptance certificate

21.04.7 The holder of a type acceptance certificate must keep the original type acceptance certificate in a safe place and produce such certificate upon request to an authorised officer, inspector or authorised person for inspection.

SUBPART 5
SUPPLEMENTAL TYPE CERTIFICATES

[Subpart 5 is not yet in force; it will come into force on a date determined by the Minister by notice in the *Government Gazette*.]

Requirements for supplemental type certificate

21.05.1 (1) Any person who is not the holder of a type certificate and who alters a product by introducing any change in the type design, but not great enough to require a new application for a type certificate, must apply to the Executive Director for the issuing of a supplemental type certificate.

(2) An applicant for the issue of a supplemental certificate must prove to the Executive Director that -

(a) the altered product complies with the appropriate airworthiness design standards referred to in regulation 21 .02.3;

(b) in the case of an acoustical change, the altered product complies with the appropriate noise standards as prescribed in Part 36; and

(c) in the case of an emission change, the altered product complies with the appropriate emission standards as prescribed in Part 34.

(3) An applicant for the issuing of a supplemental type certificate must comply with the provisions of regulations 21.02.5 and 21.02.6 in respect of each change in type design.

(4) For the purposes of this regulation the holder of a type certificate may apply for the amendment of the type certificate in terms of Subpart 2.

Application for supplemental type certificate

21.05.2 An application for the issue of a supplemental type certificate must be -

(a) made to the Executive Director in the appropriate form set out in Document NAM-CATS-AR; and

(b) accompanied by -

(i) a copy of the approval held by the selected design organisation;

(ii) proof of compliance with the provisions of regulation 21.05.1; and

(iii) the appropriate fee as prescribed in Part 187.

Issue of supplemental type certificate

21.05.3 (1) An application in terms of regulation 21.05.2 must be granted and a supplemental type certificate issued if the applicant complies with the requirements prescribed in regulation 21.05.1.

(2) A supplemental type certificate is issued on the appropriate form set out in Document NAM-CATS-AR.

Privileges of holder of supplemental type certificate

21.05.4 The holder of a supplemental type certificate is entitled to -

(a) in the case of an aircraft, upon compliance with the appropriate requirements prescribed in Subpart 8, obtain a certificate of airworthiness; and

(b) in the case of any other product, obtain approval for the installation of such product on a certificated aircraft; and

(c) upon compliance with the appropriate requirements prescribed in Subpart 7, obtain a production certificate for the change in the type design approved by the supplemental type certificate.

Period of validity

21.05.5 (1) A supplemental type certificate is valid until it is surrendered by the holder thereof or is suspended by the Executive Director or by an authorised officer, inspector or authorised person or revoked by the Executive Director, pursuant to regulation 21.01.8.

(2) The holder of a supplemental type certificate which is suspended, must forthwith produce the supplemental type certificate upon suspension thereof, to the Executive Director or to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(3) The holder of a supplemental type certificate which is revoked must forthwith surrender such supplemental type certificate to the Executive Director.

Duty of holder of supplemental type certificate

21.05.6 The holder of a supplemental type certificate must keep the original supplemental type certificate in a safe place and produce such certificate to an authorised officer, inspector or authorised person for inspection if so requested by such officer, inspector or person.

Requirements for supplementary type certificate issued by State of Design

21.05.7 (1) The Executive Director may accept a supplemental type certificate or equivalent document issued by a State of Design in respect of an aircraft or aircraft part or product if -

(a) the supplemental type certificate or equivalent document was issued based on an airworthiness code recognised by the Executive Director; or

(b) the design, materials, construction equipment, performance and maintenance of the aircraft or aircraft component technical evaluation against a recognised airworthiness code has been carried out by the Executive Director and has been found to -

(i) meet the required standards of the recognised airworthiness code; or

(ii) have complied with any recommendations made by the Executive Director.

Issue of supplemental type certificate by another State

21.05.8 (1) Any person who proposes to alter a product by introducing a major change in type design not great enough to require a new application for a type certificate must apply for a supplemental type certificate to the appropriate authority of the State of Design that approved the type certificate for that product.

(2) An application under made under subregulation (1) must be made in accordance with the procedures prescribed by the relevant State of Design.

(3) The Executive Director upon receiving a request for a supplemental type certificate for an aircraft registered in Namibia must -

(a) forward the request to the State of Design; and

(b) if applicable, issue a supplementary type certificate using the same regulatory and other guidance of the State of Design and State of Manufacture.

SUBPART 6
PRODUCTION UNDER TYPE CERTIFICATE

Production under type certificate

21.06.1 The manufacturer of a product being manufactured under a type certificate only must -

(a) make each product available for inspection by the Executive Director;

(b) maintain, at the place of manufacture, the technical data and drawings necessary for the Executive Director to determine whether the product and its parts conform to the type design;

(c) determine that each completed product conforms to the applicable type design and is in a condition for safe operation prior to submitting statements of conformity to the Executive Director;

(d) unless otherwise authorised by the Executive Director not to do so, establish and maintain a production inspection system for products manufactured more than six months after the date on which the type certificate was issued, to ensure that such products conform to the type design and are in condition for safe operation; and

(e) upon the establishment of the production inspection system referred to in paragraph (d), submit to the Executive Director a manual which describes such system as well as the procedures for making the determinations referred to in regulation 21.06.2(2).

Production inspection system

21.06.2 (1) For the purposes of regulation 21.06.1(d), the manufacturer must establish a Materials Review Board and materials review procedures.

(2) The procedures for making determinations are as set out in Document NAM-CATS-AR.

(3) The composition of the Materials Review Board and its powers and duties, are as set out in Document NAM-CATS-AR.

Tests for aircraft

21.06.3 The manufacturer of an aircraft being manufactured under a type certificate only must establish a production flight test procedure as set out in Document NAM-CATS-AR, according to which the aircraft so manufactured must be flight tested.

Tests for aircraft engines

21.06.4 The manufacturer of an aircraft engine being manufactured under a type certificate only must subject each engine, other than a rocket engine for which such manufacturer must establish a sampling technique, to a test run as set out in Document NAM-CATS-AR.

Tests for propellers

21.06.5 The manufacturer of propellers being manufactured under a type certificate only must give each variable pitch propeller a functional test to determine if the propeller operates properly throughout the normal range of operation.

Statement of conformity

21.06.6 (1) The manufacturer of a product being manufactured under a type certificate only must -

(a) upon the initial transfer of the ownership of the product manufactured under the type certificate; or

(b) upon application for the original issuing of -

(i) in the case of an aircraft, a certificate of airworthiness; or

(ii) in the case of an aircraft engine or propeller, an airworthiness approval tag,

submit to the Executive Director a statement of conformity.

(2) The statement of conformity must -

(a) include -

(i) for each product, a statement that the product conforms to its type certificate and is in a condition for safe operation;

(ii) for each aircraft, a statement that the aircraft has been tested in accordance with the provisions of regulation 21.06.3;

(iii) for each aircraft engine, a statement that the engine has been tested in accordance with the provisions of regulation 21.06.4; and

(iv) for each variable pitch propeller, a statement that the propeller has been tested in accordance with the provisions of regulation 21.06.5; and

(b) be signed by the person authorised by the manufacturer to issue statements of conformity.

SUBPART 7
PRODUCTION CERTIFICATE

[Subpart 7 is not yet in force; it will come into force on a date determined by the Minister by notice in the *Government Gazette*.]

Requirements for production certificate

21.07.1 Any manufacturer who has been approved by the Executive Director in terms of Part 148 may apply for the issuing of a production certificate if the manufacturer holds -

(a) a valid type certificate; or

(b) a valid supplemental type certificate,

for the product concerned.

Application for production certificate

21.07.2 An application for the issue or amendment of a production certificate must be -

(a) made in the appropriate form set out in Document NAM-CATS-AR; and

(b) accompanied by -

(i) data describing the inspection and test procedures necessary to ensure that each article produced conforms to the type design and is in a condition for safe operation;

(ii) a description of inspection procedures for raw materials, purchased items and parts and assemblies produced by any partner or subcontractor, including methods used to ensure acceptable quality of parts and assemblies which cannot be completely inspected for conformity when delivered by the partner or subcontractor to the applicant;

(iii) a description of the methods used for production inspection of individual parts and complete assemblies, including -

(aa) the identification of any special manufacturing processes involved;

(bb) the means used to control the processes;

(cc) the final test procedure for the complete product; and

(dd) in the case of an aircraft, a copy of the applicant's production flight test procedures and check list;

(iv) an outline of the materials review system, including the procedure for recording Materials review board decisions and disposing of rejected products or parts;

(v) an outline of a system for informing the personnel responsible for inspections of current changes in the engineering drawings, specifications and quality control procedures;

(vi) a list or chart showing the location of all inspection stations;

(vii) the terms of approval referred to in regulation 21.07.4, for which application is being made; and

(viii) the appropriate fee as prescribed in Part 187.

Issue of production certificate

21.07.3 (1) The Executive Director must grant An application made under regulation 21.07.2 and issue a production certificate if the applicant complies with the requirements prescribed in that regulation.

(2) The Executive Director may authorise more than one type certificated product to be manufactured under the terms of approval referred to in regulation 21.07.4, if the products have similar production characteristics.

(3) A production certificate is issued on the appropriate form set out in Document NAM-CATS-AR.

Terms of approval

21.07.4 The terms of approval must -

(a) be issued as part of the production certificate;

(b) specify the type certificated product to be manufactured; and

(c) contain a production limitation record, listing the type certificate of each product which the holder of the production certificate is authorised to manufacture.

Duties of holder of production certificate

21.07.5 The holder of a production certificate -

(a) must -

(i) display the certificate in a prominent and conspicuous place at such holder's manufacturing facility for the product concerned; and

(ii) if a copy of the certificate is displayed, produce the original certificate to an authorised officer, inspector or authorised person if so requested by such authorised officer, inspector or authorised person; and

(b) must maintain the quality control of each product which such holder is authorised to manufacture, in conformity with the data and procedures approved by the Executive Director for such certificate.

Privileges of holder of production certificate

21.07.6 The holder of a production certificate is entitled to -

(a) in the case of an aircraft, obtain a certificate of airworthiness; or

(b) in the case of any other product, obtain approval for installation on certificated aircraft.

Transferability and period of validity

21.07.7 (1) A production certificate issued in terms of regulation 21.07.3 is -

(a) not transferable; and

(b) valid until it is surrendered by the holder of the certificate or is suspended by the Executive Director or by an authorised officer, inspector or authorised person or revoked by the Executive Director, pursuant to regulation 21.01.8.

(2) The holder of a production certificate which is suspended must forthwith upon suspension thereof produce the certificate to the Executive Director or to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(3) The holder of a production certificate which is revoked, must forthwith surrender such certificate to the Executive Director.

SUBPART 8
CERTIFICATES OF AIRWORTHINESS

Categories of certificates of airworthiness

21.08.1 (1) The categories of certificates of airworthiness are -

(a) standard category certificates of airworthiness;

(b) restricted category certificates of airworthiness; and

(c) special category certificates of airworthiness.

(2) A standard certificate of airworthiness may be issued to aircraft in the specific operational category provided the aircraft meets the requirements of the specific regulatory provisions.

(3) The standard certificate of airworthiness may consist of the following operation categories:

(a) Part 91: Non-commercial operations;

(b) Part 141: Aviation training; and

(c) Parts 121,127, 133, 135, 136, 137 and 138: Commercial operations.

(4) A restricted certificate of airworthiness issued in accordance with the operational limitations defined in the type certificate accepted in accordance with the provisions of Subpart 4 may be issued for the following aircraft special operations:

(a) aerial advertising operations;

(b) aerial patrol, observation and survey operations;

(c) aerial recording operations by photographic or electronic means;

(d) agricultural operations;

(e) cloud spraying, seeding or dusting operations;

(f) fire spotting, control and fighting operations;

(g) game and livestock selection, culling, counting or herding operations;

(h) spraying, seeding or dusting operations other than for agricultural purposes and clouds; and

(i) any other operations designated by the Executive Director as special purposes operations.

(5) A special airworthiness certificate may be issued to aircraft that do not fully meet the requirements of the State of Design for a standard airworthiness certificate.

(6) The types of special category certificate of airworthiness consist of -

(a) an experimental certificate; or

(b) a special flight permit.

(7) A standard or restricted category certificate of airworthiness issued in respect of an aircraft may be amended in accordance with the provisions of regulation 21.08.3 to include other aircraft operation classification provided that -

(a) in respect of that aircraft, a major modification supported by a supplementary type certificate issued by the State of Design and approved by the Executive Director under the provisions of Subpart 2 of Part 43 has been embodied to allow for operation; and

(b) the aircraft complies with the requirements prescribed for flight operations in that configuration and the particular operation as defined in the aircraft flight manual supplement contained in the supplementary type certificate.

(8) The holder of a standard, restricted or special category of airworthiness certificate must pay the annual current fee as prescribed in Part 187, applicable to the type of certificate of airworthiness, on the anniversary date of such certificate.

Requirement for certificate of airworthiness

[The heading of this regulation in the LIST OF REGULATIONS uses the plural word "Requirements".]

21.08.2 (1) A person may not operate an aircraft in Namibia unless -

(a) such aircraft has been issued with a certificate of airworthiness; and

(b) the conditions on which such certificate was issued or rendered effective are complied with.

(2) The Executive Director must issue a certificate of airworthiness for an aircraft registered in Namibia if, based on satisfactory evidence provided to him or her, the Executive Director is satisfied that -

(a) the aircraft complies with the design aspects of the appropriate airworthiness requirements (type certificate) and that the issue is not contrary to aviation safety;

(b) the aircraft has been inspected in terms of regulation 21.01.5 and found airworthy by an authorised officer, inspector or authorised person specifically authorised by the Executive Director to make such determinations; and

(c) the Executive Director has determined on inspection that the aircraft conforms to its type design and is in a condition for safe operation.

Application for issue, renewal or amendment of certificate of airworthiness

21.08.3 (1) Any owner of an aircraft or his, her or its authorised representative, may apply for the issue, renewal or amendment of a certificate of airworthiness for the aircraft.

(2) An application for the issue, renewal or amendment of a standard or restricted certificate of airworthiness must be -

(a) made in the appropriate form set out in Document NAM-CATS-AR; and

(b) accompanied by -

(i) the appropriate fee as prescribed in Part 187;

(ii) proof of compliance with the provisions of regulation 21.08.4; and

(iii) in the case of an application for the issue, renewal or amendment of a standard certificate of airworthiness in respect of an aircraft type certificated in -

(aa) the commercial air transport passengers category;

(bb) the commercial air transport cargo category;

(cc) the aerial work category; or

(dd) the flying training category,

a copy of the air operator certificate held by the applicant or, if the aircraft will be used by a lessee, a copy of the lease agreement between the applicant and the lessee and a copy of the air operator certificate held by such lessee.

(3) An application for the issue, renewal or amendment of an experimental certificate must be -

(a) made in the appropriate form set out in Document NAM-CATS-AR; and

(b) accompanied by -

(i) the appropriate fee as prescribed in Part 187; and

(ii) proof of compliance with the provisions of regulation 21.08.6.

(4) An application for the issue, renewal or amendment of a special flight permit must be -

(a) made to the Executive Director in the appropriate form set out in Document NAM-CATS-AR; and

(b) accompanied by -

(i) the appropriate fee as prescribed in Part 187; and

(ii) proof of compliance with the provisions of regulation 21.08.7.

(5) An application for the renewal of a certificate of airworthiness, an experimental certificate or a special flight permit must be made at least 60 days immediately preceding the date on which such certificate or permit expires.

Requirements for standard or restricted category certificate of airworthiness

21.08.4 (1) An applicant for the issue, renewal or amendment of a standard or restricted category certificate of airworthiness for an aircraft must provide the Executive Director with proof that -

(a) in the case of a new aircraft type manufactured by the holder of a manufacturing organisation approval issued under Part 148 -

(i) the applicant is the manufacturer; and

(ii) the applicant has issued a statement of conformity in terms of regulation 21.02.6; or

(b) in the case of an imported aircraft -

(i) a standard category type acceptance certificate has been issued for the aircraft type in terms of regulation 21.04.5; and

(ii) a statement of conformity has been issued -

(aa) by the appropriate authority of the exporting State; or

(bb) in accordance with the laws of the exporting State.

(2) The applicant must, in addition to the provisions of subregulation (1), provide the Executive Director with proof that -

(a) the aircraft conforms to an appropriate type certificate or type acceptance certificate;

(b) any modification to the aircraft conforms to the design changes approved for the type;

(c) the aircraft complies with the appropriate airworthiness directives issued in terms of regulation 21.01.4;

(d) the aircraft is issued with the appropriate flight manual and any logbooks, repair and alteration forms and documents which the Executive Director may require;

(e) the aircraft is in a condition for safe operation; and

(f) the aircraft has been maintained in accordance with an approved maintenance programme.

Carrying out test flights in certain circumstances

21.08.5 An aircraft required to be issued or re-issued with a certificate of airworthiness or if such certificate of airworthiness is required to be rendered effective may be test flown with the written permission of the owner or operator provided that -

(a) the aircraft has been issued with or possesses a valid Namibian certificate of registration;

(b) an application, in the form and manner set out in Document NAM-CATS-AR, requesting the issue of a certificate of airworthiness has been lodged with the Executive Director;

(c) the application is accompanied by the fee prescribed in Part 187 for the issue of the certificate;

(d) where the certificate of airworthiness has expired due to the expiry of the certificate of release to service issued under Part 43, and the certificate of airworthiness needs to be re-issued, the requirements pertaining to the current fee prescribed in Part 187 for the certificate are to be met;

(e) prior to the flight, the aircraft is to be certified safe for the intended flight in the airframe logbook by the holder of a valid, appropriately rated aircraft maintenance engineer's licence or by such person who is a holder of valid approval rating, on type, issued in terms of Part 145; and

(f) the aircraft has to make its first landing at the point of departure.

Requirements and application for experimental certificate

21.08.6 (1) An experimental certificate for an aircraft may be issued for the purposes of -

(a) showing compliance with these regulations with specific reference to the conducting of flight tests and other operations to show compliance with the airworthiness requirements of these regulations including -

(i) flights to show compliance for issuance of a type certificate or supplemental type certificate;

(ii) flights to substantiate major design changes; and

(iii) flights to show compliance with the function and reliability requirements of these regulations; or

(b) research and development relating to the testing of new aircraft design concepts, new aircraft equipment, new aircraft installations, new aircraft operating techniques or new uses for aircraft.

[There is no subregulation numbered as (2) in the *Government Gazette*.]

(3) An application for the issue, renewal or amendment of an experimental certificate, other than for a non-type certificated aircraft, must include -

(a) a statement specifying the purposes for which the aircraft is to be used;

(b) sufficient data to identify the aircraft;

(c) proof that the aircraft complies with any design criteria or design changes necessary for the safe operation of the aircraft that the Executive Director may require;

(d) flight manuals, maintenance manual or such documents relating to the operation of the aircraft that the Executive Director may require, if such manuals or documents have already been developed; and

(h) any other information that the Executive Director may require to safeguard aviation safety.

[This paragraph is incorrectly labelled as (h) instead of (e) in the *Government Gazette*.]

(4) An applicant for the issue, renewal or amendment of an experimental certificate or an aircraft to be used for the purpose of research and development or showing compliance with the regulations in this Part must, in addition to the provisions of subregulation (3), provide the Executive Director with -

(a) the purpose of the test;

(b) the estimated time or number of flights required for the test;

(c) details of the areas over which the test will be conducted; and

(d) except for aircraft converted from a previously certificated type without appreciable change in the external configuration or silhouette, three-view drawings or three-dimensional photographs of the aircraft.

(5) An applicant for the issue, renewal or amendment of an experimental certificate for an aircraft to be used for a purpose other than those referred to in subregulation (4), must, in addition to the provisions of subregulation (3), provide the Executive Director with proof that -

(a) a period of flight evaluation has been completed showing -

(i) the aircraft is controllable throughout its normal range of speed and throughout all the manoeuvres to be executed; and

(ii) the aircraft has no hazardous operating characteristics or design features; or

(b) the aircraft conforms to a type design which has been shown to provide an acceptable level of safety for the purpose by -

(i) showing compliance with the appropriate airworthiness design standards referred to in regulation 21.02.3; or

(ii) providing information concerning the airworthiness history of aircraft which conform to the type design.

(6) An experimental certificate issued in terms of this Part is valid only for flights within the borders of Namibia and over international waters, and for flights over or within the territory of another State, permission of the responsible appropriate authority is required.

Requirements and application for special flight permit

21.08.7 (1) a special flight permit for an aircraft may be issued for the purposes of -

(a) ferrying an aircraft where the certificate of airworthiness has become invalid due to the aircraft no longer meeting its airworthiness standards to a place where maintenance can be carried out;

(b) delivering or exporting an aircraft;

(c) evacuating an aircraft from an area of impending danger;

(d) carrying out a flight or a series of flights while the aircraft does not conform to the appropriate airworthiness design standards referred to in regulation 21.02.3; or

(e) operation of an aircraft at a mass in excess of its maximum certificated take-off mass for flights beyond the normal range over water or over land areas where adequate landing facilities or appropriate fuel is not available, except that the excess mass that may be authorised under this paragraph is limited to the additional fuel, fuel-carrying facilities and navigation and emergency equipment necessary for the flight.

(2) An applicant for the issue, renewal or amendment of a special flight permit for an aircraft, other than for a non-type certificated aircraft, must be accompanied by a statement containing -

(a) the purpose of the flight;

(b) the proposed itinerary;

(c) details of any non-compliance with the appropriate airworthiness design standards referred to in regulation 21.02.3;

(d) any restriction that the applicant considers necessary for the safe operation of the aircraft; and

(e) any other information that the Executive Director may require for the purpose of determining operating limitations.

(3) An applicant for the issue or amendment of a special flight permit for any amateur-built aircraft or production-built aircraft must provide the Executive Director with -

(a) a statement specifying the purpose for which the aircraft is to be used;

(b) proof of compliance with the appropriate airworthiness design standards referred to in regulation 21.02.3;

(c) any information which the Executive Director may require to safeguard aviation safety;

(d) any document relating to the operation of the aircraft which the Executive Director may require; and

(e) proof that the aircraft complies with any design changes necessary for the safe operation of the aircraft which the Executive Director may require.

(4) The Executive Director may make, or require the applicant to make, appropriate inspections or flight tests to establish safety aspects.

(5) The application referred to in subregulation (2) must be accompanied by the appropriate fee as prescribed in Part 187.

(6) A special flight permit issued in terms of this Part is valid only for flights within the borders of Namibia and over international waters, and for flights over or within the territory of another State, permission of the responsible appropriate authority is required.

Special flight permits with continued authorisation

21.08.8 (1) On application, the Executive Director may issue a special flight permit with a continued authorisation to -

(a) the holder of an operating certificate for the purpose of ferrying an aircraft that may not meet applicable airworthiness requirements, but is capable of safe flight to a place where maintenance or alterations are performed; or

(b) the holder of a manufacturing authorisation approval issued in terms of Part 148 for the purpose of -

(i) flight testing new production aircraft manufactured by such holder; and

(ii) conducting customer demonstration flights in new production aircraft that have satisfactorily completed production flight tests.

(2) The permit issued under this regulation is an authorisation, including conditions and limitations for flight, which is set forth in the operations manual or manual of procedure of the holder of the operating certificate or authorisation approval, as the case may be.

(3) The permit issued under this regulation is valid only for flights within the borders of Namibia and over international waters, and for flights over or within the territory of another State, permission of the responsible appropriate authority is required.

(4) The application referred to in subregulation (1) must be accompanied by the appropriate fee as prescribed in Part 187.

Issue, renewal or amendment of certificate of airworthiness

21.08.9 (1) An application in terms of regulation 21.08.3 must be granted and a certificate of airworthiness issued, renewed or amended, as the case may be, if -

(a) the applicant complies with the provisions of regulation 21.08.4, 21.08.5, 21.08.6 or 21.08.7, as the case may be; and

(b) in respect of a special category certificate of airworthiness, the level of safety is adequate for the purpose for which the aircraft is to be used.

(2) A certificate of airworthiness is issued, renewed or amended subject to such conditions and limitations which may be determined by the Executive Director.

(3) A certificate of airworthiness may be issued, renewed or amended in both the standard and restricted categories if-

(a) the aircraft complies with the certification requirements for each category when in configuration for such category; and

(b) the aircraft can be converted from one configuration to the other by removing or adding equipment by simple mechanical means.

(4) A certificate of airworthiness is issued in the appropriate form as set out in Document NAM-CATS-AR.

Period of validity

21.08.10 (1) A certificate of airworthiness is valid for a period of 12 months calculated from the date of issue or renewal of the certificate.

(2) The certificate remains in force until -

(a) it expires or is revoked or suspended by the Executive Director; or

(b) it is surrendered by the holder thereof or is suspended by an authorised officer, inspector or authorised person,

pursuant to regulation 21.01.8.

(3) Subject to the provisions of subregulation (1), a certificate of airworthiness remains valid for as long as -

(a) the aircraft remains a Namibian registered aircraft; and

(b) in respect of an aircraft with a standard or restricted category certificate of airworthiness, the aircraft is maintained in accordance with these Regulations.

(4) The holder of a certificate of airworthiness which has expired must forthwith surrender the certificate to the Executive Director.

(5) The holder of a certificate of airworthiness which is suspended must forthwith upon the suspension, produce the certificate to the Executive Director or to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(6) The holder of a certificate of airworthiness which is revoked must forthwith surrender such certificate to the Executive Director.

Transferability

21.08.11 A standard or restricted certificate of airworthiness and an experimental certificate may only be transferred with the aircraft.

Application for duplicate certificate

21.08.12 (1) If a certificate issued under this Part is lost, stolen, damaged or destroyed, the holder thereof or an aircraft maintenance organisation approved under Part 145 which is responsible for the servicing and maintenance of the aircraft, may apply to the Executive Director for the issue of a duplicate certificate.

(2) An application referred to in subregulation (1) must be -

(a) made in the appropriate form set out in Document NAM-CATS-AR; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

(3) A duplicate of the certificate is issued on the appropriate form set out in Document NAM-CATS-AR.

Validation of certificate of airworthiness issued by appropriate authority

21.08.13 (1) The holder of a certificate of airworthiness issued by an appropriate authority of another State may apply to the Executive Director in the appropriate form set out in Document NAM-CATS-AR for a validation of such certificate.

(2) The application for a validation referred to in subregulation (1) must be accompanied by -

(a) a copy of the certificate to which the validation relates; and

(b) the appropriate fee as prescribed in Part 187.

(3) The Executive Director may validate A certificate of airworthiness issued by an appropriate authority -

(a) subject to the same restrictions which apply to such certificate; and

(b) on the appropriate form set out in Document NAM-CATS-AR.

(4) A validation issued by the Executive Director is valid for -

(a) a period of 12 months calculated from the date of issue of the validation; or

(b) the period of validity of the certificate issued by the appropriate authority concerned, whichever is the lesser period.

[Subregulation (4) is reproduced above as it appears in the *Government Gazette*, but the closing phrase appears to be misplaced; the provision was probably intended to appear as follows:

"(4) A validation issued by the Executive Director is valid for -
(a) a period of 12 months calculated from the date of issue of the validation; or
(b) the period of validity of the certificate issued by the appropriate authority concerned, whichever is the lesser period."]

(5) The holder of a validation issued by the Executive Director may, subject to the provisions of subregulation (6), apply to the Executive Director for the renewal of the validation at least 21 days before the date of expiry of such validation.

(6) The Executive Director may renew the validation for the same appropriate period referred to in subregulation (4).

RVSM approval

[The heading of this regulation in the LIST OF REGULATIONS spells out the abbreviation, appearing as "Reduced vertical separation minima approval".]

21.08.14 (1) An airworthiness approval certificate is required for an aircraft that is to be operated within airspace where RVSM applies.

(2) The requirements for an RVSM airworthiness approval certificate are as set out in Document NAM-CATS-AR.

(3) An application for the issuing of an RVSM approval certificate must be made to the Executive Director in the appropriate form set out in Document NAM-CATS-AR.

(4) The application referred to in subregulation (3) must be accompanied by the appropriate fee as prescribed in Part 187.

Temporary Loss of Airworthiness

21.08.15 Any failure to maintain an aircraft in an airworthy condition as defined by the appropriate airworthiness requirements renders the aircraft ineligible for operation until the aircraft is restored to an airworthy condition.

Damage to aircraft

21.08.16 (1) When an aircraft has sustained damage, the Executive Director must assess whether the damage is of a nature such that the aircraft is no longer airworthy as specified by the appropriate airworthiness requirements.

(2) If the damage is sustained or ascertained when the aircraft is on the territory of another State, the Executive Director may request the authorities of that State to advise the Executive Director immediately, communicating to him or her all details necessary to formulate the assessment referred to in subregulation (1).

(3) When the Executive Director considers that the damage sustained is of a nature such that the aircraft is no longer airworthy, he or she must prohibit the aircraft from resuming flight until it is restored to an airworthy condition.

(4) The Executive Director may, in exceptional circumstances, determine particular limiting conditions to permit an aircraft to undertake a non-commercial flight to an aerodrome at which it can be restored to an airworthy condition.

(5) In determining particular limiting conditions the Executive Director must consider all limitations proposed by the State where that State has prevented the aircraft from resuming its flight.

(6) If the Executive Director considers that the damage sustained is of a nature such that the aircraft is still airworthy, the Executive Director may allow the aircraft to resume its flight.

Aircraft limitations and information

21.08.17 The owner or operator of a Namibian registered aircraft must hold and be able to produce for inspection upon request by the Executive Director or an authorised officer, inspector or authorised person -

(a) a flight manual, placards or other documents stating the approved limitations within which the aircraft is considered airworthy as specified in the appropriate airworthiness requirements; and

(b) additional instructions and information necessary for the safe operation of the aircraft.

SUBPART 9
APPROVAL OF PARTS AND APPLIANCES

Replacement and modification parts

21.09.1 (1) Subject to the provisions of subregulation (2), a person may not produce a modification or replacement part for sale for installation on a type certificate product unless such modification or replacement part or appliance is produced pursuant to a NAM-PMA issued under this Subpart.

(2) The provisions of subregulation (1) do not apply in respect of -

(a) parts or appliances produced under a type certificate;

(b) parts or appliances produced by an owner or operator for maintaining his or her or its own product;

(c) parts or appliances produced under the NAM-TSO authorisation; or

(d) standard parts or appliances conforming to established civil aviation industry or Namibian civil aviation specifications.

Inspections and tests

21.09.2 (1) An applicant for the issuing of a NAM-PMA must carry out all inspections and tests which may be necessary to determine -

(a) compliance with the appropriate airworthiness design standards referred to in regulation 21.02.3;

(b) that the materials conform to the specifications in the design;

(c) that the part or appliance conforms to the drawings in the design; and

(d) that the manufacturing processes, construction and assembly conform to those processes specified in the design.

(2) Unless authorised by the Executive Director a person may not -

(a) present a part or an appliance to the Executive Director for an inspection or a test unless compliance with the provisions of subregulation (1)(b) and (d) has been proven for such part; or

(b) make a change to a part or an appliance between the time that compliance with the provisions of subregulation (1)(b) and (d) is proven for the part or appliance, and the time that such part or appliance is presented to the Executive Director for the inspection or test.

(3) The applicant must establish a manufacturing inspection system as set out in Document NAM-CATS-AR to ensure that each completed part or appliance conforms to its design data and is safe for installation on appropriate type certified products.

Application for NAM-PMA

21.09.3 (1) Any manufacturer who has been approved by the Executive Director in terms of Part 148 may apply for a NAM-PMA.

(2) An application for the issuing of a NAM-PMA must be -

(a) made in the appropriate form set out in Document NAM-CATS-AR; and

(b) accompanied by -

(i) drawings and specifications necessary to show the configuration of the part or appliance;

(ii) information on dimensions, materials and processes necessary to define the structural strength of the part or appliance;

(iii) test reports and computations necessary to show that the design of the part or appliance complies with the airworthiness design standards referred to in

regulation 21.02.3 applicable to the product on which the part or appliance is to be installed, unless the applicant shows that the design of the part is identical to a part or an appliance which is covered under a type certificate;

(iv) if the design of the part or appliance was obtained by a licensing agreement, a copy of such agreement; and

(v) the appropriate fee as prescribed in Part 187.

Issue of NAM-PMA

21.09.4 (1) The Executive Director must, Subject to the provisions of subregulation (2), grant an application in terms of regulation 21.09.3 and issue a NAM-PMA if -

(a) the Executive Director is satisfied, upon examination of the design and the results of all inspections and tests, that the design complies with the airworthiness design standards referred to in regulation 21.02.3, applicable to the product on which the part or appliance is to be installed; and

(b) the applicant submits a statement certifying that the manufacturing inspection system referred to in regulation 21.09.2(3) has been established.

(2) The Executive Director may not issue a NAM-PMA if the manufacturing facility for the part or appliance is located outside Namibia, unless the Executive Director is satisfied that the location of such a facility will not impede the administration of the appropriate airworthiness requirements prescribed in this Part.

Duties of holder of NAM-PMA

21.09.5 The holder of a NAM-PMA must -

(a) maintain the manufacturing inspection system referred to in regulation 21.09.2(3);

(b) in writing notify the Executive Director within 14 days from the date on which the manufacturing facility for the part or appliance concerned was relocated or expanded to include additional facilities at other locations, of such relocation or expansion; and

(c) determine that each completed part or appliance conforms to the approved design data and is safe for installation on type certificated products.

Transferability and period of validity

21.09.6 (1) A NAM-PMA issued in terms of regulation 21.09.4 is -

(a) not transferable; and

(b) valid until it is -

(i) surrendered by the holder thereof; or

(ii) suspended by the Executive Director or by an authorised officer, inspector or authorised person or is revoked by the Executive Director, pursuant to regulation 21.01.8.

(2) The holder of a NAM-PMA which is suspended must forthwith upon suspension produce it to the Executive Director or to an authorised officer, inspector or authorised person for the appropriate endorsement.

(3) The holder of a NAM-PMA which is revoked must forthwith surrender such approval to the Executive Director.

SUBPART 10
APPROVAL OF PARTS AND APPLIANCES: IMPORT

Approval

21.10.1 (1) If -

(a) a part or an appliance manufactured in a foreign State with which the Namibian government has entered into an agreement for the acceptance of the part or appliance for export and import; and

(b) the appropriate authority of the State in which the part or appliance was manufactured issues an export certificate of airworthiness certifying that such part or appliance complies with such requirements,

the part or appliance is deemed to comply with the requirements for approval prescribed in this Part.

(2) Subregulation (1) does not apply if the Executive Director determines, based on requested technical data submitted or not submitted in terms of subregulation (3), that the part or appliance is not considered to be compliant with the airworthiness requirements for approval prescribed in this Part.

(3) An applicant for the approval of a part or appliance must, on request by the Executive Director, submit to the Executive Director any technical data concerning the part or appliance.

SUBPART 11
EXPORT AIRWORTHINESS APPROVALS

[The heading of this Subpart in the LIST OF REGULATIONS has a colon after the word "EXPORT".]

Export airworthiness approvals

21.11.1 (1) An export airworthiness approval for -

(a) a Class I product is issued in the form of an export certificate of airworthiness; and

(b) a Class II or a Class III product is issued in the form of an export airworthiness approval tag.

(2) An export airworthiness approval may be issued for -

(a) any aircraft, other than an aircraft referred to in paragraph (b), which has been assembled and flight tested, and any other Class I product located in Namibia;

(b) any small aeroplane, glider or normal category rotorcraft which has been type certificated and manufactured under a production certificate;

(c) any used aircraft with a valid certificate of airworthiness or other Class I product which has been maintained in accordance with the provisions of Part 43, and is located in a foreign State, if the Executive Director is satisfied that the location does not impede the administration of the provisions of this Part; or

(d) any Class II or Class III product manufactured and located in Namibia.

Application for export airworthiness approval

21.11.2 (1) Any exporter or his, her or its authorised representative may apply to the Executive Director for an export airworthiness approval for a Class I or Class II product.

(2) Any manufacturer who has been approved by the Executive Director in terms of Part 148, may apply for an export airworthiness approval for a Class III product if the manufacturer holds for such product -

(a) a NAM-PMA; or

(b) a NAM-TSO authorisation.

(3) An application for the issuing of an export airworthiness approval for a Class I, Class II or Class III product must be-

(a) made in the appropriate form set out in Document NAM-CATS-AR; and

(b) accompanied by -

(i) a written statement from the appropriate authority of the importing State that such authority will validate the export airworthiness approval if the product being exported is-

(aa) an aircraft manufactured outside Namibia and being exported to a foreign State with which the Namibian government has entered into a reciprocal agreement concerning the recognition of export airworthiness approvals;

(bb) an unassembled aircraft which has not been flight-tested;

(cc) a product which does not comply with the requirements referred to in regulation 21.11.3 (1), (2) or (3), as the case may be, for the issuing of an export airworthiness approval, in which case the written statement must contain a list of those requirements not complied with;

(ii) in the case of an application for the issuing of an export airworthiness approval for a Class I product -

(aa) a statement of conformity for each product;

(bb) the mass and balance report as set out in Document NAM-CATS-AR;

(cc) a maintenance manual for each product, if the manual is required by the appropriate airworthiness design standards referred to in regulation 21.02.3;

(dd) proof of compliance with the appropriate airworthiness directives issued in terms of regulation 21.01.4, including suitable notation of those directives which are not complied with;

(ee) the aircraft flight manual, if such manual is required by the appropriate airworthiness design standards referred to in regulation 21.02.3 for the particular aircraft;

(ff) a statement on the date on which ownership passed or is expected to pass to a foreign purchaser;

(gg) the date required by the appropriate authority of the importing State;

(hh) any special certification that a condition of the State of the importer has been met;

(ii) the State of the importer accepts any exception to be listed in the certificate;

(jj) any log book, modification and repair form and historical record that the Executive Director may request for, unless the product in question is a new product;

[The word "for" after the word "request" is superfluous.]

(kk) a description of any method used, including the duration of the effectiveness of the method, for the preservation and packaging of the product to protect it against corrosion and damage while in transit or storage;

(ll) the date on which any document that is not available at the date of application is expected to become available;

(mm) supporting documentation for any variance to this Subpart;

(nn) further particulars relating to the product and the applicant, if required by the Executive Director as indicated in the form; and

(iii) the appropriate fee as prescribed in Part 187.

(4) An applicant for the issue of an export airworthiness certificate for an aircraft must, in addition to the requirements set out in subregulation 3(b)(ii), provide the Executive Director with evidence that -

(a) in case of a new aircraft, it has been manufactured under the authority of a manufacturing organisation certificate issued in accordance with Part 148;

(b) in case of an aircraft other than a new aircraft, it possesses or qualifies for an airworthiness certificate issued under Subpart 8;

(c) the aircraft is issued with the appropriate flight manual and, for a new aircraft, maintenance manual;

(d) a weight and balance report has been completed, with a loading schedule, if applicable;

(e) the aircraft has, within 60 days before the application for the export airworthiness certificate, undergone a 100 hour or equivalent, inspection in accordance with a manufacturer's maintenance schedule or an equivalent inspection acceptable to the Executive Director;

[The comma after the phrase "100 hour or equivalent" is superfluous.]

(f) any installations incorporated for the purpose of export delivery comply with the applicable airworthiness requirements or have been approved by the issue of a special certificate of airworthiness or a special flight permit airworthiness certificate issued under Subpart 8; and

(g) confirms that any installation described in paragraph (f) is to be removed and the aircraft restored to the approved type configuration upon completion of the delivery flight.

Issue of export airworthiness approval

21.11.3 (1) The Executive Director must grant An application made under regulation 21.11.2 and issue an export certificate of airworthiness for a Class I product on the appropriate form set out in Document NAM-CATS-AR if -

(a) the applicant meets the applicable requirements of this Subpart;

(b) the issue of the certificate is not contrary to the interests of aviation safety;

(c) any airworthiness requirement that is not complied with is compensated for by a factor that provides an acceptable level of safety;

(d) in the case of a product manufactured in Namibia, the product complies with the requirements prescribed in Subpart 8;

(e) in the case of a product manufactured outside Namibia, a valid Namibian certificate of airworthiness has been issued for the product;

(f) the product has undergone a mandatory periodic inspection and be approved for release to service; and

(g) the requirements prescribed by the appropriate authority of the importing State are complied with.

(2) Despite subregulation (1)(a), the Executive Director may issue an export airworthiness certificate for a product that does not meet every airworthiness requirement of regulation 21.11.2, if the applicant provides written evidence to the Executive Director that the non-compliance with any particular requirement is acceptable to the State of the importer.

(3) An export airworthiness certificate issued by the Executive Director under this Subpart -

(a) may be subject to conditions as the Executive Director considers appropriate in each particular case; and

(b) does not authorise the installation or use of a product.

(4) The Executive Director must grant an application made under regulation 21.11.2 and issue an export airworthiness approval tag for a Class II product on the appropriate form set out in Document NAM-CATS-AR if the product -

(a) is new or has been newly overhauled and conforms to the approved design data;

(b) is in a condition for safe operation;

(c) is identified with at least -

(i) the name;

(ii) the part number;

(iii) the model and designation; and

(iv) the serial number or equivalent,

of the manufacturer; and

(d) complies with the requirements prescribed by the appropriate authority of the importing State.

(5) The Executive Director must grant An application made under regulation 21.11.2 and issue an export airworthiness approval tag for a Class III product on the appropriate form set out in Document NAM-CATS-AR if the product -

(a) conforms to the approved design data applicable to the Class I or Class II product of which it is part;

(b) is in a condition for safe operation; and

(c) complies with the requirements prescribed by the appropriate authority of the importing State.

Duties of holder of export airworthiness approval

21.11.4 The holder of an export airworthiness approval must -

(a) forward to the appropriate authority of the importing State, all documents and information which may be necessary for the safe and proper operation of the product being exported and any other material as is stipulated in the special requirements of the State of the importer;

(b) forward the applicable manufacturer's assembly instructions and a flight test checklist form approved by the Executive Director to the appropriate authority of the importing State, if an unassembled aircraft is being exported;

(c) upon completion of an export delivery, remove or cause to be removed any temporary installation incorporated on an aircraft for the purpose of export delivery and restore the aircraft to the approved configuration upon completion of the delivery flight;

(d) secure all proper foreign entry clearances from all the States involved when conducting sales demonstrations or delivery flights;

(e) when ownership of an aircraft passes or has passed to a foreign purchaser -

(i) request for revocation of the Namibian registration and certificate of airworthiness;

[The word "for" after the word "request" is superfluous.]

(ii) submit a statement certifying that the Namibian nationality and registration marks have been removed from the aircraft; and

(iii) return the registration and airworthiness certificates to the Executive Director; and

(f) preserve and package the product to protect it against corrosion and damage while in transit or storage.

Inspections and overhauls

21.11.5 Each inspection and overhaul required for export airworthiness approval of a Class I and a Class II product must be carried out and approved by -

(a) the manufacturer of the product;

(b) an aircraft maintenance organisation approved by the Executive Director under Part 145; or

(c) an operator, if the product is maintained under the operator's continued airworthiness maintenance programme and maintenance manual.

Validity of certificate

21.11.6 (1) An export airworthiness certificate issued under this Subpart remains valid, as long as there is no subsequent design change to the product, until the completion of delivery to the importer's State.

(2) The holder of an export airworthiness certificate invalidated because of a design change must forthwith surrender the certificate to the Executive Director for cancellation of the delivery.

Transfer of certificate

21.11.7 An export airworthiness certificate may only be transferred with the product.

SUBPART 12
NAM-TSO AUTHORISATIONS

NAM-TSO markings

21.12.1 A person may not identify an article with NAM-TSO marking unless such person holds a NAM-TSO authorisation and the article complies with the appropriate NAM-TSO performance standards as set out in Document NAM-CATS-AR.

Application for NAM-TSO authorisation

21.12.2 (1) An applicant for the issue of a NAM-TSO authorisation must be the holder of a manufacturing organisation approval issued in terms of Part 148.

(2) An application for the issue of a NAM-TSO authorisation must be -

(a) made in the appropriate form set out in Document NAM-CATS-AR; and

(b) accompanied by -

(i) a statement of conformity certifying that the applicant has complied with the requirements prescribed in this Subpart and that the article complies with the appropriate NAM-TSO which is valid on the date of application for such article;

(ii) one copy of the technical data required in the appropriate NAM-TSO; and

(iii) the appropriate fee as prescribed in Part 187.

(3) If a series of minor changes in accordance with the provisions of regulation 21.12.6 is anticipated, the applicant may include in its application the basic model number of the article and the part number of the components, with open brackets after such number, to denote that suffix change letters or numbers or combinations thereof will be added from time to time.

(4) If the application is deficient, the Executive Director may request the applicant to submit such additional information which may be necessary to prove compliance with the requirements prescribed in this Subpart.

(5) If the applicant fails to submit the additional information referred to in subregulation (4) within 30 days from the date on which the Executive Director requested such additional information, the application must be declined and the applicant so notified.

Issue of NAM-TSO authorisation

21.12.3 (1) The Executive Director must grant An application referred to in regulation 21.12.2 and issue a NAM-TSO authorisation if -

(a) the applicant complies with the requirements prescribed in this Subpart;

(b) the Executive Director is satisfied that the applicant has the ability to manufacture duplicate articles in accordance with the requirements prescribed in this Subpart; and

(c) the Executive Director is satisfied that the issuing of the NAM-TSO authorisation is not contrary to the interests of aviation safety.

(2) The Executive Director must issue or decline to issue the NAM-TSO authorisation within 30 days after the receipt of the application or, if additional information has been requested, within 30 days from the date of receiving such additional information.

(3) The Executive Director may not issue the NAM-TSO authorisation if the manufacturing facility for the article is located outside Namibia, unless the Executive Director is satisfied that the location of such facility will not impede the administration of the appropriate airworthiness requirements prescribed in this Part.

Duties of holder of NAM-TSO authorisation

21.12.4 A manufacturer who holds a NAM-TSO authorisation for an article must -

(a) manufacture the article in accordance with the requirements prescribed in this Subpart and the appropriate NAM-TSO;

(b) conduct all the required tests and inspections and establish and maintain a quality assurance system which is adequate to ensure that the article complies with the requirements referred to in paragraph (a) and is in condition for safe operation;

(c) prepare and maintain, for each model of each article for which a NAM-TSO authorisation has been issued, A current file of complete technical data and records in accordance with regulation 21.12.7;

(d) permanently and legibly mark each article to which this regulation applies with -

(i) the name and address of the manufacturer;

(ii) the name, type, part number or model designation of the article;

(iii) the serial number or the date on which the article was manufactured, or both; and

(iv) the appropriate NAM-TSO number.

Approval for deviation

21.12.5 (1) A manufacturer who requests for approval to deviate from any performance standard of a NAM-TSO must demonstrate to the satisfaction of the Executive Director that the standards from which a deviation is requested are compensated for by factors or design features providing an equivalent level of safety.

[The word "for" after the word "requests" is superfluous.]

(2) The written request for approval to deviate, together with all pertinent data, must -

(a) if the article is manufactured in Namibia, be submitted to the Executive Director; and

(b) if the article is manufactured in a foreign State, be submitted through the appropriate authority of such State to the Executive Director,

and be accompanied by the appropriate fee as prescribed in Part 187.

(3) The Executive Director must grant the approval, if the Executive Director is satisfied that the deviation concerned will not jeopardise aviation safety.

Design changes

21.12.6 (1) A manufacturer who holds a NAM-TSO authorisation may make minor design changes to an article without the prior approval of the Executive Director, if the changed article retains the original model number and such holder submits to the Executive Director any revised data which are necessary for compliance with the provisions of regulation 21.12.2(3).

(2) If a manufacturer who holds a NAM-TSO authorisation wishes to make major design changes to an article, the manufacturer must assign a new type or model designation to the article and apply for an authorisation in terms of regulation 21.12.2.

(3) The Executive Director may not approve a design change by any person, other than the manufacturer who submitted the statement of conformity for the article under this Subpart, unless the person seeking the approval is a manufacturer and applies in terms of regulation 21.12.2(2) for a separate NAM-TSO authorisation.

Record -keeping requirements

21.12.7 (1) A manufacturer who holds a NAM-TSO authorisation must, for each article manufactured under the authorisation, keep the following documents at its manufacturing facility:

(a) A complete and current technical data file for each type or model article, including design drawings and specifications; and

(b) complete and current inspection records reflecting that all inspections and tests required to ensure compliance with the appropriate requirements prescribed in this Subpart have been properly completed and documented.

(2) A manufacturer who holds a NAM-TSO authorisation must retain the records referred to in subregulation (1)(a) until it no longer manufactures the article concerned, except that at the time that the manufacturing ceases the manufacturer must supply copies of such records to the Executive Director.

(3) A manufacturer who holds a NAM-TSO authorisation must retain the records referred to in subregulation (1)(b) for a period of at least five years.

NAM-TSO design approval for appliances: import

21.12.8 (1) An application for the issuing of a NAM-TSO design approval must be made in the appropriate form set out in Document NAM-CATS-AR and must be accompanied by -

(a) proof of compliance with the requirements referred to in subregulation (2); and

(b) the appropriate fee as prescribed in Part 187.

(2) A NAM-TSO design approval may be issued for an appliance which is manufactured in a foreign State with which the Namibian government has entered into an agreement for the acceptance of the appliance for export and import and which is to be imported into Namibia if -

(a) the appropriate authority of the State in which the appliance was manufactured, certifies that the appliance has been examined and tested and complies with -

(i) the applicable NAM-TSO; or

(ii) the appropriate performance standards prescribed by the appropriate authority of the State in which the appliance was manufactured and any other performance standards set out in Document NAM-CATS-AR to provide a level of safety provided by the applicable NAM-TSO; and

(b) the manufacturer has submitted to the Executive Director one copy of the technical data required in the appropriate performance standards through the appropriate authority.

(3) The Executive Director must issue a NAM-TSO design approval if the applicant complies with the requirements referred to in subregulation (2), and must list any deviation granted to the manufacturer in terms of regulation 21.12.5.

(4) After the -

(a) Executive Director has issued a NAM-TSO design approval; and

(b) appropriate authority of the State in which the appliance was manufactured, issues an export certificate of airworthiness referred to in regulation 21.10.1, the manufacturer is then authorised to identify the appliance in accordance with the NAM-TSO marking requirements referred to in regulation 21.12.4(d) and in the applicable NAM-TSO.

(5) Each appliance must be accompanied by an export certificate of airworthiness referred to in subregulation (4).

Transferability and period of validity

21.12.9 (1) A NAM-TSO authorisation issued in terms of regulation 21.12.3 or a NAM-TSO design approval issued in terms of regulation 21.12.8, is -

(a) not be transferable; and

[The word “be” is superfluous.]

(b) valid until it is surrendered by the holder of the authorisation or is suspended by the Executive Director or by an authorised officer, inspector or authorised person or revoked by the Executive Director.

(2) The holder of a NAM-TSO authorisation or a NAM-TSO design approval which is suspended must forthwith produce the authorisation or approval upon suspension thereof to the Executive Director or to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(3) The holder of a NAM-TSO authorisation or a NAM-TSO design approval which is revoked must forthwith surrender such authorisation or approval to the Executive Director.

SUBPART 13
CONTINUING AIRWORTHINESS OF AIRCRAFT

Determination of continuing airworthiness of aircraft

21.13.1 (1) The continuing airworthiness of an aircraft must be determined by the Executive Director in relation to the mandatory requirements and design standards of the State of Design in force for that aircraft.

(2) The Executive Director must develop or adopt requirements to ensure the continued airworthiness of an aircraft during its service life.

Information relating to continuing airworthiness of aircraft

21.13.2 (1) When an aircraft of a particular type for which -

(a) Namibia is not the State of Design; and

(b) the Executive Director issues or validates a Certificate of Airworthiness in accordance with this Part,

is first entered on the aircraft register, the Executive Director must advise the State of Design that he or she has entered such an aircraft on the register of Namibia.

(2) If Namibia is the State of Design of an aircraft, the Executive Director must transmit any generally applicable information which he or she has finds necessary for the safe operation of the aircraft which, for the purpose of this part, is called mandatory continuing information, as follows:

[The word “has” before “finds” is superfluous.]

(a) to every State which has entered aircraft designed in Namibia on its register; and

(b) to any other State upon request.

(3) The Executive Director must, upon receipt of mandatory continuing airworthiness information from the State of Design -

(a) adopt the mandatory information directly or assess the information received and take appropriate action to ensure -

(i) the continued airworthiness of the aircraft during its service life, including requirements to ensure that the aircraft continues to comply with the appropriate airworthiness requirements after a modification, a repair or the installation of a replacement part; and

(ii) that the aircraft is maintained in an airworthiness condition and in compliance with the maintenance requirements of Annex 8 to the Chicago Convention; and

(b) transmit all mandatory continuing airworthiness information to the State of Design including, but not limited to, information in respect of products or modifications which originated in respect of that aircraft in the State of Registry.

(4) For aeroplanes over 5700 kilogrammes and helicopters over 3175 kilogrammes maximum certificated take-off mass, each operator certificated in terms of these regulations must establish a system whereby information on fault, malfunctions, defects and other occurrences which cause or might cause adverse effects on the continuing airworthiness of the aircraft is transmitted to the organisation responsible for the type design of that aircraft.

(5) Where a continuing airworthiness safety issue is associated with a modification, the Executive Director must ensure that there exists a system whereby the information contained in subregulations (1) to (4) is transmitted to the organisation responsible for the design of the modification.

(6) The Executive Director must ensure that, in respect of aeroplanes over 5700 kilogrammes and helicopters over 3175 kilogrammes maximum certificated take-off mass, each operator of such aircraft who is certificated in terms of these regulations establishes a system for -

(a) receiving information submitted in accordance with this Subpart;

(b) deciding if and when airworthiness action is needed;

(c) developing the necessary airworthiness actions; and

(d) dissemination of that information in the appropriate aircraft documentation.

(7) The Executive Director must ensure that, in respect of aeroplanes over 5700 kilogrammes and helicopters over 3175 kilogrammes maximum certificated take-off mass, each operator of such aircraft who is certificated in terms of these regulations establishes a continuing structural integrity programme to ensure the airworthiness of the aircraft, and that programme must include specific information concerning corrosion prevention and control.

(8) An operator of an aircraft who or that is certificated in terms of these regulations must provide each aircraft that he or she or it operates with -

(a) a flight manual, placards or other documents stating the approved limitations within which the aircraft is considered airworthy as defined by the appropriate airworthiness requirements; and

(b) additional instructions and information necessary for the safe operation of the aircraft.

SUBPART 14

DISTRIBUTION OF AERONAUTICAL PRODUCTS

General

21.14.1 (1) For the purpose of this subpart -

"aeronautical product", despite the definition in section 1 of the Act, means an aircraft frame, aircraft engine, aircraft propeller or aircraft appliance or a component part of the aircraft frame, engine, propeller or appliance; and

"approved distribution organisation" means an organisation which has been certificated by the Executive Director for the distribution of aeronautical products within Namibia.

(2) This Subpart -

(a) prescribes the conditions under which a person is eligible for approval by the Executive Director to distribute aeronautical products;

(b) establishes a person's entitlement and approval; and

(c) stipulates the responsibilities of a holder of a distributor approval.

(3) This Subpart does not apply to -

(a) persons engaged in the distribution of new or used aircraft; or

(b) an approved manufacturer authorised pursuant to these regulations to certify aeronautical products of its own manufacture.

Eligibility

21.14.2 (1) To be eligible for approval to distribute aeronautical products a distribution organisation must -

(a) obtain its products from -

(i) a manufacturer of aeronautical products who is approved either by the Executive Director or by an appropriate authority of a State with whom Namibia has either a bilateral airworthiness agreement or its equivalent;

(ii) a manufacturer who is approved to produce, identify and certify an appliance conforming to a specific appliance type approval or Federal Aviation Agency Technical Standard Order (FAA-TSO);

(iii) a manufacturer who produces, identifies and certifies standard parts and materials which conform to established industrial, national or international standards, and which are referenced in approved design data;

(iv) an organisation approved either by the Executive Director or an appropriate authority of another State under a bilateral airworthiness agreement to perform maintenance on aeronautical products and that is authorised to certify such products as serviceable and in a condition for safe operation;

(v) an organisation which is approved by the Executive Director for the distribution of aeronautical products pursuant to this Subpart; or

(vi) a supplier who provides original certification of product conformity to approved design data for supplies acquired from authorised sources as specified in this Subpart;

(b) show that it has -

(i) the organisation, facilities, equipment and the personnel necessary to comply with the policies, responsibilities, methods and procedures established in its product control system manual as set out in regulation 21.14.3(2)(a) and in any technical standards issued under Document NAM-CATS-AR; and

(ii) established and can maintain a product control system pursuant to regulation 21.14.03.

Product control system

21.14.3 (1) Each applicant must have in place a product control system, planned and developed in conjunction with its other management functions.

(2) The product control system must include, but need not be limited to -

(a) a product control system manual which includes, as applicable -

(i) a statement of commitment by the senior accountable manager to define the policies and objectives of the product control system;

(ii) the assignment of responsibilities and delegation of authority granted to the product control department;

(iii) a list and a brief description of written product control system procedures pursuant to paragraph (b); and

(iv) the method of updating the product control system, including the submission of changes to the Executive Director for approval;

(b) written product control system procedures which provide instructions and data necessary to retain established integrity of aeronautical products while in the care of the distributor.

(3) The product control system procedures referred to in subregulation (2)(b) must include, as applicable, but need not be limited to -

(a) purchasing procedures for ensuring that all aeronautical products obtained for distribution are in conformity with approved design data;

(b) receiving and inspection procedures to ensure that all incoming aeronautical products are properly identified, documented and visually inspected to detect any apparent damage that may have occurred during transportation;

(c) procedures for the handling, segregation and storage of aeronautical products;

(d) preservation and packaging procedures to protect aeronautical products against deterioration and damage during storage;

(e) certification and release procedures for aeronautical products pursuant to this Subpart; and

(f) procedures for establishing and maintaining records as objective evidence that aeronautical products have been purchased, identified, inspected and certified in conformity with the requirements of this Subpart.

Entitlement to certification

21.14.4 (1) An applicant is entitled to certification, if the Executive Director is satisfied after evaluation of the organisation, facilities and supporting data, that -

(a) all applicable conditions for eligibility have been met;

(b) the senior personnel of the organisation meet the fit and proper requirements of the Act and Part 140; and

(c) the grant of certification will not be against the interests of aviation safety.

(2) Certification under this Subpart is only available to an organisation with facilities located in Namibia.

Approval procedures: application for approval

21.14.5 (1) An application for a distributor approval certificate must be -

(a) made to the Executive Director on an appropriate form set out in Document NAM-CATS-AR; and

(b) accompanied by -

(i) a general description of the aeronautical products which the applicant distributes or proposes to distribute;

(ii) the location and description of the facilities at which the products are to be distributed but, where -

(aa) the distribution procedures of a facility are carried out at more than one location under the same management, all locations must be shown in the application for approval; and

(bb) the distributor's product control system varies with each location, separate applications for approval must be submitted;

(iii) a copy of the applicant's product control system manual showing the functional responsibilities of management personnel; and

(iv) the name and position of the senior person authorised to liaise with airworthiness inspection personnel of the Authority.

(2) The applicant must, on request and with reasonable notice by the Executive Director, make available to the Executive Director all data referred to in its application and in its product control system manual.

Granting of approval

[The heading of this regulation in the LIST OF REGULATIONS is "Grant of approval".]

21.14.6 (1) To enable the Executive Director to evaluate the applicant's facilities and capabilities, the applicant must allow the Executive Director or an authorised officer, inspector or authorised person reasonable access to its facilities and data, and provide assistance when requested.

(2) The Executive Director must grant an application and issue a distributor approval certificate if, after examination of the supporting data and after inspection of the organisation and distribution facilities, the Executive Director is satisfied that the applicant has met the requirements of regulations 21.14.02 to 21.14.05, inclusive.

(3) The approval certificate is issued on the appropriate form set out in Document NAM-CATS-AR, and must set forth the -

(a) certificate number;

(b) name and address of the certificate holder; and

(c) date of signature and the title of the person authorised to sign on behalf of the Authority.

Privileges of certification

21.14.7 An approval certificate holder may authorise persons who have been -

(a) registered with the Authority to certify, on behalf of the holder, airworthiness documentation for aeronautical products destined for embodiment in Namibian registered aircraft; and

(b) specifically designated or appointed as airworthiness inspectors pursuant to section 37 of the Act to certify airworthiness documentation on behalf of the Executive Director for aeronautical products, other than aircraft, destined for export.

Duties of holder of distribution approval certificate

[This regulation should be numbered as "21.14.8" (as it appears in the LIST OF REGULATIONS) rather than "21.14.08", for consistency with the rest of the document.]

21.14.08 The holder of an approval certificate must -

(a) maintain its organisation, facilities and product control system as approved by the Executive Director;

(b) ensure that each aeronautical product which it distributes can be shown through documented evidence to conform to approved design data;

(c) notify the Executive Director within a reasonable time of any significant change to the organisation, facilities or product control system which could affect the exercise of the privileges of certification or the conditions under which certification was granted;

(d) allow, and assist as necessary, the Executive Director or an airworthiness inspector to perform, in its plant or in any of its supplier's plants, inspections on reasonable notice to determine continuing compliance with the requirements of this Subpart; and

(e) retain all product control system records for a minimum of two years after delivery of the aeronautical product.

Display of certificate

21.14.9 A certificate holder must -

(a) display the certificate in a conspicuous and prominent place that it can be readily seen by the public at such holder's distribution facility; and

(b) if a copy of the certificate is displayed, produce the original certificate to an authorised officer, inspector or authorised person if so requested by such authorised officer, inspector or authorised person.

Transferability and period of validity

21.14.10 (1) A distribution approval certificate issued in terms of this Subpart is -

(a) not transferable; and

(b) valid for a period determined by the Executive Director or until it is -

(i) surrendered by the holder; or

(ii) suspended by the Executive Director or by an authorised officer, inspector or authorised person, or is revoked by the Executive Director, pursuant to regulation 21.01.8.

(2) The holder of an approval certificate which is suspended must forthwith upon suspension produce it to the Executive Director or to the authorised officer, inspector or authorised person for the appropriate endorsement.

(3) The holder of an approval certificate which is revoked must forthwith surrender such approval to the Executive Director.

(4) If a certificate holder plans to relocate, it must notify the Executive Director within 60 days of its intention to relocate and provide details of the new location and a description of the facilities at which the aeronautical products are to be distributed.

Authorised signatories

21.14.11 In order to exercise the privileges pursuant to this Subpart, the holder of a certificate must -

(a) submit to the Executive Director the names of the personnel whom the distributor proposes to designate as having signing authority to sign release certifications on behalf of the approved organisation as specified in this Subpart;

(b) obtain the Executive Director's written confirmation of receipt of the names of the personnel authorised to sign the release certifications, before allowing them to sign on behalf of the approved organisation; and

(c) notify the Executive Director of any changes to the authorised personnel or the scope of their authorisation.

Certification: aeronautical products

21.14.12 (1) A certificate holder must, on releasing an aeronautical product to a customer, provide that customer with a completed release certificate properly describing the product by the manufacturer's name, part or model number, serial number, if applicable, and its nomenclature.

(2) The release certificate must also include the following certification statement to be signed by an authorised signatory:

"I hereby certify that the aircraft parts described hereon were acquired from a source of supply that is consistent with the conditions under which certification of the said parts has been granted".

(3) An authorised signatory may only sign the certification statement -

(a) for a product which has been received, stored and released in accordance with the procedures set out in the approved organisation's product control system manual; and

(b) where documented evidence of product conformity to the manufacturer's design specifications has been received and is retained by the approved organisation.

(4) For imported products, subject to the requirements prescribed in subregulation (5), the documented evidence specified in subregulation (3) must comply with the following requirements:

(a) airframes, aircraft engines, propellers, appliances and any parts and assemblies thereof, must have been received by the certificate holder with inspection release documents or tags that were originated and signed on the authority of an approved organisation;

(b) proprietary parts and accessories that are listed in approved product parts catalogues, but excluding those requiring approval to Authority appliance standards or FAA Technical Standard Orders, must have been received by the certificate holder with

inspection release documents or tags traceable to the manufacturer or an approved organisation;

(c) materials intended for aircraft construction or maintenance must have been received by the certificate holder with release documentation from -

(i) an approved organisation; or

(ii) a supplier who can provide proof of conformity to the material specifications in -

(aa) certificates supplied by the manufacturers; or

(bb) test and analysis reports prepared by qualified persons working in a materials test laboratory; and

(d) standard aircraft hardware manufactured to government or industry association standards must have been received by the approved organisation with packing notes, invoices or equivalent documents that identify the product and the supplier.

(5) For imported products the documented evidence referred to in subregulation must, in addition to the requirements prescribed in subregulation (4)(b), (c) or (d), comply with the following requirements:

(a) except for engines or propellers being returned to Namibia with FAA repair station maintenance release tags, each foreign manufactured aircraft engine or propeller must have been received with an export airworthiness certification signed by a representative of the appropriate authority of the country of export certifying that such engine or propeller conforms to the type approval stated on the document; and

(b) aircraft parts, appliances and assemblies from FAA approved organisations must have been received with release notes or tags, but imports from other sources must have been received with airworthiness tags or release notes signed by a representative of the appropriate authority of the country of export.

(6) Any number of items may be included on an approved organisation's release note provided there is only one customer involved and that each item is clearly described and identified.

Certification for export

21.14.13 (1) An approved organisation may, except for materials, standard aircraft hardware and proprietary parts and accessories, obtain an export airworthiness certificate from the Executive Director for any aeronautical product where -

(a) the organisation can demonstrate conformity to approved design data through documented evidence traceable to an approved manufacturer; and

(b) it can be determined that the product is in a condition for safe operation.

(2) In order to obtain an export airworthiness certificate for an aircraft engine or propeller, the approved organisation must comply with the requirements set out in the appropriate form set out in Document NAM-CATS-AR.

(3) Following an inspection of the product and completion of the form referred to in subregulation (2) by the Executive Director or by an authorised officer, inspector or authorised person and issuance of the export certificate of airworthiness by the Executive Director, the approved organisation must -

(a) ensure that the export certificate of airworthiness and all other tags as required accompany the engine or propeller; and

(b) retain a copy for its records.

(4) In order to obtain an export airworthiness certificate for a product other than that described in subregulations (1) and (2), the approved organisation must complete a release certificate, certified by an authorised signatory, for the signature and inspection stamp of the Executive Director.

SUBPART 15
IDENTIFICATION OF AIRCRAFT, AIRCRAFT ENGINES AND PROPELLERS

Identification of aircraft, aircraft engines and propellers

21.15.1 (1) Every person who manufactures an aircraft or aircraft engine under Part 148 must identify the aircraft or engine by means of a fireproof data plate that is -

(a) marked with the identification information prescribed in regulation 21.15.2 by etching, stamping, engraving or other method of fireproof marking;

(b) secured in such a manner that it is not likely to be -

(i) defaced or removed during normal service; or

(ii) lost or destroyed in an accident;

(c) for an aircraft other than a manned free balloon, secured to the fuselage so that it is legible to a person on the ground -

(i) at an accessible location near an entrance; or

(ii) externally on another part of the fuselage;

(d) for an aircraft engine, secured to the engine at an accessible location;

(e) for a manned free balloon -

(i) secured to the balloon envelope; and

(ii) located where it is visible to the operator when the balloon is inflated; and

(f) for a RPA, subject to compliance with Part 101, secured in a manner or located at a place considered appropriate or acceptable by the Executive Director.

(2) Every person who manufactures a manned free balloon must, in addition to subregulation (1), permanently and legibly mark the basket and any heater assembly with -

(a) the manufacturer's name;

(b) a part number or an equivalent; and

(c) a serial number or an equivalent.

(3) Every person who manufactures a propeller, propeller blade or propeller hub under Part 148 must identify it by means of a fireproof data plate or by etching, stamping, engraving, or other method of fireproof marking, that -

(a) contains the identification information prescribed in regulation 21.15. 2;

(b) is placed on a non-critical surface; and

(c) is not likely to be -

(i) defaced or removed during normal service; or

(ii) lost or destroyed in an accident.

Identification information

21.15.2 (1) The identification information that is required to be marked on the data plate under regulations 21.15.1 and 21.15.3(1)(a), and for the identification of a propeller, propeller blade, or propeller hub under those regulations must include -

(a) the manufacturer's name;

(b) the model designation;

(c) the manufacturer's serial number;

(d) if applicable, the type certificate or type acceptance certificate number;

(e) if applicable, the manufacturing organisation certificate number or foreign equivalent;

(f) for an aircraft engine, the established rating; and

(g) any other information that the Executive Director may require.

Removal, alteration and replacement of identification information

21.15.3 (1) Except as provided in subregulation (2), a person may not remove, alter or replace any of the following without the approval of the Executive Director -

(a) the identification information that is required under regulations 21.15.1(1)(a) and 21.15.2 to be marked on a data plate;

(b) the identification information that is required under paragraph (a) and regulation 21.15.2 to identify a propeller, propeller blade or propeller hub; or

(c) the part number and serial number that is required under regulation 21.15.5 for the identification of a critical part.

(2) A person performing maintenance in accordance with Part 43 or 44 may remove, alter or replace the identification information referred to in subregulation (1)(a) and (b), and the part and serial number referred to in subregulation (1)(c), if the removal, alteration, or replacement is carried out in accordance with a method, technique or practice that is acceptable to the Executive Director.

Removal and reinstallation of data plate

21.15.4 (1) Except as provided in regulation 21.15.3(2), a person may not remove or reinstall the data plate containing the identification information prescribed in regulation 21.15.2, unless that person has obtained the approval of the Executive Director to do so.

(2) A person performing maintenance in accordance with Part 43 or 44 may remove or reinstall the data plate containing the identification information prescribed in regulation 2 if -

(a) the removal of the data plate is necessary during the maintenance;

(b) the data plate is removed and reinstalled in accordance with methods, techniques and practices acceptable to the Executive Director; and

(c) the removed data plate is reinstalled on the product or part from which it was removed.

Identification of critical parts

21.15.5 Every person who manufactures a critical part of an aircraft must permanently and legibly mark the part with -

(a) a part number or an equivalent; and

(b) a serial number or an equivalent.

Identification of replacement and modification materials, parts and appliances

21.15.6 (1) Except as provided in subregulation (2), every person who manufactures a replacement or modification part or appliance under Subpart 9 must, in addition to the identification information prescribed in regulation 21.15.2, permanently and legibly mark the part or appliance with -

(a) the letters 'NAM-TSO' or 'NAM-PMA,' as appropriate;

[The comma should come after the closing quotation mark, in the term 'NAM-PMA'.]

(b) the name, trademark or symbol of the holder of the authorisation;

(c) the part number; and

(d) the name and model designation of each product issued with a type certificate or type acceptance certificate on which the part is eligible for installation.

(2) Every person who manufactures a replacement or modification material, part or appliance under Subpart 9 must permanently and legibly mark the material, part or appliance in such a manner as to ensure it can be -

(a) identified separately to those otherwise acceptable materials, parts and appliances; and

(b) clearly related to its manufacturing data.

(3) If a material, part or appliance is too small or it is otherwise impractical to mark the material, part or appliance with the information required by subregulation (1) or (2), the information must be recorded on a tag attached to the material, part, appliance or its container.

(4) Where the marking required by subregulation (1)(d) is so extensive that to record it on a tag is impractical, the tag attached to the material, part, appliance or the container may refer to a specific readily available manual or catalogue for the name and model designation of each product issued with a type certificate or type acceptance certificate on which the material, part or appliance is eligible for installation.

Life-limited component identification

21.15.7 (1) The manufacturer of a component for which a life-limitation has been established by type design must, in accordance with this regulation, place on the component the identification information referred to in subregulation (2).

(2) The identification information that must be placed on a component is -

(a) the part number of the component or an equivalent series of identifying characters; and

(b) the serial number of the component or an equivalent series of identifying characters.

(3) When requested by a person required to comply with this Subpart, the holder of a type certificate or design approval for a life-limited part must provide marking instructions or must state that the part cannot be practicably marked without compromising its integrity.

(4) Compliance with this Subpart may be made by providing marking instructions in readily available documents, such as the maintenance manual or the Instructions for Continued Airworthiness.

PART 24
AIRCRAFT:
AIRWORTHINESS REQUIREMENTS:
NON-TYPE CERTIFICATED AIRCRAFT

[Part 24 is inserted by GN 236/2020.]

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SUBPART 1
GENERAL

Applicability

24.01.1 (1) This Part applies to -

(a) amateur-built aircraft;

(b) production-built aircraft;

(c) veteran aircraft, including warbirds;

(d) ex-military aircraft;

(e) any other aircraft not qualifying or no longer qualifying for the issue of a certificate of airworthiness in terms of Part 21.

(2) The aircraft referred to in subregulation (1) are classified in the following sub-groups -

(a) aeroplanes, including microlight aeroplanes;

(b) helicopters;

(c) gyroplanes and gyrogliders;

(d) gliders, including self-launching gliders and touring gliders;

(e) manned captive and manned free balloons;

(f) airships;

(g) remotely piloted aircraft;

(h) hang-gliders, including powered hang-gliders;

(i) paragliders, including powered paragliders and paratrikes;

(j) parachutes;

(k) model aircraft;

(l) rockets.

(3) This Part does not apply to any aircraft that, for the purpose of flight -

(a) is to be attached to and towed by a vehicle or vessel travelling on the surface;

(b) other than a manned captive balloon, is to be moored to the surface or any construction on the surface; or

(c) is to be flown line-controlled by a person on the surface,

except that such aircraft may not be operated in contravention of these regulations or cause or be an obstruction to aviation.

(4) The airworthiness design standards for each sub-group of aircraft referred to in subregulation (2) are those referred to in regulation 24.02.1(10)(a).

Reporting of failures, malfunctions and defects and other occurrences

[The heading of this regulation in the LIST OF REGULATIONS is "Reporting of failures, malfunctions and defects".]

24.01.2 (1) The holder of any authority to fly, proving flight authority or special flight permit issued in terms of the regulations in this Part, must, in accordance with subregulation (3), and in writing report to the Executive Director the occurrence and circumstances of any failure, malfunction or defect in any product, part or appliance manufactured by such holder which -

(a) has resulted in any of the occurrences specified in Document NAM-CATS-AR-NTCA; or

(b) has passed through such, holder's quality assurance system and may result in any of the occurrences specified in Document NAM-CATS-AR-NTCA.

(2) A report referred to in subregulation (1) must include -

(a) the aircraft serial number;

(b) if the failure, malfunction or defect is associated with an article approved under NAM-TSO authorisation, the article serial number and model designation;

(c) if the failure, malfunction or defect is associated with an aircraft engine or aircraft propeller, the engine or propeller serial number;

(d) the product model;

(e) an identification, including the part number, of the part, component or system involved; and

(f) the nature of the failure, malfunction or defect.

(3) The holder of any authority or permit referred to in subregulation (1) must submit the report referred to in that subregulation to the Executive Director within 24 hours after the holder has become aware of the failure, malfunction or defect required to be reported, but a report which was due on a -

(a) Saturday or a Sunday, may be submitted on the following Monday; or

(b) public holiday, may be submitted on the next working day.

(4) In the case of the investigation of an accident or service difficulty report indicating that a product is unsafe because of a manufacturing or design defect, the holder concerned must

report to the Executive Director the results of its investigation and any action taken or proposed by such holder to correct such defect.

(5) If action is required to correct the defect in existing products the holder concerned must submit the data necessary for the issuing of an appropriate airworthiness directive to the Executive Director.

Issuing of airworthiness directives

24.01.3 (1) The Executive Director may, pursuant to section 38(3) of the Act, issue appropriate airworthiness directives in respect of design changes that are necessary to correct the unsafe condition of a non-type certificated aircraft.

(2) Where the Executive Director issues an airworthiness directive under subregulation (1), the holder of any certificate, approval, authorisation or permit issued in terms of this Part for the aircraft or an aeronautical product of its design, must -

(a) upon the request of the Executive Director, submit appropriate design changes to the Executive Director for approval; and

(b) upon approval of the design changes, if applicable, make the descriptive data covering the changes available to all owners and operators of the aircraft or aeronautical product concerned.

Safety inspections and audits

24.01.4 (1) An applicant for the issuing of any certificate, approval, authorisation or permit in terms of this Part must permit an authorised officer, inspector or authorised person to carry out such safety inspections and flight and ground tests as may be necessary to verify the validity of any application made in terms of this Part.

(2) The holder of any certificate, approval, authorisation or permit issued under this Part must permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits, including safety inspections and audits of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

(3) Any inspection carried out on a non-type certificated aircraft under subregulation (1) is of a conditional nature in that the inspector, an appropriately rated aircraft maintenance organisation, aircraft maintenance organisation or approved person is not required to guarantee the airworthiness of the aircraft.

(4) Despite subregulation (3), the owner or operator of the aircraft must at all times be responsible for the airworthiness status of the aircraft and, if called upon, must prove to an authorised officer, inspector or authorised person that the aircraft is in an airworthy condition.

Suspension, revocation and appeal

24.01.5 (1) Without prejudice to the Executive Director's powers to suspend, revoke or impose conditions upon any aviation document under sections 42 and 43 of the Act, an authorised officer, inspector or authorised person may suspend any certificate, approval, authorisation or permit issued under this Part, if -

(a) after safety inspection or an audit carried out in terms of regulation 24.01.4, it is evident that the holder of the certificate, approval, authorisation or permit -

(i) does not comply with the requirements prescribed in this Part; and

(ii) has failed to remedy such non-compliance within 30 days after receiving notice in writing from the an authorised officer, inspector or authorised person to do so;

[Either the word "the" or the word "an" should be deleted before the phrase "authorised officer, inspector or authorised person".]

(b) the an authorised officer, inspector or authorised person is prevented by the holder of the certificate, approval, authorisation or permit or a person acting on behalf of that holder, from carrying out a safety inspection and audit in terms of regulation 24.01.4; or

[Either the word "the" or the word "an" should be deleted before the phrase "authorised officer, inspector or authorised person".]

(c) the suspension is necessary in the interest of aviation safety.

(2) The authorised officer, inspector or authorised person who has suspended a certificate, an approval, authorisation or a permit in terms of subregulation (1) must deliver a written report in the manner acceptable to the Executive Director as soon as possible after the suspension and stating the reasons for the suspension.

(3) The an authorised officer, inspector or authorised person concerned must as soon as possible submit a copy of the report referred to in subregulation (2) to the holder of the certificate, approval, authorisation or permit which has been suspended.

[The word "an" should be deleted before the phrase "authorised officer, inspector or authorised person".]

(4) The holder of a certificate, an approval, authorisation or a permit that has been suspended may, pursuant to Subpart 4 of Part 13, seek a review of the actions of the authorised officer, inspector or authorised person performed under subregulation (1).

(5) A person in respect of whom a decision is taken under this regulation may, after exhausting the review process referred to in subregulation (4), appeal against the decision to the High Court under section 225 of the Act.

Register of certificates, approvals, authorisations and permits

24.01.6 (1) The Executive Director or the designated organisation, as the case may be, must maintain as part of the Civil Aviation Registry, a register of all certificates, approvals, authorisations or permits issued in terms of the regulations in this Part.

(2) The register must contain the following particulars:

(a) the full name of the holder of the certificate, approval, authorisation or permit;

(b) the postal address, physical address and email address of the holder of the certificate, approval, authorisation or permit;

(c) the date on which the certificate, approval, authorisation or permit was issued; and

(d) a true, certified copy of the issued certificate, approval, authorisation or permit.

(3) The Executive Director must cause the particulars referred to in subregulation (2) to be recorded in the register within 30 days from the date on which the certificate, approval, authorisation or permit is issued.

(4) The register must be kept in a safe place as contemplated in regulation 3.04.6 or, if applicable, at the office of the designated organisation.

(5) The head of the CAR referred to in regulation 3.04.6 or, where applicable, the designated organisation, must in accordance with regulation 3.04.6, and on payment of the appropriate fee as prescribed in Part 187, furnish a copy of the register to any person who requests for the copy.

[The word "for" after the word "requests" is superfluous.]

Transitional provision

24.01.7 For the purposes of this Part, and until such time that an organisation has been designated in terms of Part 149, any person building or maintaining a non-type certificated aircraft for aviation recreational purposes must comply with the airworthiness standards and procedures determined by the national body representative of the particular aviation sport or activity for its members, provided that those standards and procedures include those prescribed in, and are not in conflict with, the provisions of this Part.

SUBPART 2
REQUIREMENTS FOR NON-TYPE CERTIFICATED AIRCRAFT

Airworthiness

24.02.1 (1) Before a non-type certificated aircraft, other than an aircraft classified in regulation 24.01.1(2)(k) and (l), is considered to be airworthy it must -

(a) have been issued with an authority to fly or a proving flight authority or special flight permit, as the case may be, in terms of this Part;

(b) have been maintained in accordance with the provisions of Subpart 3;

(c) have no known condition which could make the aircraft unsafe for flight; and

(d) have on-board, and in working order, the relevant communication and navigation equipment prescribed in Part 94 and Part 96, as applicable, for the operation of the particular type of aircraft.

(2) In the case of amateur built aircraft, the only aircraft that may be built in or imported into, and flown within, Namibia, are those whose build standard has been submitted to the Executive Director in the manner set out in subregulations (3) to (7), inclusive.

(3) Before any person commences with the construction of an aircraft which is intended to be put on the aircraft register pursuant to section 50 of the Act, that person must apply for a build number.

(4) An application referred to in subregulation (3) must be -

(a) made to the Executive Director or the designated organisation, as the case may be;

(b) made in the appropriate form set out in Document NAM-CATS-AR-NTCA;

(c) accompanied by a copy of the design criteria of the aircraft, as set out in Document NAM-CATS-AR-NTCA; and

(d) accompanied by the appropriate fee prescribed in Part 187.

(5) The Executive Director or the designated organisation, as the case may be, must on receipt of the information and documentation required in terms of subregulation (4), issue the build number to the applicant.

(6) The Executive Director or the designated organisation, as the case may be, must maintain a register of build numbers issued and make relevant information available to any authorised officer, inspector or authorised person who needs such information for the purpose of oversight and inspection.

(7) The applicant, on being issued with the build number, must enter a record of the build number in the aircraft's logbook or any other document associated with the construction of the aircraft.

(8) In the case of production built aircraft, the only aircraft that may be built in or imported into, and flown within, Namibia, are those whose -

(a) type design;

(b) local or foreign manufacturing organisation and facility;

(c) local assembling organisation and facility or agent or distributor; and

(d) build standard,

have been approved by the Executive Director.

(9) For the purposes of subregulations (2) to (8), inclusive, the Executive Director or the designated organisation, as the case may be, may consider a foreign manufacturing organisation as being approved, if the facility was approved by an appropriate authority.

(10) The design criteria and the build standard for an amateur or production-built aircraft must -

(a) comply with the appropriate design criteria as set out in Document NAM-CATS-AR-NTCA;

(b) comply with any special conditions prescribed in regulation 24.03.5 by the Executive Director or, if applicable, the designated organisation; and

(c) not incorporate a feature or characteristic that makes the aircraft type unsafe for its intended use.

(11) In the case of -

(a) an amateur built aircraft, static tests, as required, are to be carried out on the aircraft prior to its first flight or after a structural modification referred to in regulation 44.02.9, according to Document NAM-CATS-AR-NTCA.

(b) a production built aircraft, in the absence of static test documentation from an appropriate authority acceptable to the Executive Director, static tests, as required, are to be carried out on the aircraft prior to its first flight or after a structural modification referred to in regulation 44.02.9, according to Document NAM-CATS-AR-NTCA.

(12) The airworthiness of the aircraft classified in regulation 24.01.1(2)(h) to (l) is the joint responsibility of the owner and operator of the aircraft in accordance with -

(a) an agreement between them; or

(b) in the absence of an agreement referred to in paragraph (a), generally accepted practices for such aircraft or as laid down by the approved designated organisation.

Requirement for registration

24.02.2 A non-type certificated aircraft classified in regulation 24.01.1(2)(a) to (g) may not be flown unless it has been registered and marked in accordance with the provisions of Part 47 and Document NAM-CATS-AR-NTCA.

Aircraft documentation

24.02.3 (1) The owner of a non-type certificated aircraft specified under regulation 24.01.1(1) and classified in regulation 24.01.1(2)(a) to (g) must submit to the Executive Director or the designated organisation, as the case may be, for approval, the documentation specified in Document NAM-CATS-AR-NTCA.

(2) In the case of a production-built aircraft, a copy of the approved manuals and the aircraft logbook must accompany the -

(a) aircraft;

(b) kit, except for the logbook; or

(c) approved build standards,

on its or their delivery to a customer.

(3) In the case where proving flights, for the purpose of consideration and issue of an authority to fly are carried out, the owner of the non-type certificated aircraft must retain all documents and records generated in the process for the duration of the life of the aircraft.

Instruments, equipment and placards

24.02.4 (1) Any flight instrument as specified by the manufacturer of the aircraft, required to be installed in terms of these regulations, must be calibrated before first flight, and be checked for calibration annually thereafter.

(2) The minimum instrumentation and equipment and the placards to be installed in non-type certificated aircraft must be as set out in Document NAM-CATS-AR-NTCA.

SUBPART 3
AUTHORITY TO FLY, PROVING FLIGHT AUTHORITY AND SPECIAL FLIGHT PERMIT

Application for authority to fly

24.03.1 (1) An owner of a non-type certificated aircraft classified in regulation 24.01.1(2)(a) to (g) or his, her or its authorised representative who wishes the aircraft to be flown in Namibia must apply for the issue or amendment of an authority to fly for the aircraft.

(2) An aircraft that is classified in regulation 24.01.1(2)(h) to (l) does not require an authority to fly or proving flight authority for it to be flown in Namibia.

(3) An application for the issue or amendment of an authority to fly must be -

(a) made to the Executive Director or the designated organisation, as the case may be, on the appropriate form set out Document NAM-CATS-AR-NTCA; and

(b) accompanied by -

(i) the appropriate fee as prescribed in Part 187;

(ii) proof of compliance with the provisions of regulation 24.02.1(11);

(iii) the aircraft logbook or similar document or certified true copies of all entries made in the logbook or similar document;

(iv) certified true copies of all documents and records in the construction or testing file;

(v) a certified true copy of the flight manual, if applicable; and

(vi) a certified true copy of the approved maintenance schedule referred to in regulation 44.04.1 or 44.04.2.

Requirements for authority to fly

24.03.2 (1) An applicant for the issue or an amendment of an authority to fly for a non-type certificated aircraft must provide the Executive Director or the designated organisation, as the case may be, with proof that, in the case of -

(a) a non-type certificated aircraft built in Namibia -

(i) the provisions of Document NAM-CATS-AR-NTCA in respect of proving flights and of performance, handling and strength tests have been complied with; and

(ii) the aircraft, other than an amateur-built aircraft, was manufactured or assembled by an organisation approved by the Executive Director in terms of Subpart 4;

(b) an imported non-type certificated aircraft, where the owner requests the aircraft to be registered in the aircraft register, the aircraft -

(i) has been de-registered in the country of export or was never registered;

(ii) had been issued with a certificate of airworthiness, an authority to fly or similar certificate by the military or appropriate authority of the State of de-registration; and

(iii) complies with all the applicable provisions of this Part; or

(c) a production-built aircraft which has not been previously issued with an authority to fly or similar certificate by an appropriate authority, it was manufactured or assembled by an organisation approved by the Executive Director in terms of Subpart 4.

(2) A prospective owner of an aircraft referred to in subregulation (1)(b) or (c) must first consult the Executive Director and obtain approval before importing such an aircraft.

(3) Documentation required to show compliance with the provisions of subregulation (1) is as set out in Document NAM-CATS-AR-NTCA.

(4) Except for the production-built aircraft referred to in subregulation (1)(c), only aircraft which previously have been registered and issued with a certificate of airworthiness, an authority to fly or similar document by the appropriate military authority or appropriate authority of the State of de-registration may be imported into Namibia.

(5) In addition to the provisions of subregulation (1), the applicant must provide the Executive Director with proof that -

(a) any modification to the aircraft conforms to the design changes approved for the type;

(b) the aircraft complies with all appropriate airworthiness directives issued in terms of regulation 24.01.3;

(c) the aircraft is issued with the appropriate flight manual and any logbook, repair and alteration forms and documents which the Executive Director may require;

(d) an annual inspection has been carried out in accordance with the requirements of regulation 44.02.4; and

(e) the aircraft is in a condition for safe operation.

(6) Where the application is in respect of a previously type-certificated aircraft, other than a veteran aircraft, the applicant must provide proof that the original identification plate has been removed and handed to the appropriate authority and the aircraft re-registered as a different make and type of aircraft.

(7) On receipt of the proof required in terms if subregulation (6), the Executive Director must inform the original manufacturer of the fact that the aircraft no longer meets its type certificate.

[The word "if" before "subregulation (6)" should be "of".]

(8) In addition to the provisions of subregulations (1), (5) and (6), the applicant must provide the Executive Director or the designated organisation, as the case may be, with -

(a) any other airworthiness data which the Executive Director or the designated organisation, as the case may be, may require; and

(b) any document relating to the operation of the aircraft which the Executive Director or the designated organisation, as the case may be, may require.

Issue of authority to fly

24.03.3 (1) The Executive Director or the designated organisation, as the case may be, must grant an application made under regulation 24.03.1 and issue an authority to fly, if the applicant complies with the provisions of regulation 24.03.2.

(2) An authority to fly is issued subject to such conditions and limitations which may be determined by the Executive Director or the designated organisation, as the case may be.

(3) An authority to fly is issued on the appropriate form set out in Document NAM-CATS-AR-NTCA.

(4) Whether the authority to fly will include authority to operate the aircraft -

(a) at night, under instrument meteorological conditions (IMC);

(b) in commercial air transport operations; or

(c) to conduct semi-acrobatic or acrobatic flights,

depends on the results of the proving flights and the installed equipment.

(5) In the case of -

(a) a locally built amateur-built aircraft;

(b) any aircraft that previously has been issued with a certificate of airworthiness in terms of Part 21 or a similar document issued by another State in accordance with Annex 8 to the Chicago Convention; or

(c) any aircraft of which the certificate of airworthiness or authority to fly has become invalid as a result of a proposed major modification,

the authority to fly may normally be granted or re-issued, as the case may be, in two stages, namely, a proving flight authority and, thereafter, where applicable, the authority to fly.

(6) Before a proving flight authority or an authority to fly is issued, the Executive Director may require the aircraft to be inspected by an authorised officer, inspector or authorised person, and the owner or operator, if different, must be advised accordingly.

(7) The owner or operator of an aircraft referred to in subregulation (6) must make the aircraft available for the inspection, where and when required by the Executive Director or by the authorised officer, inspector or authorised person.

Proving flight authority

24.03.4 (1) If the Executive Director decides to issue a proving flight authority as contemplated in regulation 24.03.3(5), he or she must issue the authority on the appropriate form set out in Document NAM-CATS-AR-NTCA.

(2) A proving flight authority must show the base from which the proving flights are to be carried out.

(3) A proving flight authority may be extended for further periods at the discretion of the Executive Director or the designated organisation, as the case may be, on the submission of an inspection report equivalent to an annual inspection referred to in regulation 44.02.4.

(4) The constructor of an aircraft, if required, may effect modifications and repairs during the periods of validity of the proving flight authority, but, if a major modification or repair is required, the Executive Director or the designated organisation, as the case may be, may require that the proving flights be commenced afresh.

(5) A proving flight must be carried out in the manner set out in Document NAM-CATS-AR-NTCA.

(6) Flights conducted in terms of a proving flight authority -

(a) are limited to an area not exceeding a 100 kilometre radius from the specified base from which such flights are to be undertaken, unless stated otherwise in the proving flight authority;

(b) may only be conducted under visual meteorological conditions (VMC) by day;

(c) are prohibited over open-air assemblies of persons; and

(d) are prohibited over built-up areas, except where necessary for take-off and landing.

(7) No person, other than essential crew members, including those persons assigned to carry out in-flight inspections, may be carried on board the aircraft during flights conducted in terms of a proving flight authority.

(8) Where a proving flight authority is issued in respect of an aircraft of a new design or of which the originally-approved design has undergone major modification, the first flight or flights must be conducted by a pilot with the appropriate test flight rating.

(9) The owner or operator of the aircraft may, if suitably qualified, with the approval of the Executive Director carry out a flight or flights additional to the flight or flights referred to in regulation 24.03.3(5).

(10) For the purpose of subregulation (9), where the owner or operator of the aircraft consists of more than one natural person, one of these persons must be designated by the test pilot to carry out the proving flights.

(11) The owner or operator referred to in subregulation (9) must be a licensed pilot, holding the appropriate category and class rating, and having been converted on type by an appropriately rated flight instructor.

(12) Apart from any conversion training which may be required in terms of subregulation (11), flight training may not be conducted on an aircraft operated in terms of a proving flight authority.

(13) Where the limitations for flight still have to be established, such proving flight or flights must be carried out by a pilot with the appropriate test flight rating.

(14) The final proving flight for the issue of an authority to fly must be carried out by a pilot with the appropriate test flight rating who, if applicable, must be the pilot who carried out the proving flights referred to in subregulation (13).

Special flight permit

24.03.5 (1) The Executive Director or the designated organisation, as the case may be, may issue an authority to fly in the form of a special flight permit in respect of a non-type certificated aircraft.

(2) A special flight permit for an aircraft may be issued for the purposes of -

(a) ferrying an aircraft, where the authority to fly has become invalid, to a base where maintenance can be carried out;

(b) delivering or exporting the aircraft;

(c) evacuating the aircraft from areas of impending danger;

(d) carrying out a flight or a series of flights while the aircraft does not conform to the appropriate airworthiness design standards referred to in regulation 24.02.1; or

(e) operation of an aircraft at a mass in excess of its maximum certificated take-off mass for flights beyond the normal range over water or over land areas where adequate landing facilities or appropriate fuel is not available, except that the excess mass that

may be authorised under this paragraph is limited to the additional fuel, fuel-carrying facilities, and navigation and emergency equipment necessary for the flight.

(3) An applicant for the issue or an amendment of a special flight permit for an aircraft must be made to the Executive Director or the designated organisation, as the case may be, in the appropriate form set out in Document NAM-CATS-AR-NTCA.

(4) A special flight permit is issued on the appropriate form set out in Document NAM-CATS-AR-NTCA.

(5) A special flight permit issued in terms of this Part is valid only for flights within the borders of Namibia and over international waters, and for flights over or within the territory of another State, permission of the responsible appropriate authority is required.

Period of validity

24.03.6 (1) An authority to fly, a proving flight authority or a special flight permit is valid until -

(a) the expiry date which has been determined by the Executive Director or the designated organisation, as the case may be;

(b) it is surrendered by the holder of the authority or permit or is suspended by the Executive Director or the designated organisation, as the case may be, or by an authorised officer, inspector or authorised person;

(c) it is revoked by the Executive Director or the designated organisation, as the case may be;

(d) a major modification is effected to the aircraft; or

(e) the aircraft is involved in an incident or accident that results in major damage to its primary structure.

(2) Subject to the provisions of subregulation (1), an authority to fly, proving flight authority or a special flight permit remains valid for as long as -

(a) the aircraft remains registered on the aircraft register; and

(b) the aircraft is maintained in accordance with these regulations.

(3) The holder of an authority to fly, a proving flight authority or a special flight permit which is suspended must forthwith produce the authority to fly, proving flight authority or special flight permit upon the suspension, to the Executive Director or to the designated organisation, as the case may be, or to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(4) The holder of an authority to fly, a proving flight authority or a special flight permit which is revoked must forthwith surrender such authority to fly proving flight authority or special flight permit to the Executive Director or to the designated organisation, as the case may be.

[There should be a comma after the phrase “such authority to fly”.]

(5) An authority to fly, a proving flight authority or a special flight permit, which has been suspended must be reinstated when the cause for the suspension has been corrected to the satisfaction of the Executive Director or the designated organisation, as the case may be.

[There should not be a comma after the phrase "a special flight permit".]

International operations

24.03.7 (1) An authority to fly or a special flight permit is only valid for flight in Namibian airspace.

(2) Despite subregulation (1), a non-type certificated aircraft, issued with a Namibian authority to fly, may be flown outside Namibia's borders if the appropriate authority with jurisdiction over the relevant airspace has given prior permission for the aircraft to be flown in such airspace, in the full knowledge that the authority to fly is not equivalent to a certificate of airworthiness issued in terms of Annex 8 to the Chicago Convention.

Transferability

24.03.8 (1) Although a proving flight authority or an authority to fly may be transferred in the name of a new owner, the aircraft may be re-registered in the new owner's name only -

[The word "in" after "transferred" should be "into".]

(a) if all documents related to the airworthiness of the aircraft, including reports related to proving flights and the aircraft's logbooks have been handed over to the new owner; or

(b) if the provisions of paragraph (a) have not or cannot been met, an inspection equivalent to an annual inspection has been carried out by a suitably qualified person other than the original owner, and the aircraft has been certified to be airworthy.

(2) After the transfer of a proving flight authority, the provisions of regulation 24.03.4 apply with the necessary changes.

(3) The Executive Director or the designated organisation, as the case may be, must determine the conditions for the continuation of the proving flights by or on behalf of the new owner, which conditions may include the instruction that the proving flights must be commenced afresh.

(4) The provisions of Part 47 and of Document NAM-CATS-AR-NTCA apply with the necessary changes in respect of an application for the re-registration of an aircraft following a change of ownership.

Aircraft type approval

24.03.9 (1) A person who requires an aircraft type approval for an amateur-built aircraft to qualify as a production-built aircraft must make an application to the Executive Director.

(2) An application referred to in subregulation (1) must be -

(a) made in the appropriate form set out in Document NAM-CATS-AR-NTCA; and

(b) accompanied by -

(i) the appropriate fee as prescribed in Part 187;

(ii) proof of compliance with the provisions of regulation 24.02.1 and the technical standards set out in Document NAM-CATS-AR-NTCA;

(iii) a copy of the authority to fly issued for the prototype aircraft; and

(iv) proof that the applicant meets the requirements of regulation 24.04.1.

(3) If the Executive Director is satisfied that -

(a) the applicant has been or may be approved as a manufacturing organisation in terms of regulation 24.04.2; and

(b) the aircraft will be manufactured according to the approved build standard,

he or she must issue a production-built aircraft type certificate on the form set out in Document NAM-CATS-AR-NTCA.

SUBPART 4
APPROVAL OF ORGANISATIONS

Application for approval

24.04.1 (1) An applicant for the approval of a maintenance organisation or repair facility must comply with the provisions of Part 145.

(2) An applicant for the approval of a manufacturing organisation must comply with provisions of Part 148.

Approved organisations

24.04.2 A list of approved organisations, if any, must be provided in Document NAM-CATS-AR-NTCA.

PART 34
AIRCRAFT:
ENGINE EMISSION CERTIFICATION

[Part 34 is substituted by GN 236/2020.]

LIST OF REGULATIONS

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SUBPART 1
GENERAL

Applicability

34.01.1 This Part applies -

(a) in respect of fuel venting, to turbine engine powered aircraft manufactured on or after 18 February 1982; and

(b) in respect of engine emissions, to aircraft with -

(i) turbo-jet and turbofan engines intended for propulsion only at subsonic speeds; and

(ii) turbo-jet and turbofan engines intended for propulsion at supersonic speeds, of which the date of manufacture is on or after 18 February 1982.

Safety inspections and audits

34.01.2 (1) An applicant for the issuing of a fuel venting certificate or an engine emission certificate under this Part must permit an authorised officer, inspector or authorised person to carry out such safety inspections and flight and ground tests which may be necessary to verify the validity of any application made in terms of this Part.

(2) The holder of a fuel venting certificate or an engine emission certificate issued under this Part must permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits, including safety inspections and audits of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

Register of certificates

34.01.3 (1) The Executive Director must maintain or cause to be maintained, an updated register of fuel venting certificates and engine emission certificates issued under the regulations in this Part.

(2) The register must contain the following particulars:

(a) The full name of the holder of the fuel venting certificate or engine emission certificate;

(b) the postal or contact address of the holder of the fuel venting certificate or engine emission certificate;

(c) the date on which the fuel venting certificate or engine emission certificate was issued;

(d) the number of the fuel venting certificate or engine emission certificate issued;

(e) the date on which the fuel venting certificate or engine emission certificate is suspended or revoked, if applicable; and

(f) in the case of a transfer of an aircraft -

(i) the date on which the fuel venting certificate or engine emission certificate was transferred;

(ii) the full name and the trade name of the transferee, if any; and

(iii) the postal or contact address of the transferee.

(3) The Executive Director must record or cause to be recorded the particulars referred to in subregulation (2) in the register within seven days from the date on which the fuel venting certificate or engine emission certificate is issued, transferred or suspended, as the case may be.

(4) The register must be kept in a safe place as part of the CAR.

(5) The Head of the CAR must, on payment of the appropriate fee as prescribed in Part 187, furnish the information from the register to any person who requests for such information.

[The word "for" after the word "requests" is superfluous.]

Suspension and revocation of certificate and appeal

34.01.4 (1) Without prejudice to the powers of the Executive Director to suspend or revoke an aviation document pursuant to section 42 or 43 of the Act, an authorised officer, inspector or authorised person may suspend any fuel venting certificate or engine emission certificate issued under this Part, if -

(a) after a safety inspection and audit carried out in terms of regulation 34.01.2, it is evident that the holder of the fuel venting certificate or engine emission certificate -

(i) does not comply with the requirements prescribed in this Part; and

(ii) fails to remedy such non-compliance within 30 days after receiving notice in writing from the authorised officer, inspector or authorised person to do so; and

(b) the authorised officer, inspector or authorised person is prevented by the holder of the fuel venting certificate or engine emission certificate or any of its partners or subcontractors, from carrying out a safety inspection and audit in terms of regulation 34.01.2.

(2) The authorised officer, inspector or authorised person who has suspended a fuel venting certificate or engine emission certificate in terms of subregulation (1), must, in the manner acceptable to the Executive Director, deliver a written report to the Executive Director as soon as possible after the suspension and stating the reasons for the suspension.

(3) The authorised officer, inspector or authorised person concerned must as soon as possible submit a copy of the report referred to in subregulation (2) to the holder of the fuel venting certificate or engine emission certificate which has been suspended.

(4) The holder of a fuel venting certificate or engine emission certificate whose certificate has been suspended may seek a review of the actions of the authorised officer, inspector or authorised person performed under in subregulation (1), pursuant to Subpart 4 of Part 13.

(5) A person in respect of whom a decision is taken under this regulation may, after exhausting the review process referred to in subregulation (4), appeal against the decision to the High Court under section 225 of the Act.

SUBPART 2
FUEL VENTING CERTIFICATES

Fuel venting standards

34.02.1 Subject to the provisions of regulation 34.01.1, any person who applies in terms of Part 21 for -

(a) the issuing of a type certificate;

(b) the issuing of a type acceptance certificate;

(c) any change to a type certificate;

(d) any change to a type acceptance certificate;

(e) the issuing of a supplementary type certificate; or

(f) a standard category certificate of airworthiness,

must comply with fuel venting standards as set out in Document NAM-CATS-ENVIRO.

Recognition of foreign fuel venting certificate

34.02.2 The Executive Director may recognise a fuel venting certificate or an equivalent document issued by an appropriate authority, if the standards under which the fuel venting certificate or equivalent document was issued by the appropriate authority, are not less stringent than the standards set out in Document NAM-CATS-ENVIRO.

Application for fuel venting certificate

34.02.3 An application for the issuing of a fuel venting certificate must be -

(a) made in the appropriate form set out in Document NAM-CATS-ENVIRO; and

(b) accompanied by -

(i) evidence satisfactory to the Executive Director that the aircraft concerned complies with the fuel venting standards referred to in regulation 34.02.1; and

(ii) the appropriate fee as prescribed in Part 187.

Issue of fuel venting certificate

34.02.4 The Executive Director must grant An application made under regulation 34.02.3 and issue a fuel venting certificate in the appropriate form set out in Document NAM-CATS-ENVIRO, if the applicant complies with the fuel venting standards referred to in regulation 34.02.1.

Period of validity

34.02.5 (1) A fuel venting certificate is valid -

(a) for -

(i) the period for which the type certificate, type acceptance certificate or standard certificate of airworthiness held by the holder of the fuel venting certificate is valid; and

(ii) as long as the holder complies with the appropriate fuel venting standards referred to in regulation 34.02.1; or

(b) until the fuel venting certificate is -

(i) surrendered by the holder thereof; or

(ii) suspended by the Executive Director or by an authorised officer, inspector or authorised person, or is revoked by the Executive Director, pursuant to regulation 34.01.4.

(2) The holder of a fuel venting certificate which is suspended must forthwith produce the fuel venting certificate upon suspension thereof to the Executive Director or to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(3) The holder of a fuel venting certificate which is revoked must forthwith after the date on which the fuel venting certificate is revoked, surrender such fuel venting certificate to the Executive Director.

Transfer of fuel venting certificate

34.02.6 A fuel venting certificate may only be transferred with the aircraft.

SUBPART 3
ENGINE EMISSION CERTIFICATES

Engine emission standards

34.03.1 Subject to the provisions of regulation 34.01.1, any person who applies in terms of Part 21 for -

(a) the issuing of a type certificate;

(b) the issuing of a type acceptance certificate;

(c) any change to a type certificate;

(d) any change to a type acceptance certificate;

(e) the issuing of a supplementary type certificate; or

(f) a standard category certificate of airworthiness,

must comply with the appropriate engine emission standards set out in Document NAM-CATS-ENVIRO.

Recognition of foreign engine emission certificate

34.03.2 The Executive Director may recognise an engine emission certificate or an equivalent document issued by an appropriate authority, if the standards under which the engine emission certificate or equivalent document was issued by the appropriate authority, are not less stringent than the standards set out in Document NAM-CATS-ENVIRO.

Application for engine emission certificate

34.03.3 An application for the issuing of an engine emission certificate must be -

(a) made in the appropriate form set out in Document NAM-CATS-ENVIRO; and

(b) accompanied by -

(i) evidence satisfactory to the Executive Director that the engine concerned complies with the engine emission standards referred to in regulation 34.03.1; and

(ii) the appropriate fee as prescribed in Part 187.

Issue of engine emission certificate

34.03.4 The Executive Director must grant An application made under regulation 34.03.3 and issue an engine emission certificate in the appropriate form set out in Document NAM-CATS-ENVIRO, if the applicant complies with the engine emission standards referred to in regulation 34.03.1.

Period of validity

34.04.5 (1) An engine emission certificate is valid -

(a) for -

(i) the period for which the type certificate, type acceptance certificate or standard certificate of airworthiness held by the holder of the engine emission certificate is valid; and

(ii) as long as such holder complies with the appropriate engine emission standards referred to in regulation 34.03.1; or

(b) until the engine emission certificate is -

(i) surrendered by the holder thereof; or

(ii) suspended by the Executive Director or by an authorised officer, inspector or authorised person, or is revoked by the Executive Director, pursuant to regulation 34.01.4.

(2) The holder of an engine emission certificate which is suspended must forthwith produce the engine emission certificate upon suspension thereof to the Executive Director or to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(3) The holder of an engine emission certificate which is revoked must forthwith surrender such engine emission certificate to the Executive Director.

Transfer of engine emission certificate

34.03.6 An engine emission certificate may only be transferred with the aircraft.

PART 36
AIRCRAFT: NOISE CERTIFICATION

[Part 36 is substituted by GN 236/2020.]

LIST OF REGULATIONS

36.00.1 Applicability
36.00.2 Noise standards
36.00.3 Recognition of foreign noise certification
36.00.4 Safety inspections and audits
36.00.5 Application for noise certificate
36.00.6 Issue of noise certificate
36.00.7 Period of validity
36.00.8 Transfer of noise certificate
36.00.9 Register of certificates
36.00.10 Suspension and revocation of noise certificate and appeal
[The heading of this regulation in the text of the regulations below is "Suspension and revocation of certificate and appeal" **(without the word "noise".]**

Applicability

36.00.1 This Part applies to -

(a) subsonic jet aeroplanes;

(b) supersonic aeroplanes;

(c) propeller driven aeroplanes with a maximum certificated mass exceeding 5 700 kilogrammes;

(d) propeller driven aeroplanes with a maximum certificated mass of *5* 700 kilogrammes or less;

(e) propeller-driven STOL aeroplanes; and

(f) helicopters.

Noise standards

36.00.2 Subject to the provisions of regulation 36.00.1, any person who applies in terms of Part 21 for -

(a) the issuing of a type certificate;

(b) the issuing of a type acceptance certificate;

(c) any change to a type certificate;

(d) any change to a type acceptance certificate;

(e) the issuing of a supplementary type certificate; or

(e) a standard category certificate of airworthiness,

[There are two paragraphs labelled as (e) in the *Government Gazette*, as reproduced above.]

must comply with the appropriate noise standards set out in Document NAM-CATS-ENVIRO.

Recognition of foreign noise certificate

36.00.3 The Executive Director may recognise a noise certificate or an equivalent document issued by an appropriate authority, if the standards under which the noise certificate or equivalent document was issued by the appropriate authority, are not less stringent than the standards set out in Document NAM-CATS-ENVIRO.

Safety inspections and audits

36.00.4 (1) An applicant for the issuing of a noise certificate under this Part must permit an authorised officer, inspector or authorised person to carry out such safety inspections and flight and ground tests which may be necessary to verify the validity of any application made in terms of this Part.

(2) The holder of a noise certificate issued under this Part must permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits, including safety inspections and audits of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

Application for noise certificate

36.00.5 An application for the issuing of a noise certificate must be -

(a) made in the appropriate form set out in Document NAM-CATS-ENVIRO; and

(b) accompanied by -

(i) evidence satisfactory to the Executive Director that the aircraft concerned complies with the noise standards referred to in regulation 36.00.2; and

(ii) the appropriate fee as prescribed in Part 187.

Issue of noise certificate

36.00.6 The Executive Director must grant an application made under regulation 36.00.5 and issue a noise certificate in the appropriate form set out in Document NAM-CATS-ENVIRO, if the applicant complies with the noise standards referred to in regulation 36.00.2.

Period of validity

36.00.7 (1) A noise certificate is valid -

(a) for -

(i) the period for which the type certificate, type acceptance certificate or standard certificate of airworthiness held by the holder of the noise certificate is valid; and

(ii) as long as the holder complies with the appropriate noise standards referred to in regulation 36.00.2; or

(b) until the noise emission certificate is -

(i) surrendered by the holder thereof; or

(ii) suspended by the Executive Director or by an authorised officer, inspector or authorised person, or is revoked by the Executive Director, pursuant to regulation 36.00.10.

(2) The holder of a noise certificate which is suspended must forthwith produce the noise certificate upon suspension thereof to the Executive Director or to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(3) The holder of a noise certificate which is revoked must forthwith surrender such noise certificate to the Executive Director.

Transfer of noise certificate

36.00.8 A noise certificate may only be transferred with the aircraft.

Register of certificates

36.00.9 The Executive Director must maintain or cause to be maintained, an updated register of noise certificates issued under this Part in the Civil Aviation Registry.

Suspension and revocation of certificate and appeal

[The heading of this regulation in the LIST OF REGULATIONS is "Suspension and revocation of noise certificate and appeal".]

36.00.10 (1) Without prejudice to the powers of the Executive Director to suspend or revoke an aviation document pursuant to section 42 or 43 of the Act, an authorised officer, inspector or authorised person may suspend any noise certificate issued under this Part, if -

(a) after a safety inspection and audit carried out in terms of regulation 36.00.4 it is evident that the holder of the noise certificate -

(i) does not comply with the requirements prescribed in this Part; and

(ii) fails to remedy such non-compliance within 30 days after receiving notice in writing from the authorised officer, inspector or authorised person to do so; or

(b) the authorised officer, inspector or authorised person is prevented by the holder of the noise certificate or any of its partners or subcontractors, from carrying out a safety inspection and audit in terms of regulation 36.00.4.

(2) The authorised officer, inspector or authorised person who has suspended a noise certificate in terms of subregulation (1) must, in the manner acceptable to the Executive Director, deliver a written report to the Executive Director as soon as possible after the suspension and stating the reasons for the suspension.

(3) The authorised officer, inspector or authorised person concerned must as soon as possible submit a copy of the report referred to in subregulation (2), to the holder of the noise certificate which has been suspended.

(4) The holder of a noise certificate whose certificate has been suspended may seek a review of the actions of the authorised officer, inspector or authorised person performed under subregulation (1), pursuant to Subpart 4 of Part 13.

(5) A person in respect of whom a decision is taken under this regulation may, after exhausting the review process referred to in subregulation (4), appeal against the decision to the High Court under section 225 of the Act.

PART 43
AIRCRAFT: GENERAL MAINTENANCE RULES

[Part 43 is substituted by GN 236/2020.]

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43.06.3 Recording of overhaul
43.06.4 Maintenance records

SUBPART 1
GENERAL

Applicability

43.01.1 (1) This Part applies to -

(a) the maintenance, and the release to service after maintenance, of -

(i) type certificated aircraft registered in Namibia;

(ii) aircraft components to be fitted to such aircraft;

(iii) instruments and equipment that subject to other applicable regulations, are fitted to such aircraft; and

(b) the annual review of airworthiness of the aircraft referred to in paragraph (a).

(2) This Part does not apply to any aircraft specified in regulation 24.01.1.

(3) Unless specified otherwise in a technical or operational arrangement, the requirements of subregulations (1) and (2) do not apply to a person performing maintenance on a Namibian registered aircraft or on a component intended to be fitted to a Namibian registered aircraft, if the maintenance is performed -

(a) in another State that is party to a technical or operational arrangement entered into pursuant to section 4(1)(c) of the Act;

(b) under the authority of, and in accordance with, a maintenance organisation certificate or approval issued by the State referred to in paragraph (a);

(c) in accordance with the relevant procedures and authorisations of the maintenance organisation referred to in paragraph (b);

(d) in accordance with the relevant maintenance standards and procedures of the State referred to in paragraph (a), unless specified otherwise in the technical or operational arrangement; and

(e) in accordance with any conditions specified in the technical arrangement as mentioned in this subregulation.

Falsification, reproduction or alteration of maintenance documents

43.01.2 A person may not make or cause to be made -

(a) any fraudulent or false entry in any record which is required to be made, kept or used to show compliance with any requirement prescribed in this Part; or

(b) any reproduction or alteration for fraudulent purposes, of any record or report made in terms of the provisions of this Part.

Logbooks

43.01.3 (1) Subject to the provisions of subregulation (2), the registered owner or operator of a Namibian registered aircraft or a contracted AMO must keep the following logbooks in respect of the aircraft and other specified equipment for the purpose of recording in that logbook the maintenance history of the equipment to which each relates:

(a) an approved aircraft logbook for each aircraft;

(b) an approved engine logbook for each aircraft engine;

(c) an approved propeller logbook for each propeller; and

(d) an approved auxiliary power unit (APU) logbook for each APU, if applicable.

(2) The owner or operator of an aircraft must -

(a) ensure that logbooks are not kept in the aircraft, except where regulation 43.01.4(3) applies; and

(b) keep logbooks, or ensure that logbooks are kept, in a safe place.

(3) Details in respect of maintenance carried out while away from base must be -

(a) transferred to the appropriate logbook within 48 hours after the return of the aircraft to its base of operation; or

(b) entered within 48 hours of completion of any maintenance performed on the aircraft or other equipment at its base of operation.

(4) Every logbook that is to be kept and maintained in terms of these regulations must be made available to an authorised officer, inspector or authorised person at all times for inspection.

(5) For -

(a) an aircraft with a maximum approved passenger seat configuration in excess of nine seats;

(b) an aeroplane with a maximum certificated mass in excess of 5 700 kilogrammes; or

(c) a helicopter with a maximum certificated mass in excess of 3 175 kilogrammes,

the logbook may refer to a separate system approved in its approved maintenance programme, including the maintenance schedule for component and major repair tracking, except that any entry in such system must meet the requirements as prescribed for logbooks.

(6) The format of the logbooks must be as set out in Document NAM-CATS-GMR.

Preservation of logbooks

43.01.4 (1) The owner or operator of an aircraft or a contracted AMO must preserve the logbooks required to be kept in accordance with regulation 43.01.3(1) for a period of not less than six months from the date of destruction of the airframe, engine or propeller for which they

were kept, but the Executive Director may specify a longer period in respect of the logbook of an aircraft or of its engine or propeller of an aircraft involved in an accident or incident.

(2) A logbook must, preferably, not be carried in the aircraft to which it relates.

(3) In the case where -

(a) the provisions of subregulation (4) apply; or

(b) a logbook is needed for maintenance purposes and no other means of forwarding that logbook is reasonably available,

the logbook may be carried in the relevant aircraft.

(4) When an aircraft is exported and the logbook is transported with the aircraft, the exporter or the responsible aviation maintenance organisation, as the case may be, must retain -

(a) a copy of the last major overhaul and repairs performed; and

(b) copies of the defects rectification for the last six months prior to export.

Entries in logbooks

43.01.5 (1) The following persons must make and sign for entries in logbooks required to be kept in accordance with regulation 43.01.3(1) -

(a) the holder of an appropriately rated aircraft maintenance engineer licence;

(b) a person holding a valid authorisation given by an organisation holding an AMO approval; or

(c) a person approved for the purpose by the Executive Director.

(2) The pilot-in-command of an aircraft must enter into the logbook and sign for any matters that could not have come to the notice of the persons referred to in subregulation (1).

(3) Any person having possession of, custody of, or control over, any record kept for the purpose of compiling a logbook entry or where reference is made to a record system, other than the logbook, must produce the record when called upon to do so in the event of any inspection or investigation by an authorised officer, inspector or authorised person.

(4) Entries in logbooks must contain all the information and particulars provided for in the logbook.

(5) If a correction is made to entries in a logbook, the correction must be made in such a way that the original entry still remains legible.

(6) The use of a correction method or any other method which could obscure the original entry is prohibited.

Entries of special significance

43.01.6 When repairs to an aircraft, aircraft engine or component or fixed or removable equipment were required in consequence either of -

(a) damage caused by a forced or hard landing; or

(b) defects that occasioned a forced or hard landing,

the entry or entries made in the relevant logbook or logbooks in respect of such repairs must state that they were so required and must identify the forced or hard landing in question.

Maintenance of logbooks

43.01.7 The owner or operator of an aircraft or a contracted AMO must keep up to date and maintain in a legible and permanent manner and in accordance with the -

(a) "Instructions for use" in the logbook; and

(b) standards set out in Document NAM-CATS-GMR,

the logbooks referred to in regulation 43.01.3(1).

Loss of logbook

[The heading of this regulation in the LIST OF REGULATIONS is "Loss of logbooks" (plural).]

43.01.8 (1) If a logbook that is currently in use for an aircraft is lost, the registered owner of the aircraft must -

(a) forthwith report the loss to the Executive Director; and

(b) make a written request to the Executive Director to open a substitute logbook and the request must be accompanied by an affidavit which includes -

(i) information on the last available logbook entries as signed by -

(aa) the holder of an appropriately rated aircraft maintenance engineer licence;

(bb) a person holding a valid authorisation given by an orgainisation holding an AMO approval; or

[The word "organisation" is misspelt in the *Government Gazette*, as reproduced above.]

(cc) a person approved for the purpose by the Executive Director;

(ii) details of the circumstances of the loss; and

(iii) the appropriate data for the purpose of reconstructing the logbook.

(2) If the Executive Director approves the opening of a substitute logbook, the relevant authorisation must be made a permanent part of that logbook.

(3) The procedure to be followed for the opening of a substitute logbook is set out in NAM-CATS-GMR.

(4) If a logbook has been lost, the relevant certificate of airworthiness or authority to fly relating to the aircraft is considered invalid until such time that all the requirements for the opening of a substitute logbook have been met.

SUBPART 2
MAINTENANCE

Aircraft maintenance programmes and maintenance schedule

43.02.1 (1) Every type certificated aircraft registered on the aircraft register must be maintained according to an approved aircraft maintenance programme, including the maintenance schedule referred to in subregulation (4).

(2) The owner or operator of an aircraft or a contracted AMO must draw up or cause to be drawn up a maintenance programme, including the maintenance schedule, for his or her or its aircraft in accordance with the standards set out in Document NAM-CATS-GMR.

(3) The owner, operator or contracted AMO must submit the proposed maintenance programme, including the maintenance schedule, to the Executive Director for approval.

(4) The Executive Director must, if the proposed maintenance programme, including the maintenance schedule submitted in terms of subregulation (3) meets all the requirements of the standards referred to in subregulation (2), approve the proposed aircraft maintenance programme, including the maintenance schedule, either as submitted or as amended by him or her in the interest of aviation safety.

(5) The owner, operator or contracted AMO referred to in subregulation (2) may request the Executive Director for a permanent or temporary amendment to the approved aircraft maintenance programme.

(6) The owner, operator or contracted AMO referred to in subregulation (2) must promptly furnish copies of all approved amendments to the maintenance programme to all organisations or persons to whom the maintenance programme has been issued.

Persons to carry out maintenance

43.02.2 (**1**) Subject to the provisions of subregulations (2) and (3), a person may not carry out maintenance on a type certificated aircraft or a component of such aircraft unless that person-

(a) is the holder of a current aircraft maintenance engineer licence;

(b) carries out maintenance under the direct supervision of the holder of an aircraft maintenance engineer licence with an appropriate rating;

(c) is authorised by the holder of an aircraft maintenance organisation approval with an appropriate rating, to carry out maintenance within the scope of such approval; or

(d) for maintenance performed outside of Namibia, holds an appropriate current maintenance engineer licence or approval issued under the authority of an ICAO contracting State for the type of aircraft or component.

(2) The holder of a current pilot licence with an appropriate type rating for the aircraft issued in terms of Part 61 or Part 62 may carry out the maintenance as set in Document NAM-CATS-GMR if -

(a) such holder is the owner or operator of the aircraft and is appropriately trained; and

(b) the aircraft is used for non-commercial operations.

(3) The holder of a current pilot licence with an appropriate type rating for the aircraft issued in terms of Part 61 or Part 62 may carry out the maintenance as set in Document NAM-CATS-GMR if the holder -

(a) is authorised by a gliding organisation to perform maintenance on a glider or glider component; or

(b) performs the maintenance under the direct supervision of a person who is authorised by a gliding organisation to perform maintenance on a glider or glider component.

(4) The routine maintenance, programmed inspections, structural integrity inspections, overhaul, modification, major repairs and structural repairs on -

(a) aeroplanes with a maximum certificated mass in excess of 5 700 kilogrammes; or

(b) helicopters with a maximum certificated mass in excess of 3 175 kilogrammes,

must be undertaken and certified by an appropriately rated approved aircraft maintenance organisation only.

(5) The routine maintenance, programmed inspections, structural integrity inspections, overhaul, modification, major repairs and structural repairs on an aircraft operating under Part 101 must be undertaken and certified by a person authorised by the Executive Director.

Carrying out of maintenance

43.02.3 (1) Any person who carries out maintenance on an aircraft or aircraft component must -

(a) have available adequate accommodation and facilities for the necessary disassembly, proper inspection and re-assembly of the aircraft or aircraft component and be familiar with the maintenance actions required for the continued airworthiness of the aircraft or component;

(b) use methods, techniques and practices which are -

(i) specified in the current manufacturer's maintenance manual or in any instructions for safe operation and continued airworthiness issued for the aircraft or component;

(ii) in accordance with the approved maintenance programme, including the maintenance schedule for the aircraft;

(iii) in accordance with Document NAM-CATS-GMR; or

(iv) equivalent to the methods, techniques, and practices that are approved by the State of Design and acceptable to the Executive Director;

(c) use the tools, equipment and test apparatus necessary to ensure that the maintenance is carried out in accordance with the appropriate manufacturer's requirements or standard practices approved by the Executive Director;

(d) use the tools, equipment and test equipment necessary to ensure completion of the work in accordance with paragraph (b);

(e) use the test equipment recommended by the manufacturer or equivalent test equipment that provides the same capability for the person conducting the test to ensure that the component being tested is in an airworthy condition;

(f) if specified in the maintenance procedures, use the special test equipment recommended by the manufacturer or equivalent test equipment that is acceptable to the Executive Director;

(g) perform the maintenance so as to ensure that the aircraft or component meets every applicable airworthiness requirement;

(h) on completion of the maintenance, ensure that the condition of the aircraft or aircraft component is satisfactory for release to service and is at least equal to its original or properly modified condition with regard to -

(i) aerodynamic function;

(ii) structural strength;

(iii) resistance to vibration and deterioration; and

(iv) other qualities affecting airworthiness; and

(i) on completion of the maintenance, ensure that the aircraft or component complies with the applicable certification requirements for aircraft noise and engine emission.

(2) A person who carries out maintenance on an aircraft or aircraft component may not perform the maintenance unless he or she has been relieved from the performance of maintenance on an aircraft or aircraft component for -

(a) a period of at least eight consecutive hours in the 24-hour period immediately before the maintenance is performed; and

(b) at least 24 consecutive hours during any seven consecutive days' period.

(3) Despite subregulation (2), a person who carries out maintenance on an aircraft or aircraft component may in situations involving unscheduled aircraft unserviceability, perform maintenance functions for aircraft continue to be on duty for -

(a) up to 16 consecutive hours; or

(b) 20 hours in 24 consecutive hours,

but must have a mandatory rest period of 10 hours following the unscheduled duty periods.

(4) If maintenance is carried out on an aircraft operated under an operating certificate, the person who carries out maintenance on the aircraft or aircraft component must carry out such maintenance in accordance with the operator's approved maintenance control manual whose format and requirements must be as set out in Document NAM-CATS-GMR.

(5) For an aircraft on lease, the operator of the aircraft must provide, for the use and guidance of maintenance and operational personnel concerned, a maintenance control manual acceptable to the Executive Director.

(6) For an aircraft on lease, the operator must provide the Executive Director with a copy of the operator's maintenance control manual, together with all amendments or revisions to it and must incorporate in it such mandatory material as the Executive Director may require.

Rectification of unsatisfactory items

43.02.4 (1) If during any maintenance or at any other time any part, product, component, equipment or item is -

(a) found to be unserviceable; or

(b) unlikely to remain serviceable under normal operating conditions during the period preceding the next inspection,

the person who is carrying out the maintenance on an aircraft or aircraft component, equipment or item must take such rectification action as considered necessary to ensure the continued serviceability of the part, component or item or its replacement with a serviceable part, component or item prior to releasing the aircraft to service.

(2) The person who is carrying out the maintenance on an aircraft or aircraft component, equipment or item must -

(a) transfer any deferred defects from the flight folio onto a work sheet; and

(b) ensure that any maintenance carried out to restore the serviceability of any part, component, equipment or item is -

(i) clearly recorded in the relevant logbook or other approved recording system; and

(ii) certified by an appropriately rated licence holder or an AMO approval holder prior to releasing the aircraft to service.

(3) The person who certifies an entry as required by subregulation (2)(b)(ii) must further certify in the relevant flight folio that the deferred defect has been rectified, and he or she must date and sign the entry accordingly.

Overhaul, repair and substitution of major components

43.02.5 (1) The owner or operator of an aircraft or a contracted AMO must ensure that the aircraft and its components and installed equipment are overhauled or substituted at such times as recommended or specified by the manufacturer of the aircraft, unless the Executive Director has in writing approved different times for the overhaul or substitution to be carried out.

(2) The owner or operator of an aircraft or a contracted AMO must ensure that the overhaul of a Class I or Class II product and repairs to the primary structure of an aircraft, its engine or propeller is undertaken by an appropriately rated approved aircraft maintenance organisation only.

(3) The procedure for reinstating the validity of a certificate of airworthiness deemed suspended when an aircraft is involved in an accident or incident that renders one or more Class I products defective is set out in Document NAM-CATS-GMR.

(4) The requirements for the overhaul of components and equipment installed on an aircraft and of engines and propellers are as set out in Document NAM-CATS-GMR.

(5) Where the Executive Director has approved a time between overhaul that differs from that recommended or specified by the manufacturer, that time between overhaul must be as specified in the aircraft's approved maintenance programme.

(6) Where a manufacturer has not recommended or specified the overhaul of an item at certain times but the Executive Director considers its overhaul at certain intervals necessary in the interest of safety, the Executive Director may in writing specify a time between overhaul for such item in the aircraft's approved maintenance programme.

(7) The requirements for the substitution of products, components and parts with new or overhauled items are as set out in Document NAM-CATS-GMR.

Maintenance for IFR operations

43.02.6 Any person who carries out an inspection or maintenance on equipment required for communication navigation and surveillance in an aircraft to be used under IFR must carry out the inspection as set out in Document NAM-CATS-GMR.

Mass and balance

43.02.7 (1) Except with the written permission of the Executive Director, a person may not operate any Namibian registered aircraft unless the aircraft's -

(a) current empty mass has been established by means of a mass meter;

(b) centre of gravity has been computed,

within the preceding five years as specified in Document NAM-CATS-GMR.

(2) Whenever alterations are made which could influence an aircraft's empty mass or its centre of gravity, the mass and balance data must be altered accordingly.

(3) An aircraft's empty mass must be established by means of -

(a) computation; or

(b) a mass meter by an appropriately approved aircraft maintenance organisation or a person acceptable to the Executive Director for that purpose,

after which the aircraft's new centre of gravity must be computed.

(4) The mass meter to be used under subregulation (3) must have been tested by the Namibian Standards Institution established by the Standards Act, 2005 (Act No. 18 of 2005) or a similar body acceptable to the Executive Director, 12 months before the date of determination of the aircraft's empty mass.

(5) The mass and centre of gravity data, as supplied by the manufacturer in respect of new aircraft, is acceptable for the purpose of this regulation for the first five-year period, provided that the empty mass was established by means of a mass meter.

(6) For the purpose of this regulation, the empty mass of an aircraft, as ascertained when the mass was last determined or computed, is the mass of the aircraft and its powerplant, including any engine coolant, unusable fuel, total oil, total hydraulic fluid, any fixed ballast and all items of fixed equipment.

(7) Despite the provisions of this regulation, the Executive Director may at any time when he or she considers it necessary in the interest of public safety, require the mass of any aircraft to be established by means of a mass meter or its centre of gravity to be computed.

(8) The procedure to establish mass and the form on which the results of balance computations must be recorded is as set out in the Document NAM-CATS-GMR.

Progressive inspections

43.02.8 (1) Any person who carries out a progressive inspection in accordance with a progressive inspection programme must -

(a) at the start of the progressive inspection cycle, inspect the aircraft completely; and

(b) after the initial inspection, conduct routine inspections and detailed inspections in accordance with the progressive inspection programme.

(2) Any person who wishes to design a new progressive inspection programme to reflect the maintenance tasks and frequencies which have been specified as mandatory by the State of Design must only do so with the prior approval of the Executive Director.

Mandatory inspections

43.02.9 (1) A mandatory test and a mandatory inspection must be carried out in accordance with the approved maintenance programme for a particular aircraft at the times or intervals set out in Document NAM-CATS-GMR.

(2) A mandatory inspection includes -

(a) for -

(i) an aeroplane with a maximum certificated mass of 5 700 kilogrammes or less or a maximum approved passenger seating configuration of not more than nine seats; and

(ii) a helicopter with a maximum certificated mass of 3 175 kilogrammes or a maximum approved passenger seating configuration of not more than nine seats,

either -

(aa) a mandatory periodic inspection; or

(bb) inspections in accordance with an approved progressive inspection programme;

(b) for any aircraft, other than those referred to in paragraph (a), the approved maintenance programme, including the maintenance schedule for the particular category and type of aircraft at the intervals specified by the programme.

(3) An aircraft referred to in subregulation (2)(a) that has not accumulated 100 hours within 12 months since its last inspection must undergo a mandatory periodic inspection before it is released to service.

(4) An aircraft referred to in subregulation (2)(b) that has not completed its progressive inspection programme within the period specified by the manufacturer or the Executive Director must undergo the remainder of the progressive inspection programme before it is released to service.

(5) The maintenance programmes referred to in subregulation (1) are as set out in Document NAM-CATS-GMR.

Air speed indicator and Altimeter system tests and inspections

[The heading of this regulation in the LIST OF REGULATIONS is "Airspeed indicator and altimeter system tests and inspections" (with "Airspeed" appearing as one word).]

43.02.10 Any person who carries out air speed indicator and altimeter system tests and inspections must -

(a) perform the tests and inspections as set out in Document NAM-CATS-GMR; and

(b) for the altimeter tests, record on the altimeter case, the date on which and maximum altitude to which the altimeter has been tested.

ATC transponder tests and inspections

43.02.11 Any person who carries out air traffic control (ATC) transponder tests and inspections must perform the tests and inspections as set out in Document NAM-CATS-GMR.

Emergency locator beacon tests and inspections

43.02.12 Any person who carries out emergency locator beacon tests and inspections must perform the tests and inspections as set out in Document NAM-CATS-GMR.

Inspection requirements

43.02.13 (1) Any person who carries out an inspection must -

(a) carry out the inspection so as to determine that the aircraft or aircraft component under inspection complies with all appropriate airworthiness requirements prescribed in Part 21; and

(b) if carrying out a mandatory periodic inspection, progressive inspection or scheduled inspection, use a checklist, which includes the scope and detail of the tests and inspections, referred to in regulation 43.02.9.

(2) Any person performing an inspection required on a rotorcraft must inspect the following systems in accordance with the maintenance manual or instructions for continued airworthiness of the manufacturer concerned:

(a) the drive shafts or similar systems;

(b) the main rotor transmission gear box for obvious defects;

(c) the main rotor and centre section (or the equivalent area); and

(d) the tail rotor of the helicopter.

Non-destructive testing

43.02.14 Any person performing maintenance on an aircraft or aircraft component where the applicable maintenance data requires a non-destructive test using fluorescent penetrant, magnetic particle, eddy current, ultrasonic or radiography methods must -

(a) be the holder of a certificate appropriate to the technique being used and to the level of qualification required as specified in Document NAM-CATS-GMR or an equivalent certificate approved by the Executive Director;

(b) perform the non-destructive test using appropriate methods, techniques and standard practices as specified in Document NAM-CATS-GMR; and

(c) use test equipment necessary to ensure that the non-destructive test is performed in accordance with the appropriate manufacturer's requirements.

Airworthiness limitations

43.02.15 Any person who carries out maintenance specified in the airworthiness Limitations section, if applicable, of a manufacturer's maintenance manual or any instructions for safe operation and continued airworthiness must carry out the maintenance in accordance with that section.

Modifications to aircraft or equipment

43.02.16 (1) A person may not, without the prior written approval of the Executive Director, carry out any modifications to a type certificated aircraft, including changes to equipment or the installation of the equipment, which affect or are likely to affect the -

(a) serviceability of the aircraft; or

(b) safety of its occupants or of any other persons or property,

other than in compliance with the provisions of this Part.

(2) The owner of the aircraft or any other person who requires the written approval of the Executive Director for a modification as contemplated in subregulation (1) must apply for such approval to the Executive Director.

(3) An application under subregulation (2) must be -

(a) made in the appropriate form set out in Document NAM-CATS-GMR; and

(b) accompanied by -

(i) such information, acceptable technical data, calculations, reports on tests, drawings or wiring diagrams relating to the design, and proof of effectiveness or airworthiness of such modification as the Executive Director may require;

(ii) such other information and details as may be required by the standards set out in Document NAM-CATS-GMR; and

(iii) payment or proof of payment of the appropriate fee as prescribed in Part 187.

(4) An applicant referred to in subregulation (1) must ensure that every modification and repair to an aircraft conforms to a design change approved in accordance with acceptable technical data set out in Document NAM-CATS-GMR for the aircraft type.

(5) Where the manufacturer of the type of aircraft or equipment concerned recommends that modifications be made to the aircraft or equipment, the modifications may be carried out in accordance with the manufacturer's recommendations, so long as the proposed modifications are submitted to, and approved by, the Executive Director prior to the commencement of such modifications.

(6) An unapproved modification to an aircraft or its equipment renders a certificate of airworthiness for that aircraft invalid.

Major repairs to aircraft or equipment

43.02.17 (1) A person may not, without the prior written approval of the Executive Director, carry out any major repairs, as defined in Document NAM-CATS-GMR, to a type certificated aircraft which affect or are likely to affect the -

(a) serviceability of the aircraft; or

(b) safety of its occupants or of any other persons or property.

(2) The owner of the aircraft or any other person who requires the written approval of the Executive Director for a major repair as contemplated in subregulation (1) must apply for such approval to the Executive Director.

(3) An application under subregulation (2) must be -

(a) made in the appropriate form set out in Document NAM-CATS-GMR; and

(b) accompanied by -

(i) such information, acceptable technical data, the documents encompassing the Instructions for Continuing Airworthiness (ICA) such as, but not limited to, maintenance manuals, servicing instructions, overhaul manuals, and repair manuals containing adequate maintenance procedures that are recognised by the Executive Director as either approved or acceptable for purposes of accomplishing repairs to aircraft;

[There is a structural problem with the wording of this subparagraph; it is not clear what was intended.]

(ii) a structural repair manual containing State of Design approved repair schemes for typical damages or structural failures that can be readily applied by an operator without the need for obtaining prior approval of the Executive Director;

(iii) the make and model of the affected aeronautical product, including the registration or serial number, and its type certificate number (or approval reference);

(iv) the title, detailed description and purpose of the repair design;

(v) the proposed airworthiness standards to which the proposed repair is intended to show compliance with, including the identification of any impact on approved airworthiness limitations contained in the ICA for the affected aeronautical product;

[The word "to" after the phrase "airworthiness standards" is superfluous.]

(vi) documentation or substantiating data of the repair design;

(vii) for a foreign applicant, evidence of prior approval by the State that has jurisdiction over the individual or organisation responsible for the repair design;

(viii) such other information and details as may be required by the standards set out in Document NAM-CATS-GMR; and

(ix) payment or proof of payment of the appropriate fee as prescribed in Part 187.

(4) Where the repair action specifically requires designing a repair scheme, the repair design must be approved by the Executive Director.

(5) All changes to life-limited components limits must be incorporated in the maintenance programme following the design repair approval.

(6) An unapproved major repair design to an aircraft or its equipment renders a certificate of airworthiness for that aircraft invalid.

Test flights

43.02.18 (1) After any major repair or major modification to an aircraft test flights, if required by the Executive Director, must be carried out in the aircraft under such conditions and in the manner set out in Document NAM-CATS-GMR.

(2) No person, other than essential crew members, including those persons assigned to carry out in-flight inspections, may be carried on board an aircraft undergoing a test flight.

Temporary and permanent repairs after accidents or incidents

43.02.19 (1) Any repair to an aircraft or aircraft component which has been damaged after an accident or an incident must be carried out in accordance with the requirements set out in Document NAM-CATS-GMR.

(2) Where an aircraft that has been involved in an accident that causes the damage contemplated in paragraph (b) of the of the definition of "accident" contained in section 1 of the Act has undergone permanent repairs, that aircraft must be inspected by -

[The phrase "of the" is repeated before the phrase "definition of 'accident'".]

(a) an authorised officer, inspector or authorised person; or

(b) another person specifically appointed for the purpose in writing by the Executive Director,

before it is released to service.

(3) The maintenance organisation or repair facility that carried out the repair as contemplated in this regulation must pay the applicable inspection fees as prescribed in Part 187.

Aircraft compass requirements

43.02.20 Any compass fitted to an aircraft must be swung and maintained in accordance with the requirements set out in Document NAM-CATS-GMR.

Extended diversion time operations

43.02.21 The additional maintenance requirements for twin-engine turbine aeroplanes certified for extended-diversion time operations (EDTO) are set out in Document NAM-CATS-GMR.

RVSM operations

43.02.22 The additional maintenance requirements for aircraft holding a reduced vertical separation minima (RVSM) approval certificate issued under regulation 21.08.14 must be as set out in Document NAM-CATS-GMR.

Aircraft withdrawn from service for storage

43.02.23 (1) An aircraft withdrawn from service for storage must meet the preservation instructions of the aircraft's manufacturer as specified in the relevant maintenance manuals, service bulletins, service letters or service instructions for the inoperative period.

(2) Before an aircraft referred to in subregulation (1) is returned to service, any maintenance required to be carried out in terms of the original equipment manufacturer manuals must be carried out prior to release to service.

Suspected unapproved parts

43.02.24 A person carrying out maintenance or repairs on an aircraft in terms of this Part must consider any Class I, Class II or Class III part, component or product, whether new or previously used, for which -

(a) no historical records are available or traceable; or

(b) the available records do not confirm that it has been approved by a responsible aviation authority,

to be unserviceable and may not fit the part, component or product on any type-certificated aircraft.

Maintenance required under Part 145

43.02.25 (1) A person may not, except under the authority of a maintenance organisation approval certificate issued under Part 145, perform maintenance on, or certify for release to service -

(a) an aircraft that has a MCTOW of more than 5 700 kilogrammes, or in the case of an aircraft operated in terms of Part 135, of less than 5 700 kilogrammes, if the aircraft is used or is to be used to perform air operations under the authority of an air operator certificate issued by the Executive Director under Part 121, 127 or 135; or

(b) a component fitted or intended to be fitted to an aircraft referred to in paragraph (a).

(2) Except as provided in subregulation (3), a person may not (except under the authority of a maintenance organisation approval certificate issued under Part 145) perform any of the following kinds of maintenance on an aircraft or aircraft component or certify the aircraft or component for release to service after the maintenance:

(a) overhaul of a component;

(b) maintenance on an aircraft or aircraft component, if the relevant instructions for continued airworthiness require the use of a jig that is approved or certified by the manufacturer or that is approved by the Executive Director;

(c) maintenance on an aircraft component, if the maintenance involves the disturbance of any part of the component that is supplied as a bench tested unit, except if -

(i) the disturbance is for the replacement or adjustment of a part normally replaceable or adjustable in service; and

(ii) subsequent functioning of the part disturbed can be demonstrated without the use of test apparatus that is additional to the test apparatus used for normal functioning checks;

(d) maintenance on an aircraft engine, if the maintenance involves -

(i) dismantling and reassembly of a piston engine, except where the dismantling and reassembly is to obtain access to the piston or cylinder assembly for the replacement of a main casing or rotating assembly; or

(ii) dismantling and reassembly of a main casing or main rotating assembly of a turbine engine, except where the dismantling and reassembly is for the replacement of a main casing or rotating assembly and the -

(aa) instructions for continued airworthiness for the engine provides instructions for the replacement; and

[The verb "provides" should be "provide" to be grammatically correct.]

(bb) replacement of the main casing or rotating assembly of the engine is achieved solely by disconnecting the flanges of main casings; or

(iii) disturbance of reduction gear;

(e) aircraft propeller balancing other than *in situ* dynamic propeller balancing in accordance with the aircraft manufacturer's instructions; and

(f) maintenance on a helicopter, if the maintenance involves the dismantling of any transmission gearbox, except where the dismantling is for separation of casings to obtain access for the purpose of internal inspection in accordance with the helicopter manufacturer's instructions.

(3) Subregulation (2) does not apply to -

(a) an aircraft that has a special category airworthiness certificate issued by the Executive Director under Part 21;

(b) a microlight aircraft;

(c) a glider or powered glider;

(d) a free manned hot air balloon;

(e) remotely piloted aircraft; and

(f) any aircraft specified in regulation 24.01.1

Radio station tests and inspections

43.02.26 Any person who carries out an inspection of an aircraft radio station must perform the tests and inspections as set out in Document NAM-CATS-GMR.

SUBPART 3
RECORDING OF MAINTENANCE

Maintenance records

43.03.1 (1) Any person who carries out maintenance on an aircraft or aircraft component must, on completion of the maintenance, record -

(a) details of the maintenance including, where applicable, the type of inspection and any approved technical data used;

(b) for a mandatory periodic, progressive or scheduled inspection, whether a detailed inspection or routine inspection of the particular components or areas of the aircraft was carried out;

(c) the serial numbers, if any, of components removed or fitted;

(d) details of measurements or test results obtained, including the results of any ground or air tests;

(e) for an air speed indicator or altimeter system pilot static test and inspection, the date on which, and maximum altitude to which the altimeter has been tested;

(f) the date of completion of such maintenance;

(g) the references to the documents used to carry out the maintenance and their revision status;

(h) the name of the person completing such maintenance, if different from the person certifying the release to service;

(i) the location and, if applicable, the name of the facility where such maintenance was carried out;

(j) where such maintenance has been carried out as a consequence of the failure of any equipment or damage caused by forced landing or accident, the reasons for carrying out the maintenance;

(k) the references to the applicable release documentation;

(l) the requirement for an operational flight check, if the maintenance requires a flight check under regulation 43.05 2(1)(d).

(2) The person who carries out the maintenance must -

(a) record the details referred to in subregulation (1) in the appropriate logbook or in a maintenance record approved by the Executive Director;

(b) record the details legibly and in ink or other permanent material; and

(c) where worksheets or other associated maintenance records are used to document the details of the maintenance, make a reference to those records in the logbook, flight folio or in the maintenance record approved by the Executive Director.

[The word "in" before the phrase "the maintenance record" is superfluous.]

(3) The manner for completion of logbooks, flight folios and maintenance records referred to in subregulation (2), and the contents of the records and the period for which such documents must be retained are as set out in Document NAM-CATS-GMR.

Recording of overhaul

43.03.2 A person may not state in any maintenance document entry required by these regulations, including a job card, logbook or a certificate of release to service, that an aircraft, airframe, engine or engine module, propeller, rotor, appliance **or** other aircraft component has been overhauled unless it has been -

(a) disassembled, cleaned, inspected, repaired as necessary and reassembled using methods, techniques and practices acceptable to the Executive Director; and

(b) tested to the original tolerances and limits or to approved oversize or undersize dimensions in accordance with -

(i) current approved standards and technical data that have been developed and documented by the holder of a type certificate or supplemental type certificate issued in terms of Part 21, in a manual, airworthiness directive, service letter, service bulletin or other similar document considered to be mandatory by the Executive Director; or

(ii) other standards or technical data approved by the Executive Director.

Recording of modifications and repairs

43.03.3 Any person who carries out a modification or repair in terms of regulation 43.02.16 or regulation 43.02.17 must, in addition to the entry referred to in regulation 43.03.1, record the modification or repair and process the certificate relating to the maintenance of the aircraft in the manner as set out in Document NAM-CATS-GMR.

Recording of inspection and certification

43.03.4 (1) A person who carries out an inspection under regulation 43.02.8 or 43.02.9 must -

(a) record the inspection in the appropriate logbook; and

(b) ensure that mandatory inspections or any maintenance to an aircraft issued with a standard category certificate of airworthiness are certified by the holder of an aircraft maintenance organisation approval with the appropriate rating.

[The verb "are" should be 'is" to be grammatically correct.]

(2) Only a holder of an appropriately-rated approved aircraft maintenance organisation may inspect and certify an aircraft on which the last mandatory inspection was certified by the holder of an aircraft maintenance engineer licence and for which the issue of a standard category certificate of airworthiness in terms of Part 21 is required.

(3) Only an appropriately rated approved aircraft maintenance organisation may, at the times specified -

(a) carry out an overhaul classified as mandatory for aircraft issued with a standard category certificate of airworthiness; and

(b) inspect and certify in the manner set out in Document NAM-CATS-GMR that the aircraft has been overhauled.

(4) The responsible aircraft maintenance engineer or an authorised person in the aircraft maintenance organisation concerned must record on a checklist and certify in the relevant logbook, any additional work performed during an inspection.

(5) The person carrying out an inspection or maintenance on an aircraft in terms of this Part or the owner or operator of that aircraft must ensure that -

(a) records pertaining to life-limited or previously used parts are available and traceable; and

(b) parts with no historical record are considered to be unserviceable and that such parts are not fitted to an aircraft.

Annual review of maintenance

43.03.5 (1) Any person who carries out and certifies an annual review of maintenance for an aircraft must enter in the aircraft logbook or other technical record approved by the Executive Director -

(a) the inspection statement as set out in Document NAM-CATS-GMR;

[A missing hyphen has been inserted in the term "NAM-CATS-GMR" in paragraph (a) to facilitate searches for that term.]

(b) his or her name, signature, licence or authorised number and the date on the entry;

(c) the date of the review in the appropriate section of the aircraft technical log; and

(d) the due date for the next annual review of maintenance in the technical log referred to in paragraph (c).

(2) The person referred to in subregulation (1) must forward a report of the annual review to the Executive Director in a form acceptable to the Executive Director -

(a) within seven days from the date of completing and certifying the review in accordance with subregulation (1); or

(b) if the review is not completed and certified in accordance with subregulation (1), within seven days from the expiry of the 30 day period specified in subregulation (6) for completing the review.

(3) Except for instruments and equipment that are expressly permitted to be inoperative in accordance with these regulations, a person who performs an annual review of maintenance for an aircraft may not certify the review as being complete unless -

(a) every defect has been rectified; and

(b) the aircraft has been certified for release to service in accordance with Subpart 4.

(4) The next annual review of maintenance may not be more than 12 months after -

(a) the date that the review is certified under subregulation (1); or

(b) the beginning of the extension period, if the due date for the review has been extended by the Executive Director.

(5) A person may not perform a review of airworthiness on a glider, unless that person -

(a) is authorised to perform a review of airworthiness on a glider by a gliding organisation; and

(b) the person has satisfactorily completed a course of instruction, including an examination, that is acceptable to the Executive Director, on the inspection of aircraft and components for conformity with these regulations.

(6) Except as provided in subregulation (2), a person performing a review of maintenance required in terms of this regulation for an aircraft must, within the 30 day period immediately before certifying that the review has been completed -

(a) check that the aircraft conforms to its type certificate data sheet or equivalent type data that is acceptable to the Executive Director;

(b) check that every instrument and item of equipment required in terms of Part 91 is fitted;

(c) record the aircraft's total time-in-service in the technical log;

(d) check that since the last review of maintenance or inspection for the issue of an airworthiness certificate -

(i) every modification and repair has been correctly recorded and certified for release to service, referencing the applicable technical data listed in Document NAM-CATS-GMR;

(ii) all due maintenance specified in the applicable maintenance programme, including the maintenance schedule, has been correctly recorded and certified for release to service;

(iii) every airworthiness directive relevant to the aircraft type and its installed components has been assessed and certified as being 'embodied', 'found embodied', or 'not applicable', and if an airworthiness directive is repetitive, check that it is recorded in the repetitive section of the appropriate maintenance logbook;

(iv) every defect recorded in the technical log has been rectified and the aircraft released to service or the defective instruments and equipment are recorded in the technical log, and placarded as inoperative if they are permitted to be inoperative under Part 91;

(v) every applicable release to service has been completed and certified in accordance with Subpart 4;

(vi) the recorded mass and balance data reflects any changes to the aircraft's mass and balance and that the recorded mass and balance data is within the published mass and balance limitations for the aircraft;

(vii) the flight manual, including every applicable supplement, is the current version for the aircraft in its existing state;

(e) check that the overhaul and finite life of each life-limited component is recorded and is within the limits laid down in the applicable manufacturer's documents and, if practicable, verify serial numbers by physical inspection; and

(f) perform a general condition inspection of the aircraft.

(7) The requirements in subregulations (1)(a) and (2)(a) do not apply to an aircraft that has a special category airworthiness certificate issued under Subpart 8 of Part 21.

(8) The person performing the review of airworthiness must record any new defects identified during the review in the technical log and in the appropriate maintenance logbook.

Installation of new parts

43.03.6 (1) A person may not install a new part on an aeronautical product unless the part meets the standards of airworthiness applicable to the installation of new parts and, subject to subregulations (2) and (3), has been certified under Part 21.

(2) A certification referred to in subregulation (1) is not required where the -

(a) new part is a foreign-manufactured part that is certified pursuant to an agreement entered into with the Authority pursuant section 10(6)(h) of the Act, which agreement provides for the acceptance of export airworthiness certification;

[The word "to" appears to have been omitted between the word "pursuant" and the phrase "section 10(6)(h) of the Act".]

(b) new part is a foreign-manufactured part that is obtained from a manufacturer holding a type design recognised by the Executive Director and the part is certified in accordance with the laws of the State of Manufacture;

(c) new part, whose accompanying documentation has been verified, has been inspected in accordance with the requirements of Document NAM-CATS-GMR;

(d) certificate of airworthiness falls under the owner-maintenance or amateur-built classification; or

(e) part is made in accordance with Part 21.

(3) A certification referred to in subregulation (1) is not required in respect of a new part that bears markings identifying it as a part specified in the type design and that -

(a) is a standard part;

(b) is a commercial part; or

(c) is a part that was not originally designed and manufactured for aeronautical use, but has been approved for use on the aeronautical product in the type design.

Installation of used parts

43.03.7 (1) A person may not install a used part on an aeronautical product, other than aircraft that are operated under a special certificate of airworthiness in the owner-maintenance or amateur-built classification, unless the part meets the standards of airworthiness that are applicable to the installation of used parts and are set out in Document NAM-CATS-GMR and the part to be installed -

(a) is an airworthy part that has been removed from an aircraft for immediate installation on another aircraft;

(b) is an airworthy part that has undergone maintenance for which a maintenance release has been issued by the Executive Director; or

(c) has been inspected and tested to ensure that the part conforms to its type design and is in a safe condition, and a maintenance release has been signed to that effect by the Executive Director.

(2) If, under the terms of a loan agreement or an air operator parts pooling agreement, a used part has been obtained from a source not subject to these regulations, the owner or operator of, or a person who is in charge of, the aircraft on which the part has been installed may not permit the part to remain in service for longer than 90 days, unless specifically authorised by the Executive Director on receipt of documentation demonstrating that the part conforms to the applicable type design.

Installation and disposal of life-limited parts

43.03.8 (1) A person may not install a used life-limited part on an aeronautical product unless the part meets the standards of airworthiness set out in Document NAM-CATS-GMR, and -

(a) the technical history of the part is available to show that the time in service authorised for that part in the type certificate governing the installation has not been exceeded; and

(b) the history referred to in paragraph (a) is incorporated into the technical record for the aeronautical product on which the part is installed.

(2) A person may not install a used life-limited part in a place other than that from which it was removed unless the part is installed -

(a) in the same or in an identical position on another aeronautical product bearing the same part number as that from which the part was removed; or

(b) in conformity with the requirements in respect of technical data that have been approved or the use of which has been approved by the manufacturer of the part.

(3) When a life-limited part has reached the time in service authorised in its type design, the part must be rendered unusable and -

(a) clearly identified as not airworthy and kept segregated from airworthy parts; or

(b) disposed of in such a way as to prevent misuse by any other person.

SUBPART 4
CERTIFYING FOR CONFORMITY AFTER MAJOR MODIFICATIONS OR MAJOR REPAIRS

Applicability of Subpart

43.04.1 This Subpart prescribes regulations and rules governing the certification of an aircraft that is issued with a standard or restricted category airworthiness certificate under Subpart 8 of Part 21 for conformity with acceptable technical data following major modifications or major repairs.

Persons to certify conformity

43.04.2 (1) A person may not certify that an aircraft or component conforms to acceptable technical data following a major modification or a major repair unless that person -

(a) holds an authorisation issued by the holder of a maintenance organisation approval certificate, to certify conformity of the aircraft or component; or

(b) is authorised by the manufacturer of the aircraft or component to certify conformity of the aircraft or component.

(2) Despite subregulation (1), a person may certify that a glider or glider component conforms to acceptable technical data following a major modification or a major repair if that person -

(a) is authorised by a gliding organisation to certify conformity of gliders and glider components; and

(b) has attended a course of instruction and passed an examination on the inspection of gliders and glider components that is acceptable to the Executive Director.

Certifying requirements

43.04.3 Each person certifying conformity of an aircraft or aircraft component following a major modification or a major repair must, before certifying to that effect, ensure that the modification or repair conforms to the applicable technical data acceptable to, or approved by, the Executive Director.

Certification

43.04.4 (1) Except as provided by subregulation (2), every person who certifies that an aircraft or aircraft component conforms to the applicable technical data required by regulation 43.04.3 following a major modification or a major repair, in addition to the entry referred to in regulation 43.03.1, must -

(a) complete the necessary maintenance record in the logbook; and

(b) process the certificate relating to the maintenance of the aircraft in the manner set out in Document NAM-CATS-GMR.

(2) The person certifying that an aircraft or aircraft component conforms to the applicable technical data required by regulation 43.04.3 must provide the holder of the certificate of registration for the aircraft with the copy of the completed record.

(3) Every person who certifies conformity must forward a copy of the completed record to the Executive Director, within seven days of the completion of the certification.

SUBPART 5
RELEASE TO SERVICE

Persons to certify release to service

43.05.1 (1) A person may not certify an aircraft or aircraft component for release to service after maintenance unless that person -

(a) is the holder of an aircraft maintenance engineer licence with an appropriate rating;

(b) is authorised by the holder of an aircraft maintenance organisation approval with an appropriate rating, issued to certify maintenance within the scope of such approval;

(c) is authorised by the Executive Director to certify an aircraft or aircraft component for release to service; or

(d) for maintenance carried out outside Namibia, holds a licence or equivalent authorisation issued by an appropriate authority acceptable to the Executive Director, for the type of aircraft or aircraft component.

(2) The holder of a pilot licence with an appropriate type rating issued in terms of Part 61 or Part 62 may certify maintenance which has been carried out in accordance with the conditions referred to in regulation 43.02.2(2).

Requirements for certifying release to service

43.05.2 (1) A person may not certify an aircraft or aircraft component for release to service after maintenance unless -

(a) such maintenance has been carried out in accordance with the provisions of this Part;

(b) the person meets the requirements of regulation 43.05.1;

(c) in respect of that maintenance, the aircraft or component is fit for release to service;

(d) if the aircraft has undergone maintenance that may have appreciably affected the flight characteristics or operation of the aircraft -

(i) a satisfactory operational flight check has been carried out and the completion of the flight check is recorded in the aircraft maintenance logbook or worksheet, and the technical log; or

(ii) ground tests, inspections, or both, show conclusively that the maintenance has not appreciably changed the flight characteristics or substantially affected the flight operation of the aircraft and details of the ground tests and inspections, as the case may be, have been recorded in the aircraft maintenance logbook or worksheet; or

(iii) the release to service is for the purpose of performing the operational flight check required under subparagraph (i).

(2) A person may not certify an aircraft or aircraft component for release to service after the performance of a major modification or a major repair unless -

(a) the person meets the requirements of regulation 43.05.1;

(b) the major modification or major repair has been certified for conformity with acceptable technical data in accordance with Subpart 4;

(c) in respect of that major modification or major repair, the aircraft or component is fit for release to service; and

(d) if the acceptable technical data under paragraph (b) includes changes to the operating limitations or flight data in the flight manual, the changes have been incorporated into the flight manual.

(3) The person responsible for certifying an aircraft for release to service under subregulation (1)(d)(iii) for the purpose of an operational flight check must record in the aircraft maintenance logbook or worksheet, and the technical log -

(a) the following statement of release-to-service: “In respect of the recorded work, the aircraft is released to service for an operational flight check only”; and

(b) adjacent to the statement of release to service -

(i) the person’s name;

(ii) the person's signature, except where the maintenance logbook or worksheet is in electronic format;

(iii) the person's licence, approval or authorisation number; and

(iv) the date of entry.

Validity of certificate of release to service

43.05.3 (1) A certificate of release to service for an aircraft may be validated by the Executive Director for -

(a) a period not exceeding 12 months or 100 hours of flight time, whichever comes first; or

(b) such other time as approved in the progressive inspection programme referred to in regulation 43.02.8.

(2) If a certificate of airworthiness becomes invalid due to an aircraft sustaining a defect not affecting the primary structure, the validity of the certificate is restored when the defect has been rectified and the necessary certification has been made.

(3) If a certificate of airworthiness becomes invalid due to an aircraft sustaining a serious defect in an accident or incident that affects the serviceability of a Class I product, the certificate of release to service becomes invalidated as well.

Certifying after inspection

43.05.4 Any person who certifies an aircraft or aircraft component for release to service after carrying out an inspection must enter in the appropriate logbook or other maintenance record approved by the Executive Director -

(a) the statement as set out in Document NAM-CATS-GMR; and

(b) his or her signature, licence or authorisation number and the date of the entry.

Certifying after maintenance

43.05.5 (1) Any person who certifies an aircraft or aircraft component for release to service after maintenance must enter in the appropriate logbook or other maintenance record approved by the Executive Director -

(a) the statement set out in Document NAM-CATS-GMR; and

(b) his or her name, signature, licence or authorisation number and the date of the entry.

(2) If components are not installed on, or allocated to, an aircraft the person certifying release to service must certify the release to service on the appropriate form as set out in Document NAM-CATS-GMR.

Discrepancies

43.05.6 (1) Any person who carries out an inspection and who does not release the aircraft or aircraft component to service must -

(a) provide the owner or operator with a signed and dated list of the discrepancies, including any equipment which is marked "inoperative" in terms of paragraph (b), if such person is satisfied that the aircraft -

(i) is not airworthy; or

(ii) does not comply with the applicable type certificate data, airworthiness directives or other approved data upon which the airworthiness of such aircraft depends;

(b) for those items which appear to be imperative, place a label on each inoperative instrument and the cockpit controls of each item of inoperative equipment, marking each item "inoperative"; and

(c) the date of entry, his or her name, signature, licence or authorisation number and the appropriate statement as set out in Document NAM-CATS-GMR, in the appropriate logbook or flight folio.

[There is a word, possibly the word "record", missing at the beginning of paragraph (c).]

Flight manual data

43.05.7 If the approved data for a repair or modification to an aircraft or aircraft component includes changes to the operating limitations or flight data in the aircraft flight manual, the person certifying the release to service may not certify the release to service until the changes have been incorporated into the flight manual.

Duplicate inspection of controls

43.05.8 (1) A person may not certify an aircraft component for release to service after the initial assembly, subsequent disturbance or adjustment of any part of an aircraft or component control system, unless -

(a) the applicable requirements of this Subpart have been complied with;

(b) a duplicate safety inspection of the control system of the aircraft or the component, as the case may be, has been carried out and functions correctly;

(c) in respect of the maintenance that has been carried out, the control system is assembled correctly and every required locking mechanism is in place; and

(d) the duplicate safety inspection is recorded and certified in the appropriate logbook or other maintenance record approved by the Executive Director.

(2) A duplicate safety inspection authorised in terms of subregulation (1) must consist of -

(a) an inspection by a person referred to in regulation 43.05.1 to certify the aircraft or component for release to service of the control system after maintenance; and

(b) a second inspection carried out by another person who is nominated by the person referred to in regulation 43.05.1, and has adequate training, knowledge and experience to carry out the safety inspection and who holds -

(i) a current appropriately rated aircraft maintenance engineer licence;

(ii) a current pilot licence with a rating on the aircraft type issued in accordance with Part 61 or Part 62;

(iii) a current authorisation issued by the holder of a maintenance organisation approval certificate issued in accordance with Part 145, to certify maintenance within the scope of such approval; or

(iv) a current appropriate maintenance engineer licence or approval issued under the appropriate authority of an ICAO contracting State.

Ground running checks: reciprocating engines

43.05.9 A person may not certify a reciprocating engine-powered aircraft for release to service after a mandatory inspection unless that person ensures that -

(a) a ground run of the aircraft engine has been carried out to determine satisfactory performance in accordance with the manufacturer's recommendations for -

(i) the power output (static and idle RPM);

(ii) the ignition system;

(iii) the fuel and oil pressure; and

(iv) the cylinder or coolant temperature, and oil temperature; and

(b) the ambient conditions of temperature and atmospheric pressure and details of the results are recorded -

(i) in the appropriate engine or aircraft logbook; and

(ii) in the maintenance record.

Ground running checks: turbine engine

[The heading of this regulation in the LIST OF REGULATIONS is "Ground running checks: turbine engines" (plural).]

43.05.10 A person may not certify a turbine engine-powered aircraft for release to service after a mandatory inspection unless that person ensures that -

(a) a ground run of the aircraft engine has been carried out to determine satisfactory performance in accordance with the manufacturer's recommendations;

(b) the ambient conditions of temperature and atmospheric pressure and details of the results are recorded -

(i) in the appropriate engine or aircraft logbook; or

(ii) in the maintenance record approved by the Executive Director;

(c) the engine parameters are recorded in accordance with the manufacturer's recommendations -

(i) in the appropriate engine or aircraft logbook; or

(ii) in the maintenance record approved by the Executive Director.

Flight folio completion

43.05.11 A person may not certify an aircraft or aircraft component for release to service in an aircraft flight folio unless -

(a) each applicable section of the flight folio has been completed; and

(b) the section where any rectification of deferred defects has been recorded.

[There is a problem with the structure of paragraph (b) read together with the introductory statement. It is not clear what was intended. It is possible that the phrase "the section where" appears in error in that paragraph.]

Engine performance checks

43.05.12 A person may not certify an aircraft for release to service after the following maintenance activities:

(a) a 100-hour or equivalent inspection carried out in accordance with the aircraft manufacturer's maintenance schedule;

(b) an engine change;

(c) a propeller change; or

(d) any other form of maintenance, if the aircraft manufacturer recommends an engine performance check after the maintenance,

unless an engine performance check has been performed in accordance with the aircraft manufacturer's recommendations.

SUBPART 6
MAINTENANCE FOR SPECIAL CATEGORY AIRCRAFT

Applicability of Subpart

43.06.1 This Subpart prescribes regulations that are additional to, or exceptions from, the requirements of Subparts 2 and 5 for the maintenance of an aircraft that has a special category airworthiness certificate issued under Subpart 8 of Part 21.

Performance of maintenance

43.06.2 A person performing maintenance in accordance with a maintenance programme, including the maintenance schedule required under regulation 43.02.1, on an aircraft that has a special category airworthiness certificate or a component fitted or intended to be fitted to an aircraft that has a special category airworthiness certificate must -

(a) at the start of the maintenance programme, including the maintenance schedule, inspect the aircraft for any defect or configuration anomalies which would be unlikely to be detected by the inspections required under paragraph (b); and

(b) after the initial inspection, conduct routine inspections and detailed inspections in accordance with the maintenance programme, including the maintenance schedule.

Recording of overhaul

43.06.3 (1) Despite the provisions of regulation 43.03.2, and subject to subregulation (2), a person may state in an appropriate maintenance document for an aircraft that has a special category airworthiness certificate that an airframe or engine, a propeller or component of the aircraft has been overhauled if it has been disassembled, cleaned, inspected, repaired as necessary, reassembled, and tested using methods and techniques documented by -

(a) the aircraft or component manufacturer; or

(b) a military authority to standards acceptable to the Executive Director.

(2) For an aircraft that has a special category-exhibition airworthiness certificate or a special category-limited airworthiness certificate, the methods and techniques required by subregulation (1) must be specified in the maintenance programme, including the maintenance schedule required under regulation 43.02.1.

Maintenance records

43.06.4 (1) Despite regulation 43.03.1(1)(k), a person performing maintenance on an aircraft that has a special category airworthiness certificate must, on completion of the maintenance, record the following references for any replacement part or component:

(a) the origin of the part or component;

(b) the source of the part or component;

(c) documentation associated with the part or component; and

(d) the history of the part or component,

in the appropriate logbook.

PART 44
AIRCRAFT:
MAINTENANCE RULES: NON-TYPE CERTIFICATED AIRCRAFT

[Part 44 is inserted by GN 236/2020.]

LIST OF REGULATIONS

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SUBPART 2: MAINTANANCE

[The word "MAINTENANCE" is misspelt in the *Government Gazette*, as reproduced above.]

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[The heading of this regulation in the text of the regulations is "Modifications and repairs".]
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[The heading of this regulation in the text of the regulations is "Temporary and permanent repairs after accidents".]
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[The term "Record-keeping" is normally written with a hyphen.]

SUBPART 3: RELEASE TO SERVICE

44.03.1 Release to service

SUBPART 4: ACCEPTED MAINTENANCE SCHEDULES

44.04.1 Accepted maintenance schedule: private non-type certificated aircraft use
[The heading of this regulation in the text of the regulations is "Accepted maintenance schedule: private non-type certificated aircraft" (without the word "use").]
44.04.2 Accepted maintenance schedule: commercial non-type certificated aircraft use
44.04.3 Maintenance control manual

SUBPART 1
GENERAL

Applicability

44.01.1 (1) This Part applies to -

(a) the maintenance and the release to service after maintenance of -

(i) non-type certificated aircraft specified in regulation 24.01.1 and registered in Namibia;

(ii) aircraft components to be fitted to such aircraft;

(iii) instruments and equipment that subject to other applicable regulations, are fitted to such aircraft; and

(b) the annual, periodic and mandatory inspection of the aircraft referred to in paragraph (a).

(2) The provisions of regulations 44.01.3 to 44.01.7, inclusive, do not apply to non-type certified aircraft that have been exempted in terms of Part 94.

Falsification, reproduction or alteration of maintenance documents

44.01.2 A person may not make or cause to be made -

(a) any fraudulent or false entry in any record which is required to be made, kept or used to show compliance with any requirements prescribed in this Part.

(b) any reproduction or alteration for fraudulent purposes, of any record or report made in terms of the provisions of this Part.

Logbooks

44.01.3 (1) Subject to the provisions of subregulation (2), the registered owner or operator of a Namibian registered non-type certificated aircraft or a contracted AMO must keep the following logbooks in respect of the aircraft and other specified equipment for the purpose of recording in that logbook the maintenance history of the equipment to which each relates:

(a) a single approved aircraft logbook which may also be used as the engine, propeller and airframe logbook; or

(b) an approved logbook for -

(i) the aircraft airframe;

(ii) the engine, one logbook per engine;

(iii) the propeller, one logbook per propeller, but in the case of a fixed pitch propeller, the airframe logbook may be used as the propeller logbook.

(2) In the event that the current logbooks being used in respect of the aircraft are those specified in subregulation (1)(b), then the owner or operator of the aircraft must continue to use the same logbooks.

(3) The owner or operator of an aircraft must -

(a) ensure that logbooks are not kept in the aircraft, except where regulation 44.01.4(3) applies; and

(b) keep logbooks, or ensure that logbooks are kept, in a safe place.

(4) Every logbook that is to be kept and maintained in terms of these regulations must be made available to an authorised officer, inspector or authorised person at all times for inspection.

(5) For an aircraft with an approved separate system as specified in its accepted maintenance schedule, the logbook must, for the purposes of component and major repair tracking, refer to that system and must meet the requirements specified in the technical standards for logbooks.

(6) The format for logbooks must be as set out in Document NAM-CATS-MR-NTCA.

Preservation of logbooks

44.01.4 (1) The owner or operator of an aircraft or a contracted AMO must preserve the logbooks required to be kept in accordance with regulation 44.01.3 for a period of not less than six months from the date of destruction of the airframe, engine or propeller for which they were kept, but the Executive Director or the designated organisation, as the case may be, may specify a longer period in respect of the logbooks of an aircraft, its engine or propeller involved in an accident or incident.

(2) A logbook must, preferably, not be carried in the aircraft to which it relates.

(3) In the case where -

(a) the provisions of subregulation (4) apply; or

(b) a logbook is needed for maintenance purposes and no other means of forwarding such logbook is reasonably available,

the logbook may be carried in the relevant aircraft.

(4) When an aircraft is exported and the logbook is transported with the aircraft, the exporter or the responsible aviation maintenance organisation, as the case may be, must retain -

(a) a copy of the last major overhaul and repairs performed; and

(b) copies of the defects rectification for the last six months prior to export.

Entries in logbooks

44.01.5 (1) The following persons must make and sign for the entries in the logbooks required to be kept in accordance with regulation 43.01.3(1) -

(a) the holder of an appropriately rated aircraft maintenance engineer licence;

(b) a person holding a valid authorisation given by an organisation holding an AMO approval;

(c) an appropriately rated approved person; or

(d) a person approved for the purpose by the Executive Director.

(2) The pilot-in-command of an aircraft must enter into the logbook and sign for any matters that could not have come to the notice of the persons referred to in subregulation (1).

(3) Any person having possession of, custody of, or control over, any record kept for the purpose of compiling a logbook entry or where reference is made to a record system other than the logbook, must produce the record when called upon to do so in the event of any inspection or investigation by an authorised officer, inspector or authorised person.

(4) Entries in logbooks must contain all the information and particulars provided for in the logbook.

(5) If a correction is made to entries in a logbook, the correction must be made in such a way that the original entry still remains legible.

(6) The use of a correction method or any other method which could obscure the original entry is prohibited

Entries of special significance

44.01.6 When repairs to an aircraft, aircraft engine or component or fixed or removable equipment were required in consequence either of -

(a) damage caused by a forced or hard landing; or

(b) defects that occasioned a forced or hard landing,

the entry or entries made in the relevant logbook or logbooks in respect of such repairs must state that they were so required and must identify the forced or hard landing in question.

Maintenance of logbooks

44.01.7 The owner or operator of an aircraft or a contracted AMO must keep up to date and maintain in a legible and permanent manner and in accordance with the -

(a) “Instructions for use” in the logbook; and

(b) standards set out in Document NAM-CATS-MR-NTCA,

the logbooks referred to in regulation 44.01.3.

Loss of logbooks

44.01.8 If a logbook that is currently in use for an aircraft is lost, the registered owner of the aircraft must -

(a) forthwith report the loss to the Executive Director or the designated organisation, as the case may be; and

(b) make a written request to the Executive Director or the designated organisation, as the case may be, to open a substitute logbook and the request must be accompanied by an affidavit which includes -

(i) information on the last available logbook entries as signed by -

(aa) the holder of an appropriately rated aircraft maintenance engineer licence;

(bb) a person holding a valid authorisation given by an organisation holding an AMO approval; or

(cc) a person approved for the purpose by the Executive Director;

(ii) details of the circumstances of the loss; and

(iii) the appropriate data for the purpose of reconstructing the logbook.

(2) If the Executive Director or the designated organisation, as the case may be, approves the opening of a substitute logbook, the relevant authorisation must be made a permanent part of that logbook.

(3) The procedure to be followed for the opening of a substitute logbook is set out in NAM-CATS-MR-NTCA.

(4) If a logbook has been lost, the authority to fly relating to the aircraft is considered invalid until such time that all the requirements for the opening of a substitute logbook have been met.

SUBPART 2
MAINTENANCE

Persons to carry out maintenance

44.02.1 (1) A person may not carry out maintenance on an amateur built aircraft or a production-built non-type certificated aircraft or any component of that aircraft, unless that person -

(a) is appropriately rated and approved on type by the Executive Director or the designated organisation, as the case may be, to carry out maintenance;

(b) carries out the maintenance under the supervision of a person authorised by the Executive Director or by the designated organisation, in which case the person referred to in paragraph (a) must perform a dual check of the maintenance carried out;

(c) is the owner of the aircraft provided that an appropriately rated AMO, AME or approved person performs a dual check on the maintenance which was carried out by the owner;

(d) is -

(i) the holder of an appropriately rated aircraft maintenance engineer licence;

(ii) a person holding a valid authorisation given by an organisation holding an AMO approval;

(iii) an appropriately rated approved person.

(2) A component or a part intended to be used on non-type certificated aircraft may be fabricated by a person or organisation not licensed or approved in terms of Part 66 or Part 145.

(3) The owner or operator of the aircraft referred to in subregulation (2) must provide the Executive Director or the designated organisation designated, as the case may be, with evidence that the component or part meets the minimum specification for the component or part as specified by the Original Equipment Manufacturer.

(4) An appropriately rated person referred to in subregulation (1)(d) must sign off the component or part referred to in subregulation (3) in the appropriate logbook.

Carrying out of maintenance

44.02.2 (1) Any person who carries out maintenance on an aircraft or an aircraft component must -

(a) have available adequate accommodation and facilities for the necessary disassembly, proper inspection and re-assembly of the aircraft or aircraft component and be familiar with the maintenance actions required for the continued airworthiness of the aircraft or component;

(b) use methods, techniques and practices which are -

(i) specified in the current manufacturer's maintenance manual or in any instructions for safe operation and continued airworthiness issued for the aircraft or component;

(ii) in accordance with the approved maintenance programme, including the maintenance schedule for the aircraft;

(iii) in accordance with Document NAM-CATS-MR-NTCA; or

(v) equivalent to the methods, techniques, and practices that are approved by the State of Design and acceptable to the Executive Director;

(c) use the tools, equipment and test apparatus necessary to ensure that the maintenance is carried out in accordance with the appropriate manufacturer's requirements or standard practices approved by the Executive Director;

(d) use the tools, equipment, and test equipment necessary to ensure completion of the work in accordance with paragraph (b);

(e) use the test equipment recommended by the manufacturer or equivalent test equipment that provides the same capability for the person conducting the test to ensure that the component being tested is in an airworthy condition;

(f) if specified in the maintenance procedures, use the special test equipment recommended by the manufacturer or equivalent test equipment that is acceptable to the Executive Director;

(g) perform the maintenance so as to ensure that the aircraft or component meets every applicable airworthiness requirement;

(h) on completion of the maintenance, ensure that the condition of the aircraft or aircraft component is satisfactory for release to service and is at least equal to its original or properly modified condition with regard to -

(i) aerodynamic function;

(ii) structural strength;

(iii) resistance to vibration and deterioration; and

(iv) other qualities affecting airworthiness; and

(i) on completion of the maintenance, ensure that the aircraft or component complies with the applicable certification requirements for aircraft noise and engine emission.

(2) A person who carries out maintenance on an aircraft or an aircraft component may not perform the maintenance unless he or she has been relieved from the performance of maintenance on an aircraft or component for -

(a) a period of at least 12 consecutive hours in the 24-hour period immediately before the maintenance is performed; and

(b) at least 24 consecutive hours during any seven consecutive days' period.

(3) Despite subregulation (2), a person who carries out maintenance on an aircraft or an aircraft component may in situations involving unscheduled aircraft unserviceability, perform maintenance functions for aircraft and continue to be on duty for -

(a) up to 16 consecutive hours; or

(b) 20 hours in 24 consecutive hours,

but must have a mandatory rest period of 10 hours following the unscheduled duty periods.

(4) If maintenance is carried out on an aircraft operated under an operating certificate, the person who carries out maintenance on the aircraft or aircraft component must carry out such maintenance in accordance with the operator's approved maintenance schedule whose format and requirements must be as set out in Document NAM-CATS-MR-NTCA.

(5) For an aircraft on lease, the operator of the aircraft must provide, for the use and guidance of maintenance and operational personnel concerned, a maintenance control manual acceptable to the Executive Director.

(6) For an aircraft on lease, the operator must provide the Executive Director with a copy of the operator's maintenance control manual, together with all amendments or revisions to it and must incorporate in it such mandatory material as the Executive Director may require.

Rectification of unsatisfactory items

44.02.3 (1) If during any maintenance or at any other time any part, product, component, equipment or item is -

(a) found to be unserviceable; or

(b) unlikely to remain serviceable under normal operating conditions during the period preceding the next inspection,

the person who is carrying out the maintenance on an aircraft or an aircraft component, equipment or item must take such rectification action as considered necessary to ensure the continued serviceability of the part, component or item or its replacement with a serviceable part, component or item prior to releasing the aircraft to service.

(2) The person who is carrying out the maintenance on an aircraft or an aircraft component, equipment or item must -

(a) transfer any deferred defects from the flight folio onto a work sheet; and

(b) ensure that any maintenance carried out to restore the serviceability of any part, component, equipment or item is -

(i) clearly recorded in the relevant logbook or other approved recording system; and

(ii) certified by an appropriately rated licence holder or an AMO approval holder prior to releasing the aircraft to service.

(3) The person who certifies an entry as required by subregulation (2)(b)(ii) must further certify in the relevant flight folio that the deferred defect has been rectified, and he or she must date and sign the entry accordingly.

(4) In the case where an unsatisfactory item cannot be rectified -

(a) an approved aircraft maintenance organisation, appropriately rated in accordance with Part 145;

(b) an appropriately rated aircraft maintenance engineer; or

(c) a person approved by the Executive Director for that purpose,

must make an entry into the relevant logbook, stating any limits to the serviceability of the aircraft.

Annual inspections

44.02.4 (1) The owner or operator of a non-type certificated aircraft specified in regulation 24.01.1(1) and classified in regulation 24.01.1(2)(a) to (g) must ensure that the aircraft undergoes an annual inspection no later than 12 months since the previous annual inspection or an inspection equivalent to an annual inspection, was carried out.

(2) The items to be inspected as part of an annual inspection are those listed in Document NAM-CATS-MR-NTCA for the particular type of aircraft, and must be incorporated in the approved maintenance schedule for the aircraft.

(3) The person by whom, or under whose required supervision, the annual inspection was carried out must record the annual inspection in the aircraft logbook and certify that he or she or it has carried out the annual inspection.

(4) The owner or operator of the aircraft in respect of which an annual inspection is carried in terms of this regulation must, within 30 days from the day that the annual inspection is completed -

(a) complete the annual inspection form or ensure that the annual inspection form is completed as set out in Document NAM-CATS-MR-NTCA; and

(b) forward the completed form referred to in paragraph (a), together with the fee prescribed in Part 187, to the Executive Director or the designated organisation, as the case may be.

(5) An appropriately rated approved person who may not be the owner or operator of the aircraft, even if the owner or operator is also an appropriately rated approved person, must carry out the inspection referred to in regulation 24.03.2(5)(d) -

(a) prior to the issue of a proving flight authority; and

(b) prior to the issue or re-issuing of an authority to fly,

of an amateur-built or production-built aircraft.

Periodic and other inspections

44.02.5 (1) In addition to the annual inspection referred to in regulation 44.02.4, the Executive Director may, by way of an airworthiness directive issued under section 38(3) of the Act, on his or her own accord or on request by a designated organisation, direct that additional periodic inspections be carried out in respect of a non-type certificated aircraft depending on the type of aircraft and its intended use.

(2) A schedule, reflecting the periodic inspections required in terms of subregulation (1), must be incorporated into the accepted maintenance schedule referred to in regulation 44.04.1 or regulation 44.04.2, as applicable.

(3) In addition to the periodic inspections referred to in subregulation (1), the Executive Director may, by way of an airworthiness directive issued under section 38(3) of the Act on his or her own accord or on request by a designated organisation, direct that any additional inspection be

carried out in respect of a non-type certificated aircraft if considered necessary in the interest of safety.

Mandatory maintenance and inspections

44.02.6 Every special inspection and modification directed by the Executive Director on his or her own accord or on request by the designated organisation, to detect and correct an unsafe condition of a non-type certificated aircraft must be considered as mandatory.

Inspection requirements

44.02.7 (1) Any person who carries out an inspection must -

(a) carry out the inspection so as to determine that the aircraft or aircraft component under inspection complies with all appropriate airworthiness requirements prescribed in Part 24; and

(b) if carrying out an annual inspection or mandatory or periodic inspection, use a checklist, which includes the scope and detail of the tests and inspections, set out in Document NAM-CATS-MR-NTCA.

(2) Any person performing an inspection required on a rotorcraft must inspect the following systems in accordance with the maintenance manual or instructions for continued airworthiness of the manufacturer concerned:

(a) the drive shafts or similar systems;

(b) the main rotor transmission gear box for obvious defects;

(c) the main rotor and centre section (or the equivalent area); and

(d) the tail rotor of the helicopter.

Mass and balance

44.02.8 (1) Except with the written permission of the Executive Director or designated organisation, as the case may be, a person may not operate any Namibian registered aircraft unless the aircraft's -

(a) current empty mass has been established by means of a mass meter;

(b) centre of gravity has been computed,

within the preceding five years as specified in Document NAM-CATS-MR-NTCA.

(2) The empty mass and centre of gravity of an aircraft, which must be determined in accordance with subregulation (4), must be determined before any authority to fly or proving flight authority is issued by the Executive Director or the designated organisation, as the case may be.

(3) Whenever alterations are made which could influence an aircraft's empty mass or its centre of gravity, the mass and balance data must be altered accordingly.

(4) An aircraft's empty mass must be established by means of -

(a) computation; or

(b) a mass meter by an appropriately approved aircraft maintenance organisation or a person authorised to do so by the Executive Director,

after which the aircraft's new centre of gravity must be computed.

(5) Only an appropriately rated AMO, AME or approved person may sign for the mass and centre of gravity data which must be in the appropriate form set out Document NAM- CATS-MR-NTCA.

(6) The person who was responsible for establishing the mass and the computing of the centre of gravity of the aircraft must make an appropriate entry in the airframe logbook of the aircraft concerned.

Modifications and repairs

[The heading of this regulation in the LIST OF REGULATIONS is "Modifications".]

44.02.9 (1) A person may not carry out any modifications or repairs, including changes to equipment or the installation of the equipment which affect, or are likely to affect, the -

(a) serviceability of the aircraft; or

(b) safety of its occupants or any other persons or property,

other than in compliance with the provisions of this Part.

(2) In the case of -

(a) a minor modification or repair to -

(i) an amateur built aircraft, a notification of the modification or repair must be submitted to the Executive Director or the designated organisation, as the case may be, once the modification or repair has been performed;

(ii) a production built aircraft, a notification of the modification or repair must be submitted to the Executive Director or the designated organisation, as the case may be, within 30 days of the modification or repair being performed, and all subsequent modifications or repairs must be treated as an amendment to the build standard;

(b) a major modification or a major repair to amateur built or production built aircraft, an application for the approval of the modification or repair and authority to fly, as set out in Document NAM-CATS-MR-NTCA, must be submitted to the Executive Director or the designated organisation, as the case may be, before the modification or repair is performed.

(3) The application referred to in subregulation (2)(b) must be accompanied by the appropriate fee as prescribed in Part 187.

(4) The person who carries out modifications or repairs to an aircraft must enter or cause to be entered all approved modifications or repairs into the appropriate logbook.

(5) An appropriately rated AMO, AME or approved person must sign in the appropriate logbook that all procedures, as stated in the application for modification or repair, were adhered to and that he or she is satisfied with the quality of the work which was carried out.

Test flights

44.02.10 (1) After any major modification or major repair to an aircraft which may affect the flight characteristics, serviceability or safety, test flights, if required by the Executive Director or the designated organisation, as the case may be, must be carried out in the aircraft under such conditions and in the manner as set out in Document NAM-CATS-MR-NTCA.

(2) No person, other than essential crew members, including those persons assigned to carry out in-flight inspections, may be carried on board an aircraft undergoing a test flight.

Overhaul, repair and substitution of major components

44.02.11 (1) The owner or operator of an aircraft or a contracted AMO must ensure that the overhaul of a Class I or Class II product and repairs to the primary structure of an aircraft, its engine or propeller is undertaken and signed out for by an appropriately rated AMO, AME or approved person.

(2) The procedure for the reissuing of a proving flight authority or authority to fly that is deemed to be suspended when an aircraft is involved in an accident that renders one or more Class I products defective is set out in Document NAM-CATS-MR-NTCA.

(3) Where the manufacturer's instruction or recommendation for the frequency of overhaul of an aircraft's components or equipment has not been complied with, such components or equipment must be overhauled as and when their condition show that it is necessary to keep the aircraft serviceable.

(4) In the case of an aircraft operated in terms of Part 94, a component or part may be fitted to an aircraft for which traceable records are not available, except that it is the responsibility of the appropriately rated AMO, AME or approved person to ensure that the component or part is acceptable in fit, form and function.

(5) Despite the provisions of subregulation (3), the following provisions apply in respect of a non-type certificated aircraft operated under Part 96 or Part 141:

(a) where -

(i) the Executive Director or the designated organisation, as the case may be, has approved a time between overhauls that differs from that recommended or specified by the manufacturer, such time between overhauls must be specified in the aircraft's accepted maintenance schedule referred to in regulation 44.04.2; and -

(ii) a manufacturer has not recommended or specified the overhaul of an aircraft or a component of that aircraft at certain times but where the Executive Director or the designated organisation, as the case may be, considers its overhaul at certain intervals necessary in the interest of safety, the Executive Director or the designated organisation, as the case may be, may determine a time between overhauls for such aircraft or component in the aircraft's accepted maintenance schedule referred to in regulation 44.04.2;

(b) the requirements for the substitution of products, components and parts with new or overhauled items are those set out in Document NAM-CATS-AR-NTCA; and

(c) a part for which traceable records are not available may not be fitted to an aircraft, and it is the responsibility of the appropriately rated AMO, AME or approved person to -

(i) ensure that any part received comes from a reliable source and is serviceable;

(ii) ensure that the storage limitations have not been exceeded; and

(iii) sign for and certify the substitution of parts.

Temporary and permanent repairs after accidents

[The heading of this regulation in the LIST OF REGULATIONS is "Temporary and permanent repairs after accidents and incidents".]

44.02.12 (1) Any repair to an aircraft or aircraft component which has been damaged after an accident, must be carried out in accordance with the requirements set out in Document NAM-CATS-MR-NTCA.

(2) Where an aircraft that has been involved in an accident that causes the damage contemplated in paragraph (b) of the of the definition of "accident" contained in section 1 of the Act has undergone permanent repairs, that aircraft must meet the requirements for the initial authority to fly after the repairs.

[The phrase "of the" is repeated before the phrase "definition of 'accident'".]

Aircraft compass requirements

44.02.13 (1) Any compass fitted to a non-type certificated aircraft must be swung and maintained in accordance with the requirements set out in Document NAM-CATS-MR-NTCA.

(2) Despite subregulation (1), alternate means of direction indication may be installed in non-type certificated aircraft in accordance with regulation 44.02.9.

(3) Maintenance for all direction indication equipment must be carried out initially and thereafter every five years and in the event of an equipment modification which could affect it as set out in Document NAM-CATS-MR-NTCA.

Record keeping and audits

[The term "Record-keeping" is normally written with a hyphen.]

44.02.14 (1) Unless specifically exempted in terms of Part 94, the owner of a non-type certificated aircraft classified in regulation 24.01.01(2)(a) to (g) must maintain accurate maintenance records in accordance with subregulation (3) and the standards set out in Document NAM-CATS-MR-NTCA.

(2) The Executive Director or the designated organisation, as the case may be, or an authorised officer, inspector or authorised person may from time to time carry out audits of the equipment, records and procedures to ascertain whether the aircraft continues to be maintained in a safe and satisfactory manner, and the owner must allow unrestricted access for purposes of such audits.

(3) A person who carries out maintenance on a non-type certificated aircraft or aircraft component must, on completion of the maintenance record, record all details as specified in Document NAM-CATS-MR-NTCA.

SUBPART 3
RELEASE TO SERVICE

Release to service

44.03.1 (1) The release to service for an aircraft must be issued subject to the compliance with the accepted maintenance schedule as prescribed in Subpart 4.

(2) In the case of a non-type certificated aircraft operated in terms of -

(a) Part 94, the release to service must be confirmed by the aircraft owner following simple line maintenance or the annual inspection; and

(b) Part 96 or Part 141, the release to service must be issued by an appropriately rated AMO, AME or approved person.

(3) The format for the issuing of the release to service must be that set out in Document NAM-CATS-MR-NTCA or determined by the Executive Director.

SUBPART 4
ACCEPTED MAINTENANCE SCHEDULES

Accepted maintenance schedule: private non-type certificated aircraft

[The heading of this regulation in the LIST OF REGULATIONS is "Accepted maintenance schedule: private non-type certificated aircraft **use".]**

44.04.1 (1) The owner or operator of a non-type certificated aircraft for which a authority to fly is required in terms of these regulations must submit to the Executive Director or the designated organisation, as the case may be, for acceptance a maintenance schedule or document similar to the one set out in Document NAM-CATS-MR-NTCA, for the aircraft.

[The article "a" should be "an" before the phrase "authority to fly".]

(2) The owner or operator of a non-type certificated aircraft specified in regulation 24.01.1(1) and classified in regulation 24.01.1(2)(a) to (j) must ensure that the aircraft is

maintained in accordance with its accepted maintenance schedule in such a manner that it is airworthy at the commencement of any flight.

(3) Any non-type certificated aircraft, other than those referred to in subregulation (2), must be maintained by or on behalf of its owner in such a manner that it is airworthy at the commencement of any flight.

(4) Where the aircraft manufacturer or any approved organisation has issued maintenance instructions or guidelines in relation to a non-type certificated aircraft, those instructions or guidelines must be adhered to.

Accepted maintenance schedule: commercial non-type certificated aircraft use

44.04.2 (1) The owner or operator of a non-type certificated aircraft for which an authority to fly is required in terms of these regulations must submit to the Executive Director or the designated organisation, as the case may be, for acceptance a maintenance schedule or document similar to the one set out in Document NAM-CATS-MR-NTCA, for the aircraft.

(2) The owner or operator of a non-type certificated aircraft, specified in regulation 24.01.1(1) and classified in regulation 24.01.1(2)(a) to (j), must ensure that the aircraft is maintained in accordance with its accepted maintenance schedule in such a manner that it is airworthy at the commencement of any flight.

(3) If the aircraft is operated under Part 96, the accepted maintenance schedule, referred to in subregulation (1) must -

(a) specify the ratings of an appropriately rated AMO, AME or approved person who may carry out maintenance of the aircraft;

(b) specify any special conditions under which maintenance must be carried out; and

(c) be in the format set out in Document NAM-CATS-MR-NTCA or determined by the Executive Director.

(4) Any non-type certificated aircraft, other than those referred to in subregulation (2), must be maintained by or on behalf of its owner in such a manner that it is airworthy at the commencement of any flight.

(5) Where the aircraft manufacturer or any approved organisation has issued maintenance instructions or guidelines in relation to a non-type certificated aircraft, those instructions or guidelines must be adhered to.

Maintenance control manual

44.04.3 Where an owner or operator is required in terms of Part 96 to maintain an operations manual, both the owner and the operator must include a maintenance control manual in the format as set out in Document NAM-CATS-MR-NTCA.

PART 47
AIRCRAFT: REGISTRATION AND MARKING OF AIRCRAFT

[Part 47 is substituted by GN 236/2020.]

LIST OF REGULATIONS

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47.04.9 Change of registration mark
[This regulation is incorrectly numbered as “47.05.9” in the text of the regulations below.]
47.04.10 Marks to be on foreign registered aircraft in Namibian territory

SUBPART 1
REQUIREMENTS FOR REGISTRATION AND MARKING

Applicability

47.01.1 This Part applies to -

(a) the registration of aircraft used in Namibia;

(b) the allocation of nationality, registration and marks for new aircraft to be registered in Namibia; and

(c) the display of marks on aircraft registered in Namibia.

(2) This Part does not apply to any -

(a) hang -glider;

(b) paraglider;

(c) unmanned free balloon;

(d) captive balloon;

(e) kite;

(f) model aircraft;

(g) foreign registered aircraft;

(h) parachute;

(i) powered paraglider; and

(j) remotely piloted aircraft.

Requirement for aircraft registration

47.01.2 (1) Every person lawfully entitled to the possession of an aircraft must, if the aircraft flies into, from, within or over Namibian territory, hold a valid certificate of registration for such aircraft issued by any one of the following:

(a) the Executive Director, where the aircraft, whether a production built or an amateur built aircraft, is to be registered in Namibia; or

(b) in the case of any aircraft which is not intended to be registered in Namibia either -

(i) the appropriate authority of another contracting State of ICAO; or

(ii) the appropriate authority of a State which is not a member State of ICAO, but which is party to an agreement with the Government of Namibia providing for the acceptance by Namibia of the aircraft registrations of that State.

(2) The Executive Director may not register an aircraft that holds a current registration in any other State.

Requirement for aircraft marking

47.01.3 (1) The Executive Director is responsible for the allocation of nationality and registration marks to be displayed on Namibian registered aircraft.

(2) Upon the registration of an aircraft in terms of regulation 47.02.2(1), the Executive Director may -

(a) if the aircraft was previously registered in Namibia, allocate the same registration marks as were originally borne by such aircraft, if the registration marks are still available; or

(b) allocate special registration marks as requested by the applicant, if the requested marks are available,

so long as the application for registration is -

(i) made in the appropriate form set out in NAM-CATS-ARM; and

(ii) accompanied by the appropriate fee as prescribed in Part 187.

(3) A person may not use a Namibian registered aircraft unless such aircraft displays a nationality mark and a registration mark in the manner, and in accordance with specifications set out in Document NAM-CATS-ARM.

[There should be a comma after the phrase "and in accordance with specifications" to offset that phrase properly.]

(4) A person may not place on any Namibian registered aircraft any mark or symbol which modifies the registration mark allocated or which has, in the opinion of the Executive Director -

(a) the potential to confuse or mislead as to the character, nationality, apparent intended use or other status of the aircraft; or

(b) is otherwise in conflict with the intent of the marking required to be displayed in accordance with the specifications referred to in subregulation (3).

(5) A police mark for display on a Namibian registered aircraft must, in addition to any other required marking, comprise the word POLICE followed by a number allocated by the Executive Director.

Nationality and registration marks of aircraft

47.01.4 (1) An aircraft registered on the Namibian register becomes a Namibian registered aircraft and is deemed to have Namibian nationality.

(2) The nationality mark of a Namibian registered aircraft is denoted by the capital letter and number V5.

(3) The registration mark of a Namibian registered aircraft -

(a) is allocated to the aircraft by the Executive Director; and

(b) comprises a group consisting of three letters appearing after and separated from the nationality mark by a hyphen.

(4) The three letter registration mark referred to in subregulation (3)(b) must exclude the following combinations that might be confused with five-letters used in the International Code of Signals:

[The term "three letter" should be hyphenated as "three-letter". The term "five-letters" should be the two words "five letters", or perhaps the phrase "five-letter combinations" or similar.]

(a) combination with the first letter Q reserved for Q-Code in aviation language;

(b) combination with SOS used for distress signal;

(c) combination with XXX used for urgency signal;

(d) combination with PAN used for urgency signal; or

(e) combination with TTT used for urgency signal.

SUBPART 2
REGISTRATION OF AIRCRAFT

Application for registration

47.02.1 (1) An application for the registration of an aircraft and the issue of a certificate of registration must be made to the Executive Director in the appropriate form set out in Document NAM-CATS-ARM.

(2) If An application referred to in subregulation (1) is in respect of an aircraft which is imported into Namibia for the first time or returns to Namibia and has to be re-registered on the register in terms of Part 21, it must be accompanied by -

(a) a certificate or notification of revocation or de-registration from the appropriate authority of the State or territory in which the aircraft was last registered; or

(b) a certificate or notification of non-registration from the appropriate authority of the State or territory from which the aircraft is imported; and

(c) the original of -

(i) the valid certificate of airworthiness issued by the appropriate authority of the last State or territory from which the aircraft is imported; or

(ii) the export certificate of airworthiness issued by the appropriate authority of the State or territory from which the aircraft is imported; and

(d) an export airworthiness approval -

(i) from the appropriate authority of the State in which the aircraft is registered; or

(ii) in the case of a new aircraft or an aeronautical product, by an exporter of the aircraft or aeronautical product in the State of the Manufacturer;

(e) confirmation that a type acceptance certificate has been issued by the Executive Director; and

(f) proof of compliance with the provisions of the Value Added Tax Act, 2000 (Act No. 10 of 2000) (Value Added Tax Act) and the Customs and Excise Act, 1998 (Act No. 20 of 1998) (Customs and Excise Act), as the case may be, as specified in Document NAM-CATS-ARM.

[The correct name of Act 10 of 2000 is the "Value-Added Tax Act", with a hyphen in the term "Value-Added".]

(3) If an application referred to in subregulation (1) is in respect of a non-type certificated aircraft which is imported into Namibia for the first time or returns to Namibia and has to be re-registered on the register in terms of Part 24 -

(a) in the case of a production-built aircraft, it must be accompanied by -

(i) a certificate or notification of revocation or de-registration from the appropriate authority of the State or territory in which the aircraft was last registered; or

(ii) a certificate or notification of non-registration from the appropriate authority of the State or territory from which the aircraft is imported; and

(iii) a copy of the certificate of conformity issued by the manufacturer;

(iv) the original of -

(aa) the valid authority to fly or flight permit or other similar document, as the case may be, issued by the appropriate authority of the State or territory in which the aircraft was last registered; or

(bb) an export authority to fly or flight permit or other similar document, as the case may be, issued by the appropriate authority of the State or territory from which the aircraft is imported;

(v) confirmation that a certificate of acceptance for the non-type certificated aircraft has been issued by the Executive Director; and

(vi) proof of compliance with the provisions of the Value Added Tax Act and Customs and Excise Act, as specified in the Document NAM-CATS-ARM;

(b) in the case of an amateur-built aircraft, it must be accompanied by -

(i) a certificate or notification of revocation or de-registration from the appropriate authority of the State or territory in which the aircraft was last registered; or

(ii) a certificate or notification of non-registration from the appropriate authority of the State or territory from which the aircraft is imported; and

(iii) the original of -

(aa) the valid authority to fly or flight permit or other similar document, as the case may be, issued by the appropriate authority of the State or territory in which the aircraft was last registered; or

(bb) an export authority to fly or flight permit or other similar document, as the case may be, issued by the appropriate authority of the State or territory from which the aircraft is imported; and

(d) proof of compliance with the provisions of the Value added Tax Act and the Customs and Excise Act as specified in the Document NAM-CATS-ARM.

[The correct name of the first-mentioned Act is the "Value-Added Tax Act".]

(4) If an application referred to in subregulation (1) is in respect of a type certificated or a non-type certificated aircraft that is locally manufactured or assembled and has to be registered in Namibia for the first time or returns to Namibia and has to be re-registered on the register in terms of Part 21 or Part 24, it must be accompanied by -

(a) a copy of the certificate of conformity issued by the manufacturer; and

(b) a copy of the type certificate issued by the Executive Director.

(5) If an application referred to in subregulation (1) is in respect of a non-type certificated aircraft that is locally manufactured or assembled and has to be registered in Namibia for the first time or returns to Namibia and has to be re-registered on the register in terms of Part 24 -

(a) in the case of a production-built aircraft, it must be accompanied by -

(i) a copy of the certificate of conformity issued by the manufacturer; and

(ii) confirmation that a certificate of acceptance of the non-type certificated aircraft has been issued by the Executive Director;

(b) in the case of an amateur-built aircraft derived from an approved kit, it must be accompanied by -

(i) a copy of the certificate of conformity issued by the manufacturer; and

(ii) confirmation that a certificate of acceptance of non-type certificated aircraft has been issued by the Executive Director;

(c) in the case of an amateur-built aircraft derived from approved plans, it must be accompanied by notification of authorisation for registration issued by the Executive Director.

(6) If an application referred to in subregulation (1) is in respect of a veteran aircraft or an ex-military aircraft that has to be registered in Namibia for the first time or returns to Namibia and has to be re-registered in terms of Part 24, it must be accompanied by -

(a) an aircraft individual or group type certificate, as the case maybe, issued by the appropriate authority of the State of Design;

[The word "maybe" should be the phrase "may be".]

(b) an export certificate of airworthiness issued by the appropriate authority of the last State of Registry;

(c) a copy of the certificate of airworthiness depicting the operational limitations and authorised categories of operations issued by the appropriate authority of the last State of Registry;

(d) an airframe logbook, a powerplant logbook and a propeller logbook indicating the operational and maintenance history maintenance history of the aircraft or equivalent document, from the last owner or operator of the aircraft;

[The phrase "maintenance history" is repeated.]

(e) an aircraft technical status report;

(f) information and documentation showing that all required airworthiness directives have been complied with, including required operational service bulletins for the aircraft, powerplant and propeller; and

(g) the designation type data plates from the manufacturer, for the airframe, powerplant and propeller.

(7) In addition to the requirements of subregulation (6), the aircraft in relation to which the application is made must meet the following requirements:

(a) the instruments and avionics of the aircraft must meet regulatory requirements contained in Part 91, 121, 127, 133, 135 or 137, depending on the intended use of the aircraft;

(b) in case of an ex-military aircraft, it must be inspected by an authorised officer, inspector or authorised person and be issued with a conformity statement allowing it entry into Namibia; and

(c) the importation of an ex-military aircraft should be accepted by the Executive Director by the issuance of the letter of no objection for the importation of such an aircraft.

(8) In case the aircraft is to be registered in the name of -

(a) an individual, the application must be accompanied by proof of his or her identity;

(b) a company, the application must be accompanied by -

(i) proof of registration of the company with the Registrar of Companies in terms of the Companies Act, 2004 (Act No. 28 of 2004) (Companies Act);

(ii) a certified true copy of its most recent register of directors lodged with the Registrar of Companies in terms of the Companies Act;

(iii) proof of identity of the director authorised to act on behalf of the applicant; and

(iv) the relevant authorising resolution in the appropriate form set out in Document NAM-CATS-ARM;

(c) a close corporation, the application must be accompanied by -

(i) a certified true copy of its founding statement approved by the Registrar of Close Corporations in terms of the Close Corporation Act, 1988 (Act No. 28 of 1988) (Close Corporation Act);

(ii) proof of identity of the member authorised to act on behalf of the applicant; and

(iii) the relevant authorising resolution in the appropriate form set out in Document NAM-CATS-ARM;

(d) a trust, the application must be accompanied by a certified true copy of -

(i) the trust instrument issued by the Master of the High Court of Namibia; or

(ii) the appropriate letter of appointment; and

(iii) proof of identity of the trustee authorised to act on behalf of the applicant; and

(iv) the authorising resolution concerned in the appropriate form set out in Document NAM-CATS-ARM;

(e) any other applicant, the application must be accompanied by -

(i) a certified true copy of any other founding documents;

(ii) proof of identity of the person authorised to act on behalf of the applicant; and

(iii) the relevant authorising resolution in the appropriate form set out in Document NAM-CATS-ARM.

(9) Each application made under this regulation must be accompanied by the appropriate fee as prescribed in Part 187.

(10) Any application seeking exemption from compliance with the prescribed requirements must comply with Subpart 3 of Part 3.

Registration and issue of certificate

47.02.2 (1) The Executive Director must grant An application made under regulation 47.02.1, register the aircraft and issue a certificate of registration to the applicant if -

(a) the documentation, record entries and other administrative steps necessary to issue a registration certificate have been completed; and

(b) any investigation considered by the Executive Director necessary to determine the applicant's ability to meet the requirements specified in this Part have been completed satisfactorily, and -

(i) in the case of an individual, the applicant is a lawful resident of Namibia;

(ii) in the case of a juristic person, the applicant is registered and has its principal place of business in Namibia; and

(iii) the aircraft is not registered in any other State or territory; and

(c) the granting of the certificate is not contrary to the interest of aviation safety.

(2) Registration of an aircraft and the issuing of a certificate of registration under this Part does not confer or imply ownership of the aircraft.

(3) The Executive Director must issue a certificate of registration on the appropriate form set out in Document NAM-CATS-ARM.

(4) If the Executive Director grants an application and issues a certificate of registration in accordance with subregulation (1), the Executive Director must enter or cause to be entered in the aircraft register -

(a) the full name and, if any, the trade name of the holder of the certificate of registration;

(b) the postal address of the holder of the certificate of registration;

(c) the date on which the aircraft was registered on the aircraft register for the first time;

(d) the date on which the aircraft was registered in the name of the holder;

(e) particulars of the manufacturer's designation, serial number and maximum certificated mass of the aircraft;

(f) the nationality and registration marks of the aircraft;

(g) the airworthiness category of the aircraft;

(h) the date of registration; and

(i) if applicable, the description of the identifiable paint scheme and markings approved under regulation 47.04.4 or 47.04.5.

(5) A certificate of registration issued under subregulation (1) for an aircraft that in accordance with Part 21 has, or is to be issued with, a restricted airworthiness certificate must be accompanied by a standard or restricted category type certificate or type acceptance certificate that has been issued for the aircraft type by the Executive Director or by the State of Design.

Duties of holder of certificate

47.02.3 The holder of a certificate of registration must -

(a) keep the original certificate of registration in a safe place and produce such certificate to an authorised officer, inspector or authorised person for inspection. if so requested by such officer, inspector or person;

(b) carry a certified true copy of the certificate of registration in the aircraft at all times;

(c) on an annual basis, confirm to the Executive Director in the appropriate form set out in Document NAM-CATS-ARM -

(i) that he, she or it is still the owner of the aircraft; and

(ii) his, her or its postal and physical address.

Application for amendment of certificate

47.02.4 (1) If the holder of a certificate of registration desires to amend -

(a) the name in which the certificate of registration was issued;

(b) the address on the certificate of registration; or

(c) any other information contained in the certificate,

such holder must apply to the Executive Director for such amendment.

(2) An application under subregulation (1) must be -

(a) made in the appropriate form set out in Document NAM-CATS-ARM; and

(b) accompanied by -

(i) if the aircraft is registered in the name of a company and the name of the company is changed, a certified true copy of the certificate of change of name of the company, approved by the Registrar of Companies in terms of the Companies Act;

(ii) if the aircraft is registered in the name of a close corporation and the name of that close corporation is changed, a certified true copy of the amended founding statement of the close corporation, approved by the Registrar of Close Corporations in terms of the Close Corporations Act; and

(iii) the appropriate fee as prescribed in Part 187.

(3) If a bank or other financier registers a mortgage over an aircraft, the holder of a certificate of registration for such a mortgaged aircraft may simultaneously apply for an amendment of such certificate in order to have the said certificate endorsed with the details of mortgage, mortgagee, mortgagor and date of registration of the mortgage.

(4) An application for amendment referred to in subregulation (3) must be -

(a) made in the appropriate form set out in Document NAM-CATS-ARM; and

(b) accompanied by -

(i) a certified excerpt from the Deeds Registry indicating registration of the said mortgage; and

(ii) the appropriate fee for the amendment by endorsement of a certificate of registration as prescribed in Part 187.

(5) The Executive Director must issue the amended certificate in the appropriate form set out in Document NAM-CATS-ARM.

Duplicate certificate

47.02.5 (1) If a certificate of registration is lost, stolen, damaged or destroyed or so damaged that particulars are no longer clearly legible, the holder of the certificate or an aircraft maintenance organisation approved under Part 145 and which is responsible for the servicing and maintenance of the aircraft may apply to the Executive Director for the issue of a duplicate of the certificate of registration.

(2) An application referred to in subregulation (1) must be -

(a) made in the appropriate form set out in Document NAM-CATS-ARM;

(b) accompanied, where applicable, by the damaged certificate; and

(c) accompanied by the appropriate fee as prescribed in Part 187.

(3) A duplicate of the certificate of registration is issued on the appropriate form set out in Document NAM-CATS-ARM.

SUBPART 3
TRANSFER OF POSSESSION AND DE-REGISTRATION OF AIRCRAFT

Notification of transfer of right of possession of aircraft

47.03.1 (1) If -

(a) the holder of a certificate of registration -

(i) transfers to another person the right of possession of the aircraft specified in the certificate; or

(ii) ceases to have lawful entitlement to possession of the registered aircraft for a period of 28 days or longer; or

(b) a certificate of registration in respect of an aircraft becomes invalid for whatever reason on the date the certificate holder ceases to have lawful entitlement to possession of the aircraft,

that holder must, within 14 days from the date of transfer of possession, ceasing to have possession of the aircraft or the certificate becoming invalid, as the case may be, notify the Executive Director of the transfer, ceasing to have possession of the aircraft or invalidation by applying for the revocation of the certificate of registration in the appropriate form set out in Document NAM-CATS-ARM.

[A missing hyphen has been inserted in the term "NAM-CATS-ARM" to facilitate searches for that term.]

(2) An application referred to in subregulation (1) must be accompanied by the appropriate fee prescribed in Part 187.

(3) If the holder in whose name the aircraft is registered -

(a) is an individual and has died, and an executor has been appointed, the application referred to in subregulation (1) must be accompanied by a certified true copy of the letter of executorship issued by the Master in terms of the Administration of Estates Act, 1965 (Act No. 66 of 1965) (Administration of Estates Act);

(b) is an individual and the estate of such holder is sequestrated and a trustee has been appointed, the application referred to in subregulation (1) must be accompanied by a certified true copy of the certificate of appointment issued by the Master in terms of the Insolvency Act, 1936 (Act No. 24 of 1936) (Insolvency Act); or

(c) is a company or a close corporation and such holder is liquidated and a liquidator has been appointed, the application referred to in subregulation (1) must be accompanied by a certified true copy of the certificate of appointment issued by the Master in terms of the Companies Act or the Close Corporations Act, as the case may be.

(4) The person to whom the ownership or possession of an aircraft has been transferred to in accordance with subregulation (1) must -

(a) complete the appropriate form set out in Document NAM-CATS-ARM and submit the form to the Executive Director within 14 days after the date of the transfer; and

(b) apply for the registration of the aircraft in his or her or its name in accordance with subregulation (5).

(5) An application referred to in subregulation (4), must be -

(a) made in terms of regulation 47.02.1 within 30 days from the date of transfer; and

(b) accompanied by the appropriate fee prescribed in Part 187.

(6) A certificate of registration becomes invalid from the twenty-eighth day after the date on which the holder of the certificate of registration has transferred to another person the permanent and unconditional right of possession of the aircraft.

(7) From the date on which a certificate of registration has become invalid in terms of subregulation (6), a person may not use the aircraft specified in the certificate unless, and until such time as -

(a) the aircraft is registered in the name of the person to whom the right of possession of the aircraft is transferred; and

(b) such person holds a certificate of registration issued by the Executive Director.

(8) From the date on which a certificate of registration becomes invalid in terms of subregulation (6), the Executive Director may prohibit any further flight or operation of such aircraft by way of written notification to the Head of Air Navigation Services as well as the person to whom the right of possession has been transferred.

(9) A prohibition imposed under subregulation (8) is effective as from the date of the said notification and may not be withdrawn until the latest owner of the aircraft has -

(a) complied with all such requirements, as prescribed in these regulations, as may be necessary to issue a new certificate of registration; and

(b) paid the appropriate fees prescribed in Part 187 for registration as well as the withdrawal of such prohibition.

Application for certificate of de-registration

47.03.2 (1) If the holder of a certificate of registration desires to transfer the aircraft for permanent use outside Namibia, that holder must apply to the Executive Director for a certificate of de-registration of the aircraft.

(2) An application referred to in subregulation (1) must bemade in the appropriate form set out in Document NAM-CATS-ARM and must be accompanied by -

(a) the original of the last certificate of registration;

(b) in the case of an aircraft other than an amateur-built or production-built, the original of the last certificate of airworthiness issued in terms of Part 21;

(c) in the case of an amateur-built or production-built aircraft, the original of the last authority to fly issued by the Executive Director in terms of Part 24;

(d) if the holder in whose name the aircraft is registered -

(i) is an individual and has died, and an executor has been appointed, a certified true copy of the letter of executorship issued by the Master in terms of the Administration of Estates Act;

(ii) is an individual and the estate of such holder is sequestrated and a trustee has been appointed, a certified true copy of the certificate of appointment issued by the Master in terms of the Insolvency Act; or

(iii) is a company or a close corporation and such holder is liquidated and a liquidator has been appointed, a certified true copy of the certificate of appointment issued by the Master in terms of the Companies Act or the Close Corporations Act, as the case may be; and

(e) the appropriate fee prescribed in Part 187.

(3) If a Namibian registered aircraft -

(a) is destroyed, lost or stolen;

(b) is damaged beyond repair and becomes permanently useless as an aircraft; or

(c) is permanently withdrawn from use,

the holder of the certificate of registration concerned must as soon as possible -

(i) apply to the Executive Director for the de-registration of the aircraft and revocation of such certificate of registration; and

(ii) in addition, give provisional notice in writing to the Executive Director within 30 days from the date on which such event occurred, of his or her or its intention to apply for such de-registration.

(4) An application referred to in subregulation (3) must be -

(a) made in the appropriate form set out in Document NAM-CATS-ARM; and

(b) be accompanied by -

(i) the original of the latest certificate of registration;

(ii) in the case of any amateur-built aircraft or production-built aircraft, the special flight permit issued by the Executive Director in terms of Part 21 or Part 24;

(iii) in the case of an aircraft other than an amateur-built aircraft or production-built aircraft, the certificate of airworthiness issued by the Executive Director in terms of Part 21;

(iv) the airframe data plate of the aircraft;

(v) if the holder in whose name the aircraft is registered -

(aa) is an individual and has died, and an executor has been appointed, a certified true copy of the letter of executorship issued by the Master in terms of the Administration of Estates Act;

(bb) is an individual and the estate of such holder is sequestrated and a trustee has been appointed, a certified true copy of the certificate of appointment issued by the Master in terms of the Insolvency Act; or

(cc) is a company or close corporation and such holder is liquidated and a liquidator has been appointed, a certified true copy of the certificate of appointment issued by the Master in terms of the Companies Act or the Close Corporations Act, as the case may be; and

(vi) the appropriate fee prescribed in Part 187.

Revocation of registration and de-registration of aircraft

47.03.3 (1) An aircraft remains registered on the register until the registration of that aircraft is revoked or the aircraft is de-registered by the Executive Director.

(2) The Executive Director must -

(a) revoke the registration of an aircraft, amend the aircraft register and issue a certificate of revocation -

(i) on receipt of an application for revocation made pursuant to regulation 47.03.1(1);

(ii) if the certificate of registration becomes invalid by virtue of regulation 47.03.1(6); or

(iii) if the Executive Director is satisfied of the occurrence of any of the events referred to in subregulation (3); or

(b) de-register an aircraft, amend the aircraft register and issue a certificate of de-registration if an application is made for such de-registration pursuant to regulation 47.03.2(1) or (3).

(3) The Executive Director may revoke the registration of an aircraft, amend the aircraft register and issue a certificate of revocation, if the holder of the certificate of registration -

(a) has not submitted the maintenance records of the aircraft for a period of three months;

(b) has not paid any fees that are payable to the Authority under the Act or these regulations for a period of three months;

(c) has submitted an application for registration which does not comply with these regulations and the registration was erroneously placed in the aircraft register; or

(d) has not complied with the duties of a holder of the certificate prescribed in regulation 47.02.3.

(4) A certificate of revocation or de-registration referred to in subregulation (2) is issued on the appropriate form set out in Document NAM-CATS-ARM.

Duration of certificate of registration

47.03.4 (1) A certificate of registration remains valid until -

(a) it has been invalidated in terms of regulation 47.03.1(6); or

(b) the registration of the aircraft is suspended or revoked or the aircraft is de-registered by the Executive Director.

(2) The holder of a certificate of registration which has become invalid in terms of this Part, must surrender the certificate of registration immediately to the Executive Director for the appropriate endorsement.

SUBPART 4
NAMIBIA REGISTER OF AIRCRAFT

Namibia Register of aircraft

47.04.1 (1) The Executive Director must, pursuant to section 50 of the Act, establish and maintain or cause to be maintained the aircraft register.

(2) The Executive Director must enter or cause to be entered the following particulars into the aircraft register:

(a) The full name and, if any, the trade name of the holder of the certificate of registration;

(b) the postal address of the holder of the certificate of registration;

(c) the date on which the aircraft was registered on the register for the first time;

(d) the date on which the aircraft was registered in the name of the holder;

(e) particulars of the manufacturer's designation, serial number and maximum certificated mass of the aircraft;

(f) the nationality and registration marks of the aircraft; and

(g) the airworthiness category of the aircraft.

(3) The Executive Director must, on written request and on payment of the appropriate fee prescribed in Part 187, furnish an extract of the aircraft register to any person who may request such an extract.

Notice of error in information in aircraft register

47.04.2 If the holder of a certificate of registration for an aircraft finds out that anything in the aircraft register in relation to the aircraft is no longer correct, the holder must inform the Executive Director in writing within 14 days after establishing the information about the change that must be made.

Reservation of registration mark

47.04.3 (1) Subject to subregulations (3) and (4), the Executive Director may, on application made to him or her, reserve a registration mark for a period not exceeding 12 months after the day on which the registration mark was reserved.

(2) An application referred to in subregulation (1) may be made by a person who intends to register an aircraft in the aircraft register, and the application must be -

(a) made in the appropriate form set out in Document NAM-CATS-ARM; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

(3) A registration mark may not be reserved if it is currently in use on another registered aircraft.

(4) The Executive Director may refuse to reserve a registration mark, if the Executive Director considers use of the registration mark to be undesirable.

(5) A registration mark that has been reserved may not, while reserved, be allocated to an aircraft as a registration mark otherwise than at the request of the person on whose request the registration mark was reserved.

Identifiable paint schemes and markings

47.04.4 (1) The Executive Director may, on application made to him or her for the registration of an identifiable paint scheme and markings by the holder of a certificate of registration for an aircraft, grant the application and register the paint scheme and markings.

(2) An application referred to in subregulation (1) must -

(a) be made in the appropriate form set out in Document NAM-CATS-ARM;

(b) contain the following particulars:

(i) the registration mark allocated to the aircraft by the Executive Director;

(ii) a written description of the particular paint scheme and markings of the aircraft;

(iii) a three-view set of photographs that clearly show the paint scheme and all relevant markings of the aircraft; and

(iv) such further particulars relating to the aircraft and the holder of the certificate of registration as may be required by the Executive Director; and

(c) be accompanied by the appropriate fee as prescribed in Part 187.

(3) The Executive Director may register an identifiable paint scheme and markings, if the scheme is acceptable to the Executive Director as being sufficiently clear and unique to distinguish the aircraft from other aircraft of the same or similar type and model.

(4) A person intending to change a registered identifiable paint scheme and markings must apply for registration of the new scheme and markings in accordance with regulation 47.04.5 and the Executive Director may request for further information in relation to such an application.

[The word "for" after the word "request" is superfluous.]

(5) If the Executive Director reasonably requires further information to enable him or her to consider an application for the registration of the scheme and markings, the Executive Director may request the applicant, in writing, to provide that information, and the Executive Director must describe the required information in the request.

(6) The Executive Director may refuse to consider or may cease considering, the application for the registration of the scheme and markings until the applicant complies with the request made under subregulation (5).

Change of identifiable paint scheme and markings

47.04.5 (1) The holder of a certificate of registration for an aircraft displaying an identifiable paint scheme and markings approved under regulation 47.04.4 who intends to change the paint scheme or markings must apply for approval of a new paint scheme and markings in terms of that regulation.

(2) The holder of a certificate of registration for an aircraft displaying an identifiable paint scheme and markings approved under subregulation (1) who intends to discontinue the display of the paint scheme and markings must -

(a) notify the Executive Director in writing accordingly; and

(b) mark the aircraft in accordance with regulation 47.04.4.

Destruction, loss, theft, withdrawal from use or foreign registration of aircraft

47.04.6 (1) The holder of a Namibian certificate of registration must -

(a) within 14 days after becoming aware that the aircraft is -

(i) destroyed, lost or stolen; or

(ii) permanently withdrawn from use; or

(b) immediately upon the application for registration of the aircraft on the aircraft register of any other country,

notify the Executive Director in accordance with subregulation (2).

(2) A notification under subregulation (1) must -

(a) be made in writing;

(b) be signed by the certificate holder;

(c) set out the circumstances of what has occurred; and

(d) be accompanied by the certificate of registration.

Currency of information in certificate

47.04.7 (1) The holder of a Namibian certificate of registration must notify the Executive Director, as soon as possible, of any change that affects the current status of any information contained in the certificate.

(2) If, after receiving a notification under subregulation (1), the Executive Director amends or revokes the certificate of registration and issues a new certificate in its place in

accordance with the Act, the Executive Director must update the relevant particulars in the aircraft register.

Registration of identifiable paint scheme and markings

47.04.8 The identifiable paint scheme and markings approved under regulation 47.04.4 or 47.04.5 must be entered in the aircraft register in accordance with regulation 47.04.1.

Change of registration mark

[This regulation is incorrectly numbered here; it should be "47.04.9" as it appears in the LIST OF REGULATIONS.]

47.05.9 (1) The holder of a Namibian certificate of registration may apply to the Executive Director for a new registration mark to replace the mark allocated to the aircraft specified in the certificate.

(2) The applicant for a change of registration mark must apply in the appropriate form set out in Document NAM-CATS-ARM and submit to the Executive Director -

(a) the certificate of registration;

(b) the registration mark sought; and

(c) payment of the appropriate fee prescribed in Part 187.

(3) On receiving an application under subregulation (2), the Executive Director may revoke the registration mark allocated to the aircraft and allocate the new registration mark.

(4) On allocation of a new registration mark under subregulation (3), the Executive Director must enter in the aircraft register, the particulars of the new registration mark allocated to the aircraft.

Marks to be on foreign registered aircraft in Namibian territory

47.04.10 A person may operate a foreign registered aircraft in Namibian territory only if the aircraft bears its nationality and registration marks in accordance with the law of the country in which it is registered.

PERSONNEL

PART 61
PERSONNEL:
PILOT LICENSING
(VOLUME I)

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SUBPART 1
GENERAL

Applicability

61.01.1 This Part shall apply to -

(a) the issuing of licences certificates and ratings for pilots, the privileges and limitations of such licences certificates and ratings, and matters related thereto; and

(b) the validation of foreign pilot licences certificates and ratings and the privileges and limitations of such validations.

Authority to act as pilot

61.01.2 (1) No person shall act as a pilot of a Namibian registered aircraft unless such person holds a valid -

(a) appropriate pilot licence and rating issued, renewed or reissued by the Director in terms of this Part; or

(b) pilot licence and rating issued by an appropriate authority and validated by the Director in terms of this Part.

(2) No person shall act as a pilot of a foreign registered aircraft within Namibia unless such person holds a valid pilot licence and rating issued or validated by the State of Registry.

(3) Subject to the provisions of subregulation (4), the holder of a pilot licence shall not exercise privileges other than the privileges granted by the appropriate licence and rating held by such holder.

(4) The holder of a pilot licence, including a student pilot licence, who receives training for the purpose of applying for the appropriate type rating, may act as pilot-in-command of an aircraft in respect of which he or she does not hold such rating: Provided that -

(a) the flight is not for remuneration;

(b) no passengers or cargo are transported in the aircraft; and

(c) the training is conducted by the holder of an appropriate valid flight instructor rating who holds an appropriate valid type rating.

Pilot licences

61.01.3 The pilot licences are -

(a) a student pilot licence;

(b) a private pilot licence (aeroplane);

(c) a private pilot licence (helicopter);

(d) a commercial pilot licence (aeroplane);

(e) a commercial pilot licence (helicopter);

(f) an airline transport pilot licence (aeroplane);

(g) an airline transport pilot licence (helicopter);

(h) a microlight aeroplane pilot licence;

(i) a glider pilot licence;

(j) a free balloon pilot licence;

(k) a free balloon pilot licence for commercial purposes;

(l) an airship pilot licence;

(m) an airship pilot licence for commercial purposes;

(n) a gyroplane pilot licence;

[The semicolon at the end of paragraph (n) should be a full stop; there are no additional items in the list.]

Ratings and certificates for pilots and flight instructors

61.01.4 The ratings and certificates for pilots and flight instructors are -

(a) a category rating;

(b) a class rating;

(c) a type rating;

(d) a rating for special purposes; and

(e) a simulator flight instructor certificate.

Category ratings

61.01.5 The category ratings comprise -

(a) aeroplanes;

(b) helicopters;

(c) microlight aeroplanes;

(d) gliders;

(e) free balloons;

(f) airships; and

(g) gyroplanes.

Class ratings

61.01.6 (1) The class ratings comprise -

(a) in the case of aeroplanes -

(i) single-engine, land;

(ii) single-engine, sea;

(iii) multi-engine, land; and

(iv) multi-engine, sea;

(b) in the case of helicopters -

(i) single-engine helicopters; and

(ii) multi-engine helicopters;

(c) in the case of microlight aeroplanes -

(i) three axis controlled microlight aeroplanes; and

(ii) mass shift controlled microlight aeroplanes;

(d) in the case of gliders -

(i) gliders and

(ii) motor gliders;

(e) free balloons;

(f) in the case of airships -

(i) rigid airships and

(ii) non-rigid airships; and

(g) gyroplanes.

(2) The issuing of any type rating referred to in regulation 61.01.7, shall include the issuing of the appropriate class rating, if -

(a) an initial type rating is issued; or

(b) the type of aircraft requires the issuing of a new class rating.

(3) For the purposes of the regulations in this Part, a multi-engine centreline thrust aeroplane is deemed to be a single-engine aeroplane.

Type ratings

61.01.7 (1) The type ratings for aircraft comprise·-

(a) group type ratings for aeroplanes, gliders, microlight aeroplanes and free balloons;

(b) type ratings by name for aeroplanes, helicopters, gyroplanes and other aircraft.

(2) Group type ratings for piston-engine aeroplanes comprise -

(a) a group type rating for single-engine aeroplanes with a maximum certificated mass of 2 700 kilograms or less; and

(b) a group type rating for single-engine and multi-engine aeroplanes with a maximum certificated mass of 5 700 kilograms or less.

(3) Type ratings by name for aeroplanes comprise -

(a) a rating by name for each type of piston-engine aeroplane with a maximum certificated mass exceeding 5 700 kilograms, indicating its variants, if applicable;

(b) a rating by name for each turbo-propeller and turbojet aeroplane, indicating its variants, if applicable;

(c) a rating by name for each type of aeroplane with unconventional handling characteristics that requires additional flying or simulator training, indicating its variants, if applicable; and

(d) a rating by name for each multi-pilot aeroplane, indicating its variants, if applicable.

(4) Type ratings for helicopters comprise a rating by name for each type of helicopter.

(5) Group type ratings for gliders comprise -

(a) a group type rating for gliders; and

(b) a group type rating for motor gilders.

(6) Group type ratings for microlight aeroplanes comprise -

(a) a group type rating for three axis controlled microlight aeroplanes; and

(b) a group type rating for mass shift controlled microlight aeroplanes.

(7) Group type ratings for free balloons comprise -

(a) a group type rating for free balloons up to and including 7 080 m^3 or 250 000 ft- in size, as the case may be; and

(b) a group type rating for free balloons larger than 7 080 m^3 or 250 000 ft- in size, as the case may be.

(8) Type ratings for other aircraft comprise a rating by name for each type of aircraft.

(9) The Director shall establish the different type ratings for aircraft in accordance with the conditions, requirements, rules, procedures or standards as prescribed in Document NAM-CATS-FCL 61.

(10) The issuing of any type rating shall include the issuing of the appropriate group type rating, where applicable.

Ratings for special purposes

61.01.8 (1) The ratings for special purposes in respect of the appropriate licence comprise -

(a) an instrument rating;

(b) a flight instructor rating;

(c) a night rating;

(d) a tug pilot rating;

(e) an external-load rating (helicopter);

(f) a winching rating (helicopter);

(g) a game or livestock cull rating (helicopter);

(h) an agricultural pilot rating; and

(i) To examine particularly glide

[Paragraph (i) is reproduced as it appears in the *Government Gazette*. There is obviously an error here, but it is not clear what was intended.]

(2) Flight instructor ratings comprise -

(a) Category A -

(i) a Grade I aeroplane flight instructor rating;

(ii) a Grade II aeroplane flight instructor rating; and

(iii) a Grade III aeroplane flight instructor rating;

(b) Category B -

(i) a Grade I helicopter flight instructor rating;

(ii) a Grade II helicopter flight instructor rating; and

(iii) a Grade III helicopter flight instructor rating; and

[The word "and" at the end of subparagraph (iii) is superfluous; there is no subparagraph (iv).]

(c) Category C -

(i) a Grade I microlight aeroplane flight instructor rating;

(ii) a Grade II microlight aeroplane flight instructor rating;

(iii) a glider flight instructor rating;

(iv) a Grade I free balloon flight instructor rating;

(v) a Grade II free balloon flight instructor rating;

(vi) a Grade I airship flight instructor rating;

(vii) a Grade II airship flight instructor rating;

(viii) a Grade I gyroplane flight instructor rating; and

(ix) a Grade II gyroplane flight instructor rating;

(d) type rating instructor for multi-pilot aircraft with a certificated mass-exceeding 5700 kg.

Simulator flight instructor certificates

61.01.9 The simulator flight instructor certificates comprise -

(a) an aeroplane simulator flight instructor certificate; and

(b) a helicopter simulator flight instructor certificate.

Validation of licence issued by appropriate authority

61.01.10 (1) The holder of a licence or rating issued by an appropriate authority, who desires to act as a pilot of a Namibian registered aircraft, shall apply to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61, for a validation of such licence or rating.

(2) The application for a validation referred to in subregulation (1) shall be accompanied by -

(a) the appropriate fee as prescribed in Part 187;

(b) a copy of the licence and rating to which the validation pertains;

(c) a valid medical certificate; and

(d) in the case of an application for the validation of a licence and rating for the purpose of being employed as a pilot in Namibia, an employment permit and a letter of appointment from a Namibian employer who requires the services of the applicant.

(3) A licence and rating issued by an appropriate authority may be validated by the Director -

(a) subject to the same restrictions which apply to such licence and rating;

(b) in accordance with and subject to the requirements and conditions as prescribed in Document NAM-CATS-FCL 61; and

(c) on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(4) A validation issued by the Director shall be valid for -

(a) a period of 12 months calculated from the date of issue of the validation; or

(b) the period of validity of the licence and rating issued by the appropriate authority concerned; or

(c) the period of validity of the valid medical certificate contemplated in subregulation (2)(c); or

(d) the period of validity of the employment permit of the applicant,

whichever period is the lesser period.

(5) The holder of a validation issued by the Director may, subject to the provisions of subregulation (6), apply to the Director for the renewal of the validation at least 21 days immediately preceding the date of expiry of such validation.

(6) The Director may renew the validation for the same appropriate period referred to in subregulation (4), in the circumstances and on the conditions as prescribed in Document NAM-CATS-FCL 61: Provided that a validation, the privileges of which are to be exercised for the purpose of being employed as a pilot in Namibia, shall not be renewed for a period which exceeds a period of 24 months calculated from the date on which the validation was issued.

(7) The holder of a validation issued by the Director shall comply with the provisions prescribed in this Part and the requirements and conditions as prescribed in Document NAM-CATS-FCL 61.

(8) The Director may validate a flight instructor rating issued by an appropriate authority, to authorise the holder thereof to conduct training on a particular type of aircraft to which the rating pertains, if no holder of a flight instructor rating issued in terms of this Part is available to conduct such training.

Credit for military service

61.01.11 (1) Pilots qualified in the Namibian Defence Force, may apply to the Director for the issuing of a pilot licence and rating prescribed in this Part.

(2) An applicant for a private pilot licence shall have -

(a) passed that part of the theoretical knowledge examination which deals with air law;

(b) undergone the skill test; and

(c) complied with all other requirements,

prescribed for the issuing of a private pilot licence in terms of this Part.

(3) An applicant for a commercial pilot licence or an airline transport pilot licence shall have -

(a) passed the theoretical knowledge examination;

(b) undergone the skill test; and

(c) complied with all other requirements,

prescribed for the issuing of a commercial pilot licence or airline transport pilot licence, as the case may be, in terms of this Part.

(4) An application contemplated in subregulation (1) shall be -

(a) made in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by -

(i) proof of -

(aa) the identity of the applicant;

(bb) the age of the applicant; and

(cc) employment of the applicant in the Namibian Defence Force;

(ii) an appropriate valid medical certificate issued in terms of Part 67;

(iii) a copy of a summary of the logbook of the applicant;

(iv) proof that the applicant has passed the theoretical knowledge examination, or part thereof, as the case may be;

(v) the skill test report as prescribed in Document NAM-CATS-FCL 61;

(vi) two recent passport size photographs of the applicant; and

(vii) the appropriate fee as prescribed in Part 187.

(5) The Director shall credit the experience gained by an applicant in the Namibian Defence Force, towards the issuing of a pilot licence and rating.

Conversion of pilot licence issued by appropriate authority

61.01.12 (1) The holder of a pilot licence and rating issued by an appropriate authority, may apply to the Director for a conversion of the licence and rating.

(2) An application for a conversion of the licence and rating shall be -

(a) made in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by -

(i) a copy of the pilot licence and rating to which the conversion pertains;

(ii) an appropriate valid medical certificate;

(iii) two recent passport size photographs of the applicant; and

(iv) the appropriate fee as prescribed in Part 187.

(3) The Director may, subject to the conditions, rules, requirements, procedures or standards prescribed in Document NAM-CATS-FCL 61, convert the licence and rating.

(4) The licence and rating shall be converted by the Director on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

Competency

61.01.13 No holder of a pilot licence and rating shall exercise the privileges granted by the licence and rating unless such holder maintains competency by complying with the appropriate requirements prescribed in this Part.

Medical fitness

61.01.14 An applicant for, or the holder of, a pilot licence shall obtain an appropriate medical certificate issued in terms of Part 67.

Language

61.01.15 The holder of a pilot licence issued under this Part shall have sufficient ability in reading, speaking and understanding the English language to enable the holder to carry out his or her responsibilities as a pilot adequately.

Logbooks

61.01.16 (1) The holder of a pilot licence shall maintain a logbook and shall record therein all flight time spent as a pilot.

(2) The form of, and information to be contained in, a logbook referred to in subregulation (1) and the manner in which such logbook shall be maintained, shall be as prescribed in Document NAM-CATS-FCL 61.

Curtailment of privileges of licence holders aged 60 years or more

61.01.17 (1) The holder of a pilot licence who has attained the age of 60 years shall not act as a pilot of an aircraft engaged in an international flight for commercial purposes except

as a member of a multi-crew in which case he or she may act as a pilot of an international flight for such purposes up to the age of 65 years.

(2) The holder of a pilot licence who has attained the age of 65 years shall not act as a pilot of an aircraft engaged in an international flight for commercial purposes, unless the appropriate authority of the foreign state has given permission for the pilot to be a flight crew member of commercial air transport operations within that country notwithstanding his or her age.

(3) The holder of a pilot licence may act as a pilot of an aircraft engaged in commercial air transport operations within Namibia for as long as he or she meets the medical fitness standard required for the licence held.

[Regulation 61.01.17 substituted by GN 410/2019]

Retesting after failure

61.01.18 An applicant for the issuing of a pilot licence or the issuing, renewal or reissuing of a rating, who fails a theoretical knowledge examination, required for such licence or rating, may apply for retesting after the appropriate period specified in Document NAM-CATS-FCL 61.

Requirements for skill tests

61.01.19 (1) A candidate for a skill test prescribed in this Part shall -

(a) have passed the appropriate theoretical knowledge examination, if a theoretical knowledge examination is required;

(b) present the result of the theoretical knowledge examination to the flight instructor or examiner prior to the skill test, if applicable;

(c) have successfully completed the appropriate training; and

(d) have acquired the appropriate experience.

(2) A candidate for a skill test prescribed in this Part shall have a training certificate, signed by a flight instructor who certifies that the candidate –

(a) has received and logged training time within 60 days preceding the date of the skill test in preparation for the skill test;

(b) is prepared for the skill test; and

(c) has demonstrated satisfactory knowledge of the subject in which the candidate was deficient in the theoretical knowledge examination.

(3) A flight instructor or designated examiner, as the case may be, shall, prior to conducting the skill test concerned, ensure that the candidate -

(a) complies with the provisions of subregulation (1); and

(b) has an endorsement in his or her logbook as contemplated in subregulation (2).

(4) Any skill test, proficiency check or other test or check as required by this Part, may be conducted in an approved simulator.

Suspension and cancellation of licence and appeal

61.01.20 (1) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, a pilot licence, rating or validation if -

(a) it is evident that the holder of the licence, rating or validation does not comply with the requirements prescribed in this Part, and such holder fails to remedy such non-compliance within 30 days after receiving notice in writing from the authorised officer, inspector or authorised person to do so; or

(b) the suspension is necessary in the interests of aviation safety.

(2) The authorized officer, inspector or authorized person who has suspended a licence, rating or validation in terms of subregulation (1), shall deliver a report in writing to the Director stating the reasons why the a pilot licence, rating or validation was suspended.

[The word "a" in the phrase "the a pilot licence, rating or validation" is superfluous.]

(3) The authorised officer, inspector or authorised person concerned shall submit a copy of the report referred to in subregulation (2), to the holder of the licence, rating or validation which has been suspended, and shall furnish proof of such submission for the information of the Director.

(4) The holder of a licence, rating or validation whose licence, rating or validation has been suspended, may appeal against such suspension to the Director, within 30 days after such holder becomes aware of such suspension.

(5) An appellant shall deliver an appeal in writing, stating the reasons why, in the opinion of the appellant, the suspension should be varied or set aside, and the appeal shall include, if applicable, full particulars of any remedial action which may have been taken by the appellant to rectify the circumstances which resulted in such suspension.

(6) The Director shall acknowledge receipt of an appeal.

(7) The Director may, within 14 days subject to such conditions which the Director may determine, confirm, vary or set aside the suspension referred to in subregulation (1), or cancel the licence, rating or validation.

Change of name or address

61.01.21 (1) If a pilot licence and rating issued in terms of this Part -

(a) does not correctly reflect the name or address of the holder thereof; or

(b) contains a photograph which is no longer a recognisable image of the holder thereof,

such holder shall, within 30 days from the day on which such name or address was changed, or such photograph became an unrecognisable image, apply to the Director for the issuing of a new licence and rating.

(2) An application for the issuing of a new licence and rating shall be -

(a) made in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by -

(i) the original licence and rating;

(ii) in the case of a change of name, a copy of a certificate issued in terms of the Marriage Act, 1961 (Act 25 of 1961), the court order or any other legal document which verifies the change of name;

(iii) two recent passport size photographs of the applicant; and

(iv) the appropriate fee as prescribed in Part 187.

(3) The Director shall -

(a) issue a new licence and rating if the applicant complies with the requirements referred to in subregulation (2); and

(b) cancel and destroy the original licence and rating.

(4) Upon the issuing of a new licence the holder thereof shall forthwith affix his or her signature in ink in the space on the new licence provided for such purpose.

Voluntary surrender or replacement of licence

61.01.22 (1) The holder of a pilot licence and rating may voluntarily surrender the licence and rating for the purpose of -

(a) the cancellation thereof;

(b) the replacement thereof by a lower grade licence or rating; or

(c) the removal of a rating therefrom.

(2) The holder of a pilot licence and rating who wishes to surrender the licence and rating as contemplated in subregulation (1), shall notify the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(3) The notification referred to in subregulation (2), shall be accompanied by -

(a) the licence and rating;

(b) in the case of a surrender for the purpose contemplated in subregulation (1)(b), proof of compliance with the requirements prescribed in this Part for the issuing of the lower grade licence or rating;

(i) two passport size photographs of the holder, if applicable; and

(ii) the appropriate fee prescribed in Part 187.

(4) The Director shall, upon receipt of the notification referred to in subregulation (2) -

(a) in the case of a surrender contemplated in subregulation (1)(a), cancel the licence and rating;

(b) in the case of a surrender contemplated in subregulation (1)(b), replace the licence and rating with the appropriate lower grade licence and rating, if the holder complies with the requirements prescribed in this Part for the issuing of such lower grade licence or rating; and

(c) in the case of a surrender contemplated in subregulation (1)(c), replace the licence and rating with a new licence and rating.

Duplicate pilot licence

61.01.23 (1) The holder of a pilot licence and rating which has been lost, destroyed or defaced to such an extent that the particulars thereon are illegible, shall apply to the Director for the issuing of a duplicate licence and rating.

(2) An application for the issuing of a duplicate licence and rating shall be -

(a) made in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by -

(i) an appropriate valid medical certificate issued in terms of Part 67;

(ii) two recent passport size photographs of the applicant; and

(iii) the appropriate fee as prescribed in Part 187.

(3) The Director shall -

(a) issue a duplicate licence and rating if the applicant complies with the requirements referred to in subregulation (2); and

(b) endorse the duplicate licence and rating with the word “DUPLICATE” thereon.

(4) Upon the issuing of a duplicate licence the holder thereof shall forthwith affix his or her signature in ink in the space on the duplicate licence provided for such purpose.

(5) If, after the issuing of a duplicate licence and rating, the original licence and rating is found, the holder of the duplicate licence and rating shall take all reasonable steps to obtain such original licence and rating and surrender it forthwith to the Director.

Crediting of flight time

61.01.24 (1) A student pilot shall be entitled to be credited with the total flight time during which he or she was instructed, towards the experience required for a private pilot licence or other applicable pilot licence.

(2) (a) A private pilot shall be entitled to be credited with the total flight time during which he or she acted as pilot-in-command, towards the total flight time required for a higher grade pilot licence.

(b) A private pilot, when acting as co-pilot in an aircraft normally required to be operated with a co-pilot, shall be entitled to be credited with not more than 50 per cent of the total flight time during which he or she acted as such, towards the total flight time required for a commercial pilot licence: Provided that the flight time so credited shall not exceed 20 hours.

(3) A commercial pilot or an airline transport pilot shall be entitled to be credited with the total flight time during which he or she acted as pilot-in-command.

(4) A commercial pilot, when acting as co-pilot in -

(a) an aircraft normally required to be operated with a co-pilot; or

(b) in a multi-engine aircraft requiring a type rating by name not normally required to be operated with a co-pilot,

shall be entitled to be credited with not more than 50 per cent of the total flight time during which he or she acted as such, towards the total flight time required for a higher grade pilot licence.

(5) A commercial pilot, when acting as a third pilot in an aircraft with a maximum certificated mass of 116 600 kilograms or more and who is the holder of the appropriate type rating for that aircraft, shall be entitled to be credited with not more than 33 per cent of the total flight time during which he or she acted as such, towards the total flight time required for a higher grade pilot licence.

(6) An airline transport pilot shall be entitled to be credited with the total flight time during which he or she acted as pilot-in-command or co-pilot of an aircraft normally required to be operated with a co-pilot, if such pilot is the holder of an appropriate valid type rating.

(7) The holder of a microlight aeroplane pilot licence, a glider pilot licence or a gyroplane pilot licence, shall be entitled to be credited with not more than 25 hours flight time acquired in a microlight aeroplane, a glider or a gyroplane, towards the total flight time prescribed for the issuing of the appropriate higher grade pilot licence.

(8) A graduate of an approved airline transport pilot integrated training course, shall be entitled to be credited with not more than 50 hours of student pilot-in-command instrument time towards the pilot-in-command time required for the issuing of the airline transport pilot licence and a multi-engine type rating.

(9) A graduate of an approved commercial pilot licence (instrument rating) integrated training course shall be entitled to be credited with not more than 20 hours of student pilot-in-command instrument time towards the pilot-in-command time required for the issuing of the commercial pilot licence and a multi-engine type rating.

(10) An applicant for the issuing of a commercial pilot licence (aeroplane) or an airline transport pilot licence (aeroplane), and an applicant for the issuing or renewal of a type rating for an aeroplane, shall have acquired the appropriate flight time required by this Part in aeroplanes, unless he or she is the holder of a valid pilot licence (helicopter), where, in any such case, he or she may -

(a) have acquired 50 per cent of the required flight time in aeroplanes; and

(b) have acquired the remaining 50 per cent of the required flight time in helicopters in the ratio of two helicopter hours equals one aeroplane hour.

(11) An applicant for the issuing of a commercial pilot licence (helicopter) or an airline transport pilot licence (helicopter), and an applicant for the issuing or renewal of a type rating for a helicopter, shall have acquired the appropriate flight time required by this Part in helicopters, unless he or she is the holder of a valid pilot licence (aeroplane) where in any such case, he or she may -

(a) have acquired 50 per cent of the required flight time in helicopters; and

(b) have acquired the remaining 50 per cent of the required flight time in aeroplanes in the ratio of two aeroplane hours equals one helicopter hour.

(12) A pilot manipulating the flight controls of an aircraft under actual or simulated instrument flight conditions solely by reference to instruments and without external reference points, shall be entitled to be credited with the instrument flight time thus acquired.

(13) Dual instruction time shall be counted in full towards the total flight time required for a higher grade pilot licence.

Designation of pilots

61.01.25 The Director may designate a pilot to conduct the training and tests, in the circumstances and subject to the conditions, requirements, rules, procedures or standards, as prescribed in Document NAM-CATS-FCL 61.

Designated examiners

61.01.26 (1) The Director may appoint a person as a designated examiner to -

(a) conduct skill tests and issue skill test reports required for the issuing of pilot licences;

(b) conduct skill tests or proficiency checks and issue skill test reports or proficiency check reports required for the issuing, renewal and reissuing of ratings and certificates; and

(c) issue temporary rating certificates.

(2) The privileges referred to in subregulation (1) shall be exercised and performed according to the conditions, requirements, rules, procedures or standards as prescribed in Document NAM-CATS-FCL 61.

(3) The Director shall sign and issue to each designated examiner a document which shall state the full name of such examiner and contain a statement that -

(a) such examiner has been designated in terms of subregulation (1); and

(b) such examiner is empowered to exercise the privileges referred to in subregulation (1).

(4) Notwithstanding any provision to the contrary in this Part, a designated examiner may act as pilot-in-command and as flight instructor in any aircraft type for which he or she holds a valid group type rating.

Documentation

61.01.27 The Director shall ensure that a pilot licence and rating is issued in such a manner that the holder's operating capacity and validity thereof may readily be determined by any appropriate authority.

Register of licences

61.01.28 (1) The Director shall maintain a register of all pilot licences issued or validated, and ratings issued, renewed, reissued or validated, in terms of the regulations in this Part.

(2) The register shall contain the following particulars:

(a) The full name of the holder of the licence;

(b) the postal and residential address of the holder of the licence;

(c) the telephone and telefax numbers of the holder of the licence;

(d) the date on which the licence was issued or validated;

(e) the number of the licence issued or validated;

(f) particulars of the ratings held by the holder of the licence;

(g) the nationality of the holder of the licence; and

(h) the date on which the licence or any rating is cancelled, if applicable.

(3) The particulars referred to in subregulation (2) shall be recorded in the register within seven days from the date on which the licence was issued or validated, or rating was issued, renewed, reissued or validated, or cancelled, as the case may be, by the Director.

(4) The register shall be kept in a safe place at the office of the Director.

(5) A copy of the register shall be furnished by the Director on payment of the appropriate fee as prescribed in Part 187, to any person who requests the copy.

Aviation training organisation

61.01.29 Training as required by this Part shall only be provided by -

(a) an aviation training organisation approved in terms of Part 141; or

(b) a foreign aviation training organisation approved by the Director.

Integrated training

61.01.30 Any integrated training shall be conducted in accordance with the conditions, requirements, rules, procedures or standards as prescribed in Document NAM-CATS-FCL 61.

Unauthorised conduct

61.01.31 (1) No person shall provide another person with, or obtain from another person, any examination paper, or part or copy thereof, unless authorised by the Director to do so.

(2) During any written examination under this Part, no person shall -

(a) copy from another person;

(b) use any unauthorised source of information;

(c) communicate in any way with another person, except the invigilator;

(d) take the examination on behalf of another person; or

(e) remove any written or printed material from the examination room,

unless authorised by the Director to do so.

(3) Any unauthorised conduct referred to in subregulations (1) and (2) may result in -

(a) disqualification in the subject concerned;

(b) disqualification in any or all subjects already passed; and

(c) disbarment from taking further examinations for a period not exceeding 12 months.

Duties of pilot

61.01.32 A pilot shall -

(a) carry the pilot licence and rating issued to him or her, on his or her person when exercising the privileges thereof;

(b) produce such licence and rating to an authorised officer, inspector or authorised person if so requested by such officer, inspector or person; and

(c) produce such licence and rating to the authorised representative of an appropriate authority if so requested by such representative.

Repeal of existing regulations

61.01.33 Subject to the provisions of regulation 183.00.2, the regulations in Chapters 1, 2, 3, 4, 5, 7, 8, 9 and 25 of the Air Navigation Regulations, 1976, as amended, relating to pilots, are hereby repealed.

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PERSONNEL: PILOT LICENSING
(VOLUME II)

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SUBPART 2
STUDENT PILOT LICENCE

Requirements for student pilot licence

61.02.1 An applicant for the issue of a student pilot licence shall -

(a) be not less than 16 years of age;

(b) in case of a glider student licence be not less than 14 years of age provided that the holder of a glider student pilot licence may not fly solo untill he or she attains the age of 16; and

[The word "until" is misspelt in the *Government Gazette*, as reproduced above.]

(c) hold at least a valid Class 2 medical certificate issued in terms of Part 67.

Application for student pilot licence

61.02.2 An application for a student pilot licence shall be -

(a) made to the Director on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

[There are no paragraphs additional to paragraph (a) in this regulation.]

Issuing of student pilot licence

61.02.3 (1) The Director shall issue a student pilot licence if the applicant - complies with the requirements referred to in regulation 61.02.1.

[The dash after the word "applicant" appears in the *Government Gazette*, but seems to have been added in error.]

(2) A student pilot licence shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(3) Upon the issuing of a student pilot licence the holder thereof shall forthwith affix his or her signature in ink in the space on the licence provided for such purpose.

Training

61.02.4 The holder of a student pilot licence shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61, prior to his or her first solo flight.

Theoretical knowledge examination

61.02.5 The holder of a student pilot licence shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61, prior to his or her first solo cross-country flight.

Certificate of competency

61.02.6 (1) If, on going solo, the holder of a student pilot licence is not the holder of a restricted radiotelephony operator's certificate, he or she may nevertheless exercise the privileges of the licence: Provided that he or she is the holder of a certificate of competency issued by a flight instructor, wherein it is certified that -

(a) the applicant has undergone basic training in the use of the radio apparatus installed in the aircraft in which he or she is being trained; and

(b) the applicant is considered capable of operating such radio apparatus satisfactorily to undertake solo flights -

(i) within the circuit area of the aerodrome where the training flights originate and terminate;

(ii) within the associated general flying area of such aerodrome;

(iii) on cross-country flights; and

(iv) with the exception of the control zone or aerodrome traffic zone of the aerodrome referred to in subparagraph (i), outside controlled airspace.

(2) The certificate of competency referred to in subregulation (1) shall be valid for a period of three months calculated from the date on which such certificate was issued.

Period of validity

61.02.7 A student pilot licence shall be valid for the period for which the medical certificate held by the holder of the licence is valid.

Privileges and limitations of student pilot licence

61.02.8 (1) The holder of a valid student pilot licence shall only be entitled to fly solo for the purpose of training for the applicable pilot licence -

(a) in the type of aircraft in which he or she is undergoing training;

(b) after being authorised thereto and while under supervision, as prescribed in subregulation (2);

(c) without carrying any passengers;

(d) on a flight other than an international flight; and

(e) in VMC by day.

(2) A student pilot shall not fly -

(a) unless authority is granted in writing in his or her presence, for each flight separately, or for such sequence of flights as prescribed in Document NAM-CATS-FCL 61, as the case may be, when such flight, or sequence of flights, is about to commence, by a flight instructor who conducts the training or supervises a solo flight;

(b) unless each flight is personally supervised by a flight instructor;

(c) the appropriate exercise of the syllabus as prescribed in Document NAM-CATS-FCL 61, unless a flight instructor is the pilot-in-command.

(3) (a) Except in an emergency, no student pilot shall land or take-off in an aeroplane, other than a microlight aeroplane, from an area other than an aerodrome.

(b) If a student pilot does execute an emergency landing in an aeroplane, other than a microlight aeroplane, on an area other than an aerodrome, only a licensed pilot may fly the aircraft from the area.

Reissue

61.02.9 (1) The holder of a student pilot licence which has expired due to the lapse of the period referred to in regulation 61.02.7, may apply to the Director for the reissuing of such licence.

(2) The Director shall reissue a student pilot licence if the holder of the expired licence complies with the requirements referred to in regulation 61.02.1.

(3) The provisions of regulation 61.02.5 shall apply *mutatis mutandis* to an application referred to in subregulation (1).

SUBPART 3
PRIVATE PILOT LICENCE (AEROPLANE)

Requirements for private pilot licence (aeroplane)

61.03.1 An applicant for the issue a private pilot licence (aeroplane) shall -

(a) be not less than 17 years of age;

(b) hold at least a valid Class 2 medical certificate issued in terms of Part 67;

(c) hold a valid radiotelephony operator's Licence;

[The word "licence" should not be capitalised.]

(d) hold a valid student pilot licence;

(e) have acquired the experience referred to in regulation 61.03.2;

(f) have successfully completed the training referred to in regulation 61.03.3;

(g) have passed the theoretical knowledge examination referred to in regulation 61.03.4; and

(h) have undergone the skill test referred to in regulation 61.03.5.

Experience

61.03.2 An applicant for the issue of a private pilot licence (aeroplane) shall have completed not less than 45 hours of flight time in a school approved in accordance with Part 141 as a pilot of an aeroplane, of which -

(a) at least 25 hours shall be accumulated under dual instruction with a Category A flight instructor;

(b) at least 10 hours shall be accumulated in solo flight under supervision of the flight instructor, of which five hours shall be cross-country flight time including at least one cross-country flight of 150 nautical miles with not less than two full-stop landings at different aerodromes; and

(c) a maximum of five hours may be acquired in a simulator.

Training

61.03.3 An applicant for the issue of a private pilot licence (aeroplane) shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

Theoretical knowledge examination

61.03.4 An applicant for the issue of a private pilot licence (aeroplane) shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

Skill test

61.03.5 (1) An applicant for the issue of a private pilot licence (aeroplane) shall have demonstrated to a Category A, Grade II or Grade I flight instructor, or a designated examiner, the ability to perform as pilot-in-command of an aeroplane, the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a private pilot licence (aeroplane).

(2) The applicant shall have undergone the skill test referred to in subregulation (1) within 12 months of passing the theoretical knowledge examination referred to in regulation 61.03.4 and within the 90 days immediately preceding the date of application.

Application for private pilot licence (aeroplane)

61.03.6 An application for the issue of a private pilot licence (aeroplane) shall be -

(a) made to the Director on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

Issuing of private pilot licence (aeroplane)

61.03.7 (1) The Director shall issue a private pilot licence (aeroplane) if the applicant complies with the requirements referred to in regulation 61.03.1.

(2) A private pilot licence (aeroplane) shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(3) Upon the issue of a private pilot licence (aeroplane), the holder thereof shall -

(a) forthwith affix his or her signature in ink in the space on the licence provided for such purpose; and

(b) surrender his or her student pilot licence to the Director for cancellation.

Period of validity

61.03.8 A private pilot licence (aeroplane) shall be valid for an indefinite period: Provided that the privileges of the licence shall not be exercised by the holder thereof unless -

(a) he or she holds at least a valid Class 2 medical certificate issued in terms of Part 67;

(b) he or she complies with the provisions of regulation 61.03.11; and

(c) he or she holds an appropriate valid type rating.

Privileges of private pilot licence (aeroplane)

61.03.9 (1) The holder of a valid private pilot licence (aeroplane) shall be entitled to act, but not for remuneration, as pilot-in-command or co-pilot of any aeroplane engaged in non-revenue flights for which he or she is type rated.

(2) The holder of the licence shall be entitled to exercise the privileges of the licence for any of the special purposes referred to in regulation 61.03.10(1), if the holder holds the appropriate valid rating.

(3) For the purpose of this regulation "remuneration" does not include the *pro rata* sharing of the direct operating costs of a flight among the occupants of an aeroplane, in which case the flight is deemed to be a non-revenue flight.

Ratings for special purposes

61.03.10 (1) The ratings for special purposes associated with a private pilot licence (aeroplane) are -

(a) an instrument rating;

(b) a night rating;

(c) a flight test rating;

(d) a tug pilot rating; and

(e) a safety pilot rating.

(2) An application for any rating referred to in subregulation (1) shall be made in accordance with the regulations in Subpart 17, 31, 32, 34, or 40.

Maintenance of competency

61.03.11 (1) The holder of a private pilot licence (aeroplane) shall not act as pilot-in-command of an aeroplane transporting passengers by day, unless he or she has, within the 90 days immediately preceding the flight on which such passengers are to be transported, executed not less than three take-offs and three landings in an aeroplane of the same type or similar type as prescribed in Document NAM-CATS-FCL 61, as that in which such passenger flight is to be undertaken, or in a similar type simulator appropriate to the type.

(2) The holder of a private pilot licence (aeroplane) shall not act as pilot-in-command of an aeroplane transporting passengers by night, unless he or she holds a night rating and has, within the 90 days immediately preceding the flight on which such passengers are to be transported, executed not less than three take-offs and three landings by night in an aeroplane of the same type or similar type as prescribed in Document NAM-CATS-FCL 61, as that in which such passenger flight is to be undertaken, or in a similar type simulator appropriate to the type: Provided that if the holder complies with the provisions of this subregulation, such holder shall be exempt from the provisions of subregulation (1).

(3) The holder of a private pilot licence (aeroplane) shall not act as pilot-in-command of an aeroplane under IFR or in weather conditions less than the minimum prescribed for VFR, unless he or she is the holder of a valid instrument rating and, within the 90 days immediately preceding such flight, he or she has, by means of an instrument approach procedure or procedures, which have been established by the Director or by an appropriate authority-

(a) executed at least two instrument approaches in a simulator, or in an aeroplane, in IMC or simulated IMC; or

(b) undergone the skill test referred to in regulation 61.17.5.

SUBPART 4
PRIVATE PILOT LICENCE (HELICOPTER)

Requirements for private pilot licence (helicopter)

61.04.1 An applicant for the issue of a private pilot licence (helicopter) shall -

(a) be not less than 17 years of age;

(b) hold at least a valid Class 2 medical certificate issued in terms of Part 67;

(c) hold a valid restricted radiotelephony operator's certificate;

(d) hold a valid student pilot licence;

(e) have acquired the experience referred to in regulation 61.04.2;

(f) have successfully completed the training referred to in regulation 61.04.3;

(g) have passed the theoretical knowledge examination referred to in regulation 61.04.4; and

(h) have undergone the skill test referred to in regulation 61.04.5.

Experience

61.04.2 An applicant for the issue of a private pilot licence (helicopter) shall have completed not less than 45 hours of flight time in school approve in accordance with Part 141 as a pilot of a helicopter of which -

[The word "a" has been omitted before "school", and the word "approve" should be "approved". Compare regulation 61.03.2.]

(a) at least 25 hours shall be accumulated under dual instruction with a Category B flight instructor;

(b) at least 10 hours shall be accumulated in solo flight under supervision of the flight instructor, of which five hours shall be cross-country flight time including at least one cross-country flight of 100 nm with not less than two full-stop landings at two different aerodromes; and

(c) a maximum of five hours may be acquired in a simulator.

Training

61.04.3 An applicant for the issue of a private pilot licence (helicopter) shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

Theoretical knowledge examination

61.04.4 An applicant for the issue of a private pilot licence (helicopter) shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

Skill test

61.04.5 (1) An applicant for the issue of a private pilot licence (helicopter) shall have demonstrated to a Category B, Grade II or Grade I flight instructor, or a designated examiner, the ability to perform as pilot-in-command of a helicopter, the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a private pilot licence (helicopter).

(2) The applicant shall have undergone the skill test referred to in subregulation (1) within 12 months of passing the theoretical knowledge examination referred to in regulation 61.04.4 and within the 90 days immediately preceding the date of application.

Application for private pilot licence (helicopter)

61.04.6 An application for the issue of a private pilot licence (helicopter) shall be -

(a) made to the Director on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

Issuing of private pilot licence (helicopter)

61.04.7 (1) The Director shall issue a private pilot licence (helicopter) if the applicant complies with the requirements referred to in regulation 61.04.1.

(2) A private pilot licence (helicopter) shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(3) Upon the issue of a private pilot licence (helicopter), the holder thereof shall -

(a) forthwith affix his or her signature in ink in the space on the licence provided for such purpose; and

(b) surrender his or her student pilot licence to the Director for cancellation.

Period of validity

61.04.8 A private pilot licence (helicopter) shall be valid for an indefinite period: Provided that the privileges of the licence shall not be exercised by the holder thereof unless -

(a) he or she holds at least a valid Class 2 medical certificate issued in terms of Part 67;

(b) he or she complies with the provisions of regulation 61.04.11; and

(c) he or she holds an appropriate valid type rating.

Privileges of private pilot licence (helicopter)

61.04.9 (1) The holder of a valid private pilot licence (helicopter) shall be entitled to act, but not for remuneration, as pilot-in-command or co-pilot of any helicopter engaged in non-revenue flights for which he or she is type rated.

(2) The holder of the licence shall be entitled to exercise the privileges of the licence for any of the special purposes referred to in regulation 61.04.11(1), if the holder holds the appropriate valid rating.

(3) For the purpose of this regulation "remuneration" does not include the *pro rata* sharing of the direct operating costs of a flight among the occupants of a helicopter, in which case the flight is deemed to be a non-revenue flight.

Ratings for special purposes

61.04.10 (1) The ratings for special purposes associated with a private pilot licence (helicopter) are -

(a) an instrument rating;

(b) a night rating;

(c) a flight test rating;

(2) An application for any rating referred to in subregulation (1) shall be made in accordance with the regulations in Subpart 17, 31, 32 or 33, as the case may be.

Maintenance of competency

61.04.11 (1) The holder of a private pilot licence (helicopter) shall not act as pilot-in-command of a helicopter transporting passengers or cargo or a combination thereof, by day,

unless he or she has, within the 90 days immediately preceding the flight on which such passengers are to be transported, executed not less than three circuits, including the take-off and landing, in a helicopter of the same type or a similar type as prescribed in Document NAM-CATS-FCL 61, as that in which such passenger flight is to be undertaken, or in a simulator.

(2) The holder of a private pilot licence (helicopter) shall not act as pilot-in-command of a helicopter transporting passengers by night, unless he or she holds a night rating and has, within the 90 days immediately preceding such flight on which such passengers are to be transported, executed not less than three circuits, including the take-off and landing, by night in a helicopter of the same type or a similar type as prescribed in Document NAM-CATS-FCL 61, as that in which such passenger flight is to be undertaken, or in a simulator: Provided that if the holder complies with the provisions of this subregulation, such holder shall be exempt from the provisions of subregulation (1).

(3) The holder of a private pilot licence (helicopter) shall not act as pilot-in-command of a helicopter under IFR or in weather conditions less than the minimum prescribed for VFR, unless he or she is the holder of a valid instrument rating and, within the 90 days immediately preceding such flight, he or she has, by means of an instrument approach procedure or procedures, which have been established by the Director or by an appropriate authority -

(a) executed at least two instrument approaches in a simulator or in a helicopter, in IMC or simulated IMC; or

(b) undergone the skill test referred to in regulation 61.17.5.

SUBPART 5
COMMERCIAL PILOT LICENCE (AEROPLANE)

Requirements for commercial pilot licence (aeroplane)

61.05.1 An applicant for the issue of a commercial pilot licence (aeroplane) shall -

(a) be not less than 18 years of age;

(b) hold a valid Class 1 medical certificate issued in terms of Part 67;

(c) hold a valid general radiotelephony operator's certificate;

(d) hold a valid private pilot licence (aeroplane), unless the applicant has completed the integrated training referred to in regulation 61.01.30;

(e) have acquired the experience referred to in regulation 61.05.2;

(f) have successfully completed the training referred to in regulation 61.05.3;

(g) have passed the theoretical knowledge examination referred to in regulation 61.05.4; and

(h) have undergone the skill test referred to in regulation 61.05.5.

Experience

61.05.2 An applicant for the issue of a commercial pilot licence (aeroplane) shall have completed not less than -

(a) 200 hours of flight time, which may include 10 hours of flight instruction time in a simulator; or

(b) 150 hours of flight time, if he or she has successfully completed the integrated training referred to in regulation 61.01.30:

Provided that the total of 200 hours or 150 hours, as the case may be, shall include -

(i) in the case of a total of 200 hours, 100 hours as pilot-in-command;

(ii) in the case of a total of 150 hours, 70 hours as pilot-in-command;

(iii) 20 hours of cross-country flight time as pilot-in-command, including one flight of not less than 300 nm with not less than two full-stop landings at different aerodromes;

(iv) five hours of night flying as pilot-in-command, including not less than five take-offs and five landings by night; and

(v) 10 hours of instrument flight instruction, of which not more than five hours may be acquired in a simulator.

Training

61.05.3 An applicant for the issue of a commercial pilot licence (aeroplane) shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

Theoretical knowledge examination

61.05.4 An applicant for the issue of a commercial pilot licence (aeroplane) shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61

Skill test

61.05.5 (1) An applicant for the issue of a commercial pilot licence (aeroplane) shall have demonstrated to a designated examiner, the ability to perform as pilot-in-command of an aeroplane, the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a commercial pilot licence (aeroplane).

(2) The applicant shall have undergone the skill test referred to in subregulation (1) within 36 months of passing the theoretical knowledge examination referred to in regulation 61.05.4 and within the 90 days immediately preceding the date of application.

(3) The skill test shall have been conducted in an aeroplane with variable pitch propellers, adjustable flaps and retractable undercarriage.

Application for commercial pilot licence (aeroplane)

61.05.6 An application for the issue of a commercial pilot licence (aeroplane) shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

Issuing of commercial pilot licence (aeroplane)

61.05.7 (1) The Director shall issue a commercial pilot licence (aeroplane) if the applicant complies with the requirements referred to in regulation 61.05.1.

(2) A commercial pilot licence (aeroplane) shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(3) Upon the issuing of a commercial pilot licence (aeroplane), the holder thereof shall -

(a) forthwith affix his or her signature in ink in the space on the licence provided for such purpose; and/or

(b) surrender his or her private pilot licence (aeroplane) to the Director for cancellation.

Period of validity

61.05.8 A commercial pilot licence (aeroplane) shall be valid for an indefinite period: Provided that the privileges of the licence shall not be exercised by the holder thereof unless -

(a) he or she holds a valid Class 1 medical certificate issued in terms of Part 67;

(b) he or she complies with the provisions of regulation 61.05.11; and

(c) he or she holds an appropriate valid type rating.

Privileges of commercial pilot licence (aeroplane)

61.05.9 (1) The holder of a valid commercial pilot licence (aeroplane) shall, in the type of aeroplane for which he or she is rated, be entitled to -

(a) exercise all the privileges of a private pilot licence (aeroplane);

(b) act as pilot-in-command in any aeroplane operations other than commercial air transport operations;

(c) act as pilot-in-command in commercial air transport operations in any aeroplane certificated for single-pilot operations;

(d) act as co-pilot in commercial air transport operations in any aeroplane required to be operated with a co-pilot;

(e) act as a safety pilot; and

(f) exercise all the privileges referred to in this subregulation, by night.

(2) The holder of the licence shall be entitled to exercise the privileges of the licence for any of the special purposes referred to in regulation 61.05.10(1), if the holder holds the appropriate valid rating.

Ratings for special purposes and certificate

61.05.10 (1) The ratings for special purposes and certificate associated with a commercial pilot licence (aeroplane) are -

(a) an instrument rating;

(b) a Category A flight instructor rating;

(c) an aeroplane simulator flight instructor certificate;

(d) a flight test rating;

(e) a tug pilot rating; and

(f) an agricultural pilot rating.

(2) An application for any rating or the certificate referred to in subregulation (1) shall be made in accordance with the regulations in Subpart 17, 18, 19, 20, 21, 32, 33, 34 or 39, as the case may be.

Maintenance of competency

61.05.11 (1) The holder of a commercial pilot licence (aeroplane) shall not act as pilot-in-command of an aeroplane transporting passengers by day, unless he or she has, within the 90 days immediately preceding the flight on which such passengers are to be transported, executed not less than three take-offs and landings in an aeroplane of the same type or a similar type as prescribed in Document NAM-CATS-FCL 61, as that in which such passenger flight is to be undertaken, or in a simulator of a similar type.

(2) The holder of a commercial pilot licence (aeroplane) shall not act as pilot-in-command of an aeroplane transporting passengers by night, unless he or she has, within the 90 days immediately preceding the flight on which such passengers are to be transported, executed not less than three take-offs and landings by night in an aeroplane of the same type or a similar type as prescribed in Document NAM-CATS-FCL 61, as that in which such passenger flight is to be undertaken, or in a simulator of a similar type: Provided that if the holder complies with the provisions of this subregulation, such holder shall be exempt from the provisions of subregulation (1).

(3) The holder of a commercial pilot licence (aeroplane) shall not act as pilot-in-command of an aeroplane under IFR or in weather conditions less than the minimum prescribed for VFR, unless he or she is the holder of a valid instrument rating and, within the 90 days immediately preceding such flight, he or she has, by means of an instrument approach procedure or procedures, which have been established by the Director or by an appropriate authority -

(a) executed at least two instrument approaches in a simulator or in an aeroplane, in IMC or simulated IMC; or

(b) undergone the skill test referred to in regulation 61.17.5.

SUBPART 6
COMMERCIAL PILOT LICENCE (HELICOPTER)

Requirements for commercial pilot licence (helicopter)

61.06.1 An applicant for the issue of a commercial pilot licence (helicopter) shall -

(a) be not less than 18 years of age;

(b) hold a valid Class 1 medical certificate issued in terms of Part 67;

(c) hold a valid general radiotelephony operator's certificate;

(d) hold a valid private pilot licence (helicopter);

(e) have acquired the experience referred to in regulation 61.06.2;

(f) have successfully completed the training referred to in regulation 61.06.3;

(g) have passed the theoretical knowledge examination referred to in regulation 61.06.4; and

(h) have undergone the skill test referred to in regulation 61.06.5.

Experience

61.06.2 An applicant for the issue of a commercial pilot licence (helicopter) shall have completed not less than -

(a) 150 hours of flight time, which may include 10 hours of flight instruction time in a simulator; or

(b) 100 hours of flight time, if he or she has successfully completed the integrated training referred to in regulation 61.01.30:

Provided that the total of 150 hours or 100 hours, as the case may be, shall include -

(i) 35 hours as pilot-in-command;

(ii) 10 hours of cross-country flight time as pilot-in-command, including a cross-country flight in the course of which landings at two different points shall be made;

(iii) 10 hours of instrument instruction time of which not more than five hours may be acquired in a simulator; and

(iv) if the privileges of the licence are to be exercised by night, five hours of night flight time including five take-offs and five landing patterns as pilot-in-command.

Training

61.06.3 An applicant for the issue of a commercial pilot licence (helicopter) shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

Theoretical knowledge examination

61.06.4 An applicant for the issue of a commercial pilot licence (helicopter) shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

Skill test

61.06.5 (1) An applicant for the issue of a commercial pilot licence (helicopter) shall have demonstrated to a designated examiner, the ability to perform as pilot-in-command of a helicopter, the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a commercial pilot licence (helicopter).

(2) The applicant shall have undergone the skill test referred to in subregulation (1) within 36 months of passing the theoretical knowledge examination referred to in regulation 61.06.4 and within the 90 days immediately preceding the date of application.

(3) The skill test shall be conducted in a helicopter.

Application for commercial pilot licence (helicopter)

61.06.6 An application for the issue of a commercial pilot licence (helicopter) shall be -

(a) made to the Director on the appropriate form as prescribed in Document NAM-CATS-FCL 61 Annexure A of Vol. II; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

Issuing of commercial pilot licence (helicopter)

61.06.7 (1) The Director shall issue a commercial pilot licence (helicopter) if the applicant complies with the requirements referred to in regulation 61.06.1.

(2) A commercial pilot licence (helicopter) shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(3) Upon the issue of a commercial pilot licence (helicopter), the holder thereof shall forthwith affix his or her signature in ink in the space on the licence provided for such purpose.

(4) Shall surrender his or her commercial pilot licence (helicopter) to the Director for cancellation.

**[Some words appear to be missing in subregulation (4),
which is reproduced here as it appears in the *Government Gazette*.
It may be that subregulations (3) and (4) were intended to be combined into a single subregulation;
compare the structure of similar subregulations 61.05.7(2) and 61.07.7(3), for example.]**

Period of validity

61.06.8 A commercial pilot licence (helicopter) shall be valid for an indefinite period: Provided that the privileges of the licence shall not be exercised by the holder thereof unless -

(a) he or she holds a valid Class 1 medical certificate issued in terms of Part 67;

(b) he or she complies with the provisions of regulation 61.06.11; and

(c) he or she holds an appropriate valid type rating.

Privileges of commercial pilot licence (helicopter)

61.06.9 (1) The holder of a valid commercial pilot licence (helicopter) shall, in the type of helicopter for which he or she is rated, be entitled to -

(a) exercise all the privileges of a private pilot licence (helicopter);

(b) act as pilot-in-command in any helicopter operations other than commercial air transport operations;

(c) act as pilot-in-command in commercial air transport operations in any helicopter certificated for single-pilot operations;

(d) act as co-pilot in commercial air transport operations in any helicopter required to be operated with a co-pilot; and

(e) act as a safety pilot.

(2) The holder of the licence shall be entitled to exercise the privileges of the licence for any of the special purposes referred to in regulation 61.06.10(1), if the holder holds the appropriate valid rating.

Ratings for special purposes and certificate

61.06.10 (1) The ratings for special purposes and certificate associated with a commercial pilot licence (helicopter) are -

(a) an instrument rating;

(b) a Category B flight instructor rating;

(c) a helicopter simulator flight instructor certificate;

(d) a night rating;

(e) a flight test rating;

(f) an external-load rating (helicopter);

(g) a winching rating (helicopter);

(h) a game or livestock cull rating (helicopter); and

(i) an agricultural pilot rating.

(2) An application for any rating or the certificate referred to in subregulation (1) shall be made in accordance with the regulations in Subpart 17, 22, 23, 24, 25, 31, 32, 33, 35, 36, 37 or 38, as the case may be.

Maintenance of competency

61.06.11 (1) The holder of a commercial pilot licence (helicopter) shall not act as pilot-in-command of a helicopter transporting passengers by day, unless he or she has, within the 90 days immediately preceding the flight on which such passengers are to be transported, executed not less than three circuits, including take-off and landing, in a helicopter of the same type or a similar type as prescribed in Document NAM-CATS-FCL 61, as that in which such passenger flight is to be undertaken, or in a simulator.

(2) The holder of a commercial pilot licence (helicopter) shall not act as pilot-in-command of a helicopter transporting passengers by night, unless he or she holds a night rating and has, within the 90 days immediately preceding the flight on which such passengers are to be transported, executed not less than three circuits, including three take-offs and three landings, by night in a helicopter of the same type or a similar type as prescribed in Document NAM-CATS-FCL 61, as that in which such passenger flight is to be undertaken, or in a simulator: Provided that if the holder complies with the provisions of this subregulation such holder shall be exempt from the provisions of subregulation (1).

(3) The holder of a commercial pilot licence (helicopter) shall not act as pilot-in-command of a helicopter under IFR or in weather conditions less than the minimum prescribed for VFR, unless he or she holds a valid instrument rating and, within the 90 days immediately preceding such flight, he or she has, by means of an instrument approach procedure or procedures, which have been established by the Director or by an appropriate authority -

(a) executed at least two instrument approaches in a simulator or in a helicopter, in IMC or simulated IMC; or

(b) undergone the skill test referred to in regulation 61.17.5.

SUBPART 7
AIRLINE TRANSPORT PILOT LICENCE (AEROPLANE)

Requirements for airline transport pilot licence (aeroplane)

61.07.1 An applicant for the issue of an airline transport pilot licence (aeroplane) shall -

(a) be not less than 21 years of age;

(b) hold a valid Class 1 medical certificate issued in terms of Part 67;

(c) hold a valid general radiotelephony operator's certificate;

(d) hold a valid commercial pilot licence (aeroplane);

(e) have acquired the experience referred to in regulation 61.07.2;

(f) have successfully completed the training referred to in regulation 61.07.3;

(g) have passed the theoretical knowledge examination referred to in regulation 61.07.4; and

(h) have undergone the skill test referred to in regulation 61.07.5.

Experience

61.07.2 An applicant for the issue of an airline transport pilot licence (aeroplane) shall have completed, in aeroplanes, not less than 1500 hours of flight time, of which -

(a) 250 hours shall be as pilot-in-command or not less than 100 hours as pilot-in-command and 150 hours as co-pilot performing, under the supervision of the pilot-in-command, the duties and functions of a pilot-in-command;

(b) 200 hours shall be cross-country flight time, of which not less than 100 hours shall be as pilot-in-command or as co-pilot performing, under the supervision of the pilot-in-command, the duties and functions of a pilot-in-command;

(c) 75 hours shall be instrument time, of which not more than 30 hours may be acquired in a simulator;

(d) 100 hours shall be night flight time as pilot-in-command or as co-pilot; and

(e) not more than 100 hours may be acquired in a simulator.

Training

61.07.3 An applicant for the issue of an airline transport pilot licence (aeroplane) shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

Theoretical knowledge examination

61.07.4 An applicant for the issue of an airline transport pilot licence (aeroplane) shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

Skill test

61.07.5 (1) An applicant for the issue of an airline transport pilot licence (aeroplane) shall have demonstrated to a designated examiner, the ability to perform as pilot-in-command of an aeroplane, the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of an airline transport pilot licence (aeroplane).

(2) The applicant shall have undergone the skill test referred to in subregulation (1) within 60 months of passing the theoretical knowledge examination referred to in regulation 61.07.4 and within the 90 days immediately preceding the date of application.

(3) The skill test shall have been conducted in a multi-engine aeroplane which is required to be operated with a co-pilot and which has variable pitch propellers or turbine engines, adjustable flaps and retractable undercarriage.

Application for airline transport pilot licence (aeroplane)

61.07.6 An application for the issue of an airline transport pilot licence (aeroplane) shall be -

(a) made to the Director on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

Issuing of airline transport pilot licence (aeroplane)

61.07.7 (1) The Director shall issue an airline transport pilot licence (aeroplane) if the applicant complies with the requirements referred to in regulation 61.07.1.

(2) An airline transport pilot licence (aeroplane) shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(3) Upon the issuing of an airline transport pilot licence (aeroplane), the holder thereof shall -

(a) forthwith affix his or her signature in ink in the space on the licence provided for such purpose; and

(b) surrender his or her commercial pilot licence (aeroplane) to the Director for cancellation.

Period of validity

61.07.8 An airline transport pilot licence (aeroplane) shall be valid for an indefinite period; Provided that the privileges of the licence shall not be exercised by the holder thereof unless -

(a) he or she holds a valid Class 1 medical certificate issued in terms of Part 67;

(b) he or she complies with the provisions of regulation 61.07.11;

(c) he or she holds an appropriate valid type rating; and

(d) he or she holds a valid instrument rating.

Privileges of airline transport pilot licence (aeroplane)

61.07.9 (1) The holder of a valid airline transport pilot licence (aeroplane) shall be entitled to -

(a) exercise all the privileges of a commercial pilot licence (aeroplane);

(b) act as pilot-in-command or co-pilot of an aeroplane in air transport operations; and

(c) exercise all the privileges referred to in this subregulation under IFR.

(2) The holder of the licence shall be entitled to exercise the privileges of the licence for any of the special purposes referred to in regulation 61.07.10(1), if the holder holds the appropriate valid rating.

Ratings for special purposes and certificate

61.07.10 (1) The ratings for special purposes and certificate associated with an airline transport pilot licence (aeroplane) are -

(a) a Category A flight instructor rating;

(b) an aeroplane simulator flight instructor certificate;

(c) a flight test rating;

(d) a tug pilot rating, and

(e) an agricultural pilot rating.

(2) An application for any rating or the certificate referred to in subregulation (1) shall be made in accordance with the regulations in Subpart 18, 19, 20, 21, 32, 33, 34, 38 or 39, as the case may be.

Maintenance of competency

61.07.11 (1) The holder of an airline transport pilot licence (aeroplane) shall not act as pilot-in-command of an aeroplane transporting passengers by day, unless he or she has, within the 90 days immediately preceding the flight on which such passengers are to be transported, executed not less than three take-offs and three landings in an aeroplane of the same type or a similar type as prescribed in Document NAM-CATS-FCL 61, as that in which such passenger flight is to be undertaken, or in a simulator of a similar type.

(2) The holder of an airline transport pilot licence (aeroplane) shall not act as pilot-in-command of an aeroplane transporting passengers by night, unless he or she has, within the 90 days immediately preceding the flight on which such passengers are to be transported, executed not less than three take-offs and three landings by night in an aeroplane of the same type or a similar type as prescribed in Document NAM-CATS-FCL 61, as that in which such passenger flight is to be undertaken, or in a simulator of a similar type: Provided that if the holder complies with the provisions of this subregulation, such holder shall be exempt from the provisions of subregulation (1).

(3) The holder of an airline transport pilot licence (aeroplane) shall not act as pilot-in-command of an aeroplane under IFR or in weather conditions less than the minimum prescribed for VFR, unless he or she is the holder of a valid instrument rating and, within the 90 days immediately preceding such flight, he or she has, by means of an instrument approach procedure or procedures, which have been established by the Director or by an appropriate authority -

(a) executed at least two instrument approaches in a simulator or in an aeroplane, in IMC or simulated IMC; or

(b) undergone the skill test referred to in regulation 61.17.5.

SUBPART 8
AIRLINE TRANSPORT PILOT LICENCE (HELICOPTER)

Requirements for airline transport pilot licence (helicopter)

61.08.1 An applicant for the issue of an airline transport pilot licence (helicopter) shall -

(a) be not less than 21 years of age;

(b) hold a valid Class 1 medical certificate issued in terms of Part 67;

(c) hold a valid radiotelephony operator's Licence;

[The word "licence" should not be capitalised.]

(d) hold a valid commercial pilot licence (helicopter);

(e) have acquired the experience referred to in regulation 61.08.2;

(f) have successfully completed the training referred to in regulation 61.08.3;

(g) have passed the theoretical knowledge examination referred to in regulation 61.08.4; and

(h) have undergone the skill test referred to in regulation 61.08.5.

Experience

61.08.2 An applicant for the issue of an airline transport pilot licence (helicopter) shall have completed, in helicopters, not less than 1000 hours of flight time, of which-

(a) 250 hours shall be as pilot-in-command or not less than 100 hours as pilot-in-command and the necessary additional hours as co-pilot performing, under the supervision of the pilot-in-command, the duties and functions of a pilot-in-command;

(b) 200 hours shall be cross-country flight time, of which not less than 100 hours shall be as pilot-in-command or as co-pilot performing, under the supervision of the pilot-in-command, the duties and functions of a pilot-in-command;

(c) 30 hours shall be instrument time, of which not more than 10 hours may be acquired in a simulator;

(d) 50 hours shall be night flight time as pilot-in-command or as co-pilot; and

(e) not more than 100 hours may be acquired in a simulator.

Training

61.08.3 An applicant for the issue of an airline transport pilot licence (helicopter) shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

Theoretical knowledge examination

61.08.4 An applicant for the issue of an airline transport pilot licence (helicopter) shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

Skill test

61.08.5 (1) An applicant for the issue of an airline transport pilot licence (helicopter) shall have demonstrated to a designated examiner, the ability to perform as pilot-in-command of a helicopter the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of an airline transport pilot licence (helicopter).

(2) The applicant shall have undergone the skill test referred to in subregulation (1) within 60 months of passing the theoretical knowledge examination referred to in regulation 61.08.4 and within the 90 days immediately preceding the date of application.

(3) The skill test shall have been conducted in a helicopter which is required to be operated with a co-pilot, or in a simulator.

Application for airline transport pilot licence (helicopter)

61.08.6 An application for the issue of an airline transport pilot licence (helicopter) shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

Issuing of airline transport pilot licence (helicopter)

61.08.7 (1) The Director shall issue an airline transport pilot licence (helicopter) if the applicant complies with the requirements referred to in regulation 61.08.1.

(2) An airline transport pilot licence (helicopter) shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(3) Upon the issuing of an airline transport pilot licence (helicopter), the holder thereof shall -

(a) forthwith affix his or her signature in ink in the space on the licence provided for such purpose; and

(b) surrender his or her commercial pilot licence (helicopter) to the Director for cancellation.

Period of validity

61.08.8 An airline transport pilot licence (helicopter) shall be valid for an indefinite period: Provided that the privileges of the licence shall not be exercised by the holder thereof unless -

(a) he or she holds a valid Class 1 medical certificate issued in terms of Part 67;

(b) he or she complies with the provisions of regulation 61.08.11;

(c) he or she holds an appropriate valid type rating; and

(d) he or she holds a valid instrument rating.

Privileges of airline transport pilot licence (helicopter)

61.08.9 (1) The holder of a valid airline transport pilot licence (helicopter) shall be entitled to -

(a) exercise all the privileges of a commercial pilot licence (helicopter); and

(b) act as pilot-in-command or co-pilot of a helicopter in air transport operations.

(2) The holder of the licence shall be entitled to exercise the privileges of the licence for any of the special purposes referred to in regulation 61.08.10(1), if the holder holds the appropriate valid rating.

Ratings for special purposes and certificate

61.08.10 (1) The ratings for special purposes and certificate associated with an airline transport pilot licence (helicopter) are -

(a) a Category B flight instructor rating;

(b) a helicopter simulator flight instructor certificate;

(c) a night rating;

(d) a flight test rating;

(e) an external-load rating (helicopter);

(f) a winching rating (helicopter);

(g) a game or livestock cull rating (helicopter); and

(h) an agricultural pilot rating.

(2) An application for any rating or the certificate referred to in subregulation (1) shall be made in accordance with the regulations in Subpart 22, 23, 24, 25, 31, 32, 33, 35, 36, 37, 38 or 39, as the case may be.

Maintenance of competency

61.08.11 (1) The holder of an airline transport pilot licence (helicopter) shall not act as pilot-in-command of a helicopter transporting passengers by day, unless he or she has, within the 90 days immediately preceding the flight on which such passengers are to be transported, executed not less than three circuits, including take-off and landing, in a helicopter of the same type or a similar type as prescribed in Document NAM-CATS-FCL 61, as that in which such passenger flight is to be undertaken, or in a simulator or a simulator type.

(2) The holder of an airline transport pilot licence (helicopter) shall not act as pilot-in-command of a helicopter transporting passengers by night, unless he or she holds a night rating and has, within the 90 days immediately preceding the flight on which such passengers are to be transported, executed not less than three circuits, including three take-offs and three landings, by night in a helicopter of the same type or a similar type as prescribed in Document NAM-CATS-FCL 61, as that in which such passenger flight is to be undertaken, or in a simulator: Provided that if the holder complies with the provisions of this subregulation, such pilot shall be exempt from the provisions of subregulation (1).

(3) The holder of an airline transport pilot licence (helicopter) shall not act as pilot-in-command of a helicopter under IFR or in weather conditions less than the minimum prescribed for VFR, unless he or she is the holder of a valid instrument rating and, within the 90 days immediately preceding such flight, he or she has, by means of an instrument approach procedure or procedures, which have been established the Director or any appropriate authority -

(a) executed at least two instrument approaches in a simulator or in a helicopter, in IMC or simulated IMC; or

(b) undergone the skill test referred to in regulation 61.17.5.

SUBPART 9
MICROLIGHT AEROPLANE PILOT LICENCE

Requirements for microlight aeroplane pilot licence

61.09.1 An applicant for the issue of a microlight aeroplane pilot licence shall -

(a) be not less than 16 years of age;

(b) hold at least a valid Class 2 medical certificate issued in terms of Part 67;

(c) hold a valid radiotelephony operator's Licence;

[The word "licence" should not be capitalised.]

(d) hold a valid student pilot licence;

(e) have acquired the experience referred to in regulation 61.09.2;

(f) have successfully completed the training referred to in regulation 61.09.3;

(g) have passed the theoretical knowledge examination referred to in regulation 61.09.4; and

(h) have undergone the skill test referred to in regulation 61.09.5.

Experience

61.09.2 An applicant for the issue of a microlight aeroplane pilot licence shall have completed not less than 25 hours of flight time as a pilot of a microlight aeroplane, of which at least 10 hours shall be solo flight time, and which shall include -

(a) one triangular cross-country flight, whether dual or under supervision, and one solo triangular cross-country flight, each of a duration of not less than 90 minutes flown at normal cruising speed; and

(b) one triangular cross-country flight, whether dual or under supervision, of a duration of not less than 90 minutes flown at normal cruising speed and which includes a full-stop landing at a point other than the point of departure.

Training

61.09.3 An applicant for the issue of a microlight aeroplane pilot licence shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

Theoretical knowledge examination

61.09.4 An applicant for the issue of a microlight aeroplane pilot licence shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

Skill test

61.09.5 (1) An applicant for the issue of a microlight aeroplane pilot licence shall have demonstrated to a designated examiner, the ability to perform, as pilot-in-command of a microlight aeroplane, the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a microlight aeroplane pilot licence.

(2) The applicant shall have undergone the skill test referred to in subregulation (1) within 12 months of passing the theoretical knowledge examination referred to in regulation 61.09.4 and within the 90 days immediately preceding the date of application.

(3) The skill test shall be conducted in a microlight aeroplane.

Application for microlight aeroplane pilot licence

61.09.6 An application for the issue of a microlight aeroplane pilot licence shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

Issuing of microlight aeroplane pilot licence

61.09.7 (1) The Director shall issue a microlight aeroplane pilot licence if the applicant complies with the requirements referred to in regulation 61.09.1.

(2) A microlight aeroplane pilot licence shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(3) Upon the issuing of a microlight aeroplane pilot licence the holder thereof shall -

(a) forthwith affix his or her signature in ink in the space on the licence provided for such purpose; and

(b) surrender his or her student pilot licence to the Director for cancellation.

Period of validity

61.09.8 A microlight aeroplane pilot licence shall be valid for an indefinite period: Provided that the privileges of the licence shall not be exercised by the holder thereof unless -

(a) he or she holds at least a valid Class 2 medical certificate issued in terms of Part 67;

(b) he or she complies with the provisions of regulation 61.09.11; and

(c) he or she holds an appropriate valid type rating.

Privileges of a microlight aeroplane pilot licence

61.09.9 (1) The holder of a microlight aeroplane pilot licence shall be entitled to act, but not for remuneration, as pilot-in-command of any microlight aeroplane engaged in non-revenue flights for which he or she is type rated, in VMC by day -

(a) on an international flight, if the prior approval for such flight has been obtained in writing from the appropriate authority of the State to be entered; and

(b) within controlled airspace, if -

(i) prior permission has been obtained from the responsible air traffic service unit to enter such airspace;

(ii) continuous radio watch is maintained;

(iii) such two-way radio communication as the said unit may require, is established; and

(iv) in the case of an aerodrome traffic zone, the appropriate radio position reporting procedure is complied with while such microlight aeroplane is within such aerodrome traffic zone.

(2) The holder of the licence shall be entitled to exercise the privileges of the licence for the special purposes referred to in regulation 61.09.10(1), if the holder holds the appropriate valid rating.

Rating for special purposes

61.09.10 (1) The rating for special purposes associated with a microlight aeroplane pilot licence is a Grade I microlight aeroplane flight instructor rating.

(2) An application for the rating referred to in subregulation (1) shall be made in accordance with the regulations in Subpart 26.

Maintenance of competency

61.09.11 The holder of a microlight aeroplane pilot licence shall not act as pilot-in-command of a microlight aeroplane transporting a passenger unless he or she has, within the 90 days immediately preceding the flight on which such passenger is to be transported, executed not less than three take-offs and three landings in a microlight aeroplane of the same type as that in which such passenger flight is to be undertaken.

SUBPART 10
GLIDER PILOT LICENCE

Requirements for glider pilot licence

61.10.1 An applicant for the issue of a glider pilot licence shall -

(a) be not less than 16 years of age;

(b) hold at least a valid Class 2 medical certificate issued in terms of Part 67;

(c) hold a valid radiotelephony operator's certificate;

(d) hold a valid student pilot licence;

(e) have acquired the experience referred to in regulation 61.10.2;

(f) have successfully completed the training referred to in regulation 61.10.3;

(g) have passed the theoretical knowledge examination referred to in regulation 61.10.4; and

(h) have undergone the skill test referred to in regulation 61.10.5.

Experience

61.10.2 An applicant for the issue of a glider pilot licence shall have completed not less than six hours of flight time in a glider suitable for cross-country flights, of which not less than two hours shall be solo flight time during which he or she shall perform not less than 20 launches and landings: Provided that if the applicant is the holder of a pilot licence issued in terms of Subpart 3, *5* or 7, as the case may be, he or she shall have completed not less than three hours of flight time, of which not less than one hour shall be solo flight time during which he or she shall perform not less than 10 take-offs and landings.

Training

61.10.3 An applicant for the issue of a glider pilot licence shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

Theoretical knowledge examination

61.10.4 An applicant for the issue of a glider pilot licence shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

Skill test

61.10.5 (1) An applicant for the issue of a glider pilot licence shall have demonstrated to a designated examiner, the ability to perform, as pilot-in-command of a glider, the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a glider pilot licence.

(2) The applicant shall have undergone the skill test referred to in subregulation (1) within 12 months of passing the theoretical knowledge examination referred to in regulation 61.10.4 and within the 90 days immediately preceding the date of application.

(3) The skill test shall be conducted in a Glider.

[The word "glider" should not be capitalised.]

Application for glider pilot licence

61.10.6 An application for the issuing of a glider pilot licence shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

Issuing of glider pilot licence

61.10.7 (1) The Director shall issue a glider pilot licence if the applicant complies with the requirements referred to in regulation 61.10.1.

(2) A glider pilot licence shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(3) Upon the issuing of a glider pilot licence the holder thereof shall -

(a) forthwith affix his or her signature in ink in the space on the licence provided for such purpose; and

(b) surrender his or her student pilot licence to the Director for cancellation.

Period of validity

61.10.8 A glider pilot licence shall be valid for an indefinite period: Provided that the privileges of the licence shall not be exercised by the holder thereof unless -

(a) he or she holds at least a valid Class 2 medical certificate issued in terms of Part 67;

(b) he or she complies with the provisions of regulation 61.10.11; and

(c) he or she holds an appropriate valid type rating.

Privileges of glider pilot licence

61.10.9 (1) The holder of a glider pilot licence shall be entitled to act, but not for remuneration, as pilot-in-command of any glider for which he or she is type rated, in VMC.

(2) The holder of the licence shall be entitled to exercise the privileges of the licence for any of the special purposes referred to in regulation 61.10.10(1), in a glider which has been certificated for such use and if the holder holds the appropriate valid rating.

(3) For the purposes of this regulation, "remuneration" does not include the *pro rata* sharing of the direct operating costs of a flight among the occupants of a glider.

Ratings for special purposes

61.10.10 (1) The ratings for special purposes associated with a glider pilot licence are -

(a) a glider flight instructor rating; and

(b) a cloud flying rating.

(2) An application for the ratings referred to in subregulation (1) shall be made in accordance with the regulations in Subpart 27 or 34, as the case may be.

Maintenance of competency

61.10.11 The holder of a glider pilot licence shall not act as pilot-in-command of a glider transporting a passenger unless he or she has, within the 90 days immediately preceding the flight on which such passenger is to be transported, executed not less than three take-offs and three landings in a glider of the same type as that in which such passenger flight is to be undertaken.

SUBPART 11
FREE BALLOON PILOT LICENCE

Requirements for free balloon pilot licence

61.11.1 An applicant for the issue of a free balloon pilot licence shall -

(a) be not less than 16 years of age;

(b) hold at least a valid Class 2 medical certificate issued in terms of Part 67;

(c) hold a valid radiotelephony operator's certificate;

(d) have acquired the experience referred to in regulation 61.12.2;

(e) have successfully completed the training referred to in regulation 61.12.3;

(f) have passed the theoretical knowledge examination referred to in regulation 61.12.4; and

(g) have undergone the skill test referred to in regulation 61.12.5.

Experience

61.11.2 An applicant for the issue of a free balloon pilot licence shall have completed not less than 16 hours aloft with not less than eight ascents under dual instruction with a Grade I free balloon flight instructor.

Training

61.11.3 An applicant for the issue of a free balloon pilot licence shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

Theoretical knowledge examination

61.12.4 An applicant for the issue of a free balloon pilot licence shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

[The numbering in the *Government Gazette* is incorrect; this should be regulation 61.11.4.]

Skill test

61.11.5 (1) An applicant for the issue of a free balloon pilot licence shall have demonstrated to a designated examiner, the ability to perform, as pilot-in-command of a free balloon, the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a free balloon pilot licence.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within 12 months of passing the theoretical knowledge examination referred to in regulation 61.12.4 and within the 90 days immediately preceding the date of application.

(3) The skill test shall be conducted in a free balloon.

Application for free balloon pilot licence

61.11.6 An application for the issuing of a free balloon pilot licence shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

Issuing of free balloon pilot licence

61.11.7 (1) The Director shall issue a free balloon pilot licence if the applicant complies with the requirements referred to in regulation 61.12.1.

(2) A free balloon pilot licence shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(3) Upon the issuing of a free balloon pilot licence the holder thereof shall forthwith affix his or her signature in ink in the space on the licence provided for such purpose.

Period of validity

61.11.8 A free balloon pilot licence shall be valid for an indefinite period: Provided that the privileges of the licence shall not be exercised by the holder thereof unless -

(a) he or she holds at least a valid Class 2 medical certificate issued in terms of Part 67;

(b) he or she complies with the provisions of regulation 61.12.11; and

(c) he or she holds an appropriate valid type rating.

Privileges of free balloon pilot licence

[This regulation is incorrectly numbered in the LIST OF REGULATIONS as "61.12.9".]

61.11.9 (1) The holder of a valid free balloon pilot licence shall be entitled to act, but not for remuneration, as pilot-in-command of any free balloon engaged in non-revenue flights for which the holder is type rated, in VMC by day.

(2) The holder of the licence shall be entitled to exercise the privileges of the licence for the special purposes referred to in regulation 61.12.10(1), if the holder holds the appropriate valid rating.

Rating for special purposes

61.11.10 (1) The rating for special purposes associated with a free balloon pilot licence is a Grade I free balloon flight instructor rating.

(2) An application for the rating referred to in subregulation (1) shall be made in accordance with the regulations in Subpart 28.

Maintenance of competency

61.11.11 The holder of a free balloon pilot licence shall not act as pilot-in-command of a free balloon transporting passengers unless he or she has, within the 90 days immediately preceding the flight on which such passengers are to be transported, executed not less than three ascents in a free balloon of the same type as that in which such passenger flight is to be undertaken.

SUBPART 12
FREE BALLOON PILOT LICENCE FOR COMMERCIAL PURPOSES

Requirements for free balloon pilot licence for commercial purposes

61.12.1 An applicant for the issuing of a free balloon pilot licence for commercial purposes shall -

(a) be not less than 18 years of age;

(b) hold a valid Class 1 medical certificate issued in terms of Part 67;

(c) hold a valid general radiotelephony operator's certificate;

(d) hold a valid free balloon pilot licence;

(e) have acquired the experience referred to in regulation 61.12.2;

(f) have successfully completed the training referred to in regulation 61.12.3;

(g) have passed the theoretical knowledge examination referred to in regulation 61.12.4; and

(h) have undergone the skill test referred to in regulation 61.12.5.

Experience

61.12.2 An applicant for the issuing of a free balloon pilot licence for commercial purposes shall have completed not less than 50 hours aloft.

Training

61.12.3 An applicant for the issuing of a free balloon pilot licence for commercial purposes shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

Theoretical knowledge examination

61.12.4 An applicant for the issuing of a free balloon pilot licence for commercial purposes shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

Skill test

61.12.5 (1) An applicant for the issuing of a free balloon pilot licence for commercial purposes shall have demonstrated to a designated examiner, the ability to perform, as pilot-in-command of a free balloon, the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a free balloon pilot licence for commercial purposes.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within 36 months of passing the theoretical knowledge examination referred to in regulation 61.13.4 and within the 90 days immediately preceding the date of application.

(3) The skill test shall be conducted in a free balloon.

Application for free balloon pilot licence for commercial purposes

61.12.6 An application for the issuing of a free balloon pilot licence for commercial purposes shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61: and

(b) accompanied by the appropriate fee, as prescribed in Part 187.

Issuing of free balloon pilot licence for commercial purposes

61.12.7 (1) The Director shall issue a free balloon pilot licence for commercial purposes if the applicant complies with the requirements referred to in regulation 61.12.1.

(2) A free balloon pilot licence for commercial purposes shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(3) Upon the issuing of a free balloon pilot licence for commercial purposes the holder thereof shall -

(a) forthwith affix his or her signature in ink in the space on the licence provided for such purpose.

[There are no paragraphs additional to paragraph (a) in this subregulation.]

Period of validity

61.12.8 A free balloon pilot licence for commercial purposes shall be valid for an indefinite period: Provided that the privileges of the licence shall not be exercised by the holder thereof unless -

(a) he or she is holds a valid Class 1 medical certificate issued in terms of Part 67;

[The word "is" in the phrase "is holds" is superfluous.]

(b) he or she complies with the provisions of regulation 61.12.11; and

(c) he or she holds an appropriate valid type rating.

Privileges of free balloon pilot licence for commercial purposes

61.12.9 (1) The holder of a valid free balloon pilot licence for commercial purposes shall be entitled to -

(a) exercise all the privileges of a free balloon pilot licence; and

(b) act as pilot-in-command in commercial air transport operations, in any free balloon which has been certificated for use in such commercial air transport operations and for which the holder is type rated.

(2) The holder of the licence shall be entitled to exercise the privileges of the licence for the special purposes referred to in regulation 61.12.10(1), if the holder holds the appropriate valid rating.

Rating for special purposes

61.12.10 (1) The rating for special purposes associated with a free balloon pilot licence for commercial purposes is a Grade I free balloon flight instructor rating.

(2) An application for the rating referred to in subregulation (1) shall be made in accordance with the regulations in Subpart 28.

Maintenance of competency

61.13.11 The holder of a free balloon pilot licence for commercial purposes shall not act as pilot-in-command of a free balloon transporting passengers unless he or she has, within the 90 days immediately preceding the flight on which such passengers are to be transported, executed not less than three ascents in a free balloon of the same type as that in which such passenger flight is to be undertaken.

[The numbering in the *Government Gazette* is incorrect; this should be regulation 61.12.11.]

SUBPART 13
AIRSHIP PILOT LICENCE

Requirements for airship pilot licence

61.13.1 An applicant for the issuing of an airship pilot licence shall -

(a) be not less than 17 years of age;

(b) hold at least a valid Class 2 medical certificate issued in terms of Part 67;

(c) hold a valid restricted radiotelephony operator's certificate;

(d) hold a valid student pilot licence;

(e) have acquired the experience referred to in regulation 61.13.2;

(f) have successfully completed the training referred to in regulation 61.13.3;

(g) have passed the theoretical knowledge examination referred to in regulation 61.13.4; and

(h) have undergone the skill test referred to in regulation 61.13.5.

Experience

61.13.2 An applicant for the issuing of an airship pilot licence shall have completed not less than 16 hours aloft with not less than eight ascents under dual instruction with a Grade I airship flight instructor.

Training

61.13.3 An applicant for the issuing of an airship pilot licence shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

Theoretical knowledge examination

61.13.4 An applicant for the issuing of an airship pilot licence shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

Skill test

61.13.5 (1) An applicant for the issuing of an airship pilot licence shall have demonstrated to a designated examiner, the ability to perform, as pilot-in-command of an airship,

the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of an airship pilot licence.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within 12 months of passing the theoretical knowledge examination referred to in regulation 61.13.4 and within the 90 days immediately preceding the date of application.

(3) The skill test shall be conducted in an airship.

Application for airship pilot licence

61.13.6 An application for the issuing of an airship pilot licence shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

Issuing of airship pilot licence

61.13.7 (1) The Director shall issue an airship pilot licence if the applicant -

(a) complies with the requirements referred to in regulation 61.13.1.

[There are no paragraphs additional to paragraph (a) in this subregulation.]

(2) An airship pilot licence shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(3) Upon the issuing of a an airship pilot licence the holder thereof shall -

[The word “a” in the phrase “a an airship pilot licence” is superfluous.]

(a) forthwith affix his or her signature in ink in the space on the licence provided for such purpose; and

(b) surrender his or her student pilot licence to the Director for cancellation.

Period of validity

61.13.8 An airship pilot licence shall be valid for an indefinite period: Provided that the privileges of the licence shall not be exercised by the holder thereof unless -

(a) he or she holds a valid Class 2 medical certificate issued in terms of Part 67;

(b) he or she complies with the provisions of regulation 61.13.11; and

(c) he or she holds an appropriate valid type rating.

Privileges of airship pilot licence

61.13.9 (1) The holder of a valid airship pilot licence shall be entitled to act, but not for remuneration, as pilot-in-command of any airship engaged in non-revenue flights for which the holder is type rated, in VMC by day.

(2) The holder of the licence shall be entitled to exercise the privileges of the licence for the special purposes referred to in regulation 61.13.10(1), if the holder holds the appropriate valid rating.

Rating for special purposes

61.13.10 (1) The rating for special purposes associated with an airship pilot licence is a Grade I airship flight instructor rating.

(2) An application for the rating referred to in subregulation (1) shall be made in accordance with the regulations in Subpart 29.

Maintenance of competency

61.13.11 The holder of an airship pilot licence shall not act as pilot-in-command of an airship transporting passengers unless he or she has, within the 90 days immediately preceding the flight on which such passengers are to be transported, executed not less than three ascents in an airship of the same type as that in which such passenger flight is to be undertaken.

SUBPART 14
AIRSHIP PILOT LICENCE FOR COMMERCIAL PURPOSES

Requirements for airship pilot licence for commercial purposes

61.14.1 An applicant for the issuing of an airship pilot licence for commercial purposes shall -

(a) be not less than 18 years of age;

(b) hold a valid Class 1 medical certificate issued in terms of Part 67;

(c) hold a valid general radiotelephony operator's certificate;

(d) hold a valid airship pilot licence;

(e) have acquired the experience referred to in regulation 61.14.2;

(f) have successfully completed the training referred to in regulation 61.14.3;

(g) have passed the theoretical knowledge examination referred to in regulation 61.14.4; and

(h) have undergone the skill test referred to in regulation 61.14.5.

Experience

61.14.2 An applicant for the issuing of an airship pilot licence for commercial purposes shall have completed not less than 50 hours aloft.

Training

61.14.3 An applicant for the issuing of an airship pilot licence for commercial purposes shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

Theoretical knowledge examination

61.14.4 An applicant for the issuing of an airship pilot licence for commercial purposes shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

Skill test

61.14.5 (1) An applicant for the issuing of an airship pilot licence for commercial purposes shall have demonstrated to a designated examiner, the ability to perform, as pilot-in-command of an airship, the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of an airship pilot licence for commercial purposes.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within 12 months of passing the theoretical knowledge examination referred to in regulation 61.14.4 and within the 90 days immediately preceding the date of application.

(3) The skill test shall be conducted in an airship.

Application for airship pilot licence for commercial purposes

61.14.6 An application for the issuing of an airship pilot licence for commercial purposes shall be –

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

Issuing of airship pilot licence for commercial purposes

61.14.7 (1) The Director shall issue an airship pilot licence for commercial purposes if the applicant complies with the requirements referred to in regulation 61.14.1.

(2) An airship pilot licence for commercial purposes shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(3) Upon the issuing of an airship pilot licence for commercial purposes the holder thereof shall forthwith affix his or her signature in ink in the space on the licence provided for such purpose.

Period of validity

61.14.8 An airship pilot licence for commercial purposes shall be valid for an indefinite period: Provided that the privileges of the licence shall not be exercised by the holder thereof unless -

(a) he or she holds a valid Class 1 medical certificate issued in terms of Part 67;

(b) he or she complies with the provisions of regulation 61.14.11; and

(c) he or she holds an appropriate valid type rating.

Privileges of airship pilot licence for commercial purposes

61.14.9 (1) The holder of a valid airship pilot licence for commercial purposes shall be entitled to -

(a) exercise all the privileges of an airship pilot licence; and

(b) act as pilot-in-command in commercial air transport operations, in any airship which has been certificated for use in such commercial air transport operations and for which the holder is type rated.

(2) The holder of the licence shall be entitled to exercise the privileges of the licence for the special purposes referred to in regulation 61.14.10(1), if the holder holds the appropriate valid rating.

Rating for special purposes

61.14.10 (1) The rating for special purposes associated with an airship pilot licence for commercial purposes is a Grade I airship flight instructor rating.

(2) An application for the rating referred to in subregulation (1) shall be made in accordance with the regulations in Subpart 29.

Maintenance of competency

61.14.11 The holder of an airship pilot licence for commercial purposes shall not act as pilot-in-command of an airship transporting passengers unless he or she has, within the 90 days immediately preceding the flight on which such passengers are to be transported, executed not less than three ascents in an airship of the same type as that in which such passenger flight is to be undertaken.

SUBPART 15
GYROPLANE PILOT LICENCE

Requirements for gyroplane pilot licence

61.15.1 An applicant for the issuing of a gyroplane pilot licence shall -

(a) be not less than 17 years of age;

(b) hold at least a valid Class 2 medical certificate issued in terms of Part 67;

(c) hold a valid restricted radiotelephony operator's certificate;

(d) hold a valid student pilot licence;

(e) have acquired the experience referred to in regulation 61.15.2;

(f) have successfully completed the training referred to in regulation 61.15.3;

(g) have passed the theoretical knowledge examination referred to in regulation 61.15.4; and

(h) have undergone the skill test referred to in regulation 61.15.5.

Experience

61.15.2 An applicant for the issuing of a gyroplane pilot licence shall have completed not less than 25 hours of flight time as a pilot of a gyroplane of which at least 10 hours shall be solo flight time, and which shall include -

(a) one triangular cross-country flight, whether dual or under supervision, and one solo triangular cross-country flight, each of a duration of not less than 90 minutes flown at normal cruising speed; and

(b) one triangular cross-country flight, whether dual or under supervision, of a duration of not less than 90 minutes flown at normal cruising speed and which includes a full-stop landing at a point other than the point of departure.

Training

61.15.3 An applicant for the issuing of a gyroplane pilot licence shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

Theoretical knowledge examination

61.15.4 An applicant for the issue of a gyroplane pilot licence shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

Skill test

61.15.5 (1) An applicant for the issuing of a gyroplane pilot licence shall have demonstrated to a designated examiner, the ability to perform, as pilot-in-command of a gyroplane, the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a gyroplane pilot licence.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within 12 months of passing the theoretical knowledge examination referred to in regulation 61.16.4 and within the 90 days immediately preceding the date of application.

(3) The skill test shall be conducted in a gyroplane.

Application for gyroplane pilot licence

61.16.6 An application for the issuing of a gyroplane pilot licence shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

Issuing of gyroplane pilot licence

61.15.7 (1) The Director shall issue a gyroplane pilot licence if the applicant -

(a) complies with the requirements referred to in regulation 61.15.1.

[There are no paragraphs additional to paragraph (a) in this subregulation.]

(2) A gyroplane pilot licence shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(3) Upon the issuing of a gyroplane pilot licence the holder thereof shall -

(a) forthwith affix his or her signature in ink in the space on the licence provided for such purpose; and

(b) surrender his or her student pilot licence to the Director for cancellation.

Period of validity

61.15.8 A gyroplane pilot licence shall be valid for an indefinite period: Provided that the privileges of such licence shall not be exercised by the holder thereof unless -

(a) he or she holds at least a valid Class 2 medical certificate issued in terms of Part 67;

(b) he or she complies with the provisions of regulation 61.15.11; and

(c) he or she holds an appropriate valid type rating.

Privileges of gyroplane pilot licence

61.15.9 (1) The holder of a valid gyroplane pilot licence shall be entitled to act, but not for remuneration, as pilot-in-command of any gyroplane engaged in non-revenue flights for which the holder is type rated -

(a) on an international flight, if the prior approval for such flight been obtained in writing from the aviation authority of the State to be entered; and

(b) within controlled airspace, if -

(i) prior permission has been obtained from the responsible air traffic service unit to enter such airspace;

(ii) continuous radio watch is maintained;

(iii) such two-way radio communication as the said unit may require, is established; and

(iv) in the case of an aerodrome traffic zone, the appropriate radio position reporting procedure is complied with while such gyroplane is within such aerodrome traffic zone.

(2) The holder of the licence shall be entitled to exercise the privileges of the licence for the special purposes referred to in regulation 61.15.10(1), if the holder holds the appropriate valid rating.

Rating for special purposes

61.15.10 (1) The rating for special purposes associated with a gyroplane pilot licence is a Grade I gyroplane flight instructor rating.

(2) An application for the rating referred to in subregulation (1) shall be made in accordance with the regulations in Subpart 30.

Maintenance of competency

61.15.11 The holder of a gyroplane pilot licence shall not act as pilot-in-command of a gyroplane transporting a passenger unless he or she has, within the 90 days immediately preceding the flight on which such passenger is to be transported, executed not less than three take-offs and three landings in a gyroplane of the same type as that in which such passenger flight is to be undertaken.

PART 61
PERSONNEL: PILOT LICENSING
(VOLUME III)

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SUBPART 16
TYPE RATINGS

Requirements for type rating

61.16.1 An applicant for the issue of a type rating shall -

(a) hold a valid pilot licence;

(b) have successfully completed the training referred to in regulation 61.16.2;

(c) have passed the theoretical knowledge examination referred to in regulation 61.16.3; and

(d) have undergone the skill test referred to in regulation 61.16.4.

Training

61.16.2 An applicant for the issue of a type rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

Theoretical knowledge examination

61.16.3 An applicant for the issue of a type rating shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

Skill test

61.16.4 (1) An applicant for the issue of a type rating shall have demonstrated to a designated examiner, the ability to perform the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of such type rating.

(2) The applicant shall have undergone the skill test referred to in subregulation (1) within 12 months of passing the theoretical knowledge examination referred to in regulation 61.16.3 and within the 90 days immediately preceding the date of application.

(3) Notwithstanding the provisions of subregulation (1), an applicant for the issuing of a type rating who is the holder of an airline transport pilot licence (aeroplane), shall have demonstrated to a designated examiner, the ability to perform the procedures and manoeuvres referred to in regulation 61.17.5, with a degree of competency appropriate to the privileges granted to the holder of an instrument rating.

(4) The skill test shall have been conducted in an aircraft appropriate to the pilot licence held by the applicant, or in a simulator.

Application for type rating

61.16.5 (1) An application for the issue of a type rating shall be -

(a) made to the Director on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

(2) If an applicant wishes to apply for a type rating in respect of more than one type of aircraft, a separate application shall be made in respect of each type of aircraft.

(3) The designated examiner may issue to an applicant who meets the requirements referred to in regulation 61.16.1, a temporary type rating certificate.

(4) A temporary type rating certificate referred to in subregulation (2), shall -

(a) be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) remain valid for a period of not more than 30 days calculated from the date on which the temporary type rating certificate was issued or until the date on which the type rating is issued by the Director, whichever period is the lesser period.

Issuing of type rating

61.16.6 (1) The Director shall issue a type rating to an applicant complies with the requirements referred to in regulation 61.16.1.

[There appears to be a word missing; it was probably intended to be "…an applicant who complies…".]

(2) The rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(3) The rating shall specify the category, class and type of aircraft in respect of which the holder of such rating is entitled to exercise the privileges thereof.

Period of validity

61.16.7 (1) A type rating by name shall be valid for a period of 12 months calculated from the date of issue, renewal or reissue of the rating.

(2) A group type rating issued to the holder of a private pilot licence, shall be valid for -

(a) a period of 12 months calculated from the date of issue of the rating; and

(b) a period of 24 months calculated from the date of renewal or reissue of the rating.

(3) A group type rating issued to the holder of a pilot licence other than a private pilot licence, shall be valid for a period of 24 months calculated from the date of issue, renewal or reissue of the rating.

Privileges

61.16.8 (1) Subject to the provisions of subregulation (2), no person shall act as pilot-in-command of an aircraft, unless he or she is the holder of an appropriate valid type rating.

(2) A person who receives training for the purpose of applying for a type rating, may act as pilot-in-command of an aircraft in respect of which he or she does not hold the rating, if -

(a) the flight is not for remuneration;

(b) no passengers or cargo are transported in the aircraft; and

(c) the training is conducted by an appropriately type rated flight instructor.

(3) The holder of a valid type rating shall be entitled to act as pilot-in-command of the type of aircraft for which the holder is rated: Provided that the holder of a valid type rating, endorsed for co-pilot, shall only be entitled to act as co-pilot in such aircraft.

(4) The holder of a group type rating for piston-engine aeroplanes shall be entitled to exercise the privileges of the rating, if such holder holds a type rating for -

(a) single-engine aeroplanes, in all single-engine aeroplanes with a maximum certificated mass of 2 700 kilograms or less, endorsed in the logbook of such holder; and

(b) single-engine and multi-engine aeroplanes, in all single-engine and multi-engine aeroplanes with a maximum certificated mass of 5 700 kilograms or less, endorsed in the logbook of such holder.

(5) The holder of a type rating by name for a piston-engine aeroplane with a maximum certificated mass exceeding 5 700 kilograms, shall be entitled to exercise the privileges of the rating in the type of aeroplane in which the skill test for the issuing of such rating, was conducted: Provided that if such holder holds more than one type rating for -

(a) single-engine aeroplanes, and the skill test was conducted in the type of aeroplane with the highest maximum certificated mass, such holder shall be entitled to exercise the privileges of the rating in all aeroplanes for which he or she is type rated; or

(b) single-engine and multi-engine aeroplanes, and the skill test was conducted in a multi-engine aeroplane, such holder shall be entitled to exercise the privileges of the rating in the single-engine and multi-engine aeroplanes for which he or she is type rated.

(6) The holder of a type rating by name for a turbo propeller aeroplane, shall be entitled to exercise the privileges of the rating in the type of aeroplane in which the skill test for the issuing of such rating, was conducted: Provided that if such holder holds more than one type rating for -

(a) single-engine aeroplanes, and the skill test was conducted in the type of aeroplane with the highest maximum certificated mass, such holder shall be entitled to exercise the privileges of the rating in all single-engine aeroplanes for which he or she is type rated; or

(b) single-engine and multi-engine aeroplanes, and the skill test was conducted in a multi-engine aeroplane, such holder shall be entitled to exercise the privileges of the rating in the single-engine and multi-engine aeroplanes for which he or she is type rated.

(7) The holder of a type rating by name for a turbojet aeroplane, shall be entitled to exercise the privileges of the rating in the type of aeroplane in which the skill test for the issue of such rating, was conducted: Provided that if such holder holds more than one type rating for -

(a) single-engine aeroplanes, and the skill test was conducted in the type of aeroplane with the highest maximum certificated mass, such holder shall be entitled to exercise the privileges of the rating in all single-engine aeroplanes for which he or she is type rated; or

(b) single-engine and multi-engine aeroplanes, and the skill test was conducted in a multi-engine aeroplane, such holder shall be entitled to exercise the privileges of the rating in the single-engine and multi-engine aeroplanes for which he or she is type rated.

(8) The holder of a group type rating for gliders, shall be entitled to exercise the privileges of the rating in all gliders endorsed in the logbook of such holder.

(9) The holder of a group type rating for microlight aeroplanes, shall be entitled to exercise the privileges of the rating in all microlight aeroplanes endorsed in the logbook of such holder.

(10) The holder of a group type rating for free balloons, shall be entitled to exercise the privileges of the rating in all free balloons endorsed in the logbook of such holder.

(11) The holder of a type rating by name for any other aircraft, shall be entitled to exercise the privileges of the rating in all types of aircraft endorsed in the logbook of such holder.

Notification for addition of type to group type rating

61.16.9 (1) The holder of a group type rating who wishes to add an aircraft type to the rating, shall complete the appropriate training referred to in regulation 61.16.2.

(2) The flight instructor who conducts the training referred to in subregulation (1) shall, upon successful completion of such training by the holder of the rating, endorse the logbook of such holder, indicating the aircraft type in respect of which such holder received such training, whereupon such holder shall be entitled to exercise the privileges of the rating in respect of such aircraft type added to such rating.

(3) The endorsement referred to in subregulation (2) shall be made in accordance with the requirements as prescribed in Document NAM-CATS-FCL 61.

(4) if the holder of the rating has failed to successfully complete the training referred to in subregulation (1), the flight instructor shall -

[The word "if" at the beginning of subregulation (4) should be capitalised.]

(a) not endorse the logbook of such holder; and

(b) notify the Director of the failure within seven days from the date of such failure.

(5) A notification for the addition of an aircraft type to a group type rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61;

(b) accompanied by a copy of the relevant page of the logbook of the holder which contains the endorsement referred to in subregulation (2).

(6) The notification referred to in subregulation (5) shall be submitted by the holder of the rating within seven days from the date on which the endorsement referred to in subregulation (2) was made in the logbook of such holder.

Notification for addition of variant to type rating by name

61.16.10 (1) The holder of a type rating by name who wishes to add an aircraft variant to the rating, shall -

(a) complete the appropriate training referred to in regulation 61.16.2; and

(b) undergo the skill test referred to in regulation 61.16.4(1) or (3), as the case may be, conducted by a designated examiner.

(2) The designated examiner shall, upon compliance with the requirements prescribed in subregulation (1) by the holder of the rating -

(a) issue the skill test report;

(b) endorse the logbook of such holder, indicating the aircraft variant in respect of which such holder is entitled to exercise the privileges of such rating,

whereupon such holder shall be entitled to exercise such privileges.

(3) The endorsement referred to in subregulation (2)(b) shall be made in accordance with the requirements as prescribed in Document NAM-CATS-FCL 61.

(4) If the result of the skill test contemplated in subregulation (1)(b) reveals that the holder of the rating has failed to achieve the minimum standard required to exercise the privileges of such rating in respect of the aircraft variant to be added, the designated examiner shall -

(a) submit the skill test report to the Director within seven days from the date on which the holder was tested; and

(b) not endorse the logbook of such holder.

(5) A notification for the addition of an aircraft variant to a type rating by name shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by -

(i) the skill test report referred to in subregulation (2)(a); and

(ii) a copy of the relevant page of the logbook of the holder which contains the endorsement referred to in subregulation (2)(b).

(6) The notification referred to in subregulation (5) shall be submitted by the holder of the rating within seven days from the date on which the endorsement referred to in subregulation (2)(b) was made in the logbook of such holder.

Renewal

61.16.11 (1) To renew a type rating, the holder of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, have undergone a proficiency check as prescribed in Document NAM-CATS-FCL 61, conducted by designated examiner: Provided that the provisions of regulation 61.17.5(3) shall not apply to the holder of a valid airline transport pilot licence (aeroplane) and type rating on the date of commencement of the regulations in this Part, who has conducted the skill test for the issue of the licence and rating in a piston-engine aeroplane with a maximum certificated mass of 5 700 kilograms or less.

(2) The designated examiner, shall, upon compliance with the requirements prescribed in subregulation (1), by the holder of the rating -

(a) issue the proficiency check report as prescribed in Document NAM-CATS-FCL 61; and

(b) endorse the logbook of such holder.

(3) If the result of the proficiency check contemplated in subregulation (1) reveals that the holder of the rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 61.16.8, the or designated examiner shall -

[A word appears to have been omitted in the *Government Gazette* between the words "the" and "or". Alternatively, it is possible that the word "or" is superfluous.]

(a) submit the proficiency check report to the Director; and

(b) not endorse the logbook of the holder of the rating.

(4) An application for the renewal of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

(5) The designated examiner may issue to an applicant who meets the requirements referred to in subregulation (1), a temporary type rating certificate.

(6) A temporary type rating certificate referred to in subregulation (5), shall -

(a) be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) remain valid for a period of not more than 30 days calculated from the date on which the temporary type rating certificate was issued or until the date on which the type rating is renewed by the Director, whichever period is the lesser period.

(7) The Director shall renew the rating if the applicant complies with the requirements referred to in subregulation (1).

(8) The rating shall be renewed on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(9) Subject to the provisions of subregulation (10), the renewal of a type rating by name shall be deemed to be a renewal of a group type rating.

(10) The renewal of a type rating by name for a single-engine aeroplane, shall be deemed to be a renewal of a group type rating for single-engine aeroplanes.

(11) The renewal of an instrument rating in terms of regulation 61.17.11, shall be deemed to be a renewal of a type rating in terms of this regulation.

Reissue

61.16.12 (1) The holder of a type rating which has expired due to the lapse of the period referred to in regulation 61.16.7, who wishes to apply for the reissuing of the expired rating, may, with the approval of the Director and subject to such conditions as the Director may determine, act as a pilot for the purposes of complying with the requirements prescribed in subregulation (2).

(2) The applicant shall, within the 90 days immediately preceding the date of application, have undergone the skill test referred to in regulation 61.17.5(1), conducted by a designated examiner.

(3) The designated examiner shall, upon compliance with the requirements prescribed in subregulation (2) by the holder of the expired rating -

(a) issue the skill test report as prescribed in Document NAM-CATS-FCL 61; and

(b) endorse the logbook of such holder.

(4) An application for the reissuing of the expired rating shall be -

(a) made to the Director on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

(5) The Director shall reissue the expired rating if the applicant complies with the requirements referred to in subregulation (2).

(6) The rating shall be reissued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(7) If the result of the skill test contemplated in subregulation (2) reveals that the holder of the expired rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 61.16.8, the flight instructor or designated examiner shall -

(a) submit the skill test report to the Director; and

(b) not endorse the logbook of the holder of the expired rating.

(8) The flight instructor or designated examiner shall issue to an applicant who meets the requirements referred to in subregulation (2), a temporary type rating certificate.

(9) A temporary type rating certificate referred to in subregulation (8), shall -

(a) be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) remain valid for a period of not more than 30 days calculated from the date on which the temporary type rating certificate was issued or until the date on which the type rating is reissued by the Director, whichever period is the lesser period.

(10) If a period of 60 months has lapsed after the date of expiry of the type rating, the holder of the expired rating may apply to the Director for the reissuing of the rating and the Director shall reissue the rating if the applicant complies with the requirements referred to in regulation 61.16.1.

(11) The provisions of regulation 61.16.5 shall apply *mutatis mutandis* to an application referred to in subregulation (10).

SUBPART 17
INSTRUMENT RATING

Requirements for instrument rating

61.17.1 An applicant for the issue of an instrument rating shall -

(a) hold a valid private pilot licence (aeroplane), commercial pilot licence (aeroplane), private pilot licence (helicopter) or commercial pilot licence (helicopter);

(b) hold a general radiotelephony operator's certificate;

(c) have acquired the experience referred to in regulation 61.17.2;

(d) have successfully completed the training referred to in regulation 61.17.3;

(e) have passed the theoretical knowledge examination referred to in regulation 61.17.4; and

(f) have undergone the skill test referred to in regulation 61.17.5.

Experience

61.17.2 An applicant for the issue of an instrument rating shall have completed at least -

(a) 50 hours of cross-country flight time as pilot-in-command of an aircraft, of which not less than 10 hours shall be in an aeroplane or helicopter, as the case may be; and

(b) 40 hours of instrument time in aeroplanes or helicopters, of which not more than 20 hours, or where a simulator is used, 30 hours, may be instrument ground time.

Training

61.17.3 An applicant for the issuing of an instrument rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

Theoretical knowledge examination

61.17.4 An applicant for the issuing of an instrument rating shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

Skill test

61.17.5 (1) An applicant for the issue of an instrument rating shall have demonstrated to a designated examiner, the ability to perform as pilot the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of an instrument rating.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within 36 months of passing the theoretical knowledge examination referred to in regulation 61.17.4 and within the 90 days immediately preceding the date of application.

(3) The skill test for a multi-engine aeroplane instrument rating shall have been conducted in a multi-engine aeroplane, or in a simulator: Provided that the holder of an instrument rating whose skill test was undertaken in a multi-engine aeroplane with a maximum certificated mass of 5 700 kilograms or less, may not exercise the privileges of the instrument rating in a multi-engine aeroplane with a maximum certificated mass exceeding 5 700 kilograms.

(4) The skill test for a single-engine aeroplane instrument rating shall have been conducted in a single-engine aeroplane, or in a simulator: Provided that the holder of an instrument rating whose skill test was undertaken in a single-engine aeroplane with a maximum certificated mass of 5 700 kilograms or less, may not exercise the privileges of the instrument rating in a multi-engine aeroplane with a maximum certificated mass of 5 700 kilograms or less.

(5) The skill test for a helicopter instrument rating shall have been conducted in a helicopter certificated for instrument flying, or in a simulator.

Application for instrument rating

61.17.6 (1) An application for the issue of an instrument rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied the appropriate fee as prescribed in Part 187.

[The word "by" appears to be missing between "accompanied" and "the appropriate fee".]

(2) The designated examiner may issue to an applicant who meets the requirements referred to in regulation 61.17.1, a temporary instrument rating certificate.

(3) A temporary instrument rating certificate referred to in subregulation (2), shall -

(a) be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) remain valid for a period of not more than 30 days calculated from the date on which the temporary instrument rating certificate was issued or until the date on which the instrument rating is issued by the Director, whichever period is the lesser period.

Issuing of instrument rating

61.17.7 (1) The Director shall issue an instrument rating if the applicant -

(a) complies with the requirements referred to in regulation 61.17.1.

[There are no paragraphs additional to paragraph (a) in this subregulation.]

(2) An instrument rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

Period of validity

61.17.8 An instrument rating shall be valid for a period of 12 months calculated from the date of issue, renewal or reissue of the rating.

Rating required by person flying under IFR

61.17.9 No person shall act in any capacity as pilot of an aeroplane or helicopter under IFR unless such person is the holder of a valid instrument rating appropriate to the type of aeroplane or helicopter to be flown under IFR.

Privileges

61.17.10 The holder of a valid instrument rating shall be entitled to -

(a) pilot an aircraft in compliance with IFR and in IMC by day and by night;

(b) carry out an approach and a landing in IMC with the aid of NDB, VOR, ILS or other approved aids; and

(c) act as safety pilot in an aircraft in respect of which such pilot holds the appropriate type rating.

Renewal

61.17.11 (1) To renew an instrument rating, the holder of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, have undergone the proficiency check as prescribed in Document NAM-CATS-FCL 61, conducted by a designated examiner.

(2) The designated examiner shall, upon compliance with the requirements referred to in subregulation (1), by the holder of the rating -

(a) issue the proficiency check report as prescribed in Document NAM-CATS-FCL 61; and

(b) endorse the logbook of such holder.

(3) If the result of the proficiency check contemplated in subregulation (1) reveals that the holder of the rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 61.17.10, the designated examiner shall·-

(a) submit the proficiency check report to the Director; and

(b) not endorse the logbook of the holder of the rating.

(4) An application for the renewal of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, be -

(a) made to the Director on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

(5) The designated examiner may issue to an applicant who meets the requirement referred to in subregulation (1), a temporary instrument rating certificate.

(6) A temporary instrument rating certificate referred to in subregulation (5), shall·-

(a) be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) remain valid for a period of not more than 30 days calculated from the date on which the temporary instrument rating certificate was issued or until the date on which the instrument rating is renewed by the Director, whichever period is the lesser period.

(7) The Director shall renew the rating if the applicant -

(a) complies with the requirements referred to in subregulation (1).

[There are no paragraphs additional to paragraph (a) in this subregulation.]

(8) The rating shall be renewed on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

Reissue

61.17.12 (1) The holder of an instrument rating which has expired due to the lapse of the period referred to in regulation 61.17.8, who wishes to apply for the reissue of the expired rating, may, with the approval of the Director and subject to such conditions as the Director may determine, act as a pilot for the purpose of complying with the requirements prescribed in subregulation (2).

(2) The applicant shall, within the 90 days immediately preceding the date of application, have undergone the skill test referred to in regulation 61.17.5(1), conducted by a designated examiner.

(3) The designated examiner shall, upon compliance with the requirements prescribed in subregulation (2) by the holder of the expired rating -

(a) issue the skill test report as prescribed in Document NAM-CATS-FCL 61; and

(b) endorse the logbook of such holder.

(4) An application for the reissue of the expired rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

(5) The Director shall reissue the expired rating if the applicant complies with the requirements referred to in subregulation (2).

(6) The rating shall be reissued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(7) If the result of the skill test contemplated in subregulation (2) reveals that the holder of the expired rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 61.17.10, the designated examiner shall -

(a) submit the skill test report to the Director; and

(b) not endorse the logbook of the holder of the expired rating.

(8) The designated examiner shall issue to an applicant who meets the requirements referred to in subregulation (2) a temporary instrument rating certificate.

(9) A temporary instrument rating certificate referred to in subregulation (8), shall -

(a) be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) remain valid for a period of not more than 30 days calculated from the date on which the temporary instrument rating certificate was issued or until the date on which the instrument rating is reissued by the Director, whichever period is the lesser period.

(10) If a period of 60 months has lapsed after the date of expiry of the instrument rating, the holder of the expired rating may apply to the Director for the reissuing of the rating and the Director shall reissue the rating if the applicant complies with the requirements referred to in regulation 61.17.1.

(11) The provisions of regulation 61.17.6 shall apply *mutatis mutandis* to an application referred to in subregulation (10).

Maintenance of competency

61.17.13 The holder of an instrument rating shall not act as pilot-in-command of an aircraft under IFR or in weather conditions less than the minimum prescribed for VFR, unless he or she has, within the 90 days immediately preceding such flight, by means of an instrument approach procedure or procedures which have been established by the Director or by an appropriate authority -

(a) executed at least two instrument approaches in a simulator or in an appropriate aircraft, in IMC or simulated IMC; or

(b) undergone the skill test referred to in regulation 61.17.5.

SUBPART 18
GRADE I AEROPLANE FLIGHT INSTRUCTOR RATING

Requirements for Grade I aeroplane flight instructor rating

61.18.1 An applicant for the issue of a Grade I aeroplane flight instructor rating shall -

(a) hold a valid airline transport pilot licence (aeroplane);

(b) hold a valid Grade II aeroplane flight instructor rating;

(c) have acquired the experience referred to in regulation 61.18.2;

(d) have successfully completed the training referred to in regulation 61.18.3;

(e) have complied with the theoretical knowledge requirements referred to in regulation 61.18.4; and

(f) have undergone the skill test referred to in regulation 61.18.5.

Experience

61.18.2 An applicant for the issue of a Grade I aeroplane flight instructor rating shall have at least three years experience as a Grade II aeroplane flight instructor, during which he or she shall have given not less than 1 500 hours of flight instruction.

Training

61.18.3 An applicant for the issue of a Grade I aeroplane flight instructor rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

Theoretical knowledge requirements

61.18.4 An applicant for the issue of a Grade I aeroplane flight instructor rating shall have complied with the theoretical knowledge requirements as prescribed in Document NAM-CATS-FCL 61.

Skill test

61.18.5 (1) An applicant for the issue of a Grade I aeroplane flight instructor rating shall have demonstrated to a designated examiner, the ability to perform as a Grade I aeroplane flight instructor the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a Grade I aeroplane flight instructor rating.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within the 90 days immediately preceding the date of application.

(3) The skill test shall have been conducted in a multi-engine aeroplane which is required to be operated with a co-pilot and which has variable pitch propellers or turbine engines, adjustable flaps and retractable undercarriage, or in a simulator.

Application for Grade I aeroplane flight instructor rating

61.18.6 An application for the issue of a Grade I aeroplane flight instructor rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

Issuing of Grade I aeroplane flight instructor rating

61.18.7 (1) The Director shall issue a Grade I aeroplane flight instructor rating if the applicant complies with the requirements referred to in regulation 61.18.1.

(2) A Grade I aeroplane flight instructor rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

Period of validity

61.18.8 A Grade I aeroplane flight instructor rating shall be valid for a period of 12 months calculated from the date of issue or renewal of the rating.

Provided that the privileges of such rating shall not be exercised by the holder thereof unless he or she complies with the provisions of regulation 61.18.12.

[Formatting and punctuation are reproduced here as they appear in the *Government Gazette*.]

Privileges

61.18.9 The holder of a valid Grade I aeroplane flight instructor rating shall be entitled to -

(a) conduct the training required for the issue of Grade I aeroplane flight instructor ratings;

(b) exercise all the privileges of a Grade II aeroplane flight instructor rating;

(c) conduct proficiency checks and issue proficiency check reports required for the renewal of -

(i) type ratings; and

(ii) Grade II aeroplane flight instructor ratings;

(d) issue temporary type rating certificates.

Renewal

61.18.10 (1) To renew a Grade I aeroplane flight instructor rating, the holder of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, have undergone the proficiency check as prescribed in Document NAM-CATS-FCL 61, conducted by a designated examiner: Provided that the provisions of regulation 61.18.5(3) shall not apply to the holder of a valid Grade I aeroplane flight instructor rating on the date of commencement of the regulations in this Part, who has conducted the skill test for the issue of the rating in a piston-engine aeroplane with a maximum certificated mass of 5 700 kilograms or less.

(2) The designated examiner shall, upon compliance with the requirements referred to in subregulation (1) by the holder of the rating -

(a) issue the proficiency check report as prescribed in Document NAM-CATS-FCL 61; and

(b) endorse the logbook of such holder.

(3) If the result of the proficiency check contemplated in subregulation (1) reveals that the holder of the rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 61.18.9, the designated examiner shall -

(a) submit the proficiency check report to the Director; and

(b) not endorse the logbook of the holder of the rating.

(4) An application for the renewal of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 6; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

(5) The Director shall renew the rating if the applicant complies with the requirements referred to in subregulation (1).

(6) The rating shall be renewed on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

Reissue

61.18.11 (1) The holder of a Grade I aeroplane flight instructor rating which has expired due to the lapse of the period referred to in regulation 61.18.8, who wishes to apply for the reissuing of the expired rating, may, with the approval of the Director and subject to such conditions as the Director may determine, act as a Grade I aeroplane flight instructor for the purpose of complying with the requirements prescribed in subregulation (2).

(2) The applicant shall, within the 90 days immediately preceding the date of application, have undergone the skill test referred to in regulation 61.18.5(1), conducted by a designated examiner.

(3) The designated examiner shall, upon compliance with the requirements prescribed in subregulation (2) by the holder of the expired rating -

(a) issue the skill test report as prescribed in Document NAM-CATS-FCL 61; and

(b) endorse the logbook of such holder.

(4) An application for the reissue of the expired rating shall be -

(a) made in the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 6; and

[The reference to "NAM-CATS-FCL 6" should probably be "NAM-CATS-FCL 61", as in other similar provisions.]

(b) accompanied by the appropriate fee as prescribed in Part 187.

(5) The Director shall reissue the expired rating if the applicant complies with the requirements referred to in subregulation (2).

(6) The rating shall be reissued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(7) If the result of the skill test contemplated in subregulation (2) reveals that the holder of the expired rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 61.18.9, the designated examiner shall -

(a) submit the skill test report to the Director;

(b) endorse the logbook of the holder of the expired rating accordingly; and

(c) indicate whether the reissue of a Grade II aeroplane flight instructor rating is recommended, if applicable.

(8) The Director may reissue a Grade II aeroplane flight instructor rating by virtue of a recommendation contemplated in subregulation (7)(c).

(9) If a period of 60 months has lapsed after the date of expiry of the rating, the holder of the expired rating may apply to the Director for the reissue of the rating and the Director shall reissue the rating if the applicant complies with the requirements referred to in regulation 61.18.1.

(10) The provisions of regulation 61.18.6 shall apply *mutatis mutandis* to an application made in terms of subregulation (9).

Maintenance of competency

61.18.12 (1) The holder of a Grade I aeroplane flight instructor rating shall not exercise the privileges of the rating unless he or she has given at least 10 hours of flight instruction within the preceding 12 months.

(2) If the holder has failed to comply with the provisions of subregulation (1), such holder shall -

(a) undergo the proficiency check referred to in regulation 61.18.10(1); or

(b) apply for the reissuing of a Grade II aeroplane flight instructor rating in terms of regulation 61.19.11.

SUBPART 19
GRADE II AEROPLANE FLIGHT INSTRUCTOR RATING

Requirements for Grade II aeroplane flight instructor rating

61.19.1 An applicant for the issue of a Grade II aeroplane flight instructor rating shall -

(a) hold a valid commercial pilot licence (aeroplane) or an airline transport pilot licence (aeroplane);

(b) hold a valid Grade II aeroplane flight instructor rating;

(c) have acquired the experience referred to in regulation 61.19.2;

(d) have successfully completed the training referred to in regulation 61.19.3;

(e) have complied with the theoretical knowledge requirements referred to in regulation 61.19.4; and

(f) have undergone the skill test referred to in regulation 61.19.5.

Experience

61.19.2 An applicant for the issue of a Grade II aeroplane flight instructor rating shall have given not less than 200 hours of flight instruction as a Grade III aeroplane flight instructor.

Training

61.19.3 An applicant for the issue of a Grade II aeroplane flight instructor rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

Theoretical knowledge requirements

61.19.4 An applicant for the issue of a Grade II aeroplane flight instructor rating shall have complied with the theoretical knowledge requirements as prescribed in Document NAM-CATS-FCL 61.

Skill test

61.19.5 (1) An applicant for the issue of a Grade II aeroplane flight instructor rating shall have demonstrated to a designated examiner, the ability to perform as a Grade II aeroplane flight instructor the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a Grade II aeroplane flight instructor rating.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within the 90 days immediately preceding the date of application.

(3) The skill test shall have been conducted in an aeroplane with variable pitch propellers, adjustable flaps and retractable undercarriage, or in a simulator, unless otherwise approved by the Director.

Application for Grade II aeroplane flight instructor rating

61.19.6 An application for the issue of a Grade II aeroplane flight instructor rating shall be -

(a) made to the Director on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

Issuing of Grade II aeroplane flight instructor rating

61.19.7 (1) The Director shall issue a Grade II aeroplane flight instructor rating if the applicant complies with the requirements referred to in regulation 61.19.1.

(2) A Grade II aeroplane flight instructor rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

Period of validity

61.19.8 A Grade II aeroplane flight instructor rating shall be valid for a period of 12 months calculated from the date of issue or renewal of the rating.

Provided that the privileges of such rating shall not be exercised by the holder thereof unless he or she complies with the provisions of regulation 61.19.12.

[Formatting and punctuation are reproduced here as they appear in the *Government Gazette*.]

Privileges

61.19.9 The holder of a valid Grade II aeroplane flight instructor rating shall be entitled to -

(a) exercise all the privileges of a Grade III aeroplane flight instructor rating;

(b) conduct skill tests and issue skill test reports required for -

(i) the issuing of a private pilot licence (aeroplane); and

(ii) the issuing or reissuing of type ratings associated with a private pilot licence (aeroplane);

(c) conduct proficiency checks and issue proficiency check reports required for the renewal of -

(i) type ratings associated with a private pilot licence (aeroplane); and

(ii) Grade III aeroplane flight instructor ratings;

(d) issue temporary type rating certificates;

(e) send the holder of a student pilot licence in respect of an aeroplane, on his or her initial solo flight;

(f) conduct the training required for the issuing of a Grade III aeroplane flight instructor rating;

(g) conduct training required for a notification for the addition of an aeroplane type or variant, as the case may be, to a type rating; and

(h) conduct multi-engine training, if he or she holds the appropriate valid type rating, and has completed -

(i) the appropriate training as prescribed in Document NAM-CATS-FCL 61; and

(ii) the multi-engine instructor skill test as prescribed in Document NAM-CATS-FCL 61.

Renewal

61.19.10 (1) To renew a Grade II aeroplane flight instructor rating, the holder of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, have undergone the proficiency check as prescribed in Document NAM-CATS-FCL 61, conducted by a Grade I aeroplane flight instructor or a designated examiner.

(2) The flight instructor or designated examiner, as the case may be, shall, upon compliance with the requirements referred to in subregulation (1) by the holder of the rating -

(a) issue the proficiency check report as prescribed in Document NAM-CATS-FCL 61; and

(b) endorse the logbook of such holder.

(3) If the result of the proficiency check contemplated in subregulation (1) reveals that the holder of the rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 61.19.9, the flight instructor or designated examiner shall -

(a) submit the proficiency check report to the Director; and

(b) not endorse the logbook of the holder of the rating.

(4) An application for the renewal of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, be -

(a) made to the Director on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

(5) The Director shall renew the rating if the applicant complies with the requirements referred to in subregulation (1).

(6) The rating shall be renewed on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

Reissue

61.19.11 (1) The holder of a Grade II aeroplane flight instructor rating which has expired due to the lapse of the period referred to in regulation 61.19.8, who wishes to apply for the reissuing of the expired rating, may, with the approval of the Director and subject to such conditions as the Director may determine, act as a Grade II aeroplane flight instructor for the purpose of complying with the requirements prescribed in subregulation (2).

(2) The applicant shall, within the 90 days immediately preceding the date of application, have undergone the skill test referred to in regulation 61.19.5(1), conducted by a designated examiner.

(3) The designated examiner shall, upon compliance with the requirements prescribed in subregulation (2) by the holder of the expired rating -

(a) issue the skill test report as prescribed in Document NAM-CATS-FCL 61; and

(b) endorse the logbook of such holder.

(4) An application for the reissue of the expired rating shall be -

(a) made to the Director on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

(5) The Director shall reissue the expired rating if the applicant complies with the requirements referred to in subregulation (2).

(6) The rating shall be reissued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(7) If the result of the skill test contemplated in subregulation (2) reveals that the holder of the expired rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 61.21.9, the designated examiner shall -

(a) submit the skill test report to the Director;

(b) endorse the logbook of the holder of the expired rating accordingly; and

(c) indicate whether the reissue of a Grade III aeroplane flight instructor rating is recommended, if applicable.

(8) The Director may reissue a Grade III aeroplane flight instructor rating by virtue of a recommendation contemplated in subregulation (7)(c).

(9) If a period of 60 months has lapsed after the date of expiry of the rating, the holder of the expired rating may apply to the Director for the reissue of the rating and the Director shall reissue the rating if the applicant complies with the requirements referred to in regulation 61.19.1.

(10) The provisions of regulation 61.19.6 shall apply *mutatis mutandis* to an application made in terms of subregulation (9).

Maintenance of competency

61.19.12 (1) The holder of a Grade II aeroplane flight instructor rating shall not exercise the privileges of the rating unless he or she has given at least 10 hours of flight instruction within the preceding 12 months.

(2) If the holder has failed to comply with the provisions of subregulation (1), such holder shall

(a) undergo the proficiency check referred to in regulation 61.19.10(1); or

(b) apply for the reissuing of a Grade III aeroplane flight instructor rating in terms of regulation 61.19.10.

SUBPART 20
GRADE III AEROPLANE FLIGHT INSTRUCTOR RATING

Requirements for Grade III aeroplane night instructor rating

61.20.1 An applicant for the issue of a Grade III aeroplane flight instructor rating shall -

(a) hold a valid commercial pilot licence (aeroplane) or airline transport pilot licence (aeroplane);

(b) have successfully completed the training referred to in regulation 61.20.2;

(c) have passed the theoretical knowledge examination referred to in regulation 61.20.3; and

(d) have undergone the skill test referred to in regulation 61.20.4.

Training

61.20.2 An applicant for the issue of a Grade III aeroplane flight instructor rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

Theoretical knowledge examination

61.20.3 An applicant for the issue of a Grade III aeroplane flight instructor rating shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

Skill test

61.20.4 (1) An applicant for the issue of a Grade III aeroplane flight instructor rating shall have demonstrated to a designated examiner, the ability to perform as a Grade III aeroplane flight instructor the procedures and manoeuvres as prescribed in Document NAM-

CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a Grade III aeroplane flight instructor rating.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within 36 months of passing the theoretical knowledge examination referred to in regulation 61.20.3, and within the 90 days immediately preceding the date of application.

(3) The skill test may be conducted in a simulator.

Application for Grade III aeroplane flight instructor rating

61.20.5 An application for the issue of a Grade III aeroplane flight instructor rating shall be -

(a) made to the Director on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

Issuing of Grade III aeroplane flight instructor rating

61.20.6 (1) The Director shall issue a Grade III aeroplane flight instructor rating if the applicant complies with the requirements referred to in regulation 61.20.1.

(2) A Grade III aeroplane flight instructor rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

Period of validity

61.20.7 A Grade III aeroplane flight instructor rating shall be valid for a period of 12 months calculated from the date of issue or renewal of the rating.

Provided that the privileges of such rating shall not be exercised by the holder thereof unless he or she complies with the provisions of regulation 61.20.11.

[Formatting and punctuation are reproduced here as they appear in the *Government Gazette*.]

Privileges and limitations

61.20.8 (1) The holder of a valid Grade III aeroplane flight instructor rating shall be entitled to -

(a) exercise all the privileges of an aeroplane simulator flight instructor certificate;

(b) give academic or practical instruction in aeroplanes in respect of which he or she holds a valid type rating;

(c) give instrument instruction, if he or she holds a valid instrument rating; and

(d) conduct multi-engine training, if he or she has completed -

(i) the appropriate training as prescribed in Document NAM-CATS-FCL 61;

(ii) the multi-engine instructor skill test as prescribed in Document NAM-CATS-FCL 61; and

(iii) not less than 100 hours of flight time as a pilot in multi-engine aeroplanes.

(2) The training or instruction referred to in subregulation (1), shall only be conducted or given under the supervision of a Grade I or a Grade II aeroplane flight instructor, who is the holder of the appropriate valid rating.

Renewal

61.20.9 (1) To renew a Grade III aeroplane flight instructor rating, the holder of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, have undergone the proficiency check as prescribed in Document NAM-CATS-FCL 61, conducted by a Grade I or Grade II aeroplane flight instructor, or a designated examiner.

(2) The flight instructor or designated examiner, as the case may be, shall, upon compliance with the requirements referred to in subregulation (1) by the holder of the rating -

(a) issue the proficiency check report as prescribed in Document NAM-CATS-FCL 61; and

(b) endorse the logbook of such holder.

(3) If the result of the proficiency check contemplated in subregulation (1) reveals that the holder of the rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 61.20.8, the flight instructor or designated examiner shall -

(a) submit the proficiency check report to the Director; and

(b) not endorse the logbook of the holder of the rating.

(4) An application for the renewal of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

(5) The Director shall renew the rating if the applicant complies with the requirements referred to in subregulation (1).

(6) The rating shall be renewed on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

Reissue

61.20.10 (1) The holder of a Grade III aeroplane flight instructor rating which has expired due to the lapse of the period referred to in regulation 61.20.7, who wishes to apply for the reissue of the expired rating, may, with the approval of the Director and subject to such conditions as the Director may determine, act as a Grade III aeroplane flight instructor for the purpose of complying with the requirements prescribed in subregulation (2).

(2) The applicant shall, within the 90 days immediately preceding the date of application, have undergone the skill test referred to in regulation 61.20.4(1), conducted by a designated examiner.

(3) The designated examiner shall, upon compliance with the requirements prescribed in subregulation (2) by the holder of the expired rating -

(a) issue the skill test report as prescribed in Document NAM-CATS-FCL 61; and

(b) endorse the logbook of such holder.

(4) An application for the reissue of the expired rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

(5) The Director shall reissue the expired rating if the applicant –

(a) complies with the requirements referred to in subregulation (2).

[There are no paragraphs additional to paragraph (a) in this subregulation.]

(6) The rating shall be reissued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(7) If the result of the skill test contemplated in subregulation (2) reveals that the holder of the expired rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 61.20.8, the designated examiner shall -

(a) submit the skill test report to the Director; and

(b) not endorse the logbook of the holder of the expired rating.

(8) If a period of 60 months has lapsed after the date of expiry of the rating, the holder of the expired rating may apply to the Director for the reissuing of the rating and the Director shall reissue the rating if the applicant complies with the requirements referred to in regulation 61.20.1.

(9) The provisions of regulation 61.20.5 shall apply *mutatis mutandis* to an application made in terms of subregulation (8).

Maintenance of competency

61.20.11 The holder of a Grade III aeroplane flight instructor rating shall not exercise the privileges of the rating unless he or she has given at least 10 hours of flight instruction within the preceding 12 months.

SUBPART 21
AEROPLANE SIMULATOR FLIGHT INSTRUCTOR CERTIFICATE

Requirements for aeroplane simulator flight instructor certificate

61.21.1 An applicant for the issue of an aeroplane simulator flight instructor certificate shall -

(a) hold or have held -

(i) a valid commercial pilot licence (aeroplane) or airline transport pilot licence (aeroplane); or

(ii) a valid aeroplane flight instructor rating;

(b) have successfully completed the training referred to in regulation 61.21.2;

(c) have passed the theoretical knowledge examination referred to in regulation 61.21.3; and

(d) have undergone the skill test or the proficiency check, as the case may be, referred to in regulation 61.21.4.

Training

61.21.2 An applicant for the issue of an aeroplane simulator flight instructor certificate shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61: Provided that the applicant shall not be required to comply with the provisions of this regulation if he or she has held a valid aeroplane flight instructor rating within the 60 months immediately preceding the date of application.

Theoretical knowledge examination

61.21.3 An applicant for the issue of an aeroplane simulator flight instructor certificate shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61: Provided that the applicant shall not be required to comply with the provisions of this regulation if he or she has held a valid aeroplane flight instructor rating within the 60 months immediately preceding the date of application.

Skill test

61.21.4 (1) Subject to the provisions of subregulation (4), an applicant for the issuing of an aeroplane simulator flight instructor certificate shall have demonstrated to a designated examiner, the ability to perform as an aeroplane simulator flight instructor the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of an aeroplane simulator flight instructor certificate.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within 36 months of passing the theoretical knowledge examination referred to in regulation 61.21.3, and within the 90 days immediately preceding the date of application.

(3) The skill test shall have been conducted in a type specific simulator.

(4) An applicant who has held a valid aeroplane flight instructor rating within the 60 months immediately preceding the date of application, shall have undergone the proficiency check referred to in regulation 61.21.9(1).

Application for aeroplane simulator flight instructor certificate

61.21.5 An application for the issue of an aeroplane simulator flight instructor certificate shall be -

(a) made to the Director on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

Issuing of aeroplane simulator flight instructor certificate

61.21.6 (1) The Director shall issue an aeroplane simulator flight instructor certificate if the applicant complies with the requirements referred to in regulation 61.21.1

(2) An aeroplane simulator flight instructor certificate shall be issued on the appropriate form as prescribed in Document N AM-CATS-FCL 61.

Period of validity

61.21.7 An aeroplane simulator flight instructor certificate shall be valid for a period of three years calculated from the date of issue, renewal or reissue of the certificate: Provided that the privileges of such rating shall not be exercised by the holder thereof unless he or she complies with the provisions of regulation 61.21.11.

Privileges

61.21.8 The holder of a valid aeroplane simulator flight instructor certificate shall be entitled to give the simulator instruction for which he or she has been approved.

Renewal

61.21.9 (1) To renew an aeroplane simulator flight instructor certificate, the holder of the certificate shall, within the 90 days immediately preceding the date of expiry of such certificate, have undergone the proficiency check as prescribed in Document NAM-CATS-FCL 61, conducted by Grade I or a Grade II aeroplane flight instructor, or a designated examiner.

(2) The flight instructor or designated examiner, as the case may be, shall, upon compliance with the requirements referred to in subregulation (1) by the holder of the certificate -

(a) issue the proficiency check report as prescribed in Document NAM-CATS-FCL 61; and

(b) endorse the logbook of such holder.

(3) If the result of the proficiency check contemplated in subregulation (1) reveals that the holder of the certificate has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 61.21.8, the flight instructor or designated examiner shall -

(a) submit the proficiency check report to the Director; and

(b) not endorse the logbook of the holder of the certificate.

(4) An application for the renewal of the certificate shall, within the 90 days immediately preceding the date of expiry of such certificate, be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by -

(i) a copy of such certificate;

(ii) a copy of a summary of the logbook of the applicant;

(iii) the proficiency check report referred to in subregulation (2)(a); and

(iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall renew the certificate if the applicant complies with the requirements referred to in subregulation (1).

(6) The certificate shall be renewed on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

Reissue

61.21.10 (1) The holder of an aeroplane simulator flight instructor certificate which has expired due to the lapse of the period referred to in regulation 61.21.7, who wishes to apply for the reissuing of the expired certificate, may, with the approval of the Director and subject to such conditions as the Director may determine, act as an aeroplane simulator flight instructor for the purpose of complying with the requirements prescribed in subregulation (2).

(2) The applicant shall, within the 90 days immediately preceding the date of application, have undergone the skill test referred to in regulation 61.21.4(1), conducted by a designated examiner.

(3) The designated examiner shall, upon compliance with the requirements prescribed in subregulation (2) by the holder of the expired certificate -

(a) issue the skill test report as prescribed in Document NAM-CATS-FCL 61; and

(b) endorse the logbook of such holder.

(4) An application for the reissuing of the expired certificate shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

(5) The Director shall reissue the expired certificate if the applicant complies with the requirements referred to in subregulation (2).

(6) The certificate shall be reissued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(7) If the result of the skill test contemplated in subregulation (2) reveals that the holder of the expired certificate has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 61.21.8, the designated examiner shall -

(a) submit the skill test report to the Director; and

(b) not endorse the logbook of the holder of the expired certificate.

(8) If a period of 60 months has lapsed after the date of expiry of the certificate, the holder of the expired certificate may apply to the Director for the reissuing of the certificate and the Director shall reissue the certificate if the applicant complies with the requirements referred to in regulation 61.21.1.

(9) The provisions of regulation 61.21.5 shall apply *mutatis mutandis* to an application made in terms of subregulation (8).

Maintenance of competency

61.21.11 (1) The holder of an aeroplane simulator flight instructor certificate shall not exercise the privileges of the certificate unless he or she has given at least 10 hours of simulator instruction within the preceding 12 months.

(2) If the holder has failed to comply with the provisions of subregulation (1), such holder shall undergo the proficiency check referred to in regulation 61.21.9(1).

SUBPART 22
GRADE I HELICOPTER FLIGHT INSTRUCTOR RATING

Requirements for Grade I helicopter flight instructor rating

61.22.1 An applicant for the issuing of a Grade I helicopter flight instructor rating shall -

(a) hold a valid airline transport pilot licence (helicopter);

(b) hold a valid Grade II helicopter flight instructor rating;

(c) have acquired the experience referred to in regulation 61.22.2;

(d) have successfully completed the training referred to in regulation 61 .22.3;

(e) have complied with the theoretical knowledge requirements referred to in regulation 61.22.4; and

(f) have undergone the skill test referred to in regulation 61.22.5.

Experience

61.22.2 An applicant for the issuing of a Grade I helicopter flight instructor rating shall have at least three years experience as a Grade II helicopter flight instructor, during which he or she shall have given not less than 1 500 hours of flight instruction.

Training

61.22.3 An applicant for the issuing of a Grade I helicopter flight instructor rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

Theoretical knowledge requirements

61.22.4 An applicant for the issuing of a Grade I helicopter flight instructor rating shall have complied with the theoretical knowledge requirements as prescribed in Document NAM-CATS-FCL 61.

Skill test

61.22.5 (1) An applicant for the issuing of a Grade I helicopter flight instructor rating shall have demonstrated to a designated examiner, the ability to perform as a Grade I helicopter flight instructor the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a Grade I helicopter flight instructor rating.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within the 90 days immediately preceding the date of application.

(3) The skill test shall have been conducted in a helicopter which is required to be operated with a co-pilot, or in a simulator.

Application for Grade I helicopter flight instructor rating

61.22.6 An application for the issuing of a Grade I helicopter flight instructor rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by -

(i) a copy of the airline transport pilot licence (helicopter) held by the applicant;

(ii) a copy of a summary of the logbook of the applicant;

(iii) proof of compliance with the theoretical knowledge requirements referred to in regulation 61.22.4;

(iv) the skill test report as prescribed in Document NAM-CATS-FCL 61; and

(v) the appropriate fee as prescribed in Part 187.

Issuing of Grade I helicopter flight instructor rating

61.22.7 (1) The Director shall issue a Grade I helicopter flight instructor rating if the applicant complies with the requirements referred to in regulation 61.22.1.

(2) A Grade I helicopter flight instructor rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

Period of validity

61.22.8 A Grade I helicopter flight instructor rating shall be valid for -

(a) a period of 12 months calculated from the date of issue or renewal of the rating.

Provided that the privileges of such rating shall not be exercised by the holder thereof unless he or she complies with the provisions of regulation 61.22.12.

[Formatting and punctuation are reproduced here as they appear in the *Government Gazette*. There are no paragraphs additional to paragraph (a) in this regulation.]

Privileges

61.22.9 The holder of a valid Grade I helicopter flight instructor rating shall be entitled to -

(a) conduct the training required for the issuing of Grade I helicopter flight instructor ratings;

(b) exercise all the privileges of a Grade II helicopter flight instructor rating;

(c) conduct proficiency checks and issue proficiency check reports required for the renewal of -

(i) type ratings; and

(ii) Grade II helicopter flight instructor ratings;

(d) issue temporary type rating certificates; and

(e) act as an examiner in any of the valid ratings held by him or her, if designated by the Director in terms of regulation 61.01.26.

Renewal

61.22.10 (1) To renew a Grade I helicopter flight instructor rating, the holder of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, have undergone the proficiency check as prescribed in Document NAM-CATS-FCL 61, conducted by a designated examiner.

(2) The designated examiner shall, upon compliance with the requirements referred to in subregulation (q) by the holder of the rating -

(a) issue the proficiency check report as prescribed in Document NAM-CATS-FCL 61; and

(b) endorse the logbook of such holder.

(3) If the result of the proficiency check contemplated in subregulation (1) reveals that the holder of the rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 61.22.9, the designated examiner shall -

(a) submit the proficiency check report to the Director; and

(b) not endorse the logbook of the holder of the rating.

(4) An application for the renewal of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

(5) The Director shall renew the rating if the applicant complies with the requirements referred to in subregulation (1).

(6) The rating shall be renewed on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

Reissue

61.22.11 (1) The holder of a Grade I helicopter flight instructor rating which has expired due to the lapse of the period referred to in regulation 61.22.8, who wishes to apply for the reissuing of the expired rating, may, with the approval of the Director and subject to such conditions as the Director may determine, act as a Grade I helicopter flight instructor for the purpose of complying with the requirements prescribed in subregulation (2).

(2) The applicant shall, within the 90 days immediately preceding the date of application, have undergone the skill test referred to in regulation 61.22.5(1), conducted by a designated examiner.

(3) The designated examiner shall, upon compliance with the requirements prescribed in subregulation (2) by the holder of the expired rating -

(a) issue the skill test report as prescribed in Document NAM-CATS-FCL 61; and

(b) endorse the logbook of such holder.

(4) An application for the reissuing of the expired rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

(5) The Director shall reissue the expired rating if the applicant complies with the requirements referred to in subregulation (2).

(6) The rating shall be reissued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(7) If the result of the skill test contemplated in subregulation (2) reveals that the holder of the expired rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 61.22.9, the designated examiner shall -

(a) submit the skill test report to the Director;

(b) endorse the logbook of the holder of the expired rating accordingly; and

(c) indicate whether the reissuing of a Grade II helicopter flight instructor rating is recommended, if applicable.

(8) The Director may reissue a Grade II helicopter flight instructor rating by virtue of a recommendation contemplated in subregulation (7)(c).

(9) If a period of 60 months has lapsed after the date of expiry of the rating, the holder of the expired rating may apply to the Director for the reissuing of the rating and the Director shall reissue the rating if the applicant complies with the requirements referred to in regulation 61.22.1.

(10) The provisions of regulation 61.22.6 shall apply *mutatis mutandis* to an application made in terms of subregulation (9).

Maintenance of competency

61.23.12 (1) The holder of a Grade I helicopter flight instructor rating shall not exercise the privileges of the rating unless he or she has given at least 10 hours of flight instruction within the preceding 12 months.

(2) If the holder has failed to comply with the provisions of subregulation (1), such holder shall -

(a) undergo the proficiency check referred to in regulation 61.22.10(1); or

(b) apply for the reissuing of a Grade II helicopter flight instructor rating in terms of regulation 61.23.11.

SUBPART 23
GRADE II HELICOPTER FLIGHT INSTRUCTOR RATING

Requirements for Grade II helicopter night instructor rating

61.23.1 An applicant for the issue of a Grade II helicopter flight instructor rating shall -

(a) hold a valid commercial pilot licence (helicopter) or airline transport pilot licence (helicopter);

(b) hold a valid Grade III helicopter flight instructor rating;

(c) have acquired the experience referred to in regulation 61.23.2;

(d) have successfully completed the training referred to in regulation 61.23.3;

(e) have complied with the theoretical knowledge requirements referred to in regulation 61.23.4; and

(f) have undergone the skill test referred to in regulation 61.23.5.

Experience

61.23.2 An applicant for the issue of a Grade II helicopter flight instructor rating shall have given not less than 200 hours of flight instruction as a Grade III helicopter flight instructor.

Training

61.23.3 An applicant for the issue of a Grade II helicopter flight instructor rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

Theoretical knowledge requirements

61.23.4 An applicant for the issue of a Grade II helicopter flight instructor rating shall have complied with the theoretical knowledge requirements as prescribed in Document NAM-CATS-FCL 61.

Skill test

61.23.5 (1) An applicant for the issue of a Grade II helicopter flight instructor rating shall have demonstrated to a designated examiner, the ability to perform as a Grade II helicopter flight instructor the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a Grade II helicopter flight instructor rating.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within the 90 days immediately preceding the date of application.

(3) The skill test may be conducted in a simulator.

Application for Grade II helicopter flight instructor rating

61.23.6 An application for the issuing of a Grade II helicopter flight instructor rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

Issuing of Grade II helicopter flight instructor rating

61.23.7 (1) The Director shall issue a Grade II helicopter flight instructor rating if the applicant complies with the requirements referred to in regulation 61.25.1.

(2) A Grade II helicopter flight instructor rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

Period of validity

61.23.8 A Grade II helicopter flight instructor rating shall be valid for -

(a) a period of 12 months calculated from the date of issue of the rating; and

(b) a period of three years calculated form the date of renewal or reissue of the rating:

[The word "from" is misspelt in the *Government Gazette*, as reproduced above.]

Provided that the privileges of such rating shall not be exercised by the holder thereof unless he or she complies with the provisions of regulation 61.23.12.

Privileges

61.23.9 The holder of a valid Grade II helicopter flight instructor rating shall be entitled to -

(a) exercise all the privileges of a Grade III helicopter flight instructor rating;

(b) conduct skill tests and issue skill test reports required for -

(i) the issuing of a private pilot licence (helicopter); and

(ii) the issuing or reissuing of type ratings associated with a private pilot licence (helicopter);

(c) conduct proficiency checks and issue proficiency check reports required for the renewal of -

(i) type ratings associated with a private pilot licence (helicopter); and

(ii) Grade III helicopter flight instructor ratings;

(d) issue temporary type rating certificates;

(e) send the holder of a student pilot licence in respect of a helicopter, on his or her initial solo flight;

(f) conduct the training required for the issuing of a Grade III helicopter flight instructor rating;

(g) conduct training required for a notification for the addition of a helicopter variant to a type rating; and

(h) conduct multi-engine or multi-rotor training, if he or she holds the appropriate valid type rating, and has completed -

(i) the appropriate training as prescribed in Document NAM-CATS-FCL 61; and

(ii) the multi-engine instructor skill test as prescribed in Document NAM-CATS-FCL 61.

Renewal

61.23.10 (1) To renew a Grade II helicopter flight instructor rating, the holder of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, have undergone the proficiency check as prescribed in Document NAM-CATS-FCL 61, conducted by a Grade I helicopter flight instructor or a designated examiner.

(2) The flight instructor or designated examiner, as the case may be, shall, upon compliance with the requirements referred to in subregulation (1) by the holder of the rating -

(a) issue the proficiency check report prescribed in Document NAM-CATS-FCL 61; and

(b) endorse the logbook of such holder.

(3) If the result of the proficiency check contemplated in subregulation (1) reveals that the holder of the rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 61.23.9, the flight instructor or designated examiner shall -

(a) submit the proficiency check report to the Director; and

(b) not endorse the logbook of the holder of the rating.

(4) An application for the renewal of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by -

(i) a copy of such rating;

(ii) a copy of a summary of the logbook of the applicant;

(iii) the proficiency check report referred to in subregulation (2)(a); and

(iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall renew the rating if the applicant complies with the requirements referred to in subregulation (1);

[The semicolon at the end of subregulation (5) should be a full stop.]

(6) The rating shall be renewed on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

Reissue

61.23.11 (1) The holder of a Grade II helicopter flight instructor rating which has exp1red due to the lapse of the period referred to in regulation 61.23.8, who wishes to apply for the reissuing of the expired rating, may, with the approval of the Director and subject to such conditions as the Director may determine, act as a Grade II helicopter flight instructor for the purpose of complying with the requirements prescribed in subregulation (2).

(2) The applicant shall, within the 90 days immediately preceding the date of application, have undergone the skill test referred to in regulation 61.23.5(1), conducted by a designated examiner.

(3) The designated examiner shall, upon compliance with the requirements prescribed in subregulation (2) by the holder of the expired rating -

(a) issue the skill test report as prescribed in Document NAM-CATS-FCL 61; and

(b) endorse the logbook of such holder.

(4) An application for the reissuing of the expired rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by -

(i) a copy of such expired rating;

(ii) a copy of a summary of the logbook of the applicant;

(iii) the skill test report referred to in subregulation (1)(a); and

(iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall reissue the expired rating if the applicant complies with the requirements referred to in subregulation (2).

(6) The rating shall be reissued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(7) If the result of the skill test contemplated in subregulation (2) reveals that the holder of the expired rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 61.23.9, the designated examiner shall -

(a) submit the skill test report to the Director;

(b) endorse the logbook of the holder of the expired rating accordingly; and

(c) indicate whether the reissuing of a Grade III helicopter flight instructor rating is recommended, if applicable.

(8) The Director may reissue a Grade III helicopter flight instructor rating by virtue of a recommendation contemplated in subregulation (7)(c).

(9) If a period of 60 months has lapsed after the date of expiry of the rating, the holder of the expired rating may apply to the Director for the reissuing of the rating and the Director shall reissue the rating if the applicant complies with the requirements referred to in regulation 61.23.1.

(10) The provisions of regulation 61.23.6 shall apply *mutatis mutandis* to an application made in terms of subregulation (9).

Maintenance of competency

61.23.12 (1) The holder of a Grade II helicopter flight instructor rating shall not exercise the privileges of the rating unless he or she has given at least 10 hours of flight instruction within the preceding 12 months.

(2) If the holder has failed to comply with the provisions of subregulation (1), such holder shall -

(a) undergo the proficiency check referred to in regulation 61.23.10(1); or

(b) apply for the reissuing of a Grade III helicopter flight instructor rating in terms of regulation 61.24.10.

SUBPART 24
GRADE III HELICOPTER FLIGHT INSTRUCTOR RATING

Requirements for Grade III helicopter flight instructor rating

61.24.1 An applicant for the issue of a Grade III helicopter flight instructor rating shall -

(a) hold a valid commercial pilot licence (helicopter) or airline transport pilot licence (helicopter);

(b) have successfully completed the training referred to in regulation 61.24.2;

(c) have passed the theoretical knowledge examination referred to in regulation 61.24.3; and

(d) have undergone the skill test referred to in regulation 61.24.4.

Training

61.24.2 An applicant for the issue of a Grade III helicopter flight instructor rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

Theoretical knowledge examination

61.24.3 An applicant for the issuing of a Grade III helicopter flight instructor rating shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

Skill test

61.24.4 (1) An applicant for the issue of a Grade III helicopter flight instructor rating shall have demonstrated to a designated examiner, the ability to perform as a Grade III helicopter flight instructor the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a Grade III helicopter flight instructor rating.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within 36 months of passing the theoretical knowledge examination referred to in regulation 61.24.3, and within the 90 days immediately preceding the date of application.

(3) The skill test may be conducted in a simulator.

Application for Grade III helicopter flight instructor rating

61.24.5 An application for the issue of a Grade III helicopter flight instructor rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by -

(i) a copy of the pilot licence held by the applicant;

(ii) proof that the applicant has passed the theoretical knowledge examination referred to in regulation 61.24.3;

(iii) the skill test report as prescribed in Document NAM-CATS-FCL 61; and

(iv) the appropriate fee as prescribed in Part 187.

Issuing of Grade III helicopter flight instructor rating

61.24.6 (1) The Director shall issue a Grade III helicopter flight instructor rating if the applicant complies with the requirements referred to in regulation 61.24.1.

(2) A Grade III helicopter flight instructor rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

Period of validity

61.24.7 A Grade III helicopter flight instructor rating shall be valid for -

(a) a period of 12 months calculated from the date of issue of the rating; and

(b) a period of three years calculated form the date of renewal or reissue of the rating:

[The word "from" is misspelt in the *Government Gazette*, as reproduced above.]

Provided that the privileges of such rating shall not be exercised by the holder thereof unless he or she complies with the provisions of regulation 61.24.11.

Privileges and limitations

61.24.8 (1) The holder of a valid Grade III helicopter flight instructor rating shall be entitled to -

(a) exercise all the privileges of a helicopter simulator flight instructor certificate;

(b) give academic or practical instruction in single-engine, single-rotor helicopters in respect of which he or she holds a valid type rating;

(c) give instrument instruction, if he or she holds a valid instrument rating; and

(d) give night flight instruction, if he or she holds a valid night rating.

(2) The training or instruction referred to in subregulation (1), shall only be conducted or given under the supervision of a Grade I or a Grade II helicopter flight instructor, who is the holder of the appropriate valid rating.

Renewal

61.24.9 (1) To renew a Grade III helicopter flight instructor rating, the holder of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, have undergone the proficiency check as prescribed in Document NAM-CATS-FCL 61, conducted by a Grade I or Grade II helicopter flight instructor, or a designated examiner.

(2) The flight instructor or designated examiner, as the case may be, shall, upon compliance with the requirements referred to in subregulation (1) by the holder of the rating -

(a) issue the proficiency check report as prescribed in Document NAM-CATS-FCL 61; and

(b) endorse the logbook of such holder.

(3) If the result of the proficiency check contemplated in subregulation (1) reveals that the holder of the rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 61.24.8, the flight instructor or designated examiner shall -

(a) submit the proficiency check report to the Director; and

(b) not endorse the logbook of the holder of the rating.

(4) An application for the renewal of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by -

(i) a copy of such rating;

(ii) a copy of a summary of the logbook of the applicant;

(iii) the proficiency check report referred to in subregulation (2)(a); and

(iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall renew the rating if the applicant complies with the requirements referred to in subregulation (1).

(6) The rating shall be renewed on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

Reissue

61.24.10 (1) The holder of a Grade III helicopter flight instructor rating which has expired due to the lapse of the period referred to in regulation 61.24.7, who wishes to apply for the reissuing of the expired rating, may, with the approval of the Director and subject to such conditions as the Director may determine, act as a Grade III helicopter flight instructor for the purpose of complying with the requirements prescribed in subregulation (2).

(2) The applicant shall, within the 90 days immediately preceding the date of application, have undergone the skill test referred to in regulation 61.24.4(1), conducted by a designated examiner.

(3) The designated examiner shall, upon compliance with the requirements prescribed in subregulation (2) by the holder of the expired rating -

(a) issue the skill test report as prescribed in Document NAM-CATS-FCL 61; and

(b) endorse the logbook of such holder.

(4) An application for the reissuing of the expired rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by -

(i) a copy of such expired rating;

(ii) a copy of a summary of the logbook of the applicant;

(iii) the skill test report referred to in subregulation (3)(a); and

(iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall reissue the expired rating if the applicant complies with the requirements referred to in subregulation (1).

(6) The rating shall be reissued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(7) If the result of the skill test contemplated in subregulation (2) reveals that the holder of the expired rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 61.24.8, the designated examiner shall -

(a) submit the skill test report to the Director; and

(b) not endorse the logbook of the holder of the expired rating.

(8) If a period of 60 months has lapsed after the date of expiry of the rating, the holder of the expired rating may apply to the Director for the reissuing of the rating and the Director shall reissue the rating if the applicant complies with the requirements referred to in regulation 61.24.1.

(9) The provisions of regulation 61.24.5 shall apply *mutatis mutandis* to an application made in terms of subregulation (8).

Maintenance of competency

61.24.11 The holder of a Grade III helicopter flight instructor rating shall not exercise the privileges of the rating unless he or she has given at least 10 hours of flight instruction within the preceding 12 months.

SUBPART 25
HELICOPTER SIMULATOR FLIGHT INSTRUCTOR CERTIFICATE

Requirements for helicopter simulator flight instructor certificate

61.25.1 An applicant for the issue of a helicopter simulator flight instructor certificate shall -

(a) hold or have held -

(i) a valid commercial pilot licence (helicopter) or an airline transport pilot licence (helicopter); or

(ii) a valid helicopter flight instructor rating;

(b) have successfully completed the training referred to in regulation 61.25.2;

(c) have passed the theoretical knowledge examination referred to in regulation 61.25.3; and

(d) have undergone the skill test or the proficiency check, as the case may be, referred to in regulation 61.25.4.

Training

61.25.2 An applicant for the issue of a helicopter simulator flight instructor certificate shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61: Provided that the applicant shall not be required to comply with the provisions of this regulation if he or she has held a valid helicopter flight instructor rating within the 60 months immediately preceding the date of application.

Theoretical knowledge examination

61.25.3 An applicant for the issue of a helicopter simulator flight instructor certificate shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61: Provided that the applicant shall not be required to comply with the provisions of this regulation if he or she has held a valid helicopter flight instructor rating within the 60 months immediately preceding the date of application.

Skill test

61.25.4 (1) Subject to the provisions of subregulation (4), an applicant for the issuing of a helicopter simulator flight instructor certificate shall have demonstrated to a designated examiner, the ability to perform as a helicopter simulator flight instructor the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a helicopter simulator flight instructor certificate.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within 36 months of passing the theoretical knowledge examination referred to in regulation 61.25.3, and within the 90 days immediately preceding the date of application.

(3) The skill test shall have been conducted in a type specific simulator.

(4) An applicant who has held a valid helicopter flight instructor rating within the 60 months immediately preceding the date of application, shall have undergone the proficiency check referred to in regulation 61.25.9(1).

Application for helicopter simulator flight instructor certificate

61.25.5 An application for the issuing of a helicopter simulator flight instructor certificate shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by -

(i) a copy of the pilot licence or helicopter flight instructor rating held by the applicant;

(ii) proof that the applicant has passed the theoretical knowledge examination referred to in regulation 61.25.3;

(iii) the skill test report as prescribed in Document NAM-CATS-FCL 61; and

(iv) the appropriate fee as prescribed in Part 187.

Issuing of helicopter simulator flight instructor certificate

61.15.6 (1) The Director shall issue a helicopter simulator flight instructor certificate if the applicant complies with the requirements referred to in regulation 61.25.1.

(2) A helicopter simulator flight instructor certificate shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

Period of validity

61.15.7 A helicopter simulator flight instructor certificate shall be valid for a period of three years calculated from the date of issue, renewal or reissue of the certificate: Provided that the privileges of such rating shall not be exercised by the holder thereof unless he or she complies with the provisions of regulation 61.25.11.

Privileges

61.15.8 The holder of a valid helicopter simulator flight instructor certificate shall be entitled to give the simulator instruction for which he or she has been approved.

Renewal

61.15.9 (1) To renew a helicopter simulator flight instructor certificate, the holder of the certificate shall, within the 90 days immediately preceding the date of expiry of such certificate, have undergone the proficiency check as prescribed in Document NAM-CATS-FCL 61, conducted by a Grade I or Grade II helicopter flight instructor, or a designated examiner.

(2) The flight instructor or designated examiner, as the case may be, shall, upon compliance with the requirements referred to in subregulation (1) by the holder of the certificate -

(a) issue the proficiency check report as prescribed in Document NAM-CATS-FCL 61; and

(b) endorse the logbook of such holder.

(3) If the result of the proficiency check contemplated in subregulation (1) reveals that the holder of the certificate has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 61.25.9, the flight instructor or designated examiner shall -

(a) submit a proficiency check report to the Director; and

(b) not endorse the logbook of the holder of the certificate.

(4) An application for the renewal of the certificate shall, within the 90 days immediately preceding the date of expiry of such certificate, be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by -

(i) a copy of such certificate;

(ii) a copy of a summary of the logbook of the applicant;

(iii) the proficiency check report referred to in subregulation (2)(a); and

(iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall renew the certificate if the applicant complies with the requirements referred to in subregulation (1).

(6) The certificate shall be renewed on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

Reissue

61.25.10 (1) The holder of a helicopter simulator flight instructor certificate which has expired due to the lapse of the period referred to in regulation 61.25.7, who wishes to apply for the reissuing of the expired certificate, may, with the approval of the Director and subject to such conditions as the Director may determine, act as a helicopter simulator flight instructor for the purpose of complying with the requirements prescribed in subregulation (2).

(2) The applicant shall, within the 90 days immediately preceding the date of application, have undergone the skill test referred to in regulation 61.25.4(1), conducted by a designated examiner.

(3) The designated examiner shall, upon compliance with the requirements prescribed in subregulation (2) by the holder of the expired certificate -

(a) issue the skill lest report as prescribed in Document NAM-CATS-FCL 61; and

(b) endorse the logbook of such holder.

(4) An application for the reissuing of the expired certificate shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by -

(i) a copy of such expired certificate;

(ii) a copy of a summary of the logbook of the applicant;

(iii) the skill test report referred to in subregulation (3)(a); and

(iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall reissue the expired certificate if the applicant complies with the requirements referred to in subregulation (2).

(6) The certificate shall be reissued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(7) If the result of the skill test contemplated in subregulation (2) reveals that the holder of the expired certificate has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 61.25.8, the designated examiner shall -

(a) submit the skill test report to the Director; and

(b) not endorse the logbook of the holder of the expired certificate.

(8) If a period of 60 months has lapsed after the date of expiry of the certificate, the holder of the expired certificate may apply to the Director for the reissuing of the certificate and the Director shall reissue the certificate if the applicant complies with the requirements referred to in regulation 61.25.1.

(9) The provisions of regulation 61.25.5 shall apply *mutatis mutandis* to an application made in terms of subregulation (8).

Maintenance of competency

61.25.11 (1) The holder of a helicopter simulator flight instructor certificate shall not exercise the privileges of the certificate unless he or she has given at least 10 hours of simulator instruction within the preceding 12 months.

(2) If the holder has failed to comply with the provisions of subregulation (1), such holder shall undergo the proficiency check referred to in regulation 61.25.9(1).

SUBPART 26
GRADE I MICROLIGHT AEROPLANE FLIGHT INSTRUCTOR RATING

Requirements for Grade I microlight aeroplane flight instructor rating

61.26.1 An applicant for the issue of a Grade I microlight aeroplane flight instructor rating shall -

(a) hold a valid microlight aeroplane pilot licence;

(b) have successfully completed the training referred to in regulation 61.26.2;

(c) have passed the theoretical knowledge examination referred to in regulation 61.26.3; and

(d) have undergone the skill test referred to in regulation 61.26.4.

Training

61.26.2 An applicant for the issuing of a Grade I microlight aeroplane flight instructor rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

Theoretical knowledge examination

61.26.3 An applicant for the issuing of a Grade I microlight aeroplane flight instructor rating shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

Skill test

61.26.4 (1) An applicant for the issuing of a Grade I microlight aeroplane flight instructor rating shall have demonstrated to a designated examiner, the ability to perform as a Grade I microlight aeroplane flight instructor the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a Grade I microlight aeroplane flight instructor rating.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within 36 months of passing the theoretical knowledge examination referred to in regulation 61.26.3, and within the 90 days immediately preceding the date of application.

(3) The skill test may be conducted in a simulator.

Application for Grade I microlight aeroplane flight instructor rating

61.26.5 An application for the issue of a Grade I microlight aeroplane flight instructor rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by -

(i) a copy of the commercial microlight aeroplane pilot licence held by the applicant;

(ii) proof that the applicant has passed the theoretical knowledge examination referred to in regulation 61.26.3;

(iii) the skill test report as prescribed in Document NAM-CATS-FCL 61; and

(iv) the appropriate fee as prescribed in Part 187.

Issuing of Grade I microlight aeroplane flight instructor rating

[This regulation is incorrectly numbered in the LIST OF REGULATIONS as "61.28.6".]

61.26.6 (1) The Director shall issue a Grade I microlight aeroplane flight instructor rating if the applicant complies with the requirements referred to in regulation 61.26.1.

(2) A Grade I microlight aeroplane flight instructor rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

Period of validity

61.26.7 A Grade I microlight aeroplane flight instructor rating shall be valid for -

(a) a period of 12 months calculated from the date of issue of the rating; and

(b) a period of three years calculated from the date of renewal or reissue of the rating:

Provided that the privileges of such rating shall not be exercised by the holder thereof unless he or she complies with the provisions of regulation 61.26.11.

Privileges

61.26.8 The holder of a valid Grade I microlight aeroplane flight instructor rating shall be entitled to -

(a) give academic or practical instruction on any of the valid ratings held by him or her;

(b) conduct proficiency checks and issue proficiency check reports required for the renewal of type ratings;

(c) issue temporary type rating certificates;

(d) send the holder of a student pilot licence in respect of a microlight aeroplane, on his or her initial solo flight; and

(e) act as an examiner in any of the valid ratings held by him or her, if designated by the Director in terms of regulation 61.01.26.

Renewal

61.26.9 (1) To renew a Grade I microlight aeroplane flight instructor rating, the holder of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, have undergone a proficiency check as prescribed in Document NAM-CATS-FCL 61, conducted by a designated examiner.

(2) The designated examiner shall, upon compliance with the requirements referred to in subregulation (1) by the holder of the rating -

(a) issue the proficiency check report as prescribed in Document NAM-CATS-FCL 61; and

(b) endorse the logbook of such holder.

(3) If the result of the proficiency check contemplated in subregulation (1) reveals that the holder of the rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 61.26.8, the designated examiner shall -

(a) submit the proficiency check report to the Director; and

(b) not endorse the logbook of the holder of the rating.

(4) An application for the renewal of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by -

(i) a copy of such rating;

(ii) a copy of a summary of the logbook of the applicant;

(iii) the proficiency check report referred to in subregulation (2)(a); and

(iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall renew the rating if the applicant complies with the requirements referred to in subregulation (1).

(6) The rating shall be renewed on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

Reissue

61.26.10 (1) The holder of a Grade I microlight aeroplane flight instructor rating which has expired due to the lapse of the period referred to in regulation 61.26.7, who wishes to apply for the reissuing of the expired rating, may, with the approval of the Director and subject to such conditions as the Director may determine, act as a Grade I microlight aeroplane flight instructor for the purpose of complying with the requirements prescribed in subregulation (2).

(2) The applicant shall, within the 90 days immediately preceding the date of application, have undergone the skill test referred to in regulation 61.26.4(1), conducted by a designated examiner.

(3) The designated examiner shall, upon compliance with the requirements prescribed in subregulation (2) by the holder of the expired rating -

(a) issue the skill test report as prescribed in Document NAM-CATS-FCL 61; and

(b) endorse the logbook of such holder.

(4) An application for the reissuing of the expired rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by -

(i) a copy of such expired rating;

(ii) a copy of a summary of the logbook of the applicant;

(iii) the skill test report referred to in subregulation (3)(a); and

(iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall reissue the expired rating if the applicant complies with the requirements referred to in subregulation (2).

(6) The rating shall be reissued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(7) If the result of the skill test contemplated in subregulation (2) reveals that the holder of the expired rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 61.26.8, the designated examiner shall -

(a) submit the skill test report to the Director; and

(b) not endorse the logbook of the holder of the expired rating.

(8) If a period of 60 months has lapsed after the date of expiry of the rating, the holder of the expired rating may apply to the Director for the reissuing of the rating and the Director shall reissue the rating if the applicant complies with the requirements referred to in regulation 61.28.1.

(9) The provisions of regulation 61.26.5 shall apply *mutatis mutandis* to an application made in terms of subregulation (8).

Maintenance of competency

61.26.11 The holder of a Grade I microlight aeroplane flight instructor rating shall not exercise the privileges of the rating unless he or she has given at least 10 hours of flight instruction within the preceding 12 months.

SUBPART 27
GLIDER FLIGHT INSTRUCTOR RATING

Requirements for glider flight instructor rating

61.27.1 An applicant for the issue of a glider flight instructor rating shall -

(a) hold a valid glider pilot licence;

(b) have successfully completed the training referred to in regulation 61.27.2;

(c) have passed the theoretical knowledge examination referred to in regulation 61.27.3; and

(d) have undergone the skill test referred to in regulation 61.27.4.

Training

61.27.2 An applicant for the issue of a glider flight instructor rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

Theoretical knowledge examination

61.27.3 An applicant for the issue of a glider flight instructor rating shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

Skill test

61.27.4 (1) An applicant for the issue of a glider flight instructor rating shall have demonstrated to a designated examiner, the ability to perform as a glider flight instructor the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a glider flight instructor rating.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within 36 months of passing the theoretical knowledge examination referred to in regulation 61.27.3, and within the 90 days immediately preceding the date of application.

(3) The skill test may be conducted in a simulator.

Application for glider flight instructor rating

61.27.5 An application for the issue of a glider flight instructor rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by -

(i) a copy of the glider pilot licence held by the applicant;

(ii) proof that the applicant has passed the theoretical knowledge examination referred to in regulation 61.27.3;

(iii) the skill test report as prescribed in Document NAM-CATS-FCL 61; and

(iv) the appropriate fee as prescribed in Part 187.

Issuing of glider flight instructor rating

61.27.6 (1) The Director shall issue a glider flight instructor rating if the applicant complies with the requirements referred to in regulation 61.27.1.

(2) A glider flight instructor rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

Period of validity

61.27.7 A glider flight instructor rating shall be valid for -

(a) a period of 12 months calculated from the date of issue of the rating; and

(b) a period of three years calculated from the date of renewal or reissue of the rating:

Provided that the privileges of such rating shall not be exercised by the holder thereof unless he or she complies with the provisions of regulation 61.27.11.

Privileges

61.27.8 The holder of a valid glider flight instructor rating shall be entitled to -

(a) give academic or practical instruction on any of the valid ratings held by him or her;

(b) conduct proficiency checks and issue proficiency check reports required for the renewal of type ratings;

(c) issue temporary type rating certificates;

(d) send the holder of a student pilot licence in respect of a glider, on his or her initial solo flight; and

(e) act as an examiner in any of the valid ratings held by him or her, if designated by the Director in terms of regulation 61.01.26.

Renewal

61.27.9 (1) To renew a glider flight instructor rating, the holder of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, have undergone a proficiency check as prescribed in Document NAM-CATS-FCL 61, conducted by a designated examiner.

(2) The designated examiner shall, upon compliance with the requirements referred to in subregulation (1) by the holder of the rating -

(a) issue the proficiency check report as prescribed in Document NAM-CATS-FCL 61; and

(b) endorse the logbook of such holder.

(3) If the result of the proficiency check contemplated in subregulation (1) reveals that the holder of the rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 61.28.8, the designated examiner shall -

(a) submit the proficiency check report to the Director; and

(b) not endorse the logbook of the holder of the rating.

(4) An application for the renewal of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by -

(i) a copy of such rating;

(ii) a copy of a summary of the logbook of the applicant;

(iii) the proficiency check report referred to in subregulation (2)(a); and

(iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall renew the rating if the applicant complies with the requirements referred to in subregulation (1).

(6) The rating shall be renewed on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

Reissue

61.27.10 (1) The holder of a glider flight instructor rating which has expired due to the lapse of the period referred to in regulation 61.27.7, who wishes to apply for the reissuing of the expired rating, may, with the approval of the Director and subject to such conditions as the

Director may determine, act as a glider flight instructor for the purpose of complying with the requirements prescribed in subregulation (2).

(2) The applicant shall, within the 90 days immediately preceding the date of application, have undergone the skill test referred to in regulation 61.27.4(1), conducted by a designated examiner.

(3) The designated examiner shall, upon compliance with the requirements prescribed in subregulation (2) by the holder of the expired rating -

(a) issue the skill test report as prescribed in Document NAM-CATS-FCL 61; and

(b) endorse the logbook of such holder.

(4) An application for the reissuing of the expired rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by -

(i) a copy of such expired rating;

(ii) a copy of a summary of the logbook of the applicant;

(iii) the skill test report referred to in subregulation (3)(a); and

(iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall reissue the expired rating if the applicant complies with the requirements referred to in subregulation (2).

(6) The rating shall be reissued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(7) If the result of the skill test contemplated in subregulation (2) reveals that the holder of the expired rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 61.27.8, the designated examiner shall -

(a) submit the skill test report to the Director; and

(b) not endorse the logbook of the holder of the expired rating.

(8) If a period of 60 months has lapsed after the date of expiry of the rating, the holder of the expired rating may apply to the Director for the reissuing of the rating and the Director shall reissue the rating if the applicant complies with the requirements referred to in regulation 61.27.1.

(9) The provisions of regulation 61.27.5 shall apply *mutatis mutandis* to an application made in terms of subregulation (8).

Maintenance of competency

61.27.11 The holder of a glider flight instructor rating shall not exercise the privileges of the rating unless he or she has given at least 10 hours of flight instruction within the preceding 12 months.

SUBPART 28
GRADE I FREE BALLOON FLIGHT INSTRUCTOR RATING

Requirements for Grade I free balloon flight instructor rating

61.28.1 An applicant for the issue of a Grade I free balloon flight instructor rating shall -

(a) hold a valid free balloon pilot licence for commercial purposes;

(b) have successfully completed the training referred to in regulation 61.28.2;

(c) have passed the theoretical knowledge examination referred to in regulation 61.28.3; and

(d) have undergone the skill test referred to in regulation 61.28.4.

Training

61.28.2 An applicant for the issue of a Grade I free balloon flight instructor rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

Theoretical knowledge examination

61.28.3 An applicant for the issue of a Grade I free balloon flight instructor rating shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

Skill test

61.28.4 (1) An applicant for the issue of a Grade I free balloon flight instructor rating shall have demonstrated to a designated examiner, the ability to perform as a Grade I free balloon flight instructor the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a Grade I free balloon flight instructor rating.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within 36 months of passing the theoretical knowledge examination referred to in regulation 61.28.3, and within the 90 days immediately preceding the date of application.

(3) The skill test may be conducted in a simulator.

Application for Grade I free balloon flight instructor rating

61.28.5 An application for the issuing of a Grade I free balloon flight instructor rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by -

(i) a copy of the free balloon pilot licence for commercial purposes held by the applicant;

(ii) proof that the applicant has passed the theoretical knowledge examination referred to in regulation 61.28.3;

(iii) the skill test report as prescribed in Document NAM-CATS-FCL 61; and

(iv) the appropriate fee as prescribed in Part 187.

Issuing of Grade I free balloon flight instructor rating

61.28.6 (1) The Director shall issue a Grade 1 free balloon flight instructor rating if the applicant complies with the requirements referred to in regulation 61.28.1;

[The semicolon at the end of subregulation (1) should be a full stop.]

(2) A Grade 1 free balloon flight instructor rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

Period of validity

61.28.7 A Grade I free balloon flight instructor rating shall be valid for -

(a) a period of 12 months calculated from the date of issue of the rating; and

(b) a period of three years calculated form the date of renewal or reissue of the rating:

[The word "from" is misspelt in the *Government Gazette*, as reproduced above.]

Provided that the privileges of such rating shall not be exercised by the holder thereof unless he or she complies with the provisions of regulation 61.27.11.

Privileges

61.28.8 The holder of a valid Grade I free balloon flight instructor rating shall be entitled to-

(a) give academic or practical instruction on any of the valid ratings held by him or her;

(b) conduct proficiency checks and issue proficiency check reports required for the renewal of type ratings;

(c) issue temporary type rating certificates; and

(d) act as an examiner in any of the valid ratings held by him or her, if designated by the Director in terms of regulation 61.01.26.

Renewal

61.28.9 (1) To renew a Grade I free balloon flight instructor rating, the holder of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, have undergone a proficiency check as prescribed in Document NAM-CATS-FCL 61, conducted by a designated examiner.

(2) The designated examiner shall, upon compliance with the requirements referred to in subregulation (1) by the holder of the rating -

(a) issue the proficiency check report as prescribed in Document NAM-CATS-FCL 61; and

(b) endorse the logbook of such holder.

(3) If the result of the proficiency check contemplated in subregulation (1) reveals that the holder of the rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 61.28.8, the designated examiner shall -

(a) submit the proficiency check report to the Director; and

(b) not endorse the logbook of the holder of the rating.

(4) An application for the renewal of the rating in terms of this regulation, shall, within the 90 days immediately preceding the date of expiry of such rating, be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by -

(i) a copy of such rating;

(ii) a copy of a summary of the logbook of the applicant;

(iii) the proficiency check report referred to in subregulation (2)(a); and

(iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall renew the rating if the applicant complies with the requirements referred to in subregulation (1).

(6) The rating shall be renewed on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

Reissue

61.28.10 (1) The holder of a Grade I free balloon flight instructor rating which has expired due to the lapse of the period referred to in regulation 61.28.7, who wishes to apply for the reissuing of the expired rating, may, with the approval of the Director and subject to such conditions as the Director may determine, act as a Grade I free balloon flight instructor for the purpose of complying with the requirements prescribed in subregulation (2).

(2) The applicant shall, within the 90 days immediately preceding the date of application, have undergone the skill test referred to in regulation 61.28.4(1), conducted by a designated examiner.

(3) The designated examiner shall, upon compliance with the requirements prescribed in subregulation (2) by the holder of the expired rating -

(a) issue the skill test report as prescribed in Document NAM-CATS-FCL 61; and

(b) endorse the logbook of such holder.

(4) An application for the reissuing of the expired rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by -

(i) a copy of such expired rating;

(ii) a copy of a summary of the logbook of the applicant;

(iii) the skill test report referred to in subregulation (3)(a); and

(iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall reissue the expired rating if the applicant complies with the requirements referred to in subregulation (2).

(6) The rating shall be reissued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(7) If the result of the skill test contemplated in subregulation (2) reveals that the holder of the expired rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 61.28.8, the designated examiner shall -

(a) submit the skill test report to the Director; and

(b) not endorse the logbook of the holder of the expired rating.

(8) If a period of 60 months has lapsed after the date of expiry of the rating, the holder of the expired rating may apply to the Director for the reissuing of the rating and the Director shall reissue the rating if the applicant complies with the requirements referred to in regulation 61.28.1.

(9) The provisions of regulation 61.28.5 shall apply *mutatis mutandis* to an application made in terms of subregulation (8).

Maintenance of competency

61.28.11 The holder of a Grade I free balloon flight instructor rating shall not exercise the privileges of the rating unless he or she has given at least 10 hours of flight instruction within the preceding 12 months.

SUBPART 29
GRADE I AIRSHIP FLIGHT INSTRUCTOR RATING

Requirements for Grade I airship flight instructor rating

61.29.1 An applicant for the issue of a Grade I airship flight instructor rating shall -

(a) hold a valid airship pilot licence for commercial purposes;

(b) have successfully completed the training referred to in regulation 61.29.2;

(c) have passed the theoretical knowledge examination referred to in regulation 61.29.3; and

(d) have undergone the skill test referred to in regulation 61.29.4.

Training

61.29.2 An applicant for the issue of a Grade I airship flight instructor rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

Theoretical knowledge examination

61.29.3 An applicant for the issuing of a Grade I airship flight instructor rating shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

Skill test

61.29.4 (1) An applicant for the issue of a Grade I airship flight instructor rating shall have demonstrated to a designated examiner, the ability to perform as a Grade I airship flight instructor the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a Grade I airship flight instructor rating.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within 36 months of passing the theoretical knowledge examination referred to in regulation 61.29.3, and within the 90 days immediately preceding the date of application.

(3) The skill test may be conducted in a simulator.

Application for Grade I airship flight instructor rating

61.29.5 An application for the issuing of a Grade I airship flight instructor rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by -

(i) a copy of the airship pilot licence for commercial purposes held by the applicant;

(ii) proof that the applicant has passed the theoretical knowledge examination referred to in regulation 61.29.3;

(iii) the skill test report as prescribed in Document NAM-CATS-FCL 61; and

(iv) the appropriate fee as prescribed in Part 187.

Issuing of Grade I airship flight instructor rating

61.29.6 (1) The Director shall issue a Grade I airship flight instructor rating if the applicant complies with the requirements referred to in regulation 61.29.1;

[The semicolon at the end of subregulation (1) should be a full stop.]

(2) A Grade I airship flight instructor rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

Period of validity

61.29.7 A Grade I airship flight instructor rating shall be valid for -

(a) a period of 12 months calculated from the date of issue of the rating; and

(b) a period of three years calculated from the date of renewal or reissue of the rating:

Provided that the privileges of such rating shall not be exercised by the holder thereof unless he or she complies with the provisions of regulation 61.29.11.

Privileges

61.29.8 The holder of a valid Grade I airship flight instructor rating shall be entitled to -

(a) give academic or practical instruction on any of the valid ratings held by him or her;

(b) conduct proficiency checks and issue proficiency check reports required for the renewal of type ratings;

(c) issue temporary type rating certificates;

(d) send the holder of a student pilot licence in respect of an airship, on his or her initial solo flight; and

(e) act as an examiner in any of the valid ratings held by him or her, if designated by the Director in terms of regulation 61.01.26.

Renewal

61.29.9 (1) To renew a Grade I airship flight instructor rating, the holder of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, have

undergone a proficiency check as prescribed in Document NAM-CATS-FCL 61, conducted by a designated examiner.

(2) The designated examiner shall, upon compliance with the requirements referred to in subregulation (1) by the holder of the rating -

(a) issue the proficiency check report as prescribed in Document NAM-CATS-FCL 61; and

(b) endorse the logbook of such holder.

(3) If the result of the proficiency check contemplated in subregulation (1) reveals that the holder of the rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 61.29 .8, the designated examiner shall -

(a) submit the proficiency check report to the Director; and

(b) not endorse the logbook of the holder of the rating.

(4) An application for the renewal of the rating in terms of this regulation, shall, within the 90 days immediately preceding the date of expiry of such rating, be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by -

(i) a copy of such rating;

(ii) a copy of a summary of the logbook of the applicant;

(iii) the proficiency check report referred to in subregulation (2)(a); and

(iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall renew the rating if the applicant complies with the requirements referred to in subregulation (1).

(6) The rating shall be renewed on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

Reissue

61.29.10 (1) The holder of a Grade I airship flight instructor rating which has expired due to the lapse of the period referred to in regulation 61.29.7, who wishes to apply for the reissuing of the expired rating, may, with the approval of the Director and subject to such conditions as the Director may determine, act as a Grade I airship flight instructor for the purpose of complying with the requirements prescribed in subregulation (2).

(2) The applicant shall, within the 90 days immediately preceding the date of application, have undergone the skill test referred to in regulation 61.29.4(1), conducted by a designated examiner.

(3) The designated examiner shall, upon compliance with the requirements prescribed in subregulation (2) by the holder of the expired rating -

(a) issue the skill test report as prescribed in Document NAM-CATS-FCL 61; and

(b) endorse the logbook of such holder.

(4) An application for the reissuing of the expired rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by -

(i) a copy of such expired rating;

(ii) a copy of a summary of the logbook of the applicant;

(iii) the skill test report referred to in subregulation (3)(a); and

(iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall reissue the expired rating if the applicant complies with the requirements referred to in subregulation (2).

(6) The rating shall be reissued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(7) If the result of the skill test contemplated in subregulation (2) reveals that the holder of the expired rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 61.29.8, the designated examiner shall -

(a) submit the skill test report to the Director; and

(b) not endorse the logbook of the holder of the expired rating.

(8) If a period of 60 months has lapsed after the date of expiry of the rating, the holder of the expired rating may apply to the Director for the reissuing of the rating and the Director shall reissue the rating if the applicant complies with the requirements referred to in regulation 61.29.1.

(9) The provisions of regulation 61.29.5 shall apply *mutatis mutandis* to an application made in terms of subregulation (8).

Maintenance of competency

61.29.11 The holder of a Grade I airship flight instructor rating shall not exercise the privileges of the rating unless he or she has given at least 10 hours of flight instruction within the preceding 12 months.

SUBPART 30
GRADE I GYROPLANE FLIGHT INSTRUCTOR RATING

Requirements for Grade I gyroplane flight instructor rating

61.30.1 An applicant for the issuing of a Grade I gyroplane flight instructor rating shall -

(a) hold a valid commercial gyroplane pilot licence;

(b) have successfully completed the training referred to in regulation 61.30.2;

(c) have passed the theoretical knowledge examination referred to in regulation 61.30.3; and

(d) have undergone the skill test referred to in regulation 61.30.4.

Training

61.30.2 An applicant for the issuing of a Grade I gyroplane flight instructor rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

Theoretical knowledge examination

61.30.3 An applicant for the issuing of a Grade I gyroplane flight instructor rating shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

Skill test

61.30.4 (1) An applicant for the issuing of a Grade I gyroplane flight instructor rating shall have demonstrated to a designated examiner, the ability to perform as a Grade I gyroplane flight instructor the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a Grade I gyroplane flight instructor rating.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within 36 months of passing the theoretical knowledge examination referred to in regulation 61.30.3, and within the 90 days immediately preceding the date of application.

(3) The skill test may be conducted in a simulator.

Application for Grade I gyroplane flight instructor rating

61.30.5 An application for the issuing of a Grade I gyroplane flight instructor rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by -

(i) a copy of the commercial gyroplane pilot licence held by the applicant;

(ii) proof that the applicant has passed the theoretical knowledge examination referred to in regulation 61.30.3;

(iii) the skill test report as prescribed in Document NAM-CATS-FCL 61; and

(iv) the appropriate fee as prescribed in Part 187.

Issuing of Grade I gyroplane flight instructor rating

61.30.6 (1) The Director shall issue a Grade I gyroplane flight instructor rating if the applicant complies with the requirements referred to in regulation 61.30.1.

(2) A Grade I gyroplane flight instructor rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

Period of validity

61.30.7 A Grade I gyroplane flight instructor rating shall be valid for -

(a) a period of 12 months calculated from the date of issue of the rating; and

(b) a period of three years calculated from the date of renewal or reissue of the rating:

Provided that the privileges of such rating shall not be exercised by the holder thereof unless he or she complies with the provisions of regulation 61.30.11.

Privileges

61.30.8 The holder of a valid Grade I gyroplane flight instructor rating shall be entitled to -

(a) give academic or practical instruction on any of the valid ratings held by him or her;

(b) conduct proficiency checks and issue proficiency check reports required for the renewal of type ratings;

(c) issue temporary type rating certificates;

(d) send the holder of a student pilot licence in respect of a gyroplane, on his or her initial solo flight; and

(e) act as an examiner in any of the valid ratings held by him or her, if designated by the Director in terms of regulation 61.01.26.

Renewal

61.30.9 (1) To renew a Grade I gyroplane flight instructor rating, the holder of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, have undergone a proficiency check as prescribed in Document NAM-CATS-FCL 61, conducted by a designated examiner.

(2) The designated examiner shall, upon compliance with the requirements referred to in subregulation (1) by the holder of the rating -

(a) issue the proficiency check report as prescribed in Document NAM-CATS-FCL 61; and

(b) endorse the logbook of such holder.

(3) If the result of the proficiency check contemplated in subregulation (1) reveals that the holder of the rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 61.30.8, the designated examiner shall -

(a) submit the proficiency check report to the Director; and

(b) not endorse the logbook of the holder of the rating.

(4) An application for the renewal of the rating in terms of this regulation, shall, within the 90 days immediately preceding the date of expiry of such rating, be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by -

(i) a copy of such rating;

(ii) a copy of a summary of the logbook of the applicant;

(iii) the proficiency check report referred to in subregulation (2)(a); and

(iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall renew the rating if the applicant complies with the requirements referred to in subregulation (1).

(6) The rating shall be renewed on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

Reissue

61.30.10 (1) The holder of a Grade I gyroplane flight instructor rating which has expired due to the lapse of the period referred to in regulation 61.30.7, who wishes to apply for the reissuing of the expired rating, may, with the approval of the Director and subject to such conditions as the Director may determine, act as a Grade I gyroplane flight instructor for the purpose of complying with the requirements prescribed in subregulation (2).

(2) The applicant shall, within the 90 days immediately preceding the date of application, have undergone the skill test referred to in regulation 61.30.4(1), conducted by a designated examiner.

(3) The designated examiner shall, upon compliance with the requirements prescribed in subregulation (2) by the holder of the expired rating -

(a) issue the skill test report as prescribed in Document NAM-CATS-FCL 61; and

(b) endorse the logbook of such holder.

(4) An application for the reissuing of the expired rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by -

(i) a copy of such expired rating;

(ii) a copy of a summary of the logbook of the applicant;

(iii) the skill test report referred to in subregulation (3)(a); and

(iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall reissue the expired rating if the applicant complies with the requirements referred to in subregulation (2).

(6) The rating shall be reissued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(7) If the result of the skill test contemplated in subregulation (2) reveals that the holder of the expired rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 61.30.8, the designated examiner shall -

(a) submit the skill test report to the Director; and

(b) not endorse the logbook of the holder of the expired rating.

(8) If a period of 60 months has lapsed after the date of expiry of the rating, the holder of the expired rating may apply to the Director for the reissuing of the rating and the Director shall reissue the rating if the applicant complies with the requirements referred to in regulation 61.30.1.

(9) The provisions of regulation 61.30.5 shall apply *mutatis mutandis* to an application made in terms of subregulation (8).

Maintenance of competency

61.30.11 The holder of a Grade I gyroplane flight instructor rating shall not exercise the privileges of the rating unless he or she has given at least 10 hours of flight instruction within the preceding 12 months.

SUBPART 31
NIGHT RATING

Requirements for night rating

61.31.1 An applicant for the issuing of a night rating shall -

(a) hold a valid pilot licence and type rating;

(b) have acquired the experience referred to in regulation 61.31.2;

(c) have passed the theoretical knowledge examination referred to in regulation 61.31.3; and

(d) have undergone the skill test, referred to in regulation 61.31.4.

Experience

61.31.2 An applicant for the issuing of a night rating shall have completed -

(a) instrument instruction for not less than -

(i) 10 hours in the case of aeroplanes and helicopters, conducted by a Category A or a Category 13 flight instructor who holds a valid instrument rating, of which not more than two hours may be accumulated in a simulator;

(ii) five hours in the case of microlight aeroplanes, gliders, airships or gyroplanes, conducted by an appropriate Category C flight instructor who holds a valid night rating;

(b) under the supervision of a Category A, a Category B or a Category C flight instructor -

(i) in the case of a night rating for an aeroplane, not less than five take-offs and five landings in an aeroplane by night;

(ii) in the case of a night rating for a helicopter, not less than 15 circuits, including take-off and landing, in a helicopter by night; or

(iii) in the case of night rating for a microlight aeroplane, glider, airship or gyroplane, not less than five take-offs and five landings in a microlight aeroplane, glider, airship or gyroplane, as the case may be, by night; and

(c) a dual cross-country flight by night -

(i) in the case of a night rating for aeroplanes, consisting of at least three legs of not less than 50 nm each; or

(ii) in the case of a night rating for helicopters, consisting of not less than 10 take-offs and 10 landings by night, including a triangular flight of which the three legs shall not be less than 25 nm each, in the type of aircraft for which the night rating is required.

Theoretical knowledge examination

61.31.3 An applicant for the issuing of a night rating shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

Skill test

61.31.4 (1) An applicant for the issuing of a night rating shall have demonstrated to a designated examiner, the ability to perform the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a night rating.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within 24 months of passing the theoretical knowledge examination referred to in regulation 61.31.3 and within the 90 days immediately preceding the date of application.

(3) The skill test may be conducted in a simulator.

Application for night rating

61.31.5 (1) An application for the issuing of a night rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by
   (i) a certified true copy of the pilot licence and type rating held by the applicant;

   (ii) a copy of a summary of the logbook of the applicant;

   (iii) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 61.31.3;

   (iv) the skill test report as prescribed in Document NAM-CATS-FCL 61; and

   (v) the appropriate fee as prescribed in Part 187.

(2) The designated examiner may issue to an applicant who meets the requirements referred to in regulation 61.31.1, a temporary night rating certificate.

(3) A temporary night rating certificate referred to in subregulation (2), shall -

(a) be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) remain valid for a period of not more than 30 days calculated from the date on which the temporary night rating certificate was issued or until the date on which the night rating is issued by the Director, whichever period is the lesser period.

Issuing of night rating

61.31.6 (1) The Director shall issue a night rating if the applicant complies with the requirements prescribed in regulation 61.31.1.

(2) A night rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

Period of validity

61.31.7 A night rating shall be valid for the period for which the pilot licence held by the holder of the rating is valid: Provided that the privileges of such rating shall not be exercised by the holder thereof unless he or she complies with the provisions of regulation 61.31.9.

Privileges

61.31.8 The holder of a valid night rating shall be entitled to exercise all the privileges of his or her pilot licence by night in the type of aircraft for which the holder is rated.

Maintenance of competency

61.31.9 No person shall act as pilot-in-command of an aircraft transporting passengers by night, unless he or she has, within the 90 days immediately preceding the flight on which such passengers are to be transported -

(a) if he or she is the holder of a private pilot licence (aeroplane), a commercial pilot licence (aeroplane) or an airline transport pilot licence (aeroplane) executed not less than three take-offs and three landings;

[There should be a comma after "(aeroplane)". Compare paragraphs (b) and (c) below.]

(b) if he or she is the holder of a private pilot licence (helicopter), a commercial pilot licence (helicopter) or an airline transport pilot licence (helicopter), executed not less than three circuits, including take-off and landing;

(c) if he or she is the holder of a microlight aeroplane pilot licence, a glider pilot licence, an airship pilot licence, an airship pilot licence for commercial purposes, a gyroplane pilot licence, executed not less than three take-offs and three landings,

by night in an aircraft of the same type as that in which such passenger flight is to be undertaken.

SUBPART 32
CLASS I FLIGHT TEST RATING

Requirements for Class I flight test rating

61.32.1 An applicant for the issuing of a Class I night test rating shall -

(a) be not less than 21 years of age;

(b) hold a valid private pilot licence, a valid commercial pilot licence or a valid airline transport pilot licence;

(c) hold a valid Class 1 medical certificate issued in terms of Part 67, irrespective of the type of pilot licence held by the applicant;

(d) have acquired the experience referred to in regulation 61.32.2; and

(e) have successfully completed the training referred to in regulation 61.32.3.

Experience

61.32.2 An applicant for the issuing of a Class I flight test rating shall -

(a) if the privileges of the rating are to be exercised as co-pilot of a prototype aircraft, have completed not less than 1 000 hours of flight time as pilot-in-command of an aircraft, which may include 100 hours on test flights flown in accordance with a production acceptance test procedure established in terms of Part 148; or

(b) if the privileges of the rating are to be exercised as pilot-in-command of a prototype aircraft, have completed not less than 1 500 hours of flight time of an aircraft, which may include 100 hours on test flights flown in accordance with a production acceptance test procedure established in terms of Part 148.

Training

61.32.3 An applicant for the issuing of a Class I flight test rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

Application for Class I flight test rating

61.32.4 (1) An application for the issuing of a Class I flight test rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by -

(i) a certified true copy of the pilot licence held by the applicant;

(ii) a valid Class 1 medical certificate issued in terms of Part 67;

(iii) a copy of a summary of the logbook of the applicant;

(iv) original or certified proof that the applicant has successfully completed the appropriate training referred to in regulation 61.32.3; and

(vi) the appropriate fee as prescribed in Part 187.

(2) The designated examiner may issue to an applicant who meets the requirements referred to in regulation 61.32.1, a temporary Class I flight test rating certificate.

(3) A temporary Class I flight test rating certificate referred to in subregulation (2), shall -

(a) be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) remain valid for a period of not more than 30 days calculated from the date on which the temporary Class I flight test rating certificate was issued or until the date on which the Class I flight test rating is issued by the Director, whichever period is the lesser period.

Issuing of Class I flight test rating

61.32.5 (1) The Director shall issue a Class I flight test rating if the applicant complies with the requirements referred to in regulation 61.32.1.

(2) A Class I flight test rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

Period of validity

61.32.6 A Class I flight test rating shall be valid for a period for which the pilot licence held by the holder of the rating is valid: Provided that the privileges of such rating shall not be exercised by the holder thereof unless he or she complies with the provisions of regulation 61.32.9.

Privileges

61.32.7 The holder of a valid Class I flight test rating shall be entitled to act as pilot-in-command of an experimental, prototype aircraft which is engaged in experimental, developmental or investigative test flying in accordance with the test schedule approved by the Director, for the purpose of issuing, validating or rendering effective a certificate of airworthiness of such aircraft.

Maintenance of competency

61.32.8 No person shall act as pilot-in-command of a prototype aircraft, unless he or she has, within the six months immediately preceding the test flight, completed not less than 50 hours of flight time on test flights as pilot-in-command of prototype aircraft.

SUBPART 33
CLASS II FLIGHT TEST RATING

Requirements for Class II flight test rating

61.33.1 An applicant for the issuing of a Class II flight test rating shall -

(a) be not less than 21 years of age:

(b) hold a valid private pilot licence, a valid commercial pilot licence or a valid airline transport pilot licence;

(c) hold a valid Class 1 medical certificate issued in terms of Part 67, irrespective of the type of pilot licence held by the applicant;

(d) have acquired the experience referred to in regulation 61.33.2; and

(e) have successfully completed the training referred to in regulation 61.33.3.

Experience

61.33.2 An applicant for the issuing of a Class II flight test rating shall -

(a) if the privileges of the rating are to be exercised as co-pilot of a prototype aircraft, have completed not less than 1 000 hours of flight time as pilot-in-command of an

aircraft, which may include 100 hours on test flights flown in accordance with a production acceptance test procedure established in terms of Part 148; or

(b) if the privileges of the rating are to be exercised as pilot-in-command of a prototype aircraft, have completed not less than 1 500 hours of flight time of an aircraft, which may include 100 hours on test flights flown in accordance with a production acceptance test procedure established in terms of Part 148.

Training

61.33.3 An applicant for the issuing of a Class II flight test rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

Application for Class II flight test rating

61.33.4 (1) An application for the issuing of a Class II flight test rating shall be·-

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by -

(i) a certified true copy of the pilot licence held by the applicant;

(ii) a valid Class 1 medical certificate issued in terms of Part 67;

(iii) a copy of a summary of the logbook of the applicant;

(iv) original or certified proof that the applicant has successfully completed the appropriate training referred to in regulation 61.33.3; and

(v) the appropriate fee as prescribed in Part 187.

(2) The designated examiner may issue to an applicant who meets the requirements referred to in regulation 61.33.1, a temporary Class II flight test rating certificate.

(3) A temporary Class II flight test rating certificate referred to in subregulation (2), shall -

(a) be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) remain valid for a period of not more than 30 days calculated from the date on which the temporary Class II flight test rating certificate was issued or until the date on which the Class II flight test rating is issued by the Director, whichever period is the lesser period.

Issuing of Class II flight test rating

61.33.5 (1) The Director shall issue a Class II flight test rating if the applicant complies with the requirements referred to in regulation 61.33.1.

(2) A Class II flight test rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

Period of validity

61.33.6 A Class II flight test rating shall be valid for a period for which the pilot licence held by the holder of the rating is valid: Provided that the privileges of such rating shall not be exercised by the holder thereof unless he or she complies with the provisions of regulation 61.33.8.

Privileges

61.33.7 The holder of a valid Class II flight test rating shall be entitled to act as pilot-in-command of an experimental, prototype aircraft which is engaged in experimental, developmental or investigative test flying in accordance with the test schedule approved by the Director, for approval purposes.

Maintenance of competency

61.33.8 No person shall act as pilot-in-command of a prototype aircraft, unless he or she has, within the six months immediately preceding the test flight, completed not less than 50 hours of flight time on test flights as pilot-in-command of prototype aircraft.

SUBPART 34
TUG PILOT RATING

Requirements for tug pilot rating

61.34.1 An applicant for the issuing of a tug pilot rating shall -

(a) hold a valid private pilot licence, commercial pilot licence or airline transport licence;

(b) hold an appropriate valid type rating for the aircraft in respect of which the applicant will act as a tug pilot; and

(c) have acquired the experience referred to in regulation 61.34.2.

Experience

61.34.2 An applicant for the issuing of a tug pilot rating shall have completed not less than 60 hours of flight time as pilot-in-command of the type of aircraft in respect of which the applicant will act as a tug pilot.

Application for tug pilot rating

61.34.3 (1) An application for the issuing of a tug pilot rating shall be –

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by -

(i) a certified true copy of the private pilot licence and type rating held by the applicant;

(ii) a copy of a summary of the logbook of the applicant; and

(iii) the appropriate fee as prescribed in Part 187.

(2) A designated examiner may issue to an applicant who meets the requirements referred to in regulation 61.34.1, a temporary tug pilot rating certificate.

(3) A temporary tug pilot rating certificate referred to in subregulation (2), shall -

(a) be issue on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

[The verb "be issue" should be "be issued".]

(b) remain valid for a period of not more than 30 days calculated from the date on which the temporary tug pilot rating certificate was issued or until the date on which the tug pilot rating is issued by the Director, whichever period is the lesser period.

Issuing of tug pilot rating

61.34.4 (1) The Director shall issue a tug pilot rating if the applicant complies with the requirements refereffed to in regulation 61.34.1.

[The word "referred" is misspelt in the *Government Gazette*, as reproduced above. There are no subregulations additional to subregulation (1) in this regulation.]

Privileges

61.34.5 The holder of a tug pilot rating shall be entitled to act as a tug pilot in the type of aircraft for which the holder is rated.

Period of validity

61.34.6 A tug pilot rating shall be valid for the period for which the pilot licence held by the holder of the rating, is valid.

SUBPART 35
EXTERNAL-LOAD RATING (HELICOPTER)

Requirements for external-load rating (helicopter)

61.35.1 An applicant for the issuing of an external-load rating (helicopter) shall -

(a) hold, a valid commercial pilot licence (helicopter) or a valid airline transport pilot licence (helicopter);

(b) hold an appropriate valid type rating for the helicopter in respect of which the applicant will carry out helicopter external-load operations;

(c) have acquired the experience referred to in regulation 61.35.2; and

(d) have successfully completed the appropriate training referred to in regulation 61.35.3.

Experience

61.35.2 An applicant for the issuing of an external-load rating (helicopter) shall have completed not less than 100 hours of flight time as pilot-in-command of the type of helicopter for which the applicant is rated, of which not less than five hours in helicopter external-load operations, shall have been undertaken under the supervision of a Category B flight instructor who holds an appropriate valid type rating and a valid external-load rating (helicopter).

Training

61.35.3 An applicant for the issuing of an external-load rating (helicopter) shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

Application for external-load rating (helicopter)

61.35.4 (1) An application for the issuing of an external-load rating (helicopter) shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by -

(i) a certified true copy of the pilot licence and type rating held by the applicant;

(ii) a copy of a summary of the logbook of the applicant;

(iii) proof of completion of the training referred to in regulation 61.35.3; and

(iv) the appropriate fee as prescribed in Part 187.

(2) A designated examiner may issue to an applicant who meets the requirements referred to in regulation 61.35.1, a temporary external-load rating (helicopter) certificate.

(3) A temporary external-load rating (helicopter) certificate referred to in subregulation (2), shall -

(a) be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) remain valid for a period of not more than 30 days calculated from the date on which the temporary external-load rating (helicopter) certificate was issued or until the date on which the external-load rating (helicopter) is issued by the Director, whichever period is the lesser period.

Issuing of external-load rating (helicopter)

61.35.5 (1) The Director shall issue an external-load rating (helicopter) if the applicant complies with the requirements referred to in regulation 61.35.1 is a fit and proper person.

(2) An external-load rating (helicopter) shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

Privileges

61.35.6 The holder of an external-load rating (helicopter) shall be entitled to act as pilot-in-command of the type of helicopter for which the holder is rated, engaged in helicopter external-load operations.

Period of validity

61.35.7 An external-load rating (helicopter) shall be valid for the period for which the pilot licence and type rating held by the holder of the rating, are valid.

SUBPART 36
WINCHING RATING (HELICOPTER)

Requirements for winching rating (helicopter)

61.36.1 An applicant for the issuing of a winching rating (helicopter) shall -

(a) hold a valid commercial pilot licence (helicopter) or a valid airline transport pilot licence (helicopter);

(b) hold an appropriate valid type rating for the helicopter in respect of which the applicant will carry out winching operations;

(c) have acquired the experience referred to in regulation 61.36.2; and

(d) have successfully completed the training referred to in regulation 61.36.3.

Experience

61.36.2 An applicant for the issuing of a winching rating (helicopter) shall have completed not less than 100 hours of flight time as pilot-in-command of the type of helicopter for which the applicant is rated, of which not less than five hours in winching operations, shall have been undertaken under the supervision of a Category B flight instructor who holds an appropriate valid type rating and a valid winching rating (helicopter).

Training

61.36.3 An applicant for the issuing of a winching rating (helicopter) shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

Application for winching rating (helicopter)

61.36.4 (1) An application for the issuing of a winching rating (helicopter) shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by -

(i) a certified true copy of the pilot licence and type rating held by the applicant;

(ii) a copy of a summary of the logbook of the applicant;

(iii) proof of completion of the training referred to in regulation 61.36.3; and

(iv) the appropriate fee as prescribed in Part 187.

(2) A designated examiner may issue to an applicant who meets the requirements referred to in regulation 61.36.1, a temporary winching rating (helicopter) certificate.

(3) A temporary winching rating (helicopter) certificate referred to in subregulation (2), shall -

(a) be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) remain valid for a period of not more than 30 days calculated from the date on which the temporary external-load rating (helicopter) certificate was issued or until the date on which the external-load rating (helicopter) is issued by the Director, whichever period is the lesser period.

Issuing of external-load rating (helicopter)

61.36.5 (1) The Director shall issue an external-load rating (helicopter) if the applicant complies with the requirements referred to in regulation 61.36.1 is a fit and proper person.

(2) An external-load rating (helicopter) shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

Privileges

61.36.6 The holder of an external-load rating (helicopter) shall be entitled to act as pilot-in-command of the type of helicopter for which the holder is rated, engaged in helicopter external-load operations.

Period of validity

61.36.7 An external-load rating (helicopter) shall be valid for the period for which the pilot licence and type rating held by the holder of the raring, are valid.

SUBPART 37
GAME OR LIVESTOCK CULL RATING (HELICOPTER)

Requirements for game or livestock cull rating (helicopter)

61.37.1 An applicant for the issuing of a game or livestock cull rating (helicopter) shall -

(a) hold a valid commercial pilot licence (helicopter) or a valid airline transport pilot licence (helicopter);

(b) hold an appropriate valid type rating for the helicopter in respect of which the applicant will carry out game or livestock cull operations;

(c) have acquired the experience referred to in regulation 61.37.2; and

(d) have successfully completed the training referred to in regulation 61.37.3.

Experience

61.37.2 An applicant for the issuing of a game or livestock cull rating (helicopter) shall have completed not less than l 00 hours of flight time as pilot-in-command of the type of helicopter for which the applicant is rated, of which not less than five hours in game or livestock cull operations, shall have been undertaken under the supervision of a Category B flight instructor who holds an appropriate valid type rating and a valid game or livestock cull rating (helicopter).

Training

61.37.3 An applicant for the issuing of a game or livestock cull rating (helicopter) shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

Application for game or livestock cull rating (helicopter)

61.37.4 (1) An application for the issuing of a game or livestock cull rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by -

(i) a certified true copy of the pilot licence and type rating held by the applicant;

(ii) a copy of a summary of the logbook of the applicant;

(iii) proof of completion of the training referred to in regulation 61.37.3; and

(iv) the appropriate fee as prescribed in Part 187.

(2) A designated examiner may issue to an applicant who meets the requirements referred to in regulation 61.37.1, a temporary game or livestock cull rating (helicopter) certificate.

(3) A temporary game or livestock cull rating (helicopter) certificate referred to in subregulation (2), shall -

(a) be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) remain valid for a period of not more than 30 days calculated from the date on which the temporary game or livestock cull rating (helicopter) certificate was issued or until the date on which the game or livestock cull rating (helicopter) is issued by the Director, whichever period is the lesser period.

Issuing of game or livestock cull rating (helicopter)

61.37.5 (1) The Director shall issue a game or livestock cull rating (helicopter) if the applicant complies with the requirements referred to in regulation 61.37.1.

(2) A game or livestock cull rating (helicopter) shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

Privileges

61.37.6 The holder of a game or livestock cull rating (helicopter) shall be entitled to act as pilot-in-command of the type of helicopter for which the holder is rated, engaged in game or livestock cull operations.

Period of validity

61.37.7 A game or livestock cull rating (helicopter) shall be valid for the period for which the pilot licence and type rating held by the holder of the rating, are valid.

SUBPART 38
AGRICULTURAL PILOT RATING

Requirements for agricultural pilot rating

61.38.1 An applicant for the issuing of an agricultural pilot rating shall -

(a) hold a valid commercial pilot licence or a valid airline transport pilot licence;

(b) hold an appropriate valid type rating for the aircraft in respect of which the applicant will carry out agricultural operations;

(c) hold a valid pest control operator's certificate issued in terms of the Fertilisers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act 36 of 1947);

(d) have acquired the experience referred to in regulation 61.38.2; and

(e) have undergone the skill test referred to in regulation 61.38.3.

Experience

61.38.2 (1) An applicant for the issuing of an agricultural pilot rating shall have completed not less than 300 hours of flight time, including not less than 30 hours of flight practice in agricultural operations, as pilot-in-command of the type of aircraft for which the applicant is rated.

(2) The flight practice referred to in subregulation (1) shall be undertaken under the supervision of a Grade I or a Grade II aeroplane or helicopter flight instructor, or a Grade I microlight aeroplane flight instructor, who holds an appropriate valid type rating and a valid

agricultural pilot rating: Provided that such flight practice shall include at least 10 hours of dual instruction with the flight instructor.

Skill test

61.38.3 (1) An applicant for the issuing of an agricultural pilot rating shall have demonstrated to a designated examiner, the ability to perform as pilot-in-command of the type of aircraft for which the applicant is rated, the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of an agricultural pilot rating.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within the 90 days immediately preceding the date of application.

(3) The skill test referred to in subregulation (1) shall be carried out in an aircraft which is equipped with dispensing apparatus and which is certificated for agricultural operations, or in a simulator.

Application for agricultural pilot rating

61.38.4 (1) An application for the issuing of an agricultural pilot rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by -

(i) a certified true copy of the pilot licence and type rating held by the applicant;

(ii) the valid pest control operator's certificate held by the applicant;

(iii) a copy of a summary of the logbook of the applicant;

(iv) the skill test report as prescribed in Document NAM-CATS-FCL 61; and

(v) the appropriate fee as prescribed in Part 187.

(2) The designated examiner may issue to an applicant who meets the requirements referred to in regulation 61.38.1, a temporary agricultural pilot rating certificate.

(3) A temporary agricultural pilot rating certificate referred to in subregulation (2), shall -

(a) be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) remain valid for a period of not more than 30 days calculated from the date on which the temporary agricultural pilot rating certificate was issued or until the date on which the agricultural pilot rating is issued by the Director, whichever period is the lesser period.

Issuing of agricultural pilot rating

61.38.5 (1) The Director shall issue an agricultural pilot rating if the applicant complies with the requirements referred to in regulation 61.38.1.

(2) An agricultural pilot rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

Privileges

61.38.6 The holder of an agricultural pilot rating shall be entitled to act as pilot-in-command of the type of aircraft for which the holder is rated, engaged in agricultural operations.

Period of validity

61.38.7 An agricultural pilot rating shall be valid for the period for which -

(a) the pilot licence and type rating held by the holder of the rating; and

(b) the pest control operator's certificate held by the holder of the rating,

are valid.

SUBPART 39
CLOUD FLYING RATING

Requirements for cloud flying rating

61.39.1 An applicant for the issuing of a cloud flying rating shall -

(a) hold a valid glider pilot licence;

(b) hold an appropriate valid type rating for the glider in respect of which the applicant will carry out cloud flying;

(c) have acquired the experience referred to in regulation 61.39.2;

(d) have successfully completed the training referred to in regulation 61.39.3; and

(e) have undergone the skill test referred to in regulation 61.39.4.

Experience

61.39.2 An applicant for the issuing of a cloud flying rating shall have completed at least 100 hours of flight time in the type of glider for which the applicant is rated.

Training

61.39.3 An applicant for the issuing of a cloud flying rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

Skill test

61.39.4 (1) An applicant for the issuing of a cloud flying rating shall have demonstrated to a designated examiner, the ability to perform the procedures and manoeuvres as

prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a cloud flying rating.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within the 90 days immediately preceding the date of application.

(3) The skill test may be conducted in a simulator.

Application for cloud flying rating

61.39.5 (1) An application for the issuing of a cloud flying rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by -

(i) a certified true copy of the glider pilot licence and type rating held by the applicant;

(ii) proof of completion of the training referred to in regulation 61.39.3;

(iii) the skill test report as prescribed in Document NAM-CATS-FCL 61; and

(iv) the appropriate fee as prescribed in Part 187.

(2) The designated examiner may issue to an applicant who meets the requirements referred to in regulation 61.39.1, a temporary cloud flying rating certificate.

(3) A temporary cloud flying rating certificate referred to in subregulation (2), shall -

(a) be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61: and

(b) remain valid for a period of not more than 30 days calculated from the date on which the temporary cloud flying rating certificate was issued or until the date on which the cloud flying rating is issued by the Director, whichever period is the lesser period.

Issuing of cloud flying rating

61.39.6 (1) The Director shall issue a cloud flying rating if the applicant complies with the requirements prescribed in regulation 61.39.1.

(2) A cloud flying rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

Period of validity

61.39.7 A cloud flying rating shall be valid for the period for which the glider pilot licence and type rating held by the holder of the rating, are valid: Provided that the privileges of such rating shall not be exercised by the holder thereof unless he or she complies with the provisions of regulation 61.39.9.

Privileges

61.39.8 The holder of a valid cloud flying rating shall be entitled to fly in IMC in the type of glider for which the holder is rated.

Maintenance of competency

61.39.9 No person shall exercise the privileges of a cloud flying rating unless he or she has flown at least 2 hours in actual or simulated IMC within the preceding 12 months.

SUBPART 40
SAFETY PILOT RATING

Requirements for cloud flying rating

[This heading should read "Requirements for safety pilot rating", as it does in the List of Regulations.]

61.40.1 An applicant for the issuing of a cloud flying rating shall -

[The introductory phrase should refer to a "safety pilot rating" instead of a "cloud flying rating".]

(a) hold a valid glider pilot licence:

(b) hold an appropriate valid type rating for the glider in respect of which the applicant will carry out cloud flying;

[Paragraph (b) should read "act as safety pilot" instead of "carry out cloud flying". Compare regulation 61.40.2.]

(c) have acquired the experience referred to in regulation 61.40.2.

Experience

61.40.2 An applicant for the issuing of a safety pilot rating shall have completed not less than 100 hours flight time as pilot-in-command of the type of aircraft in respect of which the applicant will act as safety pilot.

Application for safety pilot training

61.40.3 (1) An application for the issuing of a cloud flying rating shall be -

[Subregulation (1) should refer to a "safety pilot rating" instead of a "cloud flying rating".]

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) accompanied by -

(i) a certified true copy of the glider pilot licence and type rating held by the applicant;

(ii) proof of completion of the training referred to in regulation 61.40.3;

(iii) the skill test report as prescribed in Document NAM-CATS-FCL 61; and

(iv) the appropriate fee as prescribed in Part 187.

(2) The designated examiner may issue to an applicant who meets the requirements referred to in regulation 61.40.1, a temporary cloud flying rating certificate.

[Subregulation (2) should refer to a temporary "safety pilot rating certificate" instead of a temporary "cloud flying rating certificate".]

(3) A temporary cloud flying rating certificate referred to in subregulation (2), shall -

[Subregulation (3) should refer to a temporary "safety pilot rating certificate" instead of a temporary "cloud flying rating certificate".]

(a) be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

(b) remain valid for a period of not more than 30 days calculated from the date on which the temporary cloud flying rating certificate was issued or until the date on which the cloud flying rating is issued by the Director, whichever period is the lesser period.

[Paragraph (b) should refer to "safety pilot" everywhere that it refers to "cloud flying".]

Issuing of safety pilot rating

61.40.4 (1) The Director shall issue a safety pilot rating if the applicant complies with the requirements prescribed in regulation 61.40.1.

(2) A Safety pilot rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

[The word "safety" should not be capitalised.]

Privileges

61.40.5 The holder of a safety pilot rating shall be entitled to act, in the type of aircraft for which the holder is rated, as safety pilot to a pilot -

(a) engaged in simulated safety pilot flying practice; or

(b) who needs to be accompanied by a safety pilot in terms of these Regulations

[There is no full stop at the end of paragraph (b); there are no additional words in the *Government Gazette*.]

Period of validity

61.40.6 A safety pilot rating shall be valid for the period for which the pilot licence held by the holder of the rating, is valid.

PART 63
PERSONNEL: FLIGHT ENGINEER LICENSING

LIST OF REGULATIONS

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63.01.1 Applicability
63.01.2 Authority to act as night engineer
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SUBPART 1
GENERAL

Applicability

63.01.1 This Part shall apply to -

(a) the issuing of licences and ratings for flight engineers, the privileges and limitations of such licences and ratings, and matters related thereto; and

(b) the validation of foreign flight engineer licences and ratings and the privileges and limitations of such validations.

Authority to act as flight engineer

63.01.2 (1) No person shall act as a flight engineer of a Namibian registered aircraft unless such person holds a valid -

(a) flight engineer licence and rating issued, renewed or reissued by the Director in terms of this Part; or

(b) flight engineer licence and rating issued by an appropriate authority and validated by the Director in terms of this Part.

(2) No person shall act as a flight engineer of a foreign registered aircraft within Namibia unless such person holds a valid flight engineer licence and rating issued or validated by the State of Registry.

(3) The holder of a flight engineer licence shall not exercise privileges other than the privileges granted by the licence and appropriate rating held by such holder.

Ratings for flight engineers

63.01.3 The flight engineer ratings are -

(a) a type rating; and

(b) a rating for special purposes.

Type ratings

63.01.4 Type ratings comprise

(a) a rating by name for each type of aircraft of which the design necessitates the carriage of a flight engineer; and

(b) a rating by name for each type of engine.

Rating for special purposes

63.01.5 The rating for special purposes comprises a flight engineer instructor rating.

Validation of licence issued by appropriate authority

63.01.6 (1) The holder of a licence and rating issued by an appropriate authority, who desires to act as a flight engineer of a Namibian registered aircraft, shall apply to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 63, for a validation of such licence and rating.

(2) The application for a validation referred to in subregulation (1) shall be accompanied by -

(a) the appropriate fee as prescribed in Part 187;

(b) a copy of the licence and rating to which the validation pertains;

(c) a valid medical certificate; and

(d) in the case of an application for the validation of a licence and rating for the purpose of being employed as a flight engineer in Namibia, an employment permit and a letter of appointment from a Namibian employer who requires the services of the applicant.

(3) A licence and rating issued by an appropriate authority may be validated by the Director -

(a) subject to the same restrictions which apply to such licence and rating;

(b) in accordance with and subject to the requirements and conditions as prescribed in Document NAM-CATS-FCL 63; and

(c) on the appropriate form as prescribed in Document NAM-CATS-FCL 63.

(4) A validation issued by the Director shall be valid for -

(a) a period of 12 months calculated from the date of issue of the validation; or

(b) the period of validity of the licence and rating issued by the appropriate authority concerned; or

(c) the period of validity of the valid medical certificate contemplated in subregulation (2)(c); or

(d) the period of validity of the employment permit of the applicant, whichever period is the lesser period.

(5) The holder of a validation issued by the Director may, subject to the provisions of subregulation (6), apply to the Director for the renewal of the validation at least 21 days immediately preceding the date of expiry of such validation.

(6) The Director may renew the validation for the same appropriate period referred to in subregulation (4), in the circumstances and on the conditions as prescribed in Document NAM-CATS-FCL 63: Provided that a validation of which the privileges are to be exercised for the purpose of being employed as a flight engineer in Namibia, shall not be renewed for a period which exceeds a period of 24 months calculated from the date on which the validation was issued.

(7) The holder of a validation issued by the Director shall comply with the provisions prescribed in this Part and the requirements and conditions as prescribed in Document NAM-CATS-FCL 63.

(8) The Director may validate a flight engineer instructor rating issued by an appropriate authority, to authorise the holder thereof to conduct training on a particular type of aircraft to which the rating pertains, if no holder of a flight engineer instructor rating issued in terms of this Part is available to conduct such training.

Credit for military service

63.01.7 (1) Flight engineers qualified in the Namibian Defence Force, may apply to the Director for the issuing of a flight engineer licence and rating prescribed in this Part.

(2) An application contemplated in subregulation (1) shall be -

(a) made in the appropriate form as prescribed in Document NAM-CATS-FCL 63; and

(b) accompanied by -

(i) proof of -

(aa) the identity of the applicant;

(bb) the age of the applicant; and

(cc) employment of the applicant in the Namibian Defence Force;

(ii) a valid Class 1 medical certificate issued in terms of Part 67;

(iii) proof that the applicant has passed the theoretical knowledge examination, or part thereof, if the Director requires the passing of such theoretical knowledge examination, or part thereof;

(iv) two recent passport size photographs of the applicant; and

(v) the appropriate fee as prescribed in Part 187.

(3) The Director shall credit the theoretical knowledge, experience and skill, or part thereof, gained in military service by the applicant, towards the issuing of a flight engineer licence and rating.

Conversion of flight engineer licence issued by appropriate authority

63.01.8 (1) The holder of a flight engineer licence and rating issued by an appropriate authority, may apply to the Director for a conversion of the licence and rating.

(2) An application for a conversion of the licence and rating shall be -

(a) made in the appropriate form as prescribed in Document NAM-CATS-FCL 63; and

(b) accompanied by -

(i) a copy of the flight engineer licence and rating to which the conversion pertains;

(ii) an appropriate valid medical certificate; and

(iii) the appropriate fee as prescribed in Part 187.

(3) The Director may, subject to the conditions, rules, requirements, procedures or standards as prescribed in Document NAM-CATS-FCL 63, convert the licence and rating.

(4) The licence and rating shall be converted by the Director on the appropriate form as prescribed in Document NAM-CATS-FCL 63.

Competency

63.01.9 No holder of a flight engineer licence and rating shall exercise the privileges granted by the licence and rating unless such holder maintains competency by complying with the appropriate requirements prescribed in this Part.

Medical fitness

63.01.10 An applicant for, or the holder of, a flight engineer licence shall obtain a Class I medical certificate issued in terms of Part 67.

Language

63.01.11 The holder of a flight engineer licence issued under this Part shall have sufficient ability in reading, speaking and understanding the English language to enable the holder to adequately carry out his or her responsibilities as a flight engineer.

Logbooks

63.01.12 (1) The holder of a flight engineer licence shall maintain a logbook and shall record therein all flight time spent as a flight engineer.

(2) The form of, and information to be contained in, a logbook referred to in subregulation (1) and the manner in which such logbook shall be maintained, shall be as prescribed in Document NAM-CATS-FCL 63.

Retesting after failure

63.01.13 An applicant for the issuing of a flight engineer licence or the issuing, renewal or reissuing of a rating, who fails a theoretical knowledge examination, required for such licence or rating, may apply for retesting after the appropriate period specified in Document NAM-CATS-FCL 63.

Suspension and cancellation of licence and appeal

63.01.14 (1) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, a flight engineer licence, rating or validation if -

(a) it is evident that the holder of the licence, rating or validation does not comply with the requirements prescribed in this Part, and such holder fails to remedy such non-compliance within 30 days after receiving notice in writing from the authorised officer, inspector or authorised person to do so; or

(b) the suspension is necessary in the interests of aviation safety.

(2) The authorised officer, inspector or authorised person who has suspended a licence, rating or validation in terms of subregulation (1), shall deliver a report in writing to the Director, stating the reasons why the licence, rating or validation was suspended.

(3) The authorised officer, inspector or authorised person concerned shall submit a copy of the report referred to in subregulation (2), to the holder of the licence, rating or validation which has been suspended.

(4) The holder of a licence, rating or validation whose licence, rating or validation has been suspended, may appeal against such suspension to the Director, within 30 days after such holder becomes aware of such suspension.

(5) An appellant shall deliver an appeal in writing, stating the reasons why, in his or her opinion, the suspension should be varied or set aside, and the appeal shall include, if applicable, full particulars of any remedial action which may have been taken by the appellant to rectify the circumstances which resulted in such suspension.

(6) The Director shall acknowledge receipt of an appeal.

(7) The Director may, within 14 days, subject to such conditions which the Director may determine, confirm, vary or set aside the suspension referred to in subregulation (1), or cancel the licence, rating or validation.

Change of name or address

63.01.15 (1) If a flight engineer licence and rating issued in terms of this Part -

(a) does not correctly reflect the name or address of the holder thereof; or

(b) contains a photograph which is no longer a recognisable image of the holder thereof,

such holder shall, within 30 days from the day on which such name or address was changed, or such photograph became an unrecognisable image, apply to the Director for the issuing of a new licence and rating.

(2) An application for the issuing of a new licence and rating shall be -

(a) made in the appropriate form as prescribed in Document NAM-CATS-FCL 63; and

(b) accompanied by -

(i) the original licence and rating;

(ii) in the case of a change of name, a copy of a certificate issued in terms of the Marriage Act, 1961 (Act 25 of 1961), the court order or any other legal document which verifies the change of name;

(iii) two recent passport size photographs of the applicant; and

(iv) the appropriate fee as prescribed in Part 187.

(3) The Director shall -

(a) issue a new licence and rating if the applicant complies with the requirements referred to in subregulation (2); and

(b) cancel and destroy the original licence and rating.

(4) Upon the issuing of a new licence the holder thereof shall forthwith affix his or her signature in ink in the space on the new licence provided for such purpose.

Duplicate flight engineer licence

63.01.16 (1) The holder of a flight engineer licence and rating which has been lost, destroyed or defaced to such an extent that the particulars thereon are illegible, shall apply to the Director for the issuing of a duplicate licence and rating.

(2) An application for the issuing of a duplicate licence and rating shall be -

(a) made in the appropriate form as prescribed in Document NAM-CATS-FCL 63; and

(b) accompanied by -

(i) a valid Class 1 medical certificate issued in terms of Part 67;

(ii) two recent passport size photographs of the applicant; and

(iii) the appropriate fee as prescribed in Part 187.

(3) The Director shall -

(a) issue a duplicate licence and rating if the applicant complies with the requirements referred to in subregulation (2); and

(b) endorse the duplicate licence and rating with the word “DUPLICATE” thereon.

(4) Upon the issuing of a duplicate licence the holder thereof shall forthwith affix his or her signature in ink in the space on the duplicate licence provided for such purpose.

(5) If, after the issuing of a duplicate licence and rating, the original licence and rating is found, the holder of the duplicate licence and rating shall take all reasonable steps to obtain such original licence and rating and surrender it forthwith to the Director.

Designation of examiners

63.01.17 (1) The Director may designate a flight engineer instructor as an examiner to -

(a) conduct skill tests and issue skill test reports required for -

(i) the issuing of flight engineer licences; and

(ii) the issuing, renewal or reissuing of type ratings;

(b) conduct skill tests or proficiency checks and issue skill test reports or proficiency check reports required for the issuing, renewal or reissuing of flight engineer instructor ratings; and

(c) issue temporary type rating certificates.

(2) The privileges referred to in subregulation (1) shall be exercised and performed according to the conditions, rules, requirements, procedures or standards as prescribed in Document NAM-CATS-FCL 63.

(3) The Director shall sign and issue to each designated examiner a document which shall state the full name of such examiner and contain a statement that -

(a) such examiner has been designated in terms of subregulation (1); and

(b) such examiner is empowered to exercise the privileges referred to in subregulation (1).

Duties of flight engineer

63.01.18 A flight engineer shall -

(a) carry the flight engineer licence and rating issued to him or her, on his or her person when exercising the privileges thereof;

(b) produce such licence and rating to an authorised officer, inspector or authorised person if so requested by such officer, inspector or person; and

(c) produce such licence and rating to the authorised representative of an appropriate authority if so requested by such representative.

Register of licences

63.01.19 (1) The Director shall maintain a register of all flight engineer licences issued or validated, and ratings issued, renewed, reissued or validated, in terms of the regulations in this Part.

(2) The register shall contain the following particulars:

(a) The full name of the holder of the licence;

(b) the postal and residential address of the holder of the licence;

(c) the telephone and telefax numbers of the holder of the licence;

(d) the date on which the licence was issued or validated;

(e) the number of the licence issued or validated;

(f) particulars of the ratings held by the holder of the licence;

(g) the nationality of the holder of the licence; and

(h) the date on which the licence or any rating is cancelled, if applicable.

(3) The particulars referred to in subregulation (2) shall be recorded in the register within seven days from the date on which the licence was issued or validated, or rating was issued, renewed, reissued or validated, or cancelled, as the case may be, by the Director.

(4) The register shall be kept in a safe place at the office of the Director.

(5) A copy of the register shall be furnished by the Director on payment of the appropriate fee as prescribed in Part 187, to any person who requests the copy.

Aviation training organisation

63.01.20 Training as required by this Part shall only be provided by -

(a) an aviation training organisation approved in terms of Part 141; or

(b) a foreign aviation training organisation recognised by the Director.

Unauthorised conduct

63.01.21 (1) No person shall provide another person with, or obtain from another person, any examination paper, or part or copy thereof, unless authorised by the Director to do so.

(2) During any written examination under this Part, no person shall -

(a) copy from another person;

(b) use any unauthorised source of information;

(c) communicate in any way with another person, except the invigilator;

(d) take the examination on behalf of another person; or

(e) remove any written or printed material from the examination room, unless authorised by the Director to do so.

(3) Any unauthorised conduct referred to in subregulations (1) and (2) may result in -

(a) disqualification in the subject concerned;

(b) disqualification in any or all subjects already passed; and

(c) debarment from taking further examinations for a period not exceeding 12 months.

Repeal of existing regulations

63.01.22 Subject to the provisions of regulation 183.00.2, the regulations in Chapters I, 2, 3, 4, 5, 7, 8, 9 and 25 of the Air Navigation Regulations, 1976, as amended, relating to flight engineers, are hereby repealed.

SUBPART 2
FLIGHT ENGINEER LICENCE

Requirements for flight engineer licence

63.02.1 An applicant for the issuing of a flight engineer licence shall -

(a) be not less than 18 years of age;

(b) hold a valid Class 1 medical certificate issued in terms of Part 67;

(c) have acquired the experience referred to in regulation 63.02.2;

(d) have successfully completed the training referred to in regulation 63.02.3;

(e) have passed the theoretical knowledge examination referred to in regulation 63 .02.4;

(f) have undergone the skill test referred to in regulation 63.02.5; and

(g) have acquired or hold -

(i) a valid aircraft maintenance engineer licence;

(ii) an approved B.Sc Aeronautical Engineering degree and not less than six months of practical experience in maintaining multi-engine aircraft with a maximum certificated mass exceeding 11 400 kilograms; or

(iii) a valid airline transport pilot licence.

Experience

63.02.2 An applicant for the issuing of a flight engineer licence shall have completed, under the supervision of a flight engineer instructor, not less than 40 hours of flight time performing the duties of a flight engineer, of which 20 hours may be acquired in a simulator.

Training

63.02.3 An applicant for the issuing of a flight engineer licence shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 63.

Theoretical knowledge examination

63.02.4 An applicant for the issuing of a flight engineer licence shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 63.

Skill test

63.02.5 (1) An applicant for the issuing of a flight engineer licence shall have demonstrated to a designated examiner, the ability to perform as a flight engineer of an aircraft,

the duties and procedures as prescribed in Document NAM-CATS-FCL 63, with a degree of competency appropriate to the privileges granted to the holder of a flight engineer licence.

(2) The applicant shall have undergone the skill test referred to in subregulation (1) within 12 months of passing the theoretical knowledge examination referred to in regulation 63.02.4 and within the 90 days immediately preceding the date of application.

Application for flight engineer licence

63.02.6 An application for the issuing of a flight engineer licence shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 63; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

Issuing of flight engineer licence

63.02.7 (1) The Director shall issue a flight engineer licence if the applicant complies with the requirements referred to in regulation 63.02.1.

(2) A flight engineer licence shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 63.

(3) Upon the issuing of a flight engineer licence the holder thereof shall forthwith affix his or her signature in ink in the space on the licence provided for such purpose.

Period of validity

63.02.8 A flight engineer licence shall be valid for an indefinite period: Provided that the privileges of the licence shall not be exercised by the holder thereof unless -

(a) he or she holds a valid Class 1 medical certificate issued in terms of Part 67; and

(b) he or she holds a valid type rating.

Privileges

63.02.9 The holder of a valid flight engineer licence shall be entitled to act as a flight engineer -

(a) in any aircraft in respect of which he or she is the holder of a type rating;

(b) in an aircraft of a type other than that in respect of which he or she is the holder of a type rating -

(i) if he or she so acts under the direct supervision of the holder of a flight engineer licence with a type rating appropriate to that aircraft; or

(ii) if he or she acts in an aircraft for which a flight engineer is not required, under the direct supervision of the pilot-in-command of that aircraft

SUBPART 3

TYPE RATINGS

Requirements for type rating

63.03.1 An applicant for the issuing of a type rating shall -

(a) hold a valid flight engineer licence;

(b) have successfully completed the training referred to in regulation 63.03.2;

(c) have passed the theoretical knowledge examination referred to in regulation 63.03.3; and

(d) have undergone the skill test referred to in regulation 63.03.4.

Training

63.03.2 An applicant for the issuing of a type rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 63.

Theoretical knowledge examination

63.03.3 An applicant for the issuing of a type rating shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 63.

Skill test

63.03.4 (1) An applicant for the issuing of a type rating shall have demonstrated to a designated examiner, the ability to perform the duties and procedures as prescribed in Document NAM-CATS-FCL 63, with a degree of competency appropriate to the privileges granted to the holder of such type rating.

(2) The applicant shall have undergone the skill test referred to in subregulation (1) within 12 months of passing the theoretical knowledge examination referred to in regulation 63.03.3 and within the 90 days immediately preceding the date of application.

Application for type rating

63.03.5 (1) An application for the issuing of a type rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 63; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

(2) The designated examiner may issue to an applicant who meets the requirements referred to in regulation 63.03.1, a temporary type rating certificate.

(3) A temporary type rating certificate referred to in subregulation (2), shall -

(a) be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 63; and

(b) remain valid for a period of not more than 30 days calculated form the date on which the temporary type rating certificate was issued or until the date on which the type rating is issued by the Director, whichever period is the lesser period.

[The word "from" is misspelt in the *Government Gazette*, as reproduced above.]

Issuing of type rating

63.03.6 (1) The Director shall issue a type rating if the applicant complies with the requirements referred to in regulation 63.03.1.

(2) A type rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 63.

Period of validity

63.03.7 A type rating shall be valid for a period of 12 months calculated from the date of issue, renewal or reissue of the rating.

Privileges

63.03.8 The holder of a valid type rating shall be entitled to act as a flight engineer in the type of aircraft for which the holder is rated.

Renewal

63.03.9 (1) To renew a type rating, the holder of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, have undergone a proficiency check as prescribed in Document NAM-CATS-FCL 63, conducted by a flight engineer instructor.

(2) The flight engineer instructor shall, upon compliance with the requirements prescribed in subregulation (1) by the holder of the rating -

(a) issue the proficiency check report as prescribed in Document NAM-CATS-FCL 63; and

(b) endorse the logbook of such holder.

(3) If the result of the proficiency check contemplated in subregulation (1) reveals that the holder of the rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 63.03.8, the flight engineer instructor shall -

(a) submit the proficiency check report to the Director; and

(b) not endorse the logbook of the holder of the rating.

(4) An application for the renewal of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 63; and

(b) accompanied by -

(i) a copy of such rating;

(ii) a copy of a summary of the logbook of the applicant;

(iii) the proficiency check report referred to in subregulation (2)(a); and

(iv) the appropriate fee as prescribed in Part 187.

(5) The flight engineer instructor may issue to an applicant who meets the requirements referred to in subregulation (1), a temporary type rating certificate.

(6) A temporary type rating certificate referred to in subregulation (5), shall -

(a) be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 63; and

(b) remain valid for a period of not more than 30 days calculated from the date on which the temporary type rating certificate was issued or until the date on which the type rating is renewed by the Director, whichever period is the lesser period.

(7) The Director shall renew the rating if the applicant complies with the requirements referred to in subregulation (1).

(8) The rating shall be renewed on the appropriate form as prescribed in Document NAM-CATS-FCL 63.

Reissue

63.03.10 (1) The holder of a type rating which has expired due to the lapse of the period referred to in regulation 63.03.7, who wishes to apply for the reissuing of the expired rating, may, with the approval of the Director and subject to such conditions as the Director may determine, act as a flight engineer for the purpose of complying with the requirements prescribed in subregulation (2).

(2) The applicant shall, within the 90 days immediately preceding the date of application, have undergone the skill test referred to in regulation 63.03.4(1), conducted by a designated examiner.

(3) The designated examiner shall, upon compliance with the requirements prescribed in subregulation (2) by the holder of the expired rating -

(a) issue the skill test report as prescribed in Document NAM-CATS-FCL 63; and

(b) endorse the logbook of such holder.

(4) An application for the reissuing of the expired rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 63; and

(b) accompanied by -

(i) a copy of such expired rating;

(ii) a copy of a summary of the logbook of the applicant;

(iii) the skill test report referred to in subregulation (1)(a); and

(iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall reissue the expired rating if the applicant complies with the requirements referred to in subregulation (2).

(6) The rating shall be reissued on the appropriate form as prescribed in Document NAM-CATS-FCL 63.

(7) If the result of the skill test contemplated in subregulation (2) reveals that the holder of the expired rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 63.03.8, the designated examiner shall -

(a) submit the skill test report to the Director; and

(b) not endorse the logbook of the holder of the expired rating.

(8) The designated examiner shall issue to an applicant who meets the requirements referred to in subregulation (2), a temporary type rating certificate.

(9) A temporary type rating certificate referred to in subregulation (8), shall -

(a) be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 63; and

(b) remain valid for a period of not more than 30 days calculated form the date on which the temporary type rating certificate was issued or until the date on which the type rating is reissued by the Director, whichever period is the lesser period.

[The word "from" is misspelt in the *Government Gazette*, as reproduced above.]

SUBPART 4
FLIGHT ENGINEER INSTRUCTOR RATING

Requirements for flight engineer instructor rating

63.04.1 An applicant for the issuing of a flight engineer instructor rating shall -

(a) hold a valid flight engineer licence;

(b) have successfully completed the training referred to in regulation 63.04.2;

(c) have passed the theoretical knowledge examination referred to in regulation 63.04.3; and

(d) have undergone the skill test referred to in regulation 63.04.4.

Training

63.04.2 An applicant for the issuing of a flight engineer instructor rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 63.

Theoretical knowledge examination

63.04.3 An applicant for the issuing of a flight engineer instructor rating shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 63.

Skill test

63.04.4 (1) An applicant for the issuing of a flight engineer instructor rating shall have demonstrated to a designated examiner the ability to perform as a flight engineer instructor the duties and procedures as prescribed in Document NAM-CATS-FCL 63, with a degree of competency appropriate to the privileges granted to the holder of a flight engineer instructor rating.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within 36 months of passing the theoretical knowledge examination referred to in regulation 63.04.3, and within the 90 days immediately preceding the date of application.

Application for flight engineer instructor rating

63.04.5 An application for the issuing of a flight engineer instructor rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 63; and

(b) accompanied by -

(i) a copy of the flight engineer licence held by the applicant;

(ii) a copy of a summary of the logbook of the applicant;

(iii) proof that the applicant has passed the theoretical knowledge examination referred to in regulation 63.04.3;

(iv) the skill test report as prescribed in Document NAM-CATS-FCL 63; and

(v) the appropriate fee as prescribed in Part 187.

Issuing of flight engineer instructor rating

63.04.6 (1) The Director shall issue a flight engineer instructor rating if the applicant complies with the requirements referred to in regulation 63.04.1.

(2) A flight engineer instructor rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 63.

Period of validity

63.04.7 A flight engineer instructor rating shall be valid for a period of three years calculated from the date of issue, renewal or reissue of the rating.

Privileges of flight engineer instructor rating

63.04.8 The holder of a valid flight engineer instructor rating shall be entitled to -

(a) give academic or practical instruction on any of the valid ratings held by him or her;

(b) conduct proficiency checks and issue proficiency check reports required for the renewal of type ratings, in any of the valid type ratings held by him or her;

(c) issue temporary type rating certificates; and

(d) act as an examiner in any of the valid ratings held by him or her, if designated by the Director in terms of regulation 63.01.18.

Renewal

63.04.9 (1) To renew a flight engineer instructor rating, the holder of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, have undergone the proficiency check as prescribed in Document NAM-CATS-FCL 63, conducted by a designated examiner.

(2) The designated examiner shall, upon compliance with the requirements referred to in subregulation (1) by the holder of the rating -

(a) issue the proficiency check report as prescribed in Document NAM-CATS-FCL 63; and

(b) endorse the logbook of such holder.

(3) If the result of the proficiency check contemplated in subregulation (1) reveals that the holder of the rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 63.04.8, the designated examiner shall -

(a) submit the proficiency check report to the Director; and

(b) not endorse the logbook of the holder of the rating.

(4) An application for the renewal of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 63; and

(b) accompanied by -

(i) a copy of such rating;

(ii) a copy of a summary of the logbook of the applicant;

(iii) the proficiency check report referred to in subregulation (2); and

(iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall renew the rating if the applicant complies with the requirements referred to in subregulation (1).

(6) The rating shall be renewed on the appropriate form as prescribed in Document NAM-CATS-FCL 63.

Reissue

63.04.10 (1) The holder of a flight engineer instructor rating which has expired due to the lapse of the period referred to in regulation 63.04.7, who wishes to apply for the reissuing of the expired rating, may, with the approval of the Director and subject to such conditions as the Director may determine, act as a flight engineer instructor for the purpose of complying with the requirements prescribed in subregulation (2).

(2) The applicant shall, within the 90 days immediately preceding the date of application, undergone the skill test referred to in regulation 63.04.4(1), conducted by a designated examiner.

(3) The designated examiner shall, upon compliance with the requirements prescribed in subregulation (2) by the holder of the expired rating -

(a) issue the skill test report as prescribed in Document NAM-CATS-FCL 63; and

(b) endorse the logbook of such holder.

(4) An application for the reissuing of the expired rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 63; and

(b) accompanied by -

(i) a copy of such expired rating;

(ii) a copy of a summary of the logbook of the applicant;

(iii) the skill test report referred to in subregulation (3)(a); and

(iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall reissue the expired rating if the applicant complies with the requirements referred to in subregulation (2).

(6) The rating shall be reissued on the appropriate form as prescribed in Document NAM-CATS-FCL 63.

(7) If the result of the skill test contemplated in subregulation (2) reveals that the holder of the expired rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 63.04.8, the designated examiner shall -

(a) submit the skill test report to the Director; and

(b) not endorse the logbook of the holder of the expired rating.

(8) If a period of 60 months has lapsed after the date of expiry of the rating, the holder of the expired rating may apply to the Director for the reissuing of the rating and the Director shall reissue the rating if the applicant complies with the requirements referred to in regulation 63.04.1.

(9) The provisions of regulation 63.04.5 shall apply *mutatis mutandis* to an application made in terms of subregulation (8).

Maintenance of competency

63.04.11 The holder of a flight engineer instructor rating shall not exercise the privileges of the rating unless he or she has given at least 10 hours of flight engineer instruction within the preceding 12 months.

PART 64
PERSONNEL: CABIN CREW LICENSING

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SUBPART 1
GENERAL

Applicability

64.01.1 This Part shall apply to the issuing of licences and ratings for cabin crew members, the privileges and limitations of such licences and ratings, and matters related thereto.

Authority to act as cabin crew member

64.01.2 (1) No person shall act as a cabin crew member of a Namibian registered aircraft unless such person holds a valid cabin crew member licence and rating issued by the Director in terms of this Part.

(2) The holder of a cabin crew member licence and rating shall not exercise privileges other than the privileges granted by the licence and rating held by such cabin crew member.

Ratings for cabin crew members

64.01.3 The cabin crew member ratings are -

(a) a type rating; and

(b) a rating for special purposes.

Type rating

64.01.4 The type rating comprises a rating by name for each type of aircraft.

Rating for special purposes

64.01.5 The rating for special purposes comprises a cabin crew instructor rating.

Competency

64.01.6 No holder of a cabin crew member licence and rating shall exercise the privileges granted by the licence and rating unless such holder maintains competency by complying with the appropriate requirements prescribed in this Part.

Medical fitness

64.01.7 An applicant for, or the holder of, a cabin crew member licence shall obtain a Class 2 medical certificate issued in terms of Part 67.

Language

64.01.8 The holder of a cabin crew member licence issued under this Part shall have sufficient ability in reading, speaking and understanding the English language to enable the holder to adequately carry out his or her responsibilities as a cabin crew member.

Logbooks

64.01.9 (1) The holder of a cabin crew member licence shall maintain a logbook and shall record therein all flight time spent as a cabin crew member.

(2) The form of, and information to be contained in, a logbook referred to in subregulation (1) and the manner in which such logbook shall be maintained, shall be as prescribed in Document NAM-CATS-CCL.

Suspension and cancellation of licence and appeal

64.01.10 (1) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, a cabin crew member licence or rating, if -

(a) it is evident that the holder of the licence or rating does not comply with the requirements prescribed in this Part, and such holder fails to remedy such non-compliance within 30 days after receiving notice in writing from the authorised officer, inspector or authorised person to do so; or

(b) the suspension is necessary in the interests of aviation safety.

(2) The authorised officer, inspector or authorised person who has suspended a licence or rating in terms of subregulation (1), shall deliver a report in writing to the Director, stating the reasons why the licence or rating was suspended.

(3) The authorised officer, inspector or authorised person concerned shall submit a copy of the report referred to in subregulation (2), to the holder of the licence, rating or validation which has been suspended.

(4) The holder of a licence or rating whose licence or rating has been suspended, may appeal against such suspension to the Director, within 30 days after such holder becomes aware of such suspension.

(5) An appellant shall deliver an appeal in writing, stating the reasons why, in the opinion of the appellant, the suspension should be varied or set aside, and the appeal shall include, if applicable, full particulars of any remedial action which may have been taken by the appellant to rectify the circumstances which resulted in such suspension.

(6) The Director shall acknowledge receipt of an appeal.

(7) The Director may, within 14 days, subject to such conditions which the Director may determine, confirm, vary or set aside the suspension referred to in subregulation (1), or cancel the licence or rating.

Change of name or address

64.01.11 If a cabin crew member licence and rating issued in terms of this Part·-

(a) does not correctly reflect the name or address of the holder thereof; or

(b) contains a photograph which is no longer a recognisable image of the holder thereof, such holder shall, within 30 days from the date on which such name or address was changed, or such photograph became an unrecognisable image, apply to the Director for the issuing of a new licence and rating.

(2) An application for the issuing of a new licence and rating shall be -

(a) made in the appropriate form as prescribed in Document NAM-CATS-CCL; and

(b) accompanied by -

(i) the original licence and rating;

(ii) in the case of a change of name, a copy of a certificate issued in terms of the Marriage Act, 1961 (Act 25 of 1961), the court order or any other legal document which verifies the change of name;

(iii) two recent passport size photographs of the applicant; and

(iv) the appropriate fee as prescribed in Part 187.

(3) The Director shall -

(a) issue a new licence and rating if the applicant complies with the requirements referred to in subregulation (2); and

(b) cancel and destroy the original licence and rating.

(4) Upon the issuing of a new licence the holder thereof shall forthwith affix his or her signature in ink in the space on the new licence provided for such purpose.

Duplicate cabin crew member licence

64.01.12 (1) The holder of a cabin crew member licence and rating which has been lost, destroyed or defaced to such an extent that the particulars thereon are illegible, shall apply to the Director for the issuing of a duplicate licence and rating.

(2) An application for the issuing of a duplicate licence and rating shall be -

(a) made in the appropriate form as prescribed in Document NAM-CATS-CCL; and

(b) accompanied by -

(i) a valid Class 2 medical certificate issued in terms of Part 67;

(ii) two recent passport size photographs of the applicant; and

(iii) the appropriate fee as prescribed in Part 187.

(3) The Director shall -

(a) issue a duplicate licence and rating if the applicant complies with the requirements referred to in subregulation (2); and

(b) endorse the duplicate licence and rating with the word “DUPLICATE” thereon.

(4) Upon the issuing of a duplicate licence the holder thereof shall forthwith affix his or her signature in ink in the space on the duplicate licence provided for such purpose.

(5) If, after the issuing of a duplicate licence and rating, the original licence and rating is found, the holder of the duplicate licence and rating shall take all reasonable steps to obtain such original licence and rating and surrender it forthwith to the Director.

Duties of cabin crew member

64.01.13 A cabin crew member shall -

(a) carry the cabin crew member licence and rating issued to him or her, on his or her person when exercising the privileges thereof;

(b) produce such licence and rating to an authorised officer, inspector or authorised person if so requested by such officer, inspector or person; and

(c) produce such licence and rating to the authorised representative of an appropriate authority if so request by such representative.

[The verb "request" should be "requested".]

Designation of examiners

64.01.14 (1) The Director may designate a cabin crew instructor as an examiner to -

(a) conduct skill tests and issue skill test reports required for -

(i) the issuing of cabin crew member licences; and

(ii) the issuing, renewal or reissuing of type ratings;

(b) conduct skill tests or proficiency checks and issue skill test reports or proficiency check reports required for the issuing, renewal or reissuing of cabin crew instructor ratings; and

(c) issue temporary type rating certificates.

(2) The privileges referred to in subregulation (1) shall be exercised and performed according to the conditions, rules, requirements, procedures or standards as prescribed in Document NAM-CATS-CCL.

(3) The Director shall sign and issue *to* each designated examiner a document which shall state the full name of such examiner and contain a statement that -

(a) such examiner has been designated in terms of subregulation (1); and

(b) such examiner is empowered to exercise the privileges referred to in subregulation (1).

Register of licences

64.01.15 (1) The Director shall maintain a register of all cabin crew member licences issued, and ratings issued, renewed or reissued, in terms of the regulations in this Part.

(2) The register shall contain the following particulars:

(a) The full name of the holder of the licence;

(b) the postal and residential address of the holder of the licence;

(c) the telephone and telefax numbers of the holder of the licence;

(d) the date on which the licence was issued;

(e) the number of the licence issued;

(f) particulars of the ratings held by the holder of the licence;

(g) the nationality of the holder of the licence; and

(h) the date on which the licence or any rating is cancelled, if applicable.

(3) The particulars referred to in subregulation (2) shall be recorded in the register within seven days from the date on which the licence was issued, or rating was issued, renewed or reissued, or cancelled, as the case may be, by the Director.

(4) The register shall be kept in a safe place at the office of the Director.

(5) A copy of the register shall be furnished by the Director on payment of the appropriate fee as prescribed in Part 187, to any person who requests the copy.

Aviation training organisation

64.01.16 Training as required by this Part shall only be provided by -

(a) an aviation training organisation approved in terms of Part 141; or

(b) a foreign aviation training organisation recognised by the Director.

Unauthorised conduct

64.01.17 (1) No person shall provide another person with, or obtain from another person, any examination paper, or part or copy thereof, unless authorised by the Director to do so.

(2) During any written examination under this Part, no person shall -

(a) copy from another person;

(b) use any unauthorised source of information;

(c) communicate in any way with another person, except the invigilator;

(d) take the examination on behalf of another person; or

(e) remove any written or printed material from the examination room, unless authorised by the Director to do so.

(3) Any unauthorised conduct referred to in subregulations (1) and (2) may result in -

(a) disqualification in the subject concerned;

(b) disqualification in any or all subjects already passed;

(c) debarment from taking further examinations for a period not exceeding 12 months; and

(d) cancellation of that licence.

SUBPART 2
CABIN CREW MEMBER LICENCE

Requirements for cabin crew member licence

64.02.1 An applicant for the issuing of a cabin crew member licence shall -

(a) be not less than 18 years of age;

(b) hold a valid Class 2 medical certificate issued in terms of Part 67;

(c) have acquired the experience referred to in regulation 64.02.2;

(d) have successfully completed the training referred to in regulation 64.02.3;

(e) have passed the theoretical knowledge examination referred to in regulation 64.02.4; and

(f) have undergone the skill test referred to in regulation 64.02.5.

Experience

64.02.2 An applicant for the issuing of cabin crew member licence shall have completed not less than 20 hours flight time as supernumery crew on board the type of aircraft on which the initial cabin crew training was conducted.

[The word "supernumerary" is misspelt in the *Government Gazette*, as reproduced above.]

Training

64.02.3 An applicant for the issuing of a cabin crew member licence shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-CCL.

Theoretical knowledge examination

64.02.4 An applicant for the issuing of a cabin crew member licence shall have passed the appropriate written examination as prescribed in Document NAM-CATS-CCL.

Skill test

64.02.5 (1) An applicant for the issuing of a cabin crew member licence shall have demonstrated to a designated examiner, the ability to perform as a cabin crew member of an aircraft, the duties and procedures as prescribed in Document NAM-CATS-CCL, with a degree of competency appropriate to the privileges granted to the holder of a cabin crew member licence.

(2) The applicant shall have undergone the skill test referred to in subregulation (1) within 12 months of passing the theoretical knowledge examination referred to in regulation 64.02.4 and within the 90 days immediately preceding the date of application.

Application for cabin crew member licence

64.02.6 An application for the issuing of a cabin crew member licence shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-CCL; and

(b) accompanied by -

(i) proof of -

(aa) the identity of the applicant; and

(bb) the age of the applicant;

(ii) a valid Class 2 medical certificate issued in terms of Part 67;

(iii) proof of the experience referred to in regulation 64.02.2;

(iv) proof that the applicant has passed the theoretical knowledge examination referred to in regulation 64.02.4;

(v) the skill test report as prescribed in Document NAM-CATS-CCL;

(vi) the appropriate fee as prescribed in Part 187; and

(vii) two recent passport size photographs of the applicant.

Issuing of cabin crew member licence

64.02.7 (1) The Director shall issue a cabin crew member licence if the applicant complies with the requirements referred to in regulation 64.02.1.

(2) A licence shall be issued on the appropriate form as prescribed in Document NAM-CATS-CCL.

(3) Upon the issuing of a cabin crew member licence the holder thereof shall forthwith affix his or her signature in ink in the space on the licence provided for such purpose.

Period of validity

64.02.8 A cabin crew member licence shall be valid for an indefinite period: Provided that the privileges of the licence shall not be exercised by the holder thereof unless -

(a) he or she is the holder of a valid Class 2 medical certificate issued in terms of Part 67;

(b) he or she holds a valid type rating; and

(c) has not attained the age of 60 years.

[There is a problem with the structure of this provision; "he or she" should either be part of the introductory phrase and omitted in paragraphs (b) and (c), or else repeated in paragraph (c).]

Privileges

64.02.9 The holder of a valid cabin crew member licence shall be entitled to act as a cabin crew member in any aircraft in respect of which he or she is the holder of a type rating.

SUBPART 3
TYPE RATING

Requirements for type rating

64.03.1 An applicant for the issuing of a type rating shall -

(a) hold a valid cabin crew member licence;

(b) have successfully completed the training referred to in regulation 64.03.2;

(c) have passed the theoretical knowledge examination referred to in regulation 64.03.3; and

(d) have undergone the skill test referred to in regulation 64.03.4.

Training

64.03.2 An applicant for the issuing of a type rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-CCL.

Theoretical knowledge examination

64.03.3 An applicant for the issuing of a type rating shall have passed the appropriate written examination as prescribed in Document NAM-CATS-CCL.

Skill test

64.03.4 (1) An applicant for the issuing of a type rating shall have demonstrated to a designated examiner, the ability to perform the duties and procedures as prescribed in Document NAM-CATS-CCL, with a degree of competency appropriate to the privileges granted to the holder of such type rating.

(2) The applicant shall have undergone the skill test referred to in subregulation (1) within 12 months of passing the theoretical knowledge examination referred to in regulation 64.03.3 and within the 90 days immediately preceding the date of application.

Application for type rating

64.03.5 (1) An application for the issuing of a type rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-CCL; and

(b) accompanied by -

(i) a copy of the cabin crew member licence held by the applicant;

(ii) proof that the applicant has passed the theoretical knowledge examination referred to in regulation 64.03.3;

(iii) the skill test report as prescribed in Document NAM-CATS-CCL; and

(iv) the appropriate fee as prescribed in Part 187.

(2) The designated examiner may issue to an applicant who meets the requirements referred to in regulation 64.03.1, a temporary type rating certificate.

(3) A temporary type rating certificate referred to in subregulation (2), shall -

(a) be issued on the appropriate form as prescribed in Document NAM-CATS-CCL; and

(b) remain valid for a period of not more than 30 days calculated from the date on which the temporary type rating certificate was issued or until the date on which the type rating is issued by the Director, whichever period is the lesser period.

Issuing of type rating

64.03.6 (1) The Director shall issue a type rating if the applicant complies with the requirements referred to in regulation 64.03.1.

(2) A type rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-CCL.

Period of validity

64.03.7 A type rating shall be valid for a period of 12 months calculated from the date of issue, renewal or reissue of the rating.

Privileges

64.03.8 The holder of a valid type rating shall be entitled to act as a cabin crew member in the type of aircraft for which the holder is rated.

Renewal

64.03.9 (1) To renew a type rating, the holder of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, have undergone a proficiency check as prescribed in Document NAM-CATS-CCL, conducted by a cabin crew instructor.

(2) The cabin crew instructor shall, upon compliance with the requirements prescribed in subregulation (1) by the holder of the rating -

(a) issue the proficiency check report as prescribed in Document NAM-CATS-CCL; and

(b) endorse the logbook of such holder.

(3) If the result of the proficiency check contemplated in subregulation (1) reveals that the holder of the rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 64.03.8, the cabin crew instructor shall -

(a) submit the proficiency check report to the Director; and

(b) not endorse the logbook of the holder of the rating.

(4) An application for the renewal of the rating in terms of this regulation, shall, within the 90 days immediately preceding the date of expiry of such rating, be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-CCL; and

(b) be accompanied by -

(i) a copy of such rating;

(ii) a copy of a summary of the logbook of the applicant;

(iii) the proficiency check report referred to in subregulation (2)(a); and

(iv) the appropriate fee as prescribed in Part 187.

(5) The cabin crew instructor may issue to an applicant who meets the requirements referred to in subregulation (1), a temporary type rating certificate.

(6) A temporary type rating certificate referred to in subregulation (5), shall -

(a) be issued on the appropriate form as prescribed in Document NAM-CATS-CCL; and

(b) remain valid for a period of not more than 30 days calculated from the date on which the temporary type rating certificate was issued or until the date on which the type rating is renewed by the Director, whichever period is the lesser period.

(7) The Director shall renew the rating if the applicant complies with the requirements referred to in subregulation (1).

(8) The rating shall be renewed on the appropriate form as prescribed in Document NAM-CATS-CCL.

Reissue

64.03.10 (1) The holder of a type rating which has expired due to the lapse of the period referred to in regulation 64.03.7, who wishes to apply for the reissuing of the expired rating, may, with the approval of the Director and subject to such conditions as the Director may determine, act as a cabin crew member for the purpose of complying with the requirements prescribed in subregulation (2).

(2) The applicant shall, within the 90 days immediately preceding the date of application, have undergone the skill test referred to in regulation 64.03.4(1), conducted by a designated examiner.

(3) The designated examiner shall, upon compliance with the requirements prescribed in subregulation (2) by the holder of the expired rating -

(a) issue the skill test report as prescribed in Document NAM-CATS-CCL; and

(b) endorse the logbook of such holder.

(4) An application for the reissuing of the expired rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-CCL; and

(b) accompanied by -

(i) a copy of such expired rating;

(ii) a copy of a summary of the logbook of the applicant;

(iii) the skill test report referred to in subregulation (3)(a); and

(iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall reissue the expired rating if the applicant complies with the requirements referred to in subregulation (2).

(6) The rating shall be reissued on the appropriate form as prescribed in Document NAM-CATS-CCL.

(7) If the result of the skill test contemplated in subregulation (2) reveals that the holder of the expired rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 64.03.8, the designated examiner shall -

(a) submit the skill test report to the Director; and

(b) not endorse the logbook of the holder of the expired rating.

(8) If a period of 60 months has lapsed after the date of expiry of the rating, the holder of the expired rating may apply to the Director for the reissuing of the rating and the Director shall reissue the rating if the applicant complies with the requirements referred to in regulation 64.03.1.

(9) The provisions of regulation 64.03.5 shall apply *mutatis mutandis* to an application made in terms of subregulation (8).

SUBPART 4
CABIN CREW INSTRUCTOR RATING

Requirements for cabin crew instructor rating

64.04.1 An applicant for the issuing of a cabin crew instructor rating shall -

(a) hold a valid cabin crew member licence;

(b) have successfully completed the training referred to in regulation 64.04.2;

(c) have passed the theoretical knowledge examination referred to in regulation 64.04.3; and

(d) have undergone the skill test referred to in regulation 64.04.4.

Training

64.04.2 An applicant for the issuing of a cabin crew instructor rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-CCL.

Theoretical knowledge examination

64.04.3 An applicant for the issuing of a cabin crew instructor rating shall have passed the appropriate written examination as prescribed in Document NAM-CATS-CCL.

Skill test

64.04.4 (1) An applicant for the issuing of a cabin crew instructor rating shall have demonstrated to a designated examiner the ability to perform as a cabin crew instructor the duties and procedures as prescribed in Document NAM-CATS-CCL, with a degree of competency appropriate to the privileges granted to the holder of a cabin crew instructor rating.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within 36 months of passing the theoretical knowledge examination referred to in regulation 64.04.3, and within the 90 days immediately preceding the date of application.

Application for cabin crew instructor rating

64.04.5 An application for the issuing of a cabin crew instructor rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-CCL; and

(b) accompanied by -

(i) a copy of the cabin crew member licence held by the applicant;

(ii) a copy of a summary of the logbook of the applicant;

(iii) proof that the applicant has passed the theoretical knowledge examination referred to in regulation 64.04.3;

(v) the skill test report as prescribed in Document NAM-CATS-CCL; and

(v) the appropriate fee as prescribed in Part 187.

Issuing of cabin crew instructor rating

64.04.6 (1) The Director shall issue a cabin crew instructor rating if the applicant complies with the requirements referred to in regulation 64.04.1.

(2) A cabin crew instructor rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-CCL.

Period of validity

64.04.7 A cabin crew instructor rating shall be valid for a period of three years calculated from the date of issue, renewal or reissue of the rating.

Privileges of cabin crew instructor rating

64.04.8 The holder of a valid cabin crew instructor rating shall be entitled to -

(a) give academic or practical instruction on any of the valid ratings held by him or her;

(b) conduct proficiency checks and issue proficiency check reports required for the renewal of type ratings, in any of the valid type ratings held by him or her;

(c) issue temporary type rating certificates; and

(d) act as an examiner in any of the valid ratings held by him or her, if designated by the Director in terms of regulation 64.01.14.

Renewal

64.04.9 (1) To renew a cabin crew instructor rating, the holder of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, have undergone the proficiency check as prescribed in Document NAM-CATS-CCL, conducted by a designated examiner.

(2) The designated examiner shall, upon compliance with the requirements referred to in subregulation (1) by the holder of the rating -

(a) issue the proficiency check report as prescribed in Document NAM-CATS-CCL;

(b) endorse the logbook of such holder.

(3) If the result of the proficiency check contemplated in subregulation (1) reveals that the holder of the rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 64.04.8, the designated examiner shall -

(a) submit the proficiency check report to the Director; and

(b) not endorse the logbook of the holder of the rating.

(4) An application for the renewal of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-CCL; and

(b) accompanied by -

(i) a copy of such rating;

(ii) a copy of a summary of the logbook of the applicant;

(iii) the proficiency check report referred to in subregulation (2); and

(iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall renew the rating if the applicant complies with the requirements referred to in subregulation (1).

(6) The rating shall be renewed on the appropriate form as prescribed in Document NAM-CATS-CCL.

Reissue

64.04.10 (1) The holder of a cabin crew instructor rating which has expired due to the lapse of the period referred to in regulation 64.04.7, who wishes to apply for the reissuing of the expired rating, may, with the approval of the Director and subject to such conditions as the Director may determine, act as a cabin crew instructor for the purpose of complying with the requirements prescribed in subregulation (2).

(2) The applicant shall, within the 90 days immediately preceding the date of application, undergone the skill test referred to in regulation 64.04.4(1), conducted by a designated examiner.

(3) The designated examiner shall, upon compliance with the requirements prescribed in subregulation (2) by the holder of the expired rating -

(a) issue the skill test report as prescribed in Document NAM-CATS-CCL; and

(b) endorse the logbook of such holder.

(4) An application for the reissuing of the expired rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-CCL; and

(b) accompanied by -

(i) a copy of such expired rating;

(ii) a copy of a summary of the logbook of the applicant;

(iii) the skill test report referred to in subregulation (3)(a); and

(iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall reissue the expired rating if the applicant complies with the requirements referred to in subregulation (2).

(6) The rating shall be reissued on the appropriate form as prescribed in Document NAM-CATS-CCL.

(7) If the result of the skill test contemplated in subregulation (2) reveals that the holder of the expired rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 64.04.8, the designated examiner shall -

(a) submit the skill test report to the Director; and

(b) not endorse the logbook of the holder of the expired rating.

(8) If a period of 60 months has lapsed after the date of expiry of the rating, the holder of the expired rating may apply to the Director for the reissuing of the rating and the Director shall reissue the rating if the applicant complies with the requirements referred to in regulation 64.04.1.

(9) The provisions of regulation 64.04.5 shall apply *mutatis mutandis* to an application made in terms of subregulation (8).

Maintenance of competency

64.04.11 The holder of a cabin crew instructor rating shall not exercise the privileges of the rating unless he or she has given at least 10 hours of cabin crew instruction within the preceding 12 months.

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SUBPART 1
GENERAL

Applicability

65.01.1 This Part shall apply to -

(a) the issuing of air traffic service licences, ratings, validations and certificates for air traffic service personnel, the privileges and limitations of such licences, ratings, validations and certificates, and matters related thereto; and

(b) the conversion of foreign air traffic service licences and ratings and the privileges and limitations of such conversions.

Authority to provide air traffic service

65.01.2 (1) No person shall provide an air traffic service within any airspace in Namibia, unless such person holds a valid air traffic service licence and rating complying with the requirements in this Part and appropriate to the duties being performed.

(2) The holder of an air traffic service licence shall not exercise privileges other than the privileges granted by the licence and the appropriate valid rating held by such holder.

Conversion of licence or rating issued by appropriate authority

65.01.3 (1) The holder of a licence or rating issued by an appropriate authority, who desires to obtain a licence or rating issued under this Part, shall apply to the Director in the appropriate form as prescribed in Document NAM-CATS-ATSPL, for a conversion of such licence or rating.

(2) The application for a conversion referred to in subregulation (1) shall be accompanied by -

(a) the appropriate fee as prescribed in Part 187;

(b) a copy of the licence to which the conversion pertains;

(c) a valid medical certificate; and

(d) in the case of an application for the conversion of a licence or rating for the purpose of being employed as an air traffic service personnel member in Namibia, an employment permit and a letter of appointment from a Namibian employer who requires the services of the applicant.

(3) A licence or rating issued by an appropriate authority may be recognised by the Director subject to the same restrictions which apply to such licence or rating and in accordance with and subject to the requirements and conditions as prescribed in Document NAM-CATS-ATSPL.

(4) A licence or rating issued by an appropriate authority may be converted by the Director on the appropriate form as prescribed in Document NAM-CATS-ATSPL.

(5) The holder of a licence or rating issued by an appropriate authority and converted by the Director, shall at all times comply with the regulations in this Part and the requirements and conditions as prescribed in Document NAM-CATS-ATSPL.

Medical fitness

65.01.4 An applicant for, or holder of, an air traffic service licence shall obtain a Class 3 medical certificate issued in terms of Part 67.

Maximum hours of duty

65.01.5 The maximum hours of duty of air traffic service personnel for the purposes of aviation safety, shall be as prescribed in Document NAM-CATS-ATSPL.

Ratings and certificate

65.01.6 The air traffic service ratings and certificate are -

(a) an air traffic service assistant rating;

(b) an aerodrome control rating;

(c) an approach control rating;

(d) an area control rating;

(e) an approach control (radar) rating;

(f) an area control (radar) rating;

(g) an air traffic service instructor (operational) rating; and

(h) an air traffic service instructor (academic) certificate.

Register of licences

65.01.7 (1) The Director shall maintain a register of all air traffic service licences issued or converted, ratings validated and certificates issued in terms of the regulations in this Part.

(2) The register shall contain the following particulars:

(a) The full name of the holder of the licence;

(b) the postal and residential address of the holder of the licence;

(c) the telephone and telefax numbers of the holder of the licence;

(d) the date on which the licence was issued or converted;

(e) the number of the licence issued or converted;

(f) particulars of the ratings, validations and certificate held by the holder of the licence;

(g) the nationality of the holder of the licence; and

(h) the date on which the licence or any rating is cancelled, if applicable.

(3) The particulars referred to in subregulation (2) shall be recorded in the register within seven days from the date on which the licence was issued or converted, or a rating was validated or a certificate was issued, or cancelled, as the case may be, by the Director.

(4) The register shall be kept in a safe place at the office of the Director.

(5) A copy of the register shall be furnished by the Director on payment of the appropriate fee as prescribed in Part 187, to any person who requests the copy.

Language

65.01.8 Air traffic service personnel shall have sufficient ability in reading, speaking and understanding the English language to enable them to adequately carry out their responsibilities as air traffic service personnel.

Designation of validation examiners and rating assessment examiners

65.01.9 (1) The Director may designate an air traffic service instructor as -

(a) a validation examiner to conduct proficiency checks and to issue certificates of competency and temporary validation certificates;

(b) a rating assessment examiner to conduct proficiency checks and to issue certificates of competency and temporary rating certificates.

(2) The privileges referred to in subregulation (1)(a) and (b) shall be exercised and performed according to the conditions, rules, requirements, procedures or standards as prescribed in Document NAM-CATS-ATSPL.

(3) The Director shall sign and issue to each designated validation examiner or designated rating assessment examiner a document which shall state the full name of such validation examiner or rating assessment examiner and contain a statement that -

(a) such validation examiner or rating assessment examiner has been designated in terms of subregulation (1)(a) or (b), as the case may be; and

(b) such validation examiner or rating assessment examiner is empowered to exercise the privileges referred to in subregulation (1)(a) or (b), as the case may be.

Suspension and cancellation of licence and appeal

65.01.10 (1) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, an air traffic service licence, rating, validation or certificate if -

(a) it is evident that the holder of the licence, rating, validation or certificate does not comply with the requirements prescribed in this Part, and such holder fails to remedy such non-compliance within 30 days after receiving notice in writing from the authorised officer, inspector or authorised person to do so; or

(b) the suspension is necessary in the interests of aviation safety.

(2) The authorised officer, inspector or authorised person who has suspended a licence, rating, validation or certificate in terms of subregulation (1), shall, within one workday of such suspension, deliver a report in writing to the Director, stating the reasons why, in his or her opinion, the suspended licence, rating, validation or certificate should be cancelled.

(3) The authorised officer, inspector or authorised person concerned shall submit a copy of the report referred to in subregulation (2), to the holder of the licence, rating, validation or certificate which has been suspended, and shall furnish proof of such submission for the information of the Director.

(4) The holder of a licence, rating, validation or certificate who feels aggrieved by the suspension of the licence, rating, validation or certificate, may appeal against such suspension to the Director, within 30 days after such holder becomes aware of such suspension.

(5) An appellant shall deliver an appeal in writing, stating the reasons why, in the opinion of the appellant, the suspension should be varied or set aside, and the appeal shall include, if applicable, full particulars of any remedial action which may have been taken by the appellant to rectify the circumstances which resulted in such suspension.

(6) The Director shall acknowledge receipt of an appeal, which acknowledgement shall reflect the name of the recipient at the Director's office and the date and time of receipt.

(7) The appellant shall submit a copy of the appeal and any documents or records supporting such appeal, to the authorised officer, inspector or authorised person concerned and shall furnish proof of such submission for the information of the Director.

(8) The authorised officer, inspector or authorised person concerned may, within seven days of receipt of the copy of the appeal referred to in subregulation (7), deliver his or her written reply to such appeal to the Director.

(9) As soon as practicable, but within 14 days, after the receipt of an appeal, the Director shall adjudicate the appeal.

(10) The Director may -

(a) adjudicate the appeal on the basis of the documents submitted to him or her; or

(b) order the appellant and the authorised officer, inspector or authorised person concerned to appear before him or her, either in person or through a representative, at a time and place determined by him or her, to give evidence.

(11) The Director shall, if a licence, rating, validation or certificate is suspended in terms of subregulation (1) and the holder thereof does not appeal against the suspension, adjudicate such suspension within 30 days from the date on which the period referred to in subregulation (4), has expired.

(12) The Director may, subject to such conditions which the Director may determine, confirm, vary or set aside the suspension referred to in subregulation (1), or cancel the licence, raring, validation or certificate.

Air traffic service training organisation

65.01.11 Training as required by this Part shall only be provided by -

(a) an air traffic service training organisation approved in terms of Part 141; or

(b) a foreign air traffic service training organisation recognised by the Director.

Problematic use of psychoactive substances

65.01.12 No air traffic service personnel member shall -

(a) engage in any kind of problematic use of substances;

(b) use any psychoactive substance less than eight hours prior to the specified reporting time for operational duty or commencement of a shift;

(c) commence an operational duty period with a blood alcohol level exceeding 0,02 gram per 100 millilitres;

(d) use any psychoactive substance during the operational duty period or whilst on standby for operational duty;

(e) commence an operational duty period while under the influence of any psychoactive substance.

Credit for military service

65.01.13 (1) Air traffic service personnel qualified in the Namibian Defence Force, may apply to the Director for the issuing of an air traffic service licence and rating prescribed in this Part.

(2) An application contemplated in subregulation (1) shall be -

(a) made in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and

(b) accompanied by -

(i) proof of-

(aa) the identity of the applicant;

(bb) the age of the applicant; and

(cc) employment of the applicant in the Namibian Defence Force;

(ii) a valid Class 3 medical certificate issued in terms of Part 67;

(iii) proof that the applicant has passed the appropriate theoretical knowledge examination, or part thereof, if the Director requires the passing of such theoretical knowledge examination, or part thereof;

(iv) the appropriate fee as prescribed in Part 187; and

(v) two recent passport size photographs of the applicant.

(3) The Director shall credit the theoretical knowledge and experience, or part thereof, gained in military service by the applicant, towards the issuing of an air traffic service licence and rating.

Unauthorised conduct

65.01.14 (1) No person shall provide another person with, or obtain from another person, any examination paper, or part or copy thereof, unless authorised by the Director to do so.

(2) During any written examination under this Part, no person shall -

(a) copy from another person;

(b) use any unauthorised source of information;

(c) communicate in any way with another person, except the invigilator;

(d) take the examination on behalf of another person; or

(e) remove any written or printed material from the examination room,

unless authorised by the Director to do so.

(3) Any unauthorised conduct referred to in subregulations (1) and (2) may result in -

(a) disqualification in the subject concerned;

(b) disqualification in any or all subjects already passed; and

(c) debarment from taking further examinations for a period not exceeding 12 months.

Change of name or address

61.01.15 (1) If an air traffic service licence or rating issued in terms of this Part -

(a) does not correctly reflect the name or address of the holder thereof; or

(b) contains a photograph which is no longer a recognisable image of the holder thereof,

such holder shall, within 30 days from the date on which such name or address was changed, or such photograph became an unrecognisable image, apply to the Director for the issuing of a new licence or rating.

(2) An application for the issuing of a new licence or rating shall be -

(a) made in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and

(b) accompanied by -

(i) the original licence or rating;

(ii) in the case of a change of name, a copy of the certificate issued in terms of the Marriage Act, 1961 (Act 25 of 1961), the court order or any other legal document which verifies the change of name:

(iii) two recent passport size photographs of the applicant; and

(iv) the appropriate fee as prescribed in Part 187.

(3) The Director shall -

(a) issue a new licence or rating if the applicant complies with the requirements referred to in subregulation (2); and

(b) cancel and destroy the original licence or rating.

(4) Upon the issuing of a new licence the holder thereof shall forthwith affix his or her signature in ink in the space on the new licence provided for such purpose.

Duplicate air traffic service licence

65.01.16 (1) The holder of an air traffic service licence or rating which has been lost, destroyed or defaced to such an extent that the particulars thereon are illegible, shall apply to the Director for the issuing of a duplicate licence or rating.

(2) An application for the issuing of a duplicate licence or rating shall be -

(a) made in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and

(b) accompanied by -

(i) a valid Class 3 medical certificate issued in terms of Part 67;

(ii) two recent passport size photographs of the applicant; and

(iii) the appropriate fee as prescribed in Part 187.

(3) The Director shall -

(a) issue a duplicate licence or rating if the applicant complies with the requirements referred to in subregulation (2); and

(b) endorse the duplicate licence or rating with the word “DUPLICATE” thereon.

(4) Upon the issuing of a duplicate licence the holder thereof shall forthwith affix his or her signature in ink in the space on the duplicate licence provided for such purpose.

(5) If, after the issuing of a duplicate licence or rating, the original licence or rating is found, the holder of the duplicate licence or rating shall take all reasonable steps to obtain such original licence or rating and surrender it forthwith to the Director.

Duties of air traffic service personnel

65.01.17 An air traffic service personnel member shall -

(a) carry the air traffic service licence and rating issued to him or her, on his or her person when exercising the privileges thereof; and

(b) produce such licence and rating to an authorised officer, inspector or authorised person if so requested by such officer, inspector or person.

Repeal of existing regulations

65.01.18 Subject to the provisions of regulation 183.00.2, the regulations in Chapters 2 and 3 of the Air Navigation Regulations, 1976, as amended, are hereby repealed.

SUBPART 2
AIR TRAFFIC SERVICE LICENCE

Requirements for air traffic service licence

65.02.1 An applicant for the issuing of an air traffic service licence shall -

(a) be not less than 18 years of age;

(b) hold a valid Class 3 medical certificate issued in terms of Part 67;

(c) be a resident of Namibia;

(d) have successfully completed the training referred to in regulation 65.02.2; and

(e) have passed the theoretical knowledge examination referred to in regulation 65.02.3.

Training

65.02.2 An applicant for the issuing of an air traffic service licence shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-ATSPL.

Theoretical knowledge examination

65.02.3 An applicant for the issuing of an air traffic service licence shall have passed the appropriate written examination as prescribed in Document NAM-CATS-ATSPL.

Application for air traffic service licence

65.02.4 An application for the issuing of an air traffic service licence shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and

(b) accompanied by -

(i) proof of -

(aa) the identity of the applicant; and

(bb) the age of the applicant;

(ii) a valid Class 3 medical certificate issued in terms of Part 67;

(iii) the appropriate certificate of competency as prescribed in Document NAM-CATS-ATSPL, signed by a rating assessment examiner;

(iv) the appropriate fee as prescribed in Part 187; and

(v) two recent passport size photographs of the applicant.

Issuing of air traffic service licence

65.02.5 (1) The Director shall issue an air traffic service licence if the applicant complies with the requirements referred to in regulation 65 .02.1.

(2) A licence shall be issued on the appropriate form as prescribed in Document NAM-CATS-ATSPL.

(3) Upon the issuing of a licence the holder thereof shall forthwith affix his or her signature in ink in the space on the licence provided for such purpose.

Period of validity of air traffic service licence

65.02.6 An air traffic service licence shall be valid for an indefinite period: Provided that the privileges of the licence shall not be exercised by the holder thereof unless -

(a) he or she is the holder of a valid Class 3 medical certificate issued in terms of Part 67;

(b) he or she holds the appropriate valid rating;

(c) he or she continually exercises the particular rating in the normal course of duties of employment, which may not be less than seven consecutive shifts within three shift cycles;

(d) he or she maintains competency by complying with the appropriate requirements prescribed in this Part.

Privileges

65.02.7 The holder of a valid air traffic service licence shall be entitled to -

(a) provide the air traffic service at the air traffic service unit for which the rating held by him or her is validated, in accordance with the requirements and standards as prescribed in Document NAM-CATS-ATSPL;

(b) act as an air traffic service instructor (operational) if he or she is suitably rated; and

(c) act as a validation examiner if he or she is -

(i) designated by the Director in terms of regulation 65.01.9 to act as such; and

(ii) in possession of an air traffic service instructor (operational) rating;

(d) act as an air traffic service instructor (academic) if he or she holds the appropriate certificate;

(e) act as a rating assessment examiner if he or she is -

(i) designated by the Director in terms of regulation 65.01.9 to act as such; and

(ii) in possession of an air traffic service instructor (academic) certificate.

SUBPART 3
AIR TRAFFIC SERVICE ASSISTANT RATING

Requirements for air traffic service assistant rating

65.03.1 An applicant for the issuing of an air traffic service assistant rating shall -

(a) be not less than 18 years of age;

(b) hold a valid air traffic service licence; and

(c) have successfully completed the training referred to in regulation 65.03.2.

Training

65.03.2 An applicant for the issuing of an air traffic service assistant rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-ATSPL.

Application for issuing of air traffic service assistant rating

65.03.3 An application for the issuing of an air traffic service assistant rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and

(b) accompanied by -

(i) the appropriate certificate of competency as prescribed in Document NAM-CATS-ATSPL, signed by a rating assessment examiner;

(ii) a copy of the air traffic service licence held by the applicant;

(iii) the appropriate fee as prescribed in Part 187; and

(iv) proof of his or her age.

Issuing of air traffic service assistant rating

65.03.4 (1) The Director shall issue an air traffic service assistant rating if the applicant complies with the requirements referred to in regulation 65.03.1.

(2) The rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-ATSPL.

(3) The rating shall expire if not validated within a period of 12 months, calculated from the date on which such rating was issued.

Requirements for validation of air traffic service assistant rating

65.03.5 An applicant for the validation of an air traffic service assistant rating shall, under the supervision of an air traffic service instructor (operational), have provided assistant services at the air traffic service unit for which the rating is sought for at least 50 hours but not more than 100 hours.

Application for validation of air traffic service assistant rating

65.03.6 An application for the validation of an air traffic service assistant rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and

(b) accompanied by -

(i) the appropriate certificate of competency as prescribed in Document NAM-CATS-ATSPL, signed by a validation examiner;

(ii) a copy of the air traffic service licence and rating held by the applicant; and

(iii) the appropriate fee as prescribed in Part 187.

Validation of air traffic service assistant rating

65.03.7 (1) The Director shall validate an air traffic service assistant rating if the applicant complies with the requirements referred to in regulation 65.03.5.

(2) The rating shall be validated on the appropriate form as prescribed in Document NAM-CATS-ATSPL.

Privileges of air traffic service assistant rating

65.03.8 The holder of a valid air traffic service assistant rating shall be entitled to -

(a) provide assistant services at the air traffic service unit for which the rating is validated, in accordance with the requirements and standards as prescribed in Document NAM-CATS-ATSPL, if he or she has familiarised himself or herself with all information that is pertinent or current at such air traffic service unit; and

(b) use such equipment to provide such assistant services, as appropriate.

Duration of validation or renewal

65.03.9 (1) An air traffic service assistant rating shall be validated or renewed for a period of 24 months calculated from the date of validation of the rating or from the date of

expiry of the rating if such rating is revalidated or renewed in accordance with the provisions of regulation 65.03.10 or 65.03.11, as the case may be.

(2) The rating shall expire if not revalidated within a period of 24 months, calculated from the date on which such rating was validated.

Revalidation of air traffic service assistant rating

65.03.10 (1) To revalidate an air traffic service assistant rating, the holder thereof shall within the 90 days immediately preceding the date of expiry of the rating, have passed a proficiency check as prescribed in Document NAM-CATS-ATSPL, conducted by a validation examiner.

(2) Subject to the provisions of subregulation (3), the validation examiner shall -

(a) provide the Director with the appropriate certificate of competency as prescribed in Document NAM-CATS-ATSPL; and

(b) sign the appropriate page of the licence of the holder of the rating.

(3) If the result of the proficiency check contemplated in subregulation (1) reveals that the holder of the rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 65.03.8, the validation examiner shall -

(a) report such result to the Director; and

(b) not sign the appropriate page of the licence of the holder of the rating.

Renewal of air traffic service assistant rating

65.03.11 (1) To renew an air traffic service assistant rating which has expired due to the lapse of the period referred to in regulation 65.03.9, the holder of the expired rating shall apply to the Director for the renewal of such expired rating.

(2) Upon application for the renewal of an expired rating referred to in subregulation (1), the Director shall renew the rating if the applicant complies with the requirements referred to in regulation 65.03.1 and if at least 50 per cent of the experience referred to in regulation 65.03.5 has been acquired.

(3) The provisions of regulations 65.03.3 and 65.03.6 shall apply *mutatis mutandis* to an application referred to in subregulation (1).

SUBPART 4
AERODROME CONTROL RATING

Requirements for aerodrome control rating

65.04.1 An applicant for the issuing of an aerodrome control rating shall -

(a) be not less than 21 years of age;

(b) hold a valid air traffic service licence; and

(c) have successfully completed the training referred to in regulation 65.04.2.

Training

65.04.2 An applicant for the issuing of an aerodrome control rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-ATSPL.

Application for issuing of aerodrome control rating

65.04.3 An application for the issuing of an aerodrome control rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and

(b) accompanied by -

(i) the appropriate certificate of competency as prescribed in Document NAM-CATS-ATSPL, signed by a rating assessment examiner;

(ii) a copy of the air traffic service licence held by the applicant;

(iii) the appropriate fee as prescribed in Part 187; and

(iv) proof of his or her age.

Issuing of aerodrome control rating

65.04.4 (1) The Director shall issue an aerodrome control rating if the applicant complies with the requirements referred to in regulation 65.04.1.

(2) The rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-ATSPL.

(3) The rating shall expire if not validated within a period of 12 months, calculated from the date on which such rating was issued.

Requirements for validation of aerodrome control rating

65.04.5 An applicant for the validation of an aerodrome control rating shall, under the supervision of an air traffic service instructor (operational), have provided aerodrome control services at the air traffic service unit for which the rating is sought for at least 100 hours but not more than 200 hours, 50 per cent of which may be provided on a simulator.

Application for validation of aerodrome control rating

65.04.6 An application for the validation of an aerodrome control rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and

(b) accompanied by -

(i) the appropriate certificate of competency as prescribed in Document NAM-CATS-ATSPL, signed by a validation examiner;

(ii) a copy of the air traffic service licence and rating held by the applicant; and

(iii) the appropriate fee as prescribed in Part 187.

Validation of aerodrome control rating

65.04.7 (1) The Director shall validate an aerodrome control rating if the applicant complies with the requirements referred to in regulation 65.04 5.

(2) The rating shall be validated on the appropriate form as prescribed in Document NAM-CATS-ATSPL.

Privileges of aerodrome control rating

65.04.8 The holder of a valid aerodrome control rating shall be entitled to -

(a) provide aerodrome control services at the air traffic service unit for which the rating is validated, in accordance with the requirements and standards as prescribed in Document NAM-CATS-ATSPL, if he or she has familiarised himself or herself with all information that is pertinent or current at such air traffic service unit; and

(b) use such equipment to provide such aerodrome control services, as appropriate.

Duration of validation or renewal

65.04.9 (1) An aerodrome control rating shall be validated or renewed for a period of 12 months calculated from the date of validation of the rating or from the date of expiry of the rating if such rating is revalidated or renewed in accordance with the provisions of regulation 65.04.10 or 65.04.11, as the case may be.

(2) The rating shall expire if not revalidated within a period of 24 months, calculated from the date on which such rating was validated.

Revalidation of aerodrome control rating

65.04.10 (1) To revalidate an aerodrome control rating, the holder thereof shall within the 90 days immediately preceding the date of expiry of the rating, have passed a proficiency check as prescribed in Document NAM-CATS-ATSPL, conducted by a validation examiner.

(2) Subject to the provisions of subregulation (3), the validation examiner shall -

(a) provide the Director with the appropriate certificate of competency as prescribed in Document NAM-CATS-ATSPL; and

(b) sign the appropriate page of the licence of the holder of the rating.

(3) If the result of the proficiency cheek contemplated in subregulation (1) reveals that the holder of the rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 65.04.8, the validation examiner shall -

(a) report such result to the Director; and

(b) not sign the appropriate page of the licence of the holder of the rating.

Renewal of aerodrome control rating

65.04.11 (1) To renew an aerodrome control rating which has expired due to the lapse of the period referred to in regulation 65.04.9, the holder of the expired rating shall apply to the Director for the renewal of such expired rating.

(2) Upon application for the renewal of an expired rating referred to in subregulation (1), the Director shall renew the rating if the applicant complies with the requirements referred to in regulation 65.04.1 and if at least 50 per cent of the experience referred to in regulation 65.04.5 has been acquired.

(3) The provisions of regulations 65.04.3 and 65.04.6 shall apply *mutatis mutandis* to an application referred to in subregulation (1).

SUBPART 5
APPROACH CONTROL RATING

Requirements for approach control rating

65.05.1 An applicant for the issuing of an approach control rating shall -

(a) be not less than 21 years of age;

(b) hold a valid air traffic service licence; and

(c) have successfully completed the training referred to in regulation 65.05.2.

Training

65.05.2 An applicant for the issuing of an approach control rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-ATSPL.

Application for issuing of approach control rating

65.05.3 An application for the issuing of an approach control rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and

(b) accompanied by -

(i) the appropriate certificate of competency as prescribed in Document NAM-CATS-ATSPL, signed by a rating assessment examiner;

(ii) a copy of the air traffic service licence held by the applicant;

(iii) the appropriate fee as prescribed in Part 187; and

(iv) proof of his or her age.

Issuing of approach control rating

65.05.4 (1) The Director shall issue an approach control rating if the applicant complies with the requirements referred to in regulation 65.05.1.

(2) The rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-ATSPL.

(3) The rating shall expire if not validated within a period of 12 months, calculated from the date on which such rating was issued.

Requirements for validation of approach control rating

65.05.5 An applicant for the validation of an approach control rating shall, under the supervision of an air traffic service instructor (operational), have provided approach control services at the air traffic service unit for which the rating is sought for at least 200 hours but not more than 400 hours, 50 per cent of which may be provided on a simulator.

Application for validation of approach control rating

65.05.6 An application for the validation of an approach control rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and

(b) accompanied by -

(i) the appropriate certificate of competency as prescribed in Document NAM-CATS-ATSPL, signed by a validation examiner;

(ii) a copy of the air traffic service licence and rating held by the applicant; and

(iii) the appropriate fee as prescribed in Part 187.

Validation of approach control rating

65.05.7 (1) The Director shall validate an approach control rating if the applicant complies with the requirements referred to in regulation 65.05.5.

(2) The rating shall be validated on the appropriate form as prescribed in Document NAM-CATS-ATSPL.

Privileges of approach control rating

65.05.8 The holder of a valid approach control rating shall be entitled to -

(a) provide approach control scrv1ces at the air traffic service unit for which the rating is validated, in accordance with the requirements and standards as prescribed in Document NAM-CATS-ATSPL, if he or she has familiarised himself or herself with all information that is pertinent or current at such air traffic service unit; and

(b) use such equipment to provide such approach control services, as appropriate.

Duration of validation or renewal

65.05.9 (1) An approach control rating shall be validated or renewed for a period of 12 months calculated from the date of validation of the rating or from the date of expiry of the rating if such rating is revalidated or renewed in accordance with the provisions of regulation 65.05.10 or 65.05.11, as the case may be.

(2) The rating shall expire if not revalidated within a period of 24 months, calculated from the date on which such rating was validated.

Revalidation of approach control rating

65.05.10 (1) To revalidate an approach control rating, the holder thereof shall within the 90 days immediately preceding the date of expiry of the rating, have passed a proficiency check as prescribed in Document NAM-CATS-ATSPL, conducted by a validation examiner.

(2) Subject to the provisions of subregulation (3), the validation examiner shall -

(a) provide the Director with the appropriate certificate of competency as prescribed in Document NAM-CATS-ATSPL; and

(b) sign the appropriate page of the licence of the holder of the rating.

(3) If the result of the proficiency check contemplated in subregulation (1) reveals that the holder of the rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 65.05.8, the validation examiner shall -

(a) report such result to the Director; and

(b) not sign the appropriate page of the licence of the holder of the rating.

Renewal of approach control rating

65.05.11 (1) To renew an approach control rating which has expired due to the lapse of the period referred to in regulation 65.05.9, the holder of the expired rating shall apply to the Director for the renewal of such expired rating.

(2) Upon application for the renewal of an expired rating referred to in subregulation (1), the Director shall renew the rating if the applicant complies with the requirements referred to in regulation 65.05.1 and if at least 50 per cent of the experience referred to in regulation 65.05.5 has been acquired.

(3) The provisions of regulations 65.05.3 and 65.05.6 shall apply *mutatis mutandis* to an application referred to in subregulation (1).

SUBPART 6
AREA CONTROL RATING

Requirements for area control rating

65.06.1 An applicant for the issuing of an area control rating shall -

(a) be not less than 21 years of age;

(b) hold a valid air traffic service licence; and

(c) have successfully completed the training referred to in regulation 65.06.2.

Training

65.06.2 An applicant for the issuing of an area control rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-ATSPL.

Application for issuing of area control rating

65.06.3 An application for the issuing of an area control rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and

(b) accompanied by -

(i) the appropriate certificate of competency as prescribed in Document NAM-CATS-ATSPL, signed by a rating assessment examiner;

(ii) a copy of the air traffic service licence held by the applicant;

(iii) the appropriate fee as prescribed in Part 187; and

(iv) proof of his or her age.

Issuing of area control rating

65.06.4 (1) The Director shall issue an area control rating if the applicant complies with the requirements referred to in regulation 65.06.1.

(2) The rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-ATSPL.

(3) The rating shall expire if not validated within a period of 12 months, calculated from the date on which such rating was issued.

Requirements for validation of area control rating

65.06.5 An applicant for the validation of an area control rating shall, under the supervision of an air traffic service instructor (operational), have provided area control services at the air traffic service unit for which the rating is sought for at least 200 hours but not more than 300 hours, 50 per cent of which may be provided on a simulator.

Application for validation of area control rating

65.06.6 An application for the validation of an area control rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and

(b) accompanied by -

(i) the appropriate certificate of competency as prescribed in Document NAM-CATS-ATSPL, signed by a validation examiner;

(ii) a copy of the air traffic service licence and rating held by the applicant; and

(iii) the appropriate fee as prescribed in Part 187.

Validation of area control rating

65.06.7 (1) The Director shall validate an area control rating if the applicant complies with the requirements referred to in regulation 65.06.5.

(2) The rating shall be validated on the appropriate form as prescribed in Document NAM-CATS-ATSPL.

Privileges of area control rating

65.06.8 The holder of a valid area control rating shall be entitled to -

(a) provide area control services at the air traffic service unit for which the rating is validated, in accordance with the requirements and standards as prescribed in Document NAM-CATS-ATSPL, if he or she has familiarised himself or herself with all information that is pertinent or current at such air traffic service unit; and

(b) use such equipment to provide such area control services, as appropriate.

Duration of validation or renewal

65.06.9 (1) An area control rating shall be validated or renewed for a period of 12 months calculated from the date of validation of the rating or from the date of expiry of the rating if such rating is revalidated or renewed in accordance with the provisions of regulation 65.06.10 or 65.06.11, as the case may be.

(2) The rating shall expire if not revalidated within a period of 24 months, calculated from the date on which such rating was validated.

Revalidation of area control rating

65.06.10 (1) To revalidate an area control rating, the holder thereof shall within the 90 days immediately preceding the date of expiry of the rating, have passed a proficiency check as prescribed in Document NAM-CATS-ATSPL, conducted by a validation examiner.

(2) Subject to the provisions of subregulation (3), the validation examiner shall -

(a) provide the Director with the appropriate certificate of competency as prescribed in Document NAM-CATS-ATSPL; and

(b) sign the appropriate page of the licence of the holder of the rating.

(3) If the result of the proficiency check contemplated in subregulation (1) reveals that the holder of the rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 65.06.8, the validation examiner shall -

(a) report such result to the Director; and

(b) not sign the appropriate page of the licence of the holder of the rating.

Renewal of area control rating

65.66.11 (1) To renew an area control rating which has expired due to the lapse of the period referred to in regulation 65.06.9, the holder of the expired rating shall apply to the Director for the renewal of such expired rating.

(2) Upon application for the renewal of an expired rating referred to in subregulation (1), the Director shall renew the rating if the applicant complies with the requirements referred to in regulation 65.06.2 and if at least 50 per cent of the experience referred to in regulation 65.06.5 has been acquired.

(3) The provisions of regulations 65.06.3 and 65.06.6 shall apply *mutatis mutandis* to an application referred to in subregulation (1).

SUBPART 7
APPROACH CONTROL (RADAR) RATING

Requirements for approach control (radar) rating

65.07.1 An applicant for the issuing of an approach control (radar) rating shall -

(a) be not less than 21 years of age;

(b) hold a valid air traffic service licence; and

(c) have successfully completed the training referred to in regulation 65.07.2.

Training

65.07.2 An applicant for the issuing of an approach control (radar) rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-ATSPL.

Application for issuing of approach control (radar) rating

65.07.3 An application for the issuing of an approach control (radar) rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and

(b) accompanied by -
   (i) the appropriate certificate of competency as prescribed in Document NAM-CATS-ATSPL, signed by a rating assessment examiner;

   (ii) a copy of the air traffic service licence held by the applicant;

(iii) the appropriate fee as prescribed in Part 187; and

(iv) proof of his or her age.

Issuing of approach control (radar) rating

65.07.4 (1) The Director shall issue an approach control (radar) rating if the applicant complies with the requirements referred to in regulation 65.07.1.

(2) The rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-ATSPL.

(3) The rating shall expire if not validated within a period of 12 months, calculated from the date on which such rating was issued.

Requirements for validation of approach control (radar) rating

65.07.5 An applicant for the validation of an approach control (radar) rating shall, under the supervision of an air traffic service instructor (operational), have provided approach control (radar) services, in conjunction with the approach control services referred to in Subpart 5, at the air traffic service unit for which the rating is sought for at least 50 hours but not more than 150 hours, 50 per cent of which may be provided on a simulator.

Application for validation of approach control (radar) rating

65.07.6 An application for the validation of an approach control (radar) rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and

(b) accompanied by -

(i) the appropriate certificate of competency as prescribed in Document NAM-CATS-ATSPL, signed by a validation examiner;

(ii) a copy of the air traffic service licence and rating held by the applicant; and

(iii) the appropriate fee as prescribed in Part 187.

Validation of approach control (radar) rating

65.07.7 (1) The Director shall validate an approach control (radar) rating if the applicant complies with the requirements referred to in regulation 65.07.5.

(2) The rating shall be validated on the appropriate form as prescribed in Document NAM-CATS-ATSPL.

Privileges of approach control (radar) rating

65.07.8 The holder of a valid approach control (radar) rating shall be entitled to -

(a) provide approach control (radar) services at the air traffic service unit for which the rating is validated, in accordance with the requirements and standards as prescribed in Document NAM-CATS-ATSPL, if he or she has familiarised himself or herself with all information that is pertinent or current at such air traffic service unit; and

(b) use such equipment to provide such approach control (radar) services, as appropriate.

Duration of validation or renewal

65.07.9 (1) An approach control (radar) rating shall be validated or renewed for a period of 12 months calculated from the date of validation of the rating or from the date of expiry of the rating if such rating is revalidated or renewed in accordance with the provisions of regulation 65.07.10 or 65.07.11, as the case may be.

(2) The rating shall expire if not revalidated within a period of 24 months, calculated from the date on which such rating was validated.

Revalidation of approach control (radar) rating

65.07.10 (1) To revalidate an approach control (radar) rating, the holder thereof shall within the 90 days immediately preceding the date of expiry of the rating, have passed a proficiency check as prescribed in Document NAM-CATS-ATSPL, conducted by a validation examiner.

(2) Subject to the provisions of subregulation (3), the validation examiner shall -

(a) provide the Director with the appropriate certificate of competency as prescribed in Document NAM-CATS-ATSPL; and

(b) sign the appropriate page of the licence of the holder of the rating.

(3) If the result of the proficiency check contemplated in subregulation (1) reveals that the holder of the rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 65.07.8, the validation examiner shall -

(a) report such result to the Director; and

(b) not sign the appropriate page of the licence of the holder of the rating.

Renewal of approach control (radar) rating

65.07.11 (1) To renew an approach control (radar) rating which has expired due to the lapse of the period referred to in regulation 65.07.9, the holder of the expired rating shall apply to the Director for the renewal of such expired rating.

(2) Upon application for the renewal of an expired rating referred to in subregulation (1), the Director shall renew the rating if the applicant complies with the requirements referred to in regulation 65.07.1 and if at least 50 per cent of the experience referred to in regulation 65.07.5 has been acquired.

(3) The provisions of regulations 65.07.3 and 65.07.6 shall apply *mutatis mutandis* to an application referred to in subregulation (1).

SUBPART 8
AREA CONTROL (RADAR) RATING

Requirements for area control (radar) rating

65.08.1 An applicant for the issuing of an area control (radar) rating shall -

(a) be not less than 21 years of age;

(b) hold a valid air traffic service licence; and

(c) have successfully completed the training referred to in regulation 65.08.2.

Training

65.08.2 An applicant for the issuing of an area control (radar) rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-ATSPL.

Application for issuing of area control (radar) rating

65.08.3 An application for the issuing of an area control (radar) rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and

(b) accompanied by -

(i) the appropriate certificate of competency as prescribed in Document NAM-CATS-ATSPL, signed by a rating assessment examiner;

(ii) a copy of the air traffic service licence held by the applicant;

(iii) the appropriate tee as prescribed in Part 187; and

(iv) proof of his or her age.

Issuing of area control (radar) rating

65.08.4 (1) The Director shall issue an area control (radar) rating if the applicant complies with the requirements referred to in regulation 65.08.1.

(2) The rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-ATSPL.

(3) The rating shall expire if not validated within a period of 12 months, calculated from the date on which such rating was issued.

Requirements for validation of area control (radar) rating

65.08.5 An applicant for the validation of an area control (radar) rating shall, under the supervision of an air traffic service instructor (operational), have provided area control (radar) services, in conjunction with the area control services referred to in Subpart 6, at the air traffic

service unit for which the rating is sought for at least 50 hours but not more than 150 hours, 50 per cent of which may be provided on a simulator.

Application for validation of area control (radar) rating

65.08.6 An application for the validation of an area control (radar) rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and

(b) accompanied by -

(i) the appropriate certificate of competency as prescribed in Document NAM-CATS-ATSPL, signed by a validation examiner;

(ii) a copy of the air traffic service licence and rating held by the applicant; and

(iii) the appropriate fee as prescribed in Part 187.

Validation of area control (radar) rating

65.08.7 (1) The Director shall validate an area control (radar) rating if the applicant complies with the requirements referred to in regulation 65.08.5.

(2) The rating shall be validated on the appropriate form as prescribed in Document NAM-CATS-ATSPL.

Privileges of area control (radar) rating

65.08.8 The holder of a valid area control (radar) rating shall be entitled to -

(a) provide area control (radar) services at the air traffic service unit for which the rating is validated, in accordance with the requirements and standards as prescribed in Document NAM-CATS-ATSPL, if he or she has familiarised himself or herself with all information that is pertinent or current at such air traffic service unit; and

(b) use such equipment to provide such area control (radar) services, as appropriate.

Duration of validation or renewal

65.08.9 (1) An area control (radar) rating shall be validated or renewed for a period of 12 months calculated from the date of validation of the rating or from the date of expiry of the rating if such rating is revalidated or renewed in accordance with the provisions of regulation 65.08.10 or 65.08.11, as the case may be.

(2) The rating shall expire if not revalidated within a period of 24 months, calculated from the date on which such rating was validated.

Revalidation of area control (radar) rating

65.08.10 (1) To revalidate an area control (radar) rating, the holder thereof shall within the 90 days immediately preceding the date of expiry of the rating, have passed a

proficiency check as prescribed in Document NAM-CATS-ATSPL, conducted by a validation examiner.

(2) Subject to the provisions of subregulation (3), the validation examiner shall -

(a) provide the Director with the appropriate certificate of competency as prescribed in Document NAM-CATS-ATSPL; and

(b) sign the appropriate page of the licence of the holder of the rating.

(3) If the result of the proficiency check contemplated in subregulation (1) reveals that the holder of the rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 65.08.8, the validation examiner shall -

(a) report such result to the Director; and

(b) not sign the appropriate page of the licence of the holder of the rating.

Renewal of area control (radar) rating

65.08.11 (1) To renew an area control (radar) rating which has expired due to the lapse of the period referred to in regulation 65.08.9, the holder of the expired rating shall apply to the Director for the renewal of such expired rating.

(2) Upon application for the renewal of an expired rating referred to in subregulation (1), the Director shall renew the rating if the applicant complies with the requirements referred to in regulation 65.08.1 and if at least 50 per cent of the experience referred to in regulation 65.08.5 has been acquired.

(3) The provisions of regulations 65.08.3 and 65.08.6 shall apply *mutatis mutandis* to an application referred to in subregulation (1).

SUBPART 9
AIR TRAFFIC SERVICE INSTRUCTOR (OPERATIONAL) RATING

Requirements for air traffic service instructor (operational) rating

65.09.1 An applicant for the issuing of an air traffic service instructor (operational) rating shall -

(a) be not less than 21 years of age;

(b) hold a valid air traffic service licence;

(c) hold at least one valid air traffic service rating; and

(d) have successfully completed the training referred to in regulation 65.09.2.

Training

65.09.2 An applicant for the issuing of an air traffic service instructor (operational) rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-ATSPL.

Application for Issuing of air traffic service instructor (operational) rating

65.09.3 An application for the issuing of an air traffic service instructor (operational) rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and

(b) accompanied by -

(i) the appropriate certificate of competency as prescribed in Document NAM-CATS-ATSPL, signed by a rating assessment examiner;

(ii) a copy of the air traffic service licence held by the applicant;

(iii) the appropriate fee as prescribed in Part 187; and

(iv) proof of his or her age.

Issuing of air traffic service instructor (operational) rating

65.09.4 (1) The Director shall issue an air traffic service instructor (operational) rating if the applicant complies with the requirements referred to in regulation 65.09.1.

(2) The rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-ATSPL.

(3) The rating shall expire if not validated within a period of 12 months, calculated from the date on which such rating was issued.

Requirements for validation of air traffic service instructor (operational) rating

65.09.5 An applicant for the validation of an air traffic service instructor (operational) rating shall have at least five years practical experience as an air traffic controller.

Application for validation of air traffic service Instructor (operational) rating

65.09.6 An application for the validation of an air traffic service instructor (operational) rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and

(b) accompanied by -

(i) proof of the applicant's competency to exercise the privileges referred to in regulation 65.09.8;

(ii) a copy of the air traffic service licence and rating held by the applicant; and

(iii) the appropriate fee as prescribed in Part 187.

Validation of air traffic service instructor (operational) rating

65.09.7 (1) The Director shall validate an air traffic service instructor (operational) rating if -

(a) the applicant complies with the requirements referred to in regulation 65.09.5; and

(b) the Director is satisfied that the applicant is competent to exercise the privileges referred to in regulation 65.09.8.

(2) The rating shall be validated on the appropriate form as prescribed in Document NAM-CATS-ATSPL.

Privileges of air traffic service instructor (operational) rating

65.09.8 (1) The holder of a valid air traffic service instructor (operational) rating shall be entitled to -

(a) give operational instruction or on the job training on any of the valid ratings held by him or her;

(b) act as a validation examiner in any of the valid ratings held by him or her, if designated by the Director in terms of regulation 65.01.9; and

(c) issue to an air traffic controller or an air traffic service assistant who meets the appropriate requirements prescribed in this Part for the validation of a similar rating, a temporary validation certificate.

(2) A temporary validation certificate referred to in subregulation (1)(c), shall -

(a) be issued on the appropriate form as prescribed in Document NAM-CATS-ATSPL; and

(b) remain valid for a period of not more than 60 days calculated from the date on which the temporary validation certificate was issued or until the date on which the appropriate rating is validated by the Director, whichever period is the lesser period.

Duration of validation or renewal

65.09.9 (1) An air traffic service instructor (operational) rating shall be validated or renewed for a period of 24 months calculated from the date of validation of the rating or from the date of expiry of the rating if such rating is renewed in accordance with the provisions of regulation 65.09.10.

(2) The rating shall expire if not renewed within a period of 24 months, calculated from the date on which such rating was validated.

Renewal of air traffic service instructor (operational) rating

65.09.10 (1) To renew an air traffic service instructor (operational) rating, the holder thereof shall within the 90 days immediately preceding the date of expiry of the rating, apply to the Director for the renewal of such rating.

(2) An application for a renewal of the rating shall be -

(a) made in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and

(b) accompanied by -

(i) proof of the applicant's competency to exercise the privileges referred to in regulation 65.09.8;

(ii) a copy of the air traffic service licence and rating held by the applicant; and

(iii) the appropriate fee as prescribed in Part 187.

(3) The Director shall renew the rating if the Director is satisfied that the applicant is competent to exercise the privileges referred to in regulation 65.09.8.

(4) The rating shall be renewed on the appropriate form as prescribed in Document NAM-CATS-ATSPL.

SUBPART 10
AIR TRAFFIC SERVICE INSTRUCTOR (ACADEMIC) CERTIFICATION

Requirements for air traffic service instructor (academic) certification

65.10.1 An applicant for the issuing of an air traffic service instructor (academic) certificate shall -

(a) be not less than 21 years of age;

(b) hold an air traffic service licence;

(c) hold or have held all and have validated at least one of the air traffic service ratings prescribed in this Part;

(d) have at least two years practical experience on the air traffic service rating which has been validated; and

(e) have successfully completed the training referred to in regulation 65.10.2.

Training

65.10.2 An applicant for the issuing of an air traffic service instructor (academic) certificate shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-ATSPL.

Application for issuing of air traffic service instructor (academic) certificate

65.10.3 An application for the issuing of an air traffic service instructor (academic) certificate shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and

(b) accompanied by -

(i) proof of the applicant's competency to exercise the privileges referred to in regulation 65.10.5;

(ii) a copy of the air traffic service licence held by the applicant;

(iii) the appropriate fee as prescribed in Part 187; and

(iv) proof of his or her age.

Issuing of air traffic service instructor (academic) certificate

65.10.4 (1) The Director shall issue an air traffic service instructor (academic) certificate if -

(a) the applicant complies with the requirements referred to in regulation 65.10.1; and

(b) the Director is satisfied that the applicant is competent to exercise the privileges referred to in regulation 65.10.5.

(2) The certificate shall be issued on the appropriate form as prescribed in Document NAM-CATS-ATSPL.

Privileges of air traffic service instructor (academic) certificate

65.10.5 (1) The holder of an air traffic service instructor (academic) certificate shall be entitled to -

(a) give academic or practical simulator instruction on any of the valid ratings which has been held by him or her;

[The verb "has" should be "have" to be grammatically correct.]

(b) act as a rating assessment examiner in any of the ratings held by him or her, if designated by the Director in terms of regulation 65.01.9; and

(c) issue to an air traffic controller or an air traffic service assistant who meets the appropriate requirements prescribed in this Part for the issuing of a similar rating, a temporary rating certificate.

(2) A temporary rating certificate referred to in subregulation (1)(c), shall -

(a) be issued on the appropriate form as prescribed in Document NAM-CATS-ATSPL; and

(b) remain valid for a period of not more than 60 days calculated from the date on which the temporary rating certificate was issued or until the date on which the appropriate rating is issued by the Director, whichever period is the lesser period.

Duration of certificate and renewal

65.10.6 An air traffic service instructor (academic) certificate shall be issued or renewed for a period of 24 months calculated from the date on which the certificate was issued or from the date of expiry of the certificate if such certificate is renewed in accordance with the provisions of regulation 65.10.7.

Renewal of air traffic service instructor (academic) certificate

65.10.7 (1) To renew an air traffic service instructor (academic) certificate, the holder thereof shall within the 90 days immediately preceding the date of expiry of the certificate, apply to the Director for the renewal of such certificate.

(2) An application for a renewal of the certificate shall be -

(a) made in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and

(b) accompanied by -

(i) proof of the applicant's competency to exercise the privileges referred to in regulation 65.10.5;

(ii) a copy of the air traffic service licence held by the applicant; and

(iii) the appropriate fee as prescribed in Part 187.

(3) The Director shall renew the certificate if the Director is satisfied that the applicant is competent to exercise the privileges referred to in regulation 65.10.5.

(4) The certificate shall be renewed on the appropriate form as prescribed in Document NAM-CATS-ATSPL.

PART 66
PERSONNEL: AIRCRAFT MAINTENANCE ENGINEER LICENSING

LIST OF REGULATIONS

PERSONNEL: AIRCRAFT MAINTENANCE ENGINEER LICENSING

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SUBPART 1
GENERAL

Applicability

64.01.1 This Part shall apply to -

(a) the issuing of licences and ratings for Namibian aircraft maintenance engineers, the privileges and limitations of such licences and ratings, and matters related thereto; and

(b) the validation of foreign aircraft maintenance engineer licences and ratings and the privileges and limitations of such validations.

Authority to act as aircraft maintenance engineer

66.01.2 (1) No person shall act as a maintenance engineer of an aircraft unless such person is the holder of a valid aircraft maintenance engineer licence with the appropriate rating issued or validated by the Director in terms of this Part.

(2) The holder of an aircraft maintenance engineer licence shall not exercise privileges other than the privileges granted by the licence and the appropriate rating held by such holder.

Classes of licences

66.01.3 The classes of aircraft maintenance engineer licences are -

(a) a Class I aircraft maintenance engineer licence; and

(b) a Class II aircraft maintenance engineer licence.

Groups of airframes and engines

66.01.4 (1) For the purposes of licensing aircraft maintenance engineers, airframes are classified into the following groups:

(a) Group 1 - aeroplanes of wooden construction, with a maximum certificated mass of 5 700 kilograms or less;

(b) Group 2 - aeroplanes constructed of composites, with a maximum certificated mass of5 700 kilograms or less;

(c) Group 3 - aeroplanes of fabric-covered tubular –metal construction, with a maximum certificated mass of 5 700 kilograms or less;

(d) Group 4 - unpressurised aeroplanes of all-metal construction, with a maximum certificated mass of 5 700 kilograms or less;

(e) Group 5 - pressurised aeroplanes of all-metal construction, with a maximum certificated mass of 5 700 kilograms or less;

(f) Group 6 - unpressurised aeroplanes of all-metal construction, with a maximum certificated mass exceeding 5 700 kilograms;

(g) Group 7 - rotorcraft powered by reciprocating engines;

(h) Group 8 - pressurised aeroplanes of all-metal construction, with a maximum certificated mass exceeding 5 700 kilograms;

(i) Group 9 - rotorcraft powered by turbine jet engines, with a maximum certificated mass of 5 700 kilograms or less;

(j) Group 10 - rotorcraft powered by turbine jet engines, with a maximum certificated mass exceeding 5 700 kilograms;

(k) Group 11 - aeroplanes constructed of composites, with a maximum certificated mass exceeding 5 700 kilograms; and

(l) Group 12 - all other aircraft.

(2) For the purposes of licensing aircraft maintenance engineers, engines are classified into the following groups:

(a) Group 01 - all horizontally opposed normally-aspirated piston engines;

(b) Group 02 - all horizontally opposed turbo-normalised, turbo-charged and supercharged piston engines;

(c) Group 03 - all in-line piston engines;

(d) Group 04 - all radial engines;

(e) Group 05 - turbine jet engines; and

(f) Group 06 - all other engines.

Categories of ratings

66.01.5 (1) The categories of ratings for a Class II aircraft maintenance engineer licence are -

(a) a Category A rating, for all types of -

(i) aeroplanes registered in Namibia, either singly or in the groups referred to in regulation 66.01.4; or

(ii) rotorcraft registered in Namibia, either singly or in the groups referred to in regulation 66.01.4;

(b) a Category C rating, for all types of engines installed in –

(i) aeroplanes registered in Namibia, either singly or in the groups referred to in regulation 66.01.4; or

(ii) rotorcraft registered in Namibia, either singly or in the groups referred to in regulation 66.01.4; and

(c) a Category W rating, for any -

(i) avionic equipment;

(ii) electrical equipment;

(iii) instrument equipment; or

(iv) combination of such equipment,

installed in aircraft registered in Namibia.

(2) The categories of ratings for a Class I aircraft maintenance engineer licence are -

(a) a Category B rating, for all types of -

(i) aeroplanes registered in Namibia, either singly or in the groups referred to in regulation 66.01.4; or

(ii) rotorcraft registered in Namibia, either singly or in the groups referred to in regulation 66.01.4;

(b) a Category D rating, for all types of engines installed in -

(i) aeroplanes registered in Namibia, either singly or in the groups referred to in regulation 66.01.4; or

(ii) rotorcraft registered in Namibia, either singly or in the groups referred to in regulation 66.01.4; and

(c) a Category X rating, for -

(i) the installation of compasses;

(ii) the installation of engine ignition equipment;

(iii) the installation of variable-pitch propellers;

(iv) the installation of instruments, including or excluding electrically operated instruments;

(v) the installation of electrical equipment;

(vi) the installation of automatic pilots;

(vii) the installation of avionic equipment, including or excluding equipment employing pulse techniques; or

(viii) the carrying out of welding processes,

in aircraft registered in Namibia.

(3) The categories of aircraft maintenance instructor ratings are -

(a) a Grade One aircraft maintenance instructor rating; and

(b) a Grade Two aircraft maintenance instructor rating.

(4) A Category C rating for a particular type of engine installed in a rotorcraft shall be granted only in conjunction with a Category A rating for the type of rotorcraft in which the engine is installed.

(5) A Category C rating for a particular type of engine installed in an aeroplane shall be granted only in conjunction with a Category A rating for the type of aeroplane in which the engine is installed.

Competency

66.01.6 The holder of an aircraft maintenance engineer licence with the appropriate rating shall not exercise the privileges granted by the licence and the appropriate rating unless such holder maintains competency by complying with the appropriate requirements prescribed in this Part.

Consumption of alcohol and drugs

66.01.7 No aircraft maintenance engineer shall -

(a) consume any liquor less than 12 hours prior to the specified reporting time for duty;

(b) commence a duty period while the concentration of alcohol in any specimen of blood taken from any part of his or her body is more than 0,00 gram per 100 millilitres;

(c) consume alcohol during the duty period or whilst on standby for duty;

(d) commence a duty period while under the influence of liquor or any drug having a narcotic effect.

Language

66.01.8 Aircraft maintenance engineers shall have sufficient ability in reading, speaking and understanding the English language to enable them to adequately carry out their responsibilities as aircraft maintenance engineers.

Validation of licence issued by appropriate authority

66.01.9 (1) The holder of an aircraft maintenance engineer licence issued by an appropriate authority, who desires to act as an aircraft maintenance engineer in the Republic, shall apply to the Director on the appropriate form as prescribed in Document NAM-CATS-AMEL, for the validation of such licence.

(2) An application for a validation referred to in subregulation (1), shall be accompanied by -

(a) the appropriate fee as prescribed in Part 187; and

(b) the licence to which the validation pertains.

(3) An aircraft maintenance engineer licence issued by an appropriate authority, may be validated by the Director subject to the same limitations which apply to the licence and in accordance with and subject to the requirements and conditions as prescribed in Document NAM-CATS-AMEL.

(4) An aircraft maintenance engineer licence issued by an appropriate authority, shall be validated by the Director -

(a) in the appropriate form as prescribed in Document NAM-CATS-AMEL;

(b) for a period of 12 months, calculated from the date of validation, or the period of validity of the licence, whichever period is the lesser period.

(5) The Director may renew the validation of an aircraft maintenance engineer licence issued by an appropriate authority in the circumstances and on the conditions as prescribed in Document NAM-CATS-AMEL.

(6) The holder of a validated aircraft maintenance engineer licence shall at all times comply with the regulations in this Part and the requirements and conditions as prescribed in Document NAM-CATS-AMEL.

Register of licences

66.01.10 (1) The Director shall maintain a register of all aircraft maintenance engineer licences issued, validated, renewed or reissued in terms of the regulations in this Part.

(2) The register shall contain the following particulars:

(a) The full name of the holder of the licence;

(b) the postal address of the holder of the licence;

(c) the date on which the licence was issued, validated, renewed or reissued;

(d) particulars of the ratings held by the holder of the licence; and

(e) the nationality of the holder of the licence.

(3) The particulars referred to in subregulation (2) shall be recorded in the register within seven days from the date on which the licence is issued, validated, renewed or reissued, by the Director.

(4) The register shall be kept in a safe place at the office of the Director.

(5) A copy of the register shall be furnished by the Director, on payment of the appropriate fee as prescribed in Part 187, to any person who requests the copy.

Designation of examiners

66.01.11 (1) The Director may, designate an examiner, in respect of the valid rating or ratings held by the examiner to -

[The comma after the word “may” is superfluous.]

(a) issue to an applicant who meets the appropriate training and theoretical knowledge examination requirements prescribed in this Part for the issuing or the renewal of a Class I or a Class II aircraft maintenance engineer licence with a similar rating, a certificate;

(b) certify in the record of experience logbook of an applicant for the issuing or the renewal of a Class I or a Class II aircraft maintenance engineer licence with a similar rating, that the applicant has complied with the appropriate experience requirements prescribed in this Part;

(c) issue to an applicant who meets the appropriate training and theoretical knowledge examination requirements prescribed in this Part for the issuing or the renewal of a Grade One or a Grade Two aircraft maintenance instructor rating with a similar valid rating, a certificate; and

(d) certify in the record of experience logbook of an applicant for the issuing or the renewal of a Grade One or a Grade Two aircraft maintenance instructor rating with a similar valid rating, that the applicant has complied with the appropriate experience requirements prescribed in this Part.

(2) The privileges referred to in subregulation (1) shall be exercised and performed according to the conditions, rules, requirements, procedures or standards as prescribed in Document NAM-CATS-AMEL.

(3) The Director shall sign and issue to each designated examiner a document which shall state the full name of such examiner and contain a statement that

(a) such examiner has been designated in terms of subregulation (1); and

(b) such examiner is empowered to exercise the privileges referred to in subregulation (1).

Suspension and cancellation of licence and appeal

66.01.12 (1) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, an aircraft maintenance engineers licence, rating or validation if-

(a) it is evident that the holder of the licence, rating or validation does not comply with the requirements prescribed in this Part, and such holder fails to remedy such non-compliance within 30 days after receiving notice in writing from the authorised officer, inspector or authorised person to do so; or

(b) the suspension is necessary in the interests of aviation safety.

(2) The airworthiness inspector who has suspended a certificate, approval or authorization in terms of subregulation (1), shall deliver a report in writing to the Director stating the reasons why the licence, rating or validation was suspended.

(3) The authorised officer, inspector or authorised person concerned shall submit a copy of the report referred to in subregulation (2), to the holder of the licence, rating or validation which has been suspended, and shall furnish proof of such submission for the information of the Director.

(4) The holder of a licence, rating or validation whose licence, rating or validation has been suspended, may appeal against such suspension to the Director, within 30 days after such holder becomes aware of such suspension.

(5) An appellant shall deliver an appeal in writing, stating the reasons why, in the opinion of the appellant, the suspension should be varied or set aside, and the appeal shall include, if applicable, full particulars of any remedial action which may have been taken by the appellant to rectify the circumstances which resulted in such suspension.

(6) The Director shall acknowledge receipt of an appeal.

(7) The Director may, within 14 days, subject to such conditions which the Director may determine, confirm, vary or set aside the suspension referred to in subregulation (1), or cancel the licence, rating or validation.

Aviation training organisation

66.01.13 Training as required by this Part shall only be provided by the holder of an aviation training organisation approval issued in terms of Part 141.

SUBPART 2
CLASS II AIRCRAFT MAINTENANCE ENGINEER LICENCE (CATEGORY A RATING)

Requirements for licence and rating

66.02.1 An applicant for the issuing of a Class II aircraft maintenance engineer licence with a Category A rating, or an amendment thereof, shall -

(a) be not less than 19 years of age;

(b) have successfully completed the training referred to in regulation 66.02.2;

(c) have passed the theoretical knowledge examination referred to in regulation 66.02.3; and

(d) have acquired the experience referred to in regulation 66.02.4.

Training

66.02.2 An applicant for the issuing of a Class II aircraft maintenance engineer licence with a Category A rating, shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-AMEL.

Theoretical knowledge examination

66.02.3 (1) An applicant for the issuing of a Class II aircraft maintenance engineer licence with a Category A rating, shall have passed the appropriate written examination as prescribed in Document NAM-CATS-AMEL.

(2) An applicant who fails the written examination referred to in subregulation (1), may apply for retesting after the appropriate period specified in Document NAM-CATS-AMEL.

Experience

66.02.4 An applicant for the issuing of a Class II aircraft maintenance engineer licence with a Category A rating, shall comply with the requirements for the appropriate experience as prescribed in Document NAM-CATS-AMEL.

Application for licence or amendment thereof

66.02.5 (1) An application for the issuing of a Class II aircraft maintenance engineer licence with a Category A rating, shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and

(b) accompanied by -

(i) original or certified proof of -

(aa) the identity of the applicant;

(bb) the age of the applicant; and

(cc) the servicing and overhaul experience record of the applicant;

(ii) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 66.02.3;

(iii) two recent passport size photographs of the applicant; and

(iv) the appropriate fee as prescribed in Part 187.

(2) An application for the amendment of a Class II aircraft maintenance engineer licence with a Category A rating, shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and

(b) accompanied by -

(i) a certified true copy of the licence held by the applicant;

(ii) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 66.02.3;

(iii) original or certified proof of the servicing and overhaul experience record of the applicant in respect of the type of aeroplane or rotor craft for which application is being made; and

(iv) the appropriate fee as prescribed in Part 187.

Issuing of licence

66.02.6 (1) The Director shall issue a Class II aircraft maintenance engineer licence with a Category A rating, if the applicant complies with the requirements referred to in regulation 66.02.1.

(2) The licence shall be issued on the appropriate form as prescribed in Document NAM-CATS-AMEL.

(3) The rating shall specify the type of aeroplane or rotorcraft in respect of which the holder of such rating is entitled to exercise the privileges thereof.

(4) Upon the issuing of a licence the holder thereof shall forthwith affix his or her signature in ink in the space on the licence provided for such purpose.

Period of validity

66.02.7 (1) A Class II aircraft maintenance engineer licence with a Category A rating, shall be valid for a period of 24 months calculated from the date on which the licence is issued or from the date of expiry of the licence if such licence is renewed in accordance with the provisions of regulation 66.02.9.

(2) Any amendment of a licence shall be valid for the period for which the licence is valid.

Privileges and limitations

66.02.8 (1) Subject to the provisions of subregulation (2), the holder of a valid Class II aircraft maintenance engineer licence with a Category A rating, shall be entitled to -

(a) certify, in accordance with the regulations in Part 43, the release to service of the specified type of aeroplane or rotorcraft, excluding its engine or engines; and (b) certify, in the logbook -

(i) work which the maintenance schedule relating to the specified type of aeroplane or rotorcraft authorises such holder to certify; and

(ii) any adjustment, minor repair or minor modification of the specified type of aeroplane or rotorcraft, including the installation or replacement of equipment, instruments and minor components of such aeroplane or rotorcraft, excluding its engine or engines.

(2) The holder of the licence shall, until such holder attains the age of 21, only be entitled to exercise the privileges of such licence in Namibia and in respect of aircraft with a maximum certificated mass of less than 5700 kilograms, registered and operated in Namibia.

Renewal of licence

66.02.9 (1) To renew a Class II aircraft maintenance engineer licence with a Category A rating, the holder thereof shall, within the 24 months preceding the date of expiry of the licence, have served for not less than six months as a licensed aircraft maintenance engineer or as an aircraft maintenance engineer in a supervisory capacity.

(2) An application for the renewal of the licence shall, within 90 days immediately preceding the date of expiry of such licence, be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and

(b) accompanied by -

(i) a certified true copy of the licence held by the applicant;

(ii) the appropriate fee as prescribed in Part 187; and

(iii) original or certified proof of compliance with the provisions of subregulation (1).

(3) The Director shall renew the licence if the applicant complies with the requirements referred to in subregulations (1) and (2).

(4) The licence shall be renewed in the appropriate form as prescribed in Document NAM-CATS-AMEL.

Reissue

66.02.10 (1) The holder of a Class II aircraft maintenance engineer licence with a Category A rating, which has expired due to the lapse of the period referred to in regulation 66.02.7, may apply to the Director for the reissuing of the expired licence.

(2) Upon application for the reissuing of the expired licence, the Director shall reissue such licence if the applicant complies with the requirements referred to in regulation 66.02.1.

(3) The provisions of regulation 66.02.5 shall apply *mutatis mutandis* to an application referred to in subregulation (1).

SUBPART 3
CLASS II AIRCRAFT MAINTENANCE ENGINEER LICENCE (CATEGORY CRATING)

Requirements for licence and rating

66.03.1 An applicant for the issuing of a Class II aircraft maintenance engineer licence with a Category C rating, or an amendment thereof, shall -

(a) be not less than 19 years of age;

(b) have successfully completed the training referred to in regulation 66.03.2;

(c) have passed the theoretical knowledge examination referred to in regulation 66.03.3; and

(d) have acquired the experience referred to in regulation 66.03.4.

Training

66.03.2 An applicant for the issuing of a Class II aircraft maintenance engineer licence with a Category C rating, shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-AMEL.

Theoretical knowledge examination

66.03.3 (1) An applicant for the issuing of a Class II aircraft maintenance engineer licence with a Category C rating, shall have passed the appropriate written examination as prescribed in Document NAM-CATS-AMEL.

(2) An applicant who fails the written examination referred to in subregulation (1), may apply for retesting after the appropriate period specified in Document NAM-CATS-AMEL.

Experience

66.03.4 An applicant for the issuing of a Class II aircraft maintenance engineer licence with a Category Crating, shall comply with the requirements for the appropriate experience as prescribed in Document NAM-CATS-AMEL.

Application for licence or amendment thereof

66.03.5 (1) An application for the issuing of a Class II aircraft maintenance engineer licence with a Category C rating, shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and

(b) accompanied by -

(i) original or certified proof of -

(aa) the identity of the applicant;

(bb) the age of the applicant; and

(cc) the servicing and overhaul experience record of the applicant;

(ii) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 66.03.3;

(iii) two recent passport size photographs of the applicant; and

(iv) the appropriate fee as prescribed in Part 187.

(2) An application for the amendment of a Class II aircraft maintenance engineer licence with a Category C rating, shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and

(b) accompanied by -

(i) a certified true copy of the licence held by the applicant;

(ii) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 66.03.3;

(iii) original or certified proof of the servicing and overhaul experience record of the applicant in respect of the type of engine or engines for which application is being made; and

(iv) the appropriate fee as prescribed in Part 187.

Issuing of licence

66.03.6 (1) The Director shall issue a Class II aircraft maintenance engineer licence with a Category C rating, if the applicant complies with the requirements referred to in regulation 66.03.1.

(2) The licence shall be issued on the appropriate form as prescribed in Document NAM-CATS-AMEL.

(3) The rating shall specify the type of engine or engines in respect of which the holder of such rating is entitled to exercise the privileges thereof.

(4) Upon the issuing of a licence the holder thereof shall forthwith affix his or her signature in ink in the space on the licence provided for such purpose.

Period of validity

66.03.7 (1) A Class II aircraft maintenance engineer licence with a Category Crating, shall be valid for a period of 24 months calculated from the date on which the licence is issued or from the date of expiry of the licence if such licence is renewed in accordance with the provisions of regulation 66.03.9.

(2) Any amendment of a licence shall be valid for the period for which the licence is valid.

Privileges and limitations

66.03.8 (1) Subject to the provisions of subregulation (2), the holder of a valid Class II aircraft maintenance engineer licence with a Category C rating, shall be entitled to -

(a) certify, in accordance with the regulations in Part 43, the release to service of the specified type of engine or engines; and

(b) certify, in the logbook -

(i) work which the maintenance schedule relating to the specified type of engine or engines authorises such holder to certify;

(ii) the installation of the specified type of engine or engines in an aircraft;

(iii) the installation and maintenance, other than the overhaul, major modification or major repair, of propellers and the reassembly of variable-pitch propellers which may have been dismantled for transport purposes; and

(iv) any adjustment or minor modification of the specified type of engine or engines and the replacement of external components and piston and cylinder assemblies, if such replacement does not involve dismantling the engine or engines for purposes other than to obtain access to the components and assemblies.

(2) The holder of the licence shall, until such holder attains the age of 21, only be entitled to exercise the privileges of such licence in Namibia and in respect of aircraft with a maximum certificated mass of less than 5 700 kilograms, registered and operated in the Republic.

Renewal of licence

66.03.9 (1) To renew a Class II aircraft maintenance engineer licence with a Category Crating, the holder thereof shall, within the 24 months preceding the date of expiry of the licence, have served for not less than six months as a licensed aircraft maintenance engineer or as an aircraft maintenance engineer in a supervisory capacity.

(2) An application for the renewal of the licence shall, within 90 days immediately preceding the date of expiry of such licence, be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and

(b) accompanied by -

(i) a certified true copy of the licence held by the applicant;

(ii) the appropriate fee as prescribed in Part 187; and

(iii) original or certified proof of compliance with the provisions of subregulation (1).

(3) The Director shall renew the licence if the applicant complies with the requirements referred to in subregulations (1) and (2).

(4) The licence shall be renewed in the appropriate form as prescribed in Document NAM-CATS-AMEL.

Reissue

66.03.10 (1) The holder of a Class II aircraft maintenance engineer licence with a Category Crating, which has expired due to the lapse of the period referred to in regulation 66.03.7, may apply to the Director for the reissuing of the expired licence.

(2) Upon application for the reissuing of the expired licence, the Director shall reissue such licence if the applicant complies with the requirements referred to in regulation 66.03.1.

(3) The provisions of regulation 66.03.5 shall apply *mutatis mutandis* to an application referred to in subregulation (1).

SUBPART 4
CLASS II AIRCRAFT MAINTENANCE ENGINEER LICENCE

(CATEGORY W RATING)

Requirements for licence and rating

66.04.1 An applicant for the issuing of a Class II aircraft maintenance engineer licence with a Category W rating, or an amendment thereof, shall -

(a) be not less than 19 years of age;

(b) have successfully completed the training referred to in regulation 66.04.2;

(c) have passed the theoretical knowledge examination referred to in regulation 66.04.3; and

(d) have acquired the experience referred to in regulation 66.04.4.

Training

66.04.2 An applicant for the issuing of a Class II aircraft maintenance engineer licence with a Category W rating, shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-AMEL.

Theoretical knowledge examination

66.04.3 (1) An applicant for the issuing of a Class II aircraft maintenance engineer licence with a Category W rating, shall have passed the appropriate written examination as prescribed in Document NAM-CATS-AMEL.

(2) An applicant who fails the written examination referred to in subregulation (1), may apply for retesting after the appropriate period specified in Document NAM-CATS-AMEL.

Experience

66.04.4 An applicant for the issuing of a Class II aircraft maintenance engineer licence with a Category W rating, shall comply with the requirements for the appropriate experience as prescribed in Document NAM-CATS-AMEL.

Application for licence or amendment thereof

66.04.5 (1) An application for the issuing of a Class II aircraft maintenance engineer licence with a Category W rating, shall be –

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and

(b) accompanied by -

(i) original or certified proof of -

(aa) the identity of the applicant;

(bb) the age of the applicant; and

(cc) the servicing and overhaul experience record of the applicant;

(ii) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 66.04.3;

(iii) two recent passport size photographs of the applicant; and

(iv) the appropriate fee as prescribed in Part 187.

(2) An application for the amendment of a Class II aircraft maintenance engineer licence with a Category W rating, shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and

(b) accompanied by -

(i) a certified true copy of the licence held by the applicant;

(ii) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 66.04.3;

(iii) original or certified proof of the servicing and overhaul experience record of the applicant in respect of the type of equipment for which application is being made; and

(iv) the appropriate fee as prescribed in Part 187.

Issuing of licence

66.04.6 (1) The Director shall issue a Class II aircraft maintenance engineer licence with a Category W rating, if the applicant complies with the requirements referred to in regulation 66.04.1.

(2) The licence shall be issued on the appropriate form as prescribed in Document NAM-CATS-AMEL.

(3) The rating shall specify the type of equipment in respect of which the holder of such rating is entitled to exercise the privileges thereof.

(4) Upon the issuing of a licence the holder thereof shall forthwith affix his or her signature in ink in the space on the licence provided for such purpose.

Period of validity

66.04.7 (1) A Class II aircraft maintenance engineer licence with a Category W rating, shall be valid for a period of 24 months calculated from the date on which the licence is issued or from the date of expiry of the licence if such licence is renewed in accordance with the provisions of regulation 66.04.9.

(2) Any amendment of a licence shall be valid for the period for which the licence is valid.

Privileges and limitations

66.04.8 (1) Subject to the provisions of subregulation (2), the holder of valid Class II aircraft maintenance engineer licence with a Category W rating, shall be entitled to -

(a) certify, in accordance with the regulations in Part 43, the release to service of the specified type of equipment; and

(b) certify, in the logbook -

(i) work which the maintenance schedule relating to the specified type of equipment authorises such holder to certify;

(ii) any adjustment, maintenance or modification of such equipment; and

(iii) any installation of such equipment in aircraft and the replacement of components and parts of such equipment: Provided that no equipment shall be dismantled for the purpose of making internal replacements.

(2) The holder of the licence shall, until such holder attains the age of 21, only be entitled to exercise the privileges of such licence in Namibia and in respect of aircraft with a maximum certificated mass of less than 5 700 kilograms, registered and operated in the Republic.

Renewal of licence

66.04.9 (1) To renew a Class II aircraft maintenance engineer licence with a Category W rating, the holder thereof shall, within the 24 months preceding the date of expiry of the licence, have served for not less than six months as a licensed aircraft maintenance engineer or as an aircraft maintenance engineer in a supervisory capacity.

(2) An application for the renewal of the licence shall, within 90 days immediately preceding the date of expiry of such licence, be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and

(b) accompanied by -

(i) a certified true copy of the licence held by the applicant;

(ii) the appropriate fee as prescribed in Part 187; and

(iii) original or certified proof of compliance with the provisions of subregulation (1).

(3) The Director shall renew the licence if the applicant complies with the requirements referred to in subregulations (1)and (2).

(4) The licence shall be renewed in the appropriate form as prescribed in Document NAM-CATS-AMEL.

Reissue

66.04.10 (1) The holder of a Class II aircraft maintenance engineer licence with a Category W rating, which has expired due to the lapse of the period referred to in regulation 66.04.7, may apply to the Director for the reissuing of the expired licence.

(2) Upon application for the reissuing of the expired licence, the Director shall reissue such licence if the applicant complies with the requirements referred to in regulation 66.04.1.

(3) The provisions of regulation 66.04.5 shall apply *mutatis mutandis* to an application referred to in subregulation (1).

SUBPART 5
CLASS I AIRCRAFT MAINTENANCE ENGINEER LICENCE (CATEGORY B RATING)

Requirements for licence and rating

66.05.1 An applicant for the issuing of a Class I aircraft maintenance engineer licence with a Category B rating, or an amendment thereof, shall -

(a) be not less than 21 years of age;

(b) have successfully completed the training referred to in regulation 66.05.2;

(c) have passed the theoretical knowledge examination referred to in regulation 66.05.3; and

(d) have acquired the experience referred to in regulation 66.05.4.

Training

66.05.2 An applicant for the issuing of a Class I aircraft maintenance engineer licence with a Category B rating, shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-AMEL.

Theoretical knowledge examination

66.05.3 (1) An applicant for the issuing of a Class I aircraft maintenance engineer licence with a Category B rating, shall have passed the appropriate written examination as prescribed in Document NAM-CATS-AMEL.

(2) An applicant who fails the written examination referred to in subregulation (1), may apply for retesting after the appropriate period specified in Document NAM-CATS-AMEL.

Experience

66.05.4 An applicant for the issuing of a Class I aircraft maintenance engineer licence with a Category B rating, shall comply with the requirements for the appropriate experience as prescribed in Document NAM-CATS-AMEL.

Application for licence or amendment thereof

66.05.5 (1) An application for the issuing of a Class I aircraft maintenance engineer licence with a Category B rating, shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and

(b) accompanied by -

(i) original or certified proof of -

(aa) the identity of the applicant;

(bb) the age of the applicant; and

(cc) the servicing and overhaul experience record of the applicant;

(ii) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 66.05.3;

(iii) two recent passport size photographs of the applicant; and

(iv) the appropriate fee as prescribed in Part 187.

(2) An application for the amendment of a Class I aircraft maintenance engineer licence with a Category B rating, shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and

(b) accompanied by -

(i) a certified true copy of the licence held by the applicant;

(ii) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 66.05.3;

(iii) original or certified proof of the servicing and overhaul experience record of the applicant in respect of the type of aeroplane or rotorcraft for which applicant is being made; and

(iv) the appropriate fee as prescribed in Part 187.

Issuing of licence

66.05.6 (1) The Director shall issue a Class I aircraft maintenance engineer licence with a Category B rating, if the applicant complies with the requirements referred to in regulation 66.05.1.

(2) The licence shall be issued on the appropriate form as prescribed in Document NAM-CATS-AMEL.

(3) The rating shall specify the type of aeroplane or rotorcraft in respect of which the holder of such rating is entitled to exercise the privileges thereof

(4) Upon the issuing of a licence the holder thereof shall forthwith affix his or her signature in ink in the space on the licence provided for such purpose.

Period of validity

66.05.7 (1) Class 1 aircraft maintenance engineer licence with a Category B rating, shall be valid for a period of 24 months calculated from the date on which the licence is issued or from the date of expiry of the licence if such licence is renewed in accordance with the provisions of regulation 66.05.9.

(2) Any amendment of a licence shall be valid for the period for which the licence is valid.

Privileges and limitations

66.05.8 The holder of a valid Class I aircraft maintenance engineer licence with a Category B rating, shall be entitled to certify, in the logbook -

(a) the overhaul, repair or modification, including trimming, welding, spray painting, electroplating or machining, of the specified type of aeroplane or rotorcraft, excluding its engine or engines, except -

(i) the overhaul, repair or modification of such item, equipment or apparatus which is to be certified by the holder of a Category X rating; and

(ii) the installation and testing of such instrument, electrical equipment or radio apparatus which is to be certified by the holder of a Category W rating;

(b) subject to the provisions of regulation 43.02.11, the non-destructive testing of structures, composites, components and parts;

(c) the overhaul of pneumatic and fi.tel components; and

(d) the manufacturing or replacement of structures, composites, components and parts, if the manufacturing or replacement of the structures, composites, components and parts is necessary for such holder to complete an overhaul, repair or modification which he or she will certify.

Renewal of licence

66.05.9 (1) To renew a Class I aircraft maintenance engineer licence with a Category B rating, the holder thereof shall, within the 24 months preceding the date of expiry of the licence, have served for not less than six months as a licensed aircraft maintenance engineer or as an aircraft maintenance engineer in a supervisory capacity.

(2) An application for the renewal of the licence shall, within 90 days immediately preceding the date of expiry of such licence, be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and

(b) accompanied by -

(i) a certified true copy of the licence held by the applicant;

(ii) the appropriate fee as prescribed in Partl87; and

(iii) original or certified proof of compliance with the provisions of subregulation (1).

(3) The Director shall renew the licence if the applicant complies with the requirements referred to in subregulations (1) and (2).

(4) The licence shall be renewed in the appropriate form as prescribed in Document NAM-CATS-AMEL.

Reissue

66.05.10 (1) The holder of a Class I aircraft maintenance engineer licence with a Category B rating, which has expired due to the lapse of the period referred to in regulation 66.05.7, may apply to the Director for the reissuing of the expired licence.

(2) Upon application for the reissuing of the expired licence, the Director shall reissue such licence if the applicant complies with the requirements referred to in regulation 66.05.1.

(3) The provisions of regulation 66.05.5 shall apply *mutatis mutandis* to an application referred to in subregulation (1).

SUBPART 6
CLASS I AIRCRAFT MAINTENANCE ENGINEER LICENCE (CATEGORY D RATING)

Requirements for licence and rating

66.06.1 An applicant for the issuing of a Class I aircraft maintenance engineer licence with a Category D rating, or an amendment thereof, shall -

(a) be not less than 21 years of age;

(b) have successfully completed the training referred to in regulation 66.06.2;

(c) have passed the theoretical knowledge examination referred to in regulation 66.06.3; and

(d) have acquired the experience referred to in regulation 66.06.4.

Training

66.06.2 An applicant for the issuing of a Class I aircraft maintenance engineer licence with a Category D rating, shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-AMEL.

Theoretical knowledge examination

66.06.3 (1) An applicant for the issuing of a Class I aircraft maintenance engineer licence with a Category D rating, shall have passed the appropriate written examination as prescribed in Document NAM-CATS-AMEL.

(2) An applicant who fails the written examination referred to in subregulation (1), may apply for retesting after the appropriate period specified in Document NAM-CATS-AMEL.

Experience

66.06.4 An applicant for the issuing of a Class I aircraft maintenance engineer licence with a Category D rating, shall comply with the requirements for the appropriate experience as prescribed in Document NAM-CATS-AMEL.

Application for licence or amendment thereof

66.06.5 (1) An application for the issuing of a Class I aircraft maintenance engineer licence with a Category D rating, shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and

(b) accompanied by –

(i) original or certified proof of -

(aa) the identity of the applicant;

(bb) the age of the applicant; and

(cc) the servicing and overhaul experience record of the applicant;

(ii) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 66.06.3;

(iii) two recent passport size photographs of the applicant; and

(iv) the appropriate fee as prescribed in Part 187.

(2) An application for the amendment of a Class I aircraft maintenance engineer licence with a Category D rating, shall be

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and

(b) accompanied by -

(i) a certified true copy of the licence held by the applicant;

(ii) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 66.06.3;

(iii) original or certified proof of the servicing and overhaul experience record of the applicant in respect of the type of engine or engines for which application is being made; and

(iv) the appropriate fee as prescribed in Part 187.

Issuing of licence

66.06.6 (1) The Director shall issue a Class I aircraft maintenance engineer licence with a Category D rating, if the applicant complies with the requirements referred to in regulation 66.06.1.

(2) The licence shall be issued on the appropriate form as prescribed in Document NAM-CATS-AMEL.

(3) The rating shall specify the type of engine or engines in respect of which the holder of such rating is entitled to exercise the privileges thereof.

(4) Upon the issuing of a licence the holder thereof shall forthwith affix his or her signature in ink in the space on the licence provided for such purpose.

Period of validity

66.06.7 (1) A Class I aircraft maintenance engineer licence with a Category D rating, shall be valid for a period of 24 months calculated from the date on which the licence is issued or from the date of expiry of the licence if such licence is renewed in accordance with the provisions of regulation 66.06.9.

(2) Any amendment of a licence shall be valid for the period for which the licence is valid.

Privileges and limitations

66.06.8 The holder of a valid Class I aircraft maintenance engineer licence with a Category D rating, shall be entitled to certify, in the logbook -

(a) the overhaul, repair or modification of the specified type of engine or engines, except the overhaul, repair or modification of the ignition equipment, other than the spark plugs, and of the propeller, starter and generator, which is to be certified by the holder of a Category X rating: Provided that the replacement of mechanical parts of a magneto may be certified; and

(b) the manufacturing or replacement of components and parts, if the manufacturing or replacement of the components and parts is necessary for such holder to complete an overhaul, repair or modification which he or she will certify.

Renewal of licence

66.06.9 (1) To renew a Class I aircraft maintenance engineer licence with a Category D rating, the holder thereof shall, within the 24 months preceding the date of expiry of the licence, have served for not less than six months as a licensed aircraft maintenance engineer or as an aircraft maintenance engineer in a supervisory capacity.

(2) An application for the renewal of the licence shall, within 90 days immediately preceding the date of expiry of such licence, be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and

(b) accompanied by -

(i) a certified true copy of the licence held by the applicant;

(ii) the appropriate fee as prescribed in Part 187; and

(iii) original or certified proof of compliance with the provisions of subregulation (1).

(3) The Director shall renew the licence if the applicant complies with the requirements referred to in subregulations (1) and (2).

(4) The licence shall be renewed in the appropriate form as prescribed in Document NAM-CATS-AMEL.

Reissue

66.06.10 (1) The holder of a Class I aircraft maintenance engineer licence with a Category D rating, which has expired due to the lapse of the period referred to in regulation 66.06.7, may apply to the Director for the reissuing of the expired licence.

(2) Upon application for the reissuing of the expired licence, the Director shall reissue such licence if the applicant complies with the requirements referred to in regulation 66.06.1.

(3) The provisions of regulation 66.06.5 shall apply *mutatis mutandis* to an application referred to in subregulation (1).

SUBPART 7
CLASS I AIRCRAFT MAINTENANCE ENGINEER LICENCE (CATEGORY X RATING)

Requirements for licence and rating

66.07.1 An applicant for the issuing of a Class I aircraft maintenance engineer licence with a Category X rating, or an amendment thereof, shall -

(a) be not less than 19 years of age;

(b) have successfully completed the training referred to in regulation 66.07.2;

(c) have passed the theoretical knowledge examination referred to in regulation 66.07.3; and

(d) have acquired the experience referred to in regulation 66.07.4.

Training

66.07.2 An applicant for the issuing of a Class I aircraft maintenance engineer licence with a Category X rating, shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-AMEL.

Theoretical knowledge examination

66.07.3 (1) An applicant for the issuing of a Class I aircraft maintenance engineer licence with a Category X rating, shall have passed the appropriate written examination as prescribed in Document NAM-CATS-AMEL.

(2) An applicant who fails the written examination referred to in subregulation (1), may apply for retesting after the appropriate period specified in Document NAM-CATS-AMEL.

Experience

66.07.4 An applicant for the issuing of a Class I aircraft maintenance engineer licence with a Category X rating, shall comply with the requirements for the appropriate experience as prescribed in Document NAM-CATS-AMEL.

Application for licence or amendment thereof

66.07.5 (1) An application for the issuing of a Class I aircraft maintenance engineer licence with a Category X rating, shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and

(b) accompanied by -

(i) original or certified proof of·

(aa) the identity of the applicant;

(bb) the age of the applicant; and

(cc) the servicing and overhaul experience record of the applicant;

(ii) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 66.07.3;

(iii) two recent passport size photographs of the applicant; and

(iv) the appropriate fee as prescribed in Part 187.

(2) An application for the amendment of a Class I aircraft maintenance engineer licence with a Category X rating, shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and

(b) accompanied by -

(i) a certified true copy of the licence held by the applicant;

(ii) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 66.07.3;

(iii) original or certified proof of the servicing and overhaul experience record of the applicant in respect of the type of equipment, instruments or welding processes for which application is being made; and

(iv) the appropriate fee as prescribed in Part 187.

Issuing of licence

66.07.6 (1) The Director shall issue a Class I aircraft maintenance engineer licence with a Category X rating, if the applicant complies with the requirements referred to in regulation 66.07.1.

(2) The licence shall be issued on the appropriate form as prescribed in Document NAM-CATS-AMEL.

(3) The rating shall specify the type of equipment, instruments or welding processes in respect of which the holder of such rating is entitled to exercise the privileges thereof.

(4) Upon the issuing of a licence the holder thereof shall forthwith affix his or her signature in ink in the space on the licence provided for such purpose.

Period of validity

66.07.7 (1) A Class I aircraft maintenance engineer licence with a Category X rating, shall be valid for a period of 24 months calculated from the date on which the licence is issued or from the date of expiry of the licence if such licence is renewed in accordance with the provisions of regulation 66.07.9.

(2) Any amendment of a licence shall be valid for the period for which the licence is valid.

Privileges and limitations

66.07.8 (1) Subject to the provisions of subregulation (2), the holder of a valid Class I aircraft maintenance engineer licence with a Category X rating, shall be entitled to certify. in the logbook -

(a) the installation and compensation of the specified compasses;

(b) the installation, overhaul, repair or modification of the specified engine ignition equipment, and replacements thereof;

(c) the installation, overhaul, repair or modification of variable-pitch propellers, and replacements thereof;

(d) the installation, overhaul, repair or modification of the specified instruments;

(e) the installation, overhaul, repair or modification of the specified electrical equipment, and replacements thereof;

(f) the installation, overhaul, repair or modification of automatic pilots other than automatic pilots which operate on electronic principles;

(g) the installation and in-flight adjustment of electronic automatic pilots;

(h) the installation, overhaul, repair or modification of the specified avionic equipment, and replacements thereof; and

(i) the carrying out of the specified welding processes.

(2) The holder of the licence shall, until such holder attains the age of 21, only be entitled to exercise the privileges of such licence in Namibia and in respect of aircraft with a maximum certificated mass of less than 5 700 kilograms, registered and operated in Namibia.

Renewal of licence

66.07.9 (1) To renew a Class I aircraft maintenance engineer licence with a Category X rating, the holder thereof shall, within the 24 months preceding the date of expiry of the licence, have served for not less than six months as a licensed aircraft maintenance engineer or as an aircraft maintenance engineer in a supervisory capacity.

(2) An application for the renewal of the licence shall, within 90 days immediately preceding the date of expiry of such licence, be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and

(b) accompanied by -

(i) a certified true copy of the licence held by the applicant;

(ii) the appropriate fee as prescribed in Part 187; and

(iii) original or certified proof of compliance with the provisions of subregulation (1).

(3) The Director shalt renew the licence if the applicant complies with the requirements referred to in subregulations (1) and (2).

(4) The licence shall be renewed in the appropriate form as prescribed in Document NAM-CATS-AMEL.

Reissue

66.07.10 (1) The holder of a Class I aircraft maintenance engineer licence with a Category X rating, which has expired due to the lapse of the period referred to in regulation 66.07.7, may apply to the Director for the reissuing of the expired licence.

(2) Upon application for the reissuing of the expired licence, the Director shall reissue such licence if the applicant complies with the requirements referred to in regulation 66.07.1.

(3) The provisions of regulation 66.07.5 shall apply *mutatis mutandis* to an application referred to in subregulation (1).

SUBPART 8
GRADE ONE AIRCRAFT MAINTENANCE INSTRUCTOR RATING

Requirements for Grade One aircraft maintenance instructor rating

66.08.1 An applicant for the issuing of a Grade One aircraft maintenance instructor rating shall -

(a) be not less than 21 years of age;

(b) hold a valid aircraft maintenance engineer licence;

(c) hold at least one valid rating;

(d) have successfully completed the training referred to in regulation 66.08.2;

(e) have passed the theoretical knowledge examination referred to in regulation 66.08.3; and

(f) have acquired the experience referred to in regulation 66.08.4.

Training

66.08.2 An applicant for the issuing of a Grade One aircraft maintenance instructor rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-AMEL.

Theoretical knowledge examination

66.08.3 (1) An applicant for the issuing of a Grade One aircraft maintenance instructor rating shall have passed the appropriate written examination as prescribed in Document NAM-CATS-AMEL.

(2) An applicant who fails the written examination referred to in subregulation (1), may apply for retesting after the appropriate period specified in Document NAM-CATS-AMEL.

Experience

66.08.4 An applicant for the issuing of a Grade One aircraft maintenance instructor rating shall comply with the requirements for the appropriate experience as prescribed in Document NAM-CATS-AMEL.

Application for Grade One aircraft maintenance instructor rating

66.08.5 An application for the issuing of a Grade One aircraft maintenance instructor rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and

(b) accompanied by -

(i) original or certified proof of -

(aa) the age of the applicant;

(bb) compliance with the requirements referred to in regulation 66.08.1(d), (e) and (f); and

(cc) the applicant's competency to exercise the privileges referred to in regulation 66.08.8;

(ii) a certified true copy of the aircraft maintenance engineer licence held by the applicant; and

(iii) the appropriate fee as prescribed in Part 187.

Issuing of Grade One aircraft maintenance instructor rating

66.08.6 (1) The Director shall issue a Grade One aircraft maintenance instructor rating if -

(a) the applicant complies with the requirements referred to in regulation 66.08.1; and

(b) the Director is satisfied that the applicant is competent to exercise the privileges referred to in regulation 66.08.8.

(2) The rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-AMEL.

Period of validity

66.08.7 A Grade One aircraft maintenance instructor rating shall be valid for the period for which the aircraft maintenance engineer licence is valid.

Privileges of Grade One aircraft maintenance instructor rating

66.08.8 The holder of a Grade One aircraft maintenance instructor rating shall be entitled to -

(a) give academic or practical instruction on any of the valid ratings held by him or her; and

(b) act as an examiner in any of the valid ratings held by him or her, if designated by the Director in terms of regulation 66.01.11.

Renewal of Grade One aircraft maintenance instructor rating

66.08.9 (1) To renew a Grade One aircraft maintenance instructor rating, the holder thereof shall, within the 24 months preceding the date of expiry of the rating, have served for not less than six months as an aircraft maintenance instructor.

(2) An application for the renewal of the rating shall, within 90 days immediately preceding the date of expiry of such rating, be·-

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and

(b) accompanied by -

(i) a certified true copy of the aircraft maintenance engineer licence held by the applicant;

(ii) the appropriate fee as prescribed in Part 187; and

(iii) original or certified proof of -

(aa) compliance with the provisions of subregulation (1); and

(bb) the applicant's competency to exercise the privileges referred to in regulation 66.08.8.

(3) The Director shall renew the rating if -

(a) the applicant complies with the requirements referred to in subregulations (1) and (2); and

(b) the Director is satisfied that the applicant is competent to exercise the privileges referred to in regulation 66.08.8.

(4) The rating shall be renewed in the appropriate form as prescribed in Document NAM-CATS-AMEL.

(5) The renewal of the rating shall be valid for the period for which the aircraft maintenance engineer licence is valid.

SUBPART 9
GRADE TWO AIRCRAFT MAINTENANCE INSTRUCTOR RATING

Requirements for Grade Two aircraft maintenance instructor rating

66.09.1 An applicant for the issuing of a Grade Two aircraft maintenance instructor rating shall -

(a) be not less than 21 years of age;

(b) hold a valid aircraft maintenance engineer licence;

(c) hold at least one valid rating;

(d) have successfully completed the training referred to in regulation 66.09.2;

(e) have passed the theoretical knowledge examination referred to in regulation 66.09.3; and

(f) have acquired the experience referred to in regulation 66.09.4.

Training

66.09.2 An applicant for the issuing of a Grade Two aircraft maintenance instructor rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-AMEL.

Theoretical knowledge examination

66.09.3 (1) An applicant for the issuing of a Grade Two aircraft maintenance instructor rating shall have passed the appropriate written examination as prescribed in Document NAM-CATS-AMEL.

(2) An applicant who fails the written examination referred to in subregulation (1), may apply for retesting after the appropriate period specified in Document NAM-CATS-AMEL.

Experience

66.09.4 An applicant for the issuing of a Grade Two aircraft maintenance instructor rating shall comply with the requirements for the appropriate experience as prescribed in Document NAM-CATS-AMEL.

Application for Grade Two aircraft maintenance instructor rating

66.09.5 An application for the issuing of a Grade Two aircraft maintenance instructor rating shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and

(b) accompanied by -

(i) original or certified proof of -

(aa) the identity of the applicant;

(bb) the servicing and overhaul experience record of the applicant;

(ii) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 66.09.3;

(iii) a certified true copy of the aircraft maintenance engineer licence held by the applicant; and

(iv) the appropriate fee as prescribed in Part 187.

Issuing of Grade Two aircraft maintenance instructor rating

66.09.6 (1) The Director shall issue a Grade Two aircraft maintenance instructor rating if the applicant complies with the requirements referred to in regulation 66.09.1.

(2) The rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-AMEL.

Period of validity

66.09.7 A Grade Two aircraft maintenance instructor rating shall be valid for the period for which the aircraft maintenance engineer licence is valid.

Privileges of Grade Two aircraft maintenance instructor rating

66.09.8 The holder of a Grade Two aircraft maintenance instructor rating shall be entitled to give academic or practical instruction on any of the valid ratings held by him or her.

Renewal of Grade Two aircraft maintenance instructor rating

66.09.9 (1) To renew a Grade Two aircraft maintenance instructor rating, the holder thereof shall, within the 24 months preceding the date of expiry of the rating, have served for not less than six months as an aircraft maintenance instructor.

(2) An application for the renewal of the rating shall, within 90 days immediately preceding the date of expiry of such rating, be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and

(b) accompanied by -

(i) a certified true copy of the aircraft maintenance engineer licence held by the applicant;

(ii) the appropriate fee as prescribed in Part 187; and

(iii) original or certified proof of compliance with the provisions of subregulation (1).

(3) The Director shall renew the rating if the applicant complies with the requirements referred to in subregulations (1) and (2).

(4) The rating shall be renewed in the appropriate form as prescribed in Document NAM-CATS-AMEL.

(5) The renewal of the rating shall be valid for the period for which the aircraft maintenance engineer licence is valid.

PART 67
PERSONNEL: MEDICAL CERTIFICATION

LIST OF REGULATIONS

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Applicability

67.00.1 This Part shall apply to the issuing of medical certificates in respect of flight crew, cabin crew and air traffic service personnel.

Classes of medical certificates

67.00.2 (1) The classes of medical certificates are -

(a) Class 1 -

(i) airline transport pilot: aeroplane and helicopter;

(ii) commercial pilot: aeroplane and helicopter;

(iii) flight test rating;

(iv) airship pilot for commercial purposes;

(v) free balloon pilot for commercial purposes; and

(vi) flight engineer;

(b) Class 2 -

(i) private pilot: aeroplane and helicopter;

(ii) student pilot;

(iii) cabin crew member;

(iv) microlight aeroplane pilot;

(v) glider pilot;

(vi) gyroplane pilot;

(vii) free balloon pilot; and

(viii) airship pilot; and

(c) Class 3 -

(i) air traffic controller; and

(ii) air traffic service assistant.

(2) A flight crew member who holds a valid Class 1 medical certificate referred to in subregulation (1)(a), shall be deemed to hold a valid Class 2 medical certificate referred to in subregulation (1)(b).

(3) Upon expiry of a Class 1 medical certificate referred to in subregulation (1)(a), such medical certificate shall be deemed to be valid for the remainder of the period for which it would

have been valid as a Class 2 medical certificate referred to in subregulation (1)(b), as specified in regulation 67.00.6.

(4) The medical requirements and standards to be complied with by an applicant for, or the holder of, a Class 1, 2 or 3 medical certificate shall be as prescribed in Document NAM-CATS-MR.

Designation of body or institution

67.00.3 (1) The Director may designate a body or institution to -

(a) exercise control over medical examinations or tests and over aviation medical examiners performing such examinations or tests;

(b) determine standards for such examinations or tests and for the training of such aviation medical examiners;

(c) issue, amend, suspend or withdraw medical certificates and keep all records, registers, books or documents regarding such examinations or tests; and

(d) subject to the provisions of regulation 67.00.8, advise the Director on any matter relating to such examinations, tests or aviation medical examiners and on the training in first aid of flight crew and cabin crew.

(2) The designation referred to in subregulation (1) shall be made in writing and shall be published by the Director in the *Gazette* within 30 days from the date of such designation.

(3) The powers and duties referred to in subregulation (1) shall be exercised and performed according to the conditions, rules, requirements, procedures or standards as prescribed in Document NAM-CATS-MR.

(4) Any medical practitioner employed by the body or institution designated in terms of subregulation (1), shall not be disqualified by virtue of such designation from being designated as an aviation medical examiner.

Designation of aviation medical examiners

67.00.4 (1) The Director may, after consultation with the designated body or institution, designate aviation medical examiners to perform medical examinations or tests required for the issuing of medical certificates.

(2) The conditions and requirements for and the rules, procedures and standards connected with a designation referred to in subregulation (1) shall be as prescribed in Document NAM-CATS-MR.

(3) The Director shall sign and issue to each designated aviation medical examiner a document which shall state the full name of such aviation medical examiner and contain a statement that -

(a) such aviation medical examiner has been designated in terms of subregulation (1); and

(b) such aviation medical examiner is empowered to -

(i) perform the medical examination or test required for the issuing of the appropriate medical certificate;

(ii) subject to the provisions of regulation 67.00.7, issue such medical certificate; or

(iii) defer the issuing of such medical certificate pending an appropriate instruction from the designated body or institution.

Period of validity of medical certificates

67.00.5 (1) A Class 1 medical certificate shall be issued for a period not exceeding -

(a) 12 calendar months, calculated from the day on which the medical certificate was issued, where the applicant is less than 40 years of age; and

(b) six calendar months, calculated from the day on which the medical certificate was issued, where the applicant is 40 years of age or more.

(2) A Class 2 and 3 medical certificate shall be issued for a period not exceeding -

(a) 24 calendar months, calculated from the day on which the medical certificate was 1ssucd, where the applicant is less than 40 years of age; and

(b) 12 calendar months, calculated from the day on which the medical certificate was issued, where the applicant is 40 years of age or more.

(3) Notwithstanding the provisions of subregulations (1) and (2), a designated aviation medical examiner may

(a) if medical indications require that -

(i) medical examinations or tests be performed at shorter intervals; or

(ii) additional examinations or tests be performed; or

(b) when the safe performance of the duties essential to the operation of an aircraft, of the holder of such medical certificate, depends on compliance with any special limitation, endorse the medical certificate with such requirement or limitation.

Application for medical certificate

67.00.6 (1) An application for the issuing of a medical certificate shall be made on the appropriate form as prescribed in Document NAM-CATS-MR.

(2) An applicant who attends a medical examination or test for the issuing of a medical certificate shall -

(a) produce proof of his or her identity; and

(b) produce for inspection any licence held for which the certificate is required and the most recent medical certificate held, if any.

(3) Subject to the provisions of regulations 67.00.3(1)(c) and 67.00.4(3)(b)(iii), an applicant who complies with the appropriate medical requirements and standards referred to in regulation 67.00.2(4), shall be entitled to a medical certificate.

Issuing of medical certificate

67.00.7 (1) A medical certificate shall be issued by the designated aviation medical examiner concerned on the appropriate form as prescribed in Document NAM-CATS-MR.

(2) The designated aviation medical examiner concerned shall, within 60 days from the date on which the medical certificate was issued, submit the original application together with any appropriate -

(a) supporting medical reports; and

(b) results of medical examinations or tests performed,

to the designated body or institution for verification purposes.

(3) On receipt of the documents referred to in subregulation (2), the designated body or institution shall verify that the holder of the medical certificate complies with the appropriate medical requirements and standards referred to in regulation 67.00.2(4).

(4) A medical certificate issued by a designated aviation medical examiner, shall remain in force, subject to any requirement or limitation endorsed thereon and for the period for which it was issued: Provided that the designated body or institution may -

(a) if the medical certificate has been issued to an applicant who does not comply with the appropriate medical requirements and standards referred to in regulation 67.00.2(4), cancel the medical certificate; or

(b) (i) if medical conclusion requires that -

(aa) medical examinations or tests be performed at shorter intervals; or

(bb) additional examinations or tests be performed; or

(ii) when the safe performance of the duties essential to the operation of an aircraft, of the holder of the medical certificate, depends on compliance with any special limitation,

endorse the medical certificate with such requirement or limitation.

(5) For the purposes of subregulation (2), the words “original application” includes any incomplete application.

Duties of holder of medical certificate

67.00.8 (1) The holder of a medical certificate shall -

(a) carry such medical certificate on his or her person when carrying out the duties as a flight crew member, an air traffic service personnel member or a cabin crew member, as the case may be;

(b) not act as a pilot-in-command, or in any other capacity as a flight crew member, an air traffic service personnel member or a cabin crew member, as the case may be -

(i) while he or she is aware of any medical condition which could affect the validity of such medical certificate;

(ii) while he or she is receiving medical treatment, unless otherwise provided for in Document NAM-CATS-MR;

(iii) if the holder has entered the thirtieth week of pregnancy, unless -

(aa) the medical certificate is issued in respect of an air traffic service licence; or

(bb) a suitable medical practitioner and a designated aviation medical examiner certify that such holder who has entered the twenty-ninth week of pregnancy, is fit to continue to act as a pilot-in-command, or in any other capacity as a flight crew member or a cabin crew member, for a further period, which period shall not exceed six weeks from the date on which such holder has entered the thirtieth week of pregnancy;

(iv) if the holder has given birth in the preceding eight weeks; or

(v) after such medical certificate has expired;

(c) without undue delay, notify the designated aviation medical examiner who issued such medical certificate, of any·-

(i) injury;

(ii) hospitalisation;

(iii) surgical operation or invasive procedure;

(iv) regular use of medication;

(v) pregnancy;

(vi) absence due to illness for a period of more than 21 days; or

(vii) psychiatric treatment,

which renders such holder unable to comply with the appropriate medical requirements and standards referred to in regulation 67.00.2(4).

(2) For the purposes of subregulation (1)(c), the holder of a medical certificate shall, before such holder resumes the exercising of the privileges of the licence held by him or her, furnish the designated aviation medical examiner who issued such medical certificate, with proof that he or she has fully recovered from the decrease in medical fitness.

Foreign medical assessments

67.00.9 (1) The Director may, in consultation with the designated body or institution, recognise any foreign medical report, medical assessment or medical certificate issued by an appropriate authority for the purpose of validating a foreign flight crew member licence, air traffic service licence or cabin crew member licence.

(2) If, because of duty in a State or territory outside Namibia, deferral of the issuing of a Namibian medical certificate for a flight crew member or a cabin crew member, as the case may be, has to be made, such deferral shall not exceed -

(a) a single period of six months in the case of a flight crew member of an aircraft used in operations other than commercial air transport operations; or

(b) two consecutive periods, each of three months, in the case of a flight crew member or a cabin crew member, as the case may be, of an aircraft used in commercial air transport operations:

Provided that the flight crew member or cabin crew member concerned -

(i) obtains in that State or territory, in either instance, a valid medical certificate after examination by an appropriate authority; and

(ii) undergoes the appropriate medical examination as soon as he or she returns to Namibia.

Appeal

67.00.10 (1) An applicant for, or the holder of, a medical certificate who feels aggrieved by -

(a) a decision by the designated body or institution in terms of regulation 67.00.7(4)(a) to cancel his or her medical certificate;

(b) a decision by a designated aviation medical examiner, declaring him or her unfit or temporarily unfit;

(c) any endorsement made by the designated body or institution in terms of regulation 67.00.7(4)(b) on his or her medical certificate; or

(d) any endorsement made by a designated aviation medical examiner in terms of regulation 67.00.5(3) on his or her medical certificate,

may appeal against such decision or endorsement to the Director, within 30 days after he or she becomes aware of such decision or endorsement.

(2) An appellant shall deliver his or her appeal in writing, stating the reasons why, in the opinion of the appellant, the decision or endorsement should be varied or set aside.

(3) The Director shall acknowledge receipt of an appeal, which acknowledgement shall reflect the name of the recipient at the Director's office and the date and time of receipt.

(4) The appellant shall submit a copy of the appeal and any documents or records supporting such appeal, to the designated aviation medical examiner concerned or the designated

body or institution, as the case may be, and shall furnish proof of such submission for the information of the Director.

(5) The designated aviation medical examiner concerned or the designated body or institution, as the case may be, may, within seven days of receipt of the copy of the appeal referred to in subregulation (3), deliver his, her or its written reply to such appeal to the Director.

(6) The Director may, after consideration of any nomination made by the appellant, designate a panel of medical practitioners to assist him or her in adjudicating the appeal.

(7) The panel referred to in subregulation (6) shall consist of at least two medical practitioners who are registered in terms of section 13 of the Medical and Dental Professions Act, 1993, one of whom shall have obtained a post-graduate qualification in aviation medicine, and the other shall be a specialist in the field of medicine concerned.

[The Medical and Dental Professions Act 21 of 1993 has been replaced by the Medical and Dental Act 10 of 2004.]

(8) As soon as practicable, but within 14 days, after the receipt of an appeal, the Director shall adjudicate the appeal.

(9) The Director may -

(a) adjudicate the appeal on the basis of the documents submitted to him or her;

(b) order the appellant and the designated aviation medical examiner concerned or the designated body or institution, as the case may be, to appear before him or her, either in person or through a representative, at a time and place determined by him or her, to give evidence.

(10) The Director may, subject to such conditions which the Director may determine, confirm, vary or set aside the decision or endorsement referred to in subregulation (1).

Period of validity of medical records

67.00.11 The records of a medical examination shall, for the purpose of issuing a medical certificate, be valid [or a period not exceeding 90 days, and a medical certificate may not be issued after this period on the records of such examination.

Medical confidentiality

67.00.12 (1) Subject to the provisions of subregulation (2), all information provided by or on behalf of an applicant for a medical certificate, which is personal medical information, shall be confidential, and shall be used only in respect of the medical certificate and the entire medical certification process, unless otherwise authorised by the applicant.

(2) Any medical practitioner employed by the designated body or institution shall ensure the protection of information referred to in subregulation (1) which is kept by such designated body or institution: Provided that when medical information appears to be fraudulent, false or misleading, or when such medical information will jeopardise aviation safety, or when it is necessary for the purpose of an appeal in terms of regulation 67.00.10, the medical practitioner shall release to the Director such information for appropriate investigation and action.

Repeal of existing regulations

67.00.13 Subject to the provisions of regulation 183.00.2, the regulations in Chapter 6 of the Air Navigation Regulations, 1976, as amended, are hereby repealed.

PART 71
RULES OF THE AIR AND GENERAL OPERATING RULES: AIRSPACE AND AIR ROUTES

[Part 71 is inserted by GN 89/2020.]

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SUBPART 1
GENERAL

Definitions for this Part

71.01.1 (1) Definitions pertaining to this Part are contained in Document NAM-CATS-AAR.

(2) For this Part, airspace and an aerodrome are associated if the airspace is used by aircraft arriving at or departing from the aerodrome.

Purpose

71.01.2 (1) This Part prescribes the requirements and methods to be used -

(a) when, in order to meet the requirements of Part 172 -

(i) the airspace is to be classified so that appropriate air traffic services will be provided in the airspace; and

(ii) a determination is to be made that certain air traffic services must be provided at an aerodrome and in airspace associated with that aerodrome;

(b) to specify the boundaries of airspace that is to be, or will be used in a particular way; and

(c) to decide whether a determination is to be made that -

(i) broadcast requirements apply in particular airspace or at an aerodrome; and

(ii) radio services must be provided at an aerodrome.

(2) This Part also provides for the Executive Director to, pursuant to section 38(6) of the Act, issue aviation directives on -

(a) the use of airspace;

(b) broadcasts that must be made in airspace and at aerodromes;

(c) the use of air routes; and

(d) conditions or restrictions that apply regarding the use of air routes.

Applicability

71.01.3 (1) This Part applies to -

(a) the classification and designation of airspace -

(i) in Namibia;

(ii) in the airspace over the high seas administered by Namibia;

(iii) in those portions of airspace over another State for which Namibia has accepted responsibility for the provision of air traffic services;

(b) except as specified in subregulation (2), the development and establishment of air routes -

(i) in Namibia;

(ii) in the airspace over the high seas administered by Namibia;

(iii) in those portions of airspace over another State for which Namibia has accepted responsibility for the provision of air traffic services.

(2) This Part does not apply to the creation of -

(a) terminal area air routes or procedures constructed under the provisions of Part 173; or

(b) air routes, terminal area air routes or procedures for use by military aircraft operating in airspace designated for use by the Namibia Defence Force.

SUBPART 2
AIRSPACE STANDARDS AND METHODS

Airspace classification: standards

71.02.1 The standards to be applied for airspace classification are -

(a) the standards set out in this Part and in Document NAM-CATS-AAR; and

(b) the provisions of Part 172 regarding the classification of airspaces.

Aerodrome services: standards

71.02.2 The standards to be applied for a determination that an air traffic service must be provided at an aerodrome are -

(a) the standards set out in Document NAM-CATS-AAR; and

(b) the provisions of Part 172 regarding the designation of the portions of the airspace and controlled aerodromes where air traffic services are provided.

Boundaries of designated airspace

71.02.3 (1) Airspace boundaries, including airspace that is to be any of the following kinds, must be specified according to specifications set out in Document NAM-CATS-AAR -

(a) a control area;

(b) a control zone; and

(c) airspace that is above or below a restricted area, or above a prohibited area or danger area.

(2) The lateral limits of airspace designated under this Part are defined by -

(a) geographical co-ordinates in degrees, minutes, and seconds; and

(b) any one or more of the following:

(i) prominent geographical line features;

(ii) a circle or any part of a circle of specified radius around a geographical coordinate;

(iii) a great circle between two points; and

(iv) a parallel of latitude.

(3) The vertical limits of airspace designated under this Part are defined by heights, altitudes, or flight levels.

(4) Unless otherwise specified, the expression of a vertical limit to a height, altitude or flight level includes that height, altitude or flight level.

(5) Where airspace volumes of different classifications are contiguous vertically, an aircraft operating at that boundary level must be considered to be operating in, and subject to the rules of, the higher classification of airspace.

Airspace classification and aerodrome services: methods

71.02.4 The methods set out in Document NAM-CATS-AAR must be used for airspace classification, and for any of the following determinations:

(a) that an air traffic service must be provided at an aerodrome;

(b) that a flight information radio service must be provided at an aerodrome; and

(c) that a control area or control zone is an area within which certain mandatory radio calls are required.

SUBPART 3
DESIGNATION OF AIRSPACES

General

71.03.1 (1) If the Executive Director determines that an air traffic control service is required in a portion of airspace within a flight information region, the Executive Director must -

(a) designate that portion of airspace as a control area or a control zone in accordance with this Subpart; and

(b) classify that portion of airspace as Class A, B, C, D or E airspace in accordance with Subpart 4.

(2) If another ICAO contracting State provides an air traffic control service for any portion of airspace within the territorial airspace of Namibia, the Executive Director must -

(a) designate that portion of airspace as a control area or a control zone in accordance with this Subpart after consulting with the other State; and

(b) classify that portion of airspace as Class A, B, C, D or E airspace in accordance with Subpart 4.

(3) The Executive Director may designate portions of airspace within a control area or control zone as a specific sector to facilitate air traffic management.

(4) Except as provided in subregulation (5), a control area or control zone becomes uncontrolled class G airspace during those times when an air traffic control service is not being provided within that control area or control zone.

(5) The Executive Director may direct that when an air traffic control service is not being provided within a control area or control zone, that airspace be reclassified as restricted airspace area.

(6) For each portion of airspace designated as a control area or control zone, the Executive Director must specify the air traffic control unit that has responsibility for providing the air traffic control service within that control area or control zone and identify the control area or control zone.

Flight information region

71.03.2 (1) The Executive Director must publish in the aeronautical information publication (AIP), the flight information region established on the basis of the ICAO regional air navigation plan and which covers the whole of the air route structure to be served.

(2) The flight information region must include all airspace within its lateral limits.

(3) The Executive Director must publish the flight information region, airspace volume or air route structure in accordance with the aeronautical information regulation and control (AIRAC) cycle in an AIP, AIP Supplement or a notice to airmen (NOTAM).

Control areas

71.03.3 (1) The Executive Director must delineate control areas, including airways and terminal control areas so as to encompass sufficient airspace to contain the flight paths of those flights operating under instrument flight rules (IFR) or portions thereof, to which it is desired to provide the applicable parts of the air traffic control service, taking into account the capabilities of the navigation aids normally used in that area.

(2) The Executive Director may, in a control area other than one formed by a system of airways, establish a system of routes to facilitate the provision of air traffic control.

(3) The Executive Director may specify a control area designated under this Part as -

(a) a terminal control area, if the Executive Director determines that an approach control service is required at the confluence of air traffic services (ATS) routes in the vicinity of one or more major aerodromes;

(b) an upper control area, if the Executive Director determines that an area control service is required; or

(c) an oceanic control area, if the Executive Director determines that an area control service is required over the high seas.

(4) The Executive Director must establish an upper limit of a control area when either -

(a) an air traffic control service will not be provided above such upper limit; or

(b) the control area is situated below an upper control area, in which case the upper limit must coincide with the lower limit of the upper control area.

(5) The upper limit of a control area in Namibia pursuant to subregulation (4) may not exceed flight level 460.

(6) The lower limit of a control area must -

(a) be at least 500 feet below the flight paths of instrument flight rules (IFR) flights that the Executive Director determines to require an air traffic control service;

(b) be established at -

(i) the highest practical altitude; and

(ii) not less than 700 feet above ground or water;

(c) when practicable and desirable, be established at a greater height than the minimum specified in paragraph (b)(ii) in order to allow freedom of action for flights operating under visual flight rules (VFR) below the control area; and

(d) when the lower limit of a control area is above 3000 feet above mean sea level (AMSL), coincide with a VFR cruising altitude or flight level prescribed in Part 91.

(7) If a portion of airspace below a control area is designated as another control area, the upper limit of the lower control area must extend to the lower limit of the control area directly above it.

Control zones

71.03.4 (1) The Executive Director may designate as a control zone that portion of airspace around an aerodrome if -

(a) the Executive Director determines that an aerodrome control service or an aerodrome and approach control service is required; and

(b) the traffic density and pattern requires controlled airspace.

(2) A control zone must be as small as is practicable consistent with the need to protect the flight paths of IFR flights arriving at and departing from the aerodrome.

(3) The lateral limits of a control zone must -

(a) encompass at least those portions of the airspace that are not within a control area containing the paths of IFR flights arriving at and departing from the aerodrome under instrument meteorological conditions (IMC);

(b) extend to at least five nautical miles from the centre of the aerodrome in the directions from which instrument approaches may be made; and

(c) take into account the category of IFR aircraft using the aerodrome and the areas of airspace that need to be protected for those IFR flights.

(4) Prominent geographical features must be used, where practical, to define the lateral limits of a control zone.

(5) A control zone with an upper limit above 3000 feet AMSL must coincide with a VFR cruising altitude or flight level prescribed in Part 91.

(6) A control zone may include two or more aerodromes situated close together.

(7) If a control zone is located within the lateral limits of a control area, it must extend upwards from the surface of the earth to at least the lower limit of the control area.

(8) If a control zone is located outside of the lateral limits of a control area, an upper limit must be established.

(9) If -

(a) the Executive Director desires to establish the upper limit of a control zone at a level higher than the lower limit of the control area established above it; or

(b) the control zone is located outside of the lateral limits of a control area,

its upper limit must be established at a level which can easily be identified by pilots and when this limit is above 3 000 feet above mean sea level, it must coincide with a VFR cruising level as described in Part 91.

VFR transit lanes

71.03.5 (1) The Executive Director may designate a portion of controlled airspace as a visual flight rules (VFR) transit lane for either or both of the following purposes:

(a) separating transiting VFR traffic from arriving and departing IFR flights; and

(b) permitting transiting VFR traffic to operate within the VFR transit lane without requiring an air traffic control (ATC) clearance.

(2) A VFR transit lane must be clear of airspace that encompasses IFR arrival and departure procedures within that controlled airspace.

(3) The Executive Director must -

(a) ensure that buffer zones are provided between the nominal flight paths of arriving and departing IFR flights and each VFR transit lane; and

(b) identify each VFR transit lane by the ICAO nationality letters of Namibia (FY) followed by the letter "T" followed by a number.

(4) A VFR transit lane is class G airspace and may only be active during the day.

General aviation areas

71.03.6 (1) The Executive Director may designate a portion of controlled airspace as a general aviation area for the purpose of allowing VFR flights access to a portion of previously controlled airspace without the requirement for an ATC clearance.

(2) For each general aviation area, the Executive Director must -

(a) specify, at the time that the Executive Director designates the airspace, which air traffic control unit has responsibility for providing the air traffic control service over the area;

(b) identify the area by the ICAO nationality letters of Namibia (FY) followed by the letter G followed by a number; and

(c) specify that the area is active -

(i) permanently during the day;

(ii) by approval of the ATC unit responsible for the airspace; or

(iii) by prior notification from an airspace user to the ATC unit responsible for the airspace.

(3) A general aviation area -

(a) may only be active during the day; and

(b) is class G airspace while the area is active.

Subsidiary airspace designations

71.03.7 (1) If the Executive Director considers it necessary in the interests of aviation safety, air traffic management, or in accordance with international agreements, the Executive Director may designate any controlled airspace or portion of controlled airspace as any of the following:

(a) Required Navigation Performance (RNP) airspace, on consideration of air traffic density and ATS route structure, and aircraft navigation system accuracy;

(b) Performance Based Navigation (PBN) airspace, on consideration of air traffic density and ATS route structure, and aircraft navigation system accuracy;

(c) Reduced Vertical Separation Minima (RVSM) airspace, on consideration of air traffic density and ATS route structure, and aircraft altimetry system accuracy;

(c) Required Communication Performance (RCP) airspace, if and where established, on consideration of regional air navigation agreements and the types of ATS provided in the airspace concerned; and

[There are two paragraphs labelled as "(c)" in the *Government Gazette*, as reproduced above.]

(d) Required Surveillance Performance (RSP) airspace, if and where established, on consideration of regional air navigation agreements and the types of ATS provided in the airspace concerned.

(2) The designation of subsidiary airspaces under subregulation (1) must take into account the requirements and standards for airspace safety and conformance monitoring prescribed in Part 172.

Identification of air traffic services units and airspaces

71.03.8 (1) For each portion of airspace designated as a control area or control zone the Executive Director must specify the air traffic control unit that has responsibility for providing the air traffic control service within that control area or control zone and identify the control area or control zone in accordance with this Subpart.

(2) The Executive Director must pursuant to subregulation (1), publish in the AIP, the control areas and control zones designated under that subregulation, including the air traffic control units that have responsibility for providing air traffic control services within those control areas and control zones.

(3) An area control centre or flight information centre must be identified by the name of a nearby town or city or geographic feature.

(4) An aerodrome control tower or approach control unit must be identified by the name of the aerodrome at which it is located.

(5) A control area or control zone must be identified by -

(a) the ICAO nationality letters of Namibia (FY) followed by the letter "A" followed by a number; and

(b) the name of the air traffic control unit providing the air traffic control service within that control area or control zone.

SUBPART 4
AIRSPACE CLASSIFICATION

Class A airspace

71.04.1 Any portion of airspace that is designated as a control area under regulation 71.03.3 or control zone under regulation 71.03.4 must be classified as Class A airspace, if the Executive Director considers it necessary in the interests of aviation safety that -

(a) separation is required between all flights; and

(b) VFR flights are not permitted.

Class B airspace

71.04.2 Any portion of airspace that is designated as a control area under regulation 71.03.3 or control zone under regulation 71.03.4 must be classified as Class B airspace, if the Executive Director considers it necessary in the interests of aviation safety that separation is required between all flights.

Class C airspace

71.04.3 Any portion of airspace that is designated as a control area under regulation 71.03.3 or control zone under regulation 71.03.4 must be classified as Class C airspace, if the Executive Director considers it necessary in the interests of aviation safety that -

(a) separation is required between -

(i) IFR flights;

(ii) IFR and VFR flights;

(iii) IFR and special VFR flights; and

(iv) special VFR flights when the flight visibility is reported to be less than five kilometres; and

(b) traffic information must be provided to VFR flights about other VFR flights; and

(c) traffic avoidance advice must be provided to VFR flights on request.

Class D airspace

71.04.4 Any portion of airspace that is designated as a control area under regulation 71.03.3 or control zone under regulation 71.03.4 must be classified as Class D airspace, if the Executive Director considers it necessary in the interests of aviation safety that -

(a) separation is required between -

(i) IFR flights;

(ii) IFR and special VFR flights; and

(iii) special VFR flights when flight visibility is reported to be less than five kilometres.

(b) traffic information must be provided to -

(i) IFR flights about VFR flights;

(ii) VFR flights about IFR flights; and

(iii) VFR flights about other VFR flights;

(c) traffic avoidance advice must be provided to IFR and VFR flights on request.

Class E airspace

71.04.5 Any portion of airspace that is designated as a control area under regulation 71.03.3 must be classified as Class E airspace, if the Executive Director considers it necessary in the interests of aviation safety that -

(a) separation is required between IFR flights; and

(b) traffic information must be provided, where practical, to -

(i) IFR flights about VFR flights;

(ii) VFR flights about IFR flights; and

(iii) VFR flights about other VFR flights.

Class F airspace

71.04.6 The Executive Director may classify any portion of uncontrolled airspace as Class F airspace, if the Executive Director considers it necessary in the interests of aviation safety that -

(a) IFR flights within the airspace need to receive an air traffic advisory service; and

(b) all flights within the airspace should receive a flight information service if requested.

Class G airspace

71.04.7 The Executive Director may classify as Class G airspace any uncontrolled airspace that is not Class F airspace and where -

(a) IFR flights are entitled to receive a flight information service; and

(b) VFR flights are entitled to receive a flight information service on request.

SUBPART 5
SPECIAL USE AIRSPACE

General

71.05.1 (1) The Executive Director may designate special use airspace under this Subpart, if the Executive Director considers such designation of special use airspace is necessary -

(a) in the interests of the safety or security of civil aviation;

(b) in the interests of national security; or

(c) for any other reason in the public or national interest.

(2) The Executive Director must ensure that each portion of airspace designated under this Subpart is as small as is practicable consistent with the activities for which the area is required.

(3) Airspace designated by the Executive Director under this Subpart must be identified by an alphanumeric designator that is not being used to identify any other portion of airspace designated under this Part.

Prohibited areas

71.05.2 (1) The Executive Director may declare a portion of airspace as a prohibited area to prohibit the activities of aircraft within that area.

(2) Where the Executive Director declares a portion of airspace as a prohibited area, he or she must -

(a) specify the administering authority responsible for each prohibited area; and

(b) identify each area by the ICAO nationality letters of Namibia (FY) followed by the letter "P" followed by a number.

Restricted areas

71.05.3 (1) The Executive Director may designate a portion of airspace within the territorial limits of Namibia as a restricted area to restrict access to an area, or restrict the activities of aircraft within that area.

(2) The Executive Director may impose conditions under which -

(a) aircraft may be permitted to fly within that restricted area; and

(b) the administering authority responsible for the restricted area must operate.

(3) The Executive Director must -

(a) specify the type of activity for which each restricted area is designated;

(b) specify the administering authority responsible for each restricted area; and

(c) identify each area by the ICAO nationality letters of Namibia (FY) followed by the letter "R" followed by a number.

(4) The administering authority responsible for a restricted area -

(a) must manage -

(i) the entry of aircraft into the restricted area;

(ii) the operation of aircraft within the restricted area; and

(iii) the exit of aircraft from the restricted area;

(b) must, if the restricted area is designated as being made active by a NOTAM, at least 24 hours before the restricted area is to become active, give to the NOTAM office notice of that restricted area becoming active, except that in the case of emergencies less than 24 hours' notice may be given; and

(c) may, within any conditions imposed by the Executive Director under subregulation (2), impose conditions under which an aircraft may be operated within the restricted area.

Danger areas

71.05.4 (1) The Executive Director may designate a portion of airspace as a danger area to notify operators that there is a potential danger to aircraft flying in the area.

(2) The Executive Director must -

(a) specify the nature of the danger for which each danger area is designated;

(b) if the Executive Director considers it necessary, nominate a using agency as the contact point for a danger area; and

(c) identify the area by the ICAO nationality letters of Namibia (FY) followed by the letter "D" followed by a number.

(3) The using agency for a danger area must -

(a) be a person or organisation that is responsible for the activity that necessitated the danger area being so designated;

(a) ensure that the activities that necessitated the designation of the danger area are contained within that danger area; and

[There are two paragraphs labelled as "(a)" in the *Government Gazette*, as reproduced above.]

(b) if the danger area is designated as being made active by a NOTAM, at least 24 hours before the danger area is to become active, give to the NOTAM office notice of that danger area becoming active, except that in the case of emergencies less than 24 hours' notice may be given.

Low flying zones

71.05.5 (1) The Executive Director may designate a portion of airspace as a low flying zone where pilot training in low level manoeuvres may be conducted.

(2) Where low flying zones have been designated, the Executive Director must -

(a) publish in the AIP, arrangements and conditions for use of the low flying zones; and

(b) identify each low flying zone by the ICAO nationality letters of Namibia (FY) followed by the letter "L" followed by a number.

Civil activity use airspace

71.05.6 (1) The Executive Director may designate a portion of airspace for civil activity use airspace area where civilian aviation activities are to be conducted on a temporary or permanent basis.

(2) Where a civil activity use airspace area has been designated, the Executive Director must -

(a) specify the nature of the activity for which each civil activity use airspace area is designated;

(b) if necessary, nominate a using agency as the contact point for the area;

(c) identify the area by the ICAO nationality letters of Namibia (FY) followed by the letter "A" followed by a number;

(d) if necessary, issue a NOTAM for each temporary civil activity use airspace areas and publish an AIC; and

(e) publish in the AIP, arrangements and conditions for use of the areas designated as permanent civil activity use airspace areas.

(3) In addition to the requirements of regulation 71.09.1, an application for the issuing of an approval to designate a civil activity use airspace area, must be -

(a) made on the appropriate form determined by the Executive Director; and

(b) accompanied by -

(i) the applicant's own comprehensive risk assessment;

(ii) written permission of the owner of the land over which the airspace is to de designated;

[The word "be" is misspelt in the *Government Gazette*, as reproduced above.]

(iii) the aerodrome owner's permission when operations are within three kilometres of an aerodrome; and

(iv) the appropriate fees prescribed in Part 187.

(4) The Executive Director may, when approving a designation, include any conditions as may be considered necessary in the interest of aviation safety.

(5) The Executive Director may refuse to grant an approval to designate a civil activity use airspace area, and where the application is refused, the Executive Director must notify the applicant in writing, indicating the reasons for the refusal.

(6) The using agency for civil activity use airspace area must -

(a) be a person or organisation that is responsible for the activity that necessitated the civil activity use airspace area being so designated;

(b) ensure that the activities that necessitated the designation of the civil activity use airspace area are contained within that area; and

(c) if the area is designated as being made active by NOTAM, at least 24 hours before the civil activity use airspace area is to become active, give to the NOTAM office notice of that designated area becoming active, except that in the case of emergencies less than 24 hours' notice may be given.

Details to be entered into register

71.05.7 The Executive Director must enter details regarding any airspace designated as special use airspace into the register as provided for in Subpart 10.

SUBPART 6
REQUIREMENTS SUPPORTING ATC SURVEILLANCE

Transponder mandatory airspace within controlled airspace

71.06.1 (1) The Executive Director may designate a control area or a control zone, or any portion of a control area or a control zone, as transponder mandatory airspace if -

(a) the operation of transponders is required for the provision of an air traffic control surveillance service; or

(b) the Executive Director determines that the traffic density in the airspace requires the operation of transponders to reduce the risk of an airborne collision with those aircraft that are required to be fitted with an airborne collision avoidance system.

(2) The Executive Director may require the carriage and operation of Mode A, Mode C or Mode S transponders in airspace designated under subregulation (1).

Transponder mandatory airspace within special use airspace

71.06.2 The Executive Director may designate any portion of special use airspace as transponder mandatory airspace, if the Executive Director determines that the traffic density in the airspace requires the operation of transponders to reduce the risk of an airborne collision with those aircraft that are required to be fitted with an airborne collision avoidance system.

Operation of automatic dependent surveillance: broadcast (ADS-B) equipment within controlled airspace

71.06.3 The Executive Director may designate a control area or a control zone, or any portion of a control area or a control zone, as airspace within which the carriage and operation of automatic dependent surveillance: broadcast (ADS-B) transponders is mandatory, if the operation of ADS-B transponders is required for the provision of an air traffic control surveillance service.

[The verb "is mandatory" should be "are mandatory" to be grammatically correct.]

SUBPART 7
AIR ROUTES

Establishment of air routes (ATS routes)

71.07.1 (1) The Executive Director must -

(a) establish standards and procedures for the development and promulgation of -

(i) air routes (ATS routes) for use by instrument flight rules (IFR) aircraft within the airspace of Namibia and within international airspace for which Namibia has accepted responsibility;

(ii) standard arrival or departure routes to facilitate the transition between en-route airspace and terminal area airspace in the vicinity of airports;

(iii) routes to be flown by VFR aircraft, where required.

(b) publish those standards and procedures in Document NAM-CATS-AAR.

(2) The Executive Director must -

(a) establish standards and procedures for the determination and promulgation of minimum IFR altitudes associated with air routes established under subregulation (1)(a)(i); and

(b) publish those standards and procedures in Document NAM-CATS-AAR.

SUBPART 8
MISCELLANEOUS

Reporting points

71.08.1 (1) The Executive Director may designate visual or instrument flight rules reporting points for the purpose of facilitating the -

(a) requirements of air traffic services for information regarding the progress of aircraft in flight;

(b) provision of weather reports; or

(c) safe conduct of flight by visual reference.

(2) The Executive Director may designate certain reporting points as -

(a) mandatory reporting points;

(b) changeover points; or

(c) significant points.

(3) The Executive Director must ensure that visual reporting points -

(a) are based on prominent geographical features; and

(b) are identified by names or designators that -

(i) are easily recognisable in voice communications;

(ii) will not be confused with those of other reporting points in the same general area; and

(iii) do not create confusion with other communications exchanged between pilots and between air traffic services and pilots.

Area QNH zones

71.08.2 The Executive Director may designate as an area QNH (Q code) zone those portions of airspace from the surface of the earth to a specified altitude within which a common area QNH altimeter setting (an altimeter sub-scale setting to obtain elevation when on the ground) must be used.

Military operating zones

71.08.3 (1) The Executive Director may despite the fact that a military operating zone may be designated as a prohibited, restricted or danger area in accordance with regulations 71.05.2, 71.05.3 and 71.05.4, respectively -

(a) designate a portion of airspace as a military operating area to segregate military activities from other traffic; and

(b) impose conditions under which -

(i) aircraft may be permitted to fly within that military operating area; and

(ii) an administering authority specified under subregulation (2)(b) must operate.

(2) The Executive Director must -

(a) specify the type of activity for which each military operating area is designated;

(b) specify the administering authority responsible for each military operating area; and

(c) identify each military operating area by the ICAO nationality letters of Namibia (FY) followed by the letter "M" followed by a number.

(3) The administering authority responsible for a military operating area -

(a) must manage -

(i) the entry of aircraft into the military operating area;

(ii) the operation of aircraft within the military operating area; and

(iii) the exit of aircraft from the military operating area;

(b) if the military operating area is designated as being made active by NOTAM, must at least 24 hours before the military operating area is to become active, give to the NOTAM office notice of that military operating area becoming active, except that in the case of emergencies less than 24 hours' notice may be given; and

(c) may, within any conditions imposed by the Executive Director under subregulation (1)(b)(ii), impose conditions under which any aircraft may be operated within the military operating area.

Mandatory broadcast zones

71.08.4 (1) The Executive Director may designate a portion of uncontrolled airspace as a mandatory broadcast zone if, due to traffic density or special circumstances, the pilots within that zone are required to make radio broadcasts of their position and intentions.

(2) The Executive Director must -

(a) identify each mandatory broadcast zone by the ICAO nationality letters of Namibia (FY) followed by the letter "B" followed by a number;

(b) assign the radio frequency to be used within the mandatory broadcast zone for the mandatory radio broadcasts; and

(c) determine the maximum interval between a pilot's mandatory radio broadcasts.

Designation of volcanic hazard zones

71.08.5 (1) The Executive Director may designate a portion of airspace as a volcanic hazard zone if volcanic activity, which includes flying rocks, gas plumes, and ash clouds may present a hazard to aircraft.

[There should be a comma after the phrase "which includes flying rocks, gas plumes, and ash clouds" to offset that phrase properly.]

(2) Where designated, the Executive Director must identify each volcanic hazard zone by the ICAO nationality letters of Namibia (FY) followed by the letter "V" followed by a number.

SUBPART 9
ADMINISTRATION

Application for designation and classification of airspace

71.09.1 (1) The following persons and entities may apply to the Executive Director for a designation or classification of airspace under this Part -

(a) the Government of Namibia;

(b) the Air Navigation Services established under section 49 of the Act;

(c) the Namibia Defence Force;

(d) a person who is to provide air traffic services under Part 172;

(e) a person who is an administering authority;

(f) a person who is a using agency;

(g) any other person or entity that is able to demonstrate to the Executive Director that he, she or it has substantial interest in the designation or classification of the airspace.

(2) An applicant for an airspace designation or classification must provide the following details:

(a) the name and contact details of the applicant;

(b) the type of designation or classification required;

(c) the reason for the designation or classification;

(d) the dimensions or other boundary information for the airspace that is required;

(e) the period for which the designation or classification is required;

(f) the contact details of any applicable administering authority or using agency; and

(g) any other applicable information required by the Executive Director.

(3) Except for urgent requests that are associated with -

(a) police operations;

(b) search and rescue operations;

(c) aviation security; or

(d) other emergency situations,

an application for an airspace designation or classification must be submitted to the Executive Director not less than 90 days before the date on which the designation or classification is to come into force, unless a shorter period is acceptable to the Executive Director.

Procedure for designation and classification of airspace

71.09.2 (1) For each designation or classification of airspace made under this Part, the Executive Director must specify -

(a) the period that the designation or classification is active; or

(b) the method by which the designation or classification is made active.

(2) Except as provided in subregulation (4), designations and classifications of airspace, and designations of reporting points, area QNH zones, and other designations made under this Part do not come into force until -

(a) those designations and classifications are entered into the register; and

(b) the details of those designations and classifications are published in an AIP or by a NOTAM.

(3) Except as provided in subregulation (5), the Executive Director must ensure that each of the following is registered in the register -

(a) a designation of airspace;

(b) a classification of airspace;

(c) a designation of a reporting point; and

(d) a designation of an area QNH zone.

(4) A designation or classification of airspace for an urgent request that is associated with -

(a) police operations;

(b) search and rescue operations;

(c) aviation security; or

(d) other emergency situations,

may be brought into force immediately, without the need to publish the information in the AIP or by a NOTAM, but such NOTAM must be issued as soon as possible after the activation.

(5) A designation or classification of airspace that is of a temporary nature, or will be effective for a period of not more than six months need not be entered into the register.

Delegation of responsibility for temporary designation or classification of airspace

71.09.3 (1) Despite any provisions made for the administration of this Part as a whole, the Executive Director may issue delegations of responsibility for designation or classification of airspace to an appropriate person or persons.

(2) Where a delegation has been issued under subregulation (1), it may only be used to designate or classify airspace which -

(a) may be required to facilitate police operations, search and rescue operations, security, or other emergency or non-standard situations;

(b) is of a temporary nature, or will be effective for a period of not more than 30 days; and

(c) cannot be coordinated within the expected timeframe through the normal airspace designation or classification processes.

(3) Delegations issued under subregulation (1) will be for a period of time determined by the Executive Director.

(4) Where a designation or classification of airspace under subregulation (2) has been made, the Executive Director must be informed as soon as possible.

(5) The temporary designation or classification of airspace must be removed once it has been determined that it is no longer needed or is no longer appropriate.

Review of designated and classified airspace

71.09.4 The Executive Director may, at least every five years, review each current airspace designation and classification to verify the continuing need for the airspace designation or classification.

Withdrawal of designations and change of airspace classification

71.09.5 (1) If the Executive Director is satisfied that a designation, or a classification, that has been made under this Part is no longer needed or is no longer appropriate, the Executive Director may withdraw the designation or alter the classification.

(2) Except as provided in subregulation (3), the withdrawal of an airspace designation or the change of an airspace classification made under subregulation (1) does not come into force -

(a) until that withdrawal or change is entered in the register;

(b) the details are published in an AIP Supplement or by a NOTAM; and

(c) the details in the register are amended.

(3) The withdrawal or change in the register required under subregulation (2)(a) must specify the date that the withdrawal of an airspace designation or the change of an airspace classification comes into force.

(4) Subregulation (2)(b) does not apply to an airspace designation or an airspace classification that has been in force for a period of not more than six months.

Application for designation of air route

71.09.6 (1) The following entities and persons may apply to the Executive Director for a designation of an air route (ATS route) under this Part:

(a) the Air Navigation Services established under section 49 of the Act;

(b) a person who is to provide air traffic services under Part 172;

(c) any other person as may be determined by the Executive Director.

(2) An applicant for an air route designation must provide the following details:

(a) the name and contact details of the applicant;

(b) the details of the ATS route including route identifier, reporting points, and minimum levels;

(c) the reason for the designation;

(d) the period for which the designation or classification is required if the route is temporary; and

(e) any other applicable information required by the Executive Director.

(3) The entity or person applying for an ATS route designation must submit the application to the Executive Director not less than 90 days before the date on which the designation is to come into force unless a shorter period is acceptable to the Executive Director.

Procedure for designation of ATS routes

71.09.7 (1) For each designation made under this Subpart, the Executive Director must specify -

(a) the period that the designation or classification is active; or

(b) the method by which the designation is made active.

(2) Designations made under this Part do not come into force until those designations and classifications are -

(a) entered into the register established in terms of Subpart 10;

(b) the details are published in the AIP or by a NOTAM; and

(c) the ATS route is depicted on the relevant aeronautical chart.

SUBPART 10
AIR NAVIGATION REGISTER

Air Navigation Register

71.10.1 (1) The Executive Director must establish and maintain a register called "Air Navigation Register" (register).

(2) The Executive Director must ensure that the register contains the following information:

(a) a current description of volume portion of airspace that is designated under this Part;

(b) a current description of the boundary information of each volume of airspace that is classified by the Executive Director as a class of airspace under this Part;

(c) a current description of each volume of airspace within which certain operating rules apply;

(d) a current description of any special use airspace designated under this Part;

(e) current information, including the name or designator and coordinates of each reporting point designated under this Part;

(f) the details of each air route designated under this Part;

(g) the details required by Part 173 for each current instrument flight procedure;

(h) the details for every right-hand aerodrome traffic circuit for which a determination has been issued under Part 91; and

(i) the details of all certificates, approvals, designations or authorisations issued in terms of Parts 170,171,172, 173, 174 and 175.

(3) The register forms part of, and must comply with the requirements and related measures for documents and information of, the Civil Aviation Registry required under section 52 of the Act.

RULES OF THE AIR AND GENERAL OPERATING RULES

PART 90
PERFORMANCE-BASED NAVIGATION

[Part 90 is inserted by GN 293/2018. GN 293/2018 directs that Part 90 should be inserted after the heading "RULES OF THE AIR AND GENERAL OPERATING RULES" in the regulations. There is no such heading in the body of the regulations, but the table of contents of the regulations suggests that the heading should appear as shown above in green type.]

LIST OF REGULATIONS

90.00.1 Applicability
90.00.2 PBN operations
90.00.3 PBN operational approval

Applicability

90.00.1 This Part applies to persons, aircraft and operators engaged in commercial or non-commercial operations by manned aircraft registered in Namibia.

PBN Operations

90.00.2 Where an aircraft is configured to use performance-based navigation (PBN), the owner or operator of that aircraft may only operate that aircraft in designated airspace, and on routes or in accordance with procedures where PBN specifications are established, if the owner or operator has been granted an approval by the Executive Director to conduct such operations.

PBN operational approval

90.00.3 (1) The applicant for the approval referred to in regulation 90.00.2 must provide evidence to the Executive Director that -

(a) the relevant airworthiness approval of the RNAV (aRea NAVigation) system has been obtained;

(b) a training programme for the flight crew members involved in these operations has been established, including initial and recurrent checking of competence;

(c) operating procedures have been established specifying -

(i) the equipment to be carried, including its operating limitations and appropriate entries in the minimum equipment list (MEL);

(ii) flight crew composition and experience requirements;

(iii) normal procedures;

(iv) contingency procedures;

(v) monitoring and incident reporting; and

(vi) electronic navigation data management in accordance with Document NAM-CATS-PBN 90.

(2) Applications for PBN operational approval must comply with the detailed provisions for individual categories of PBN operations published in Document NAM-CATS-PBN 90.

PART 91
RULES OF THE AIR AND GENERAL OPERATING RULES: GENERAL OPERATING AND FLIGHT RULES

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91.04.11 Foil data recorder
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SUBPART 1
GENERAL

Applicability

91.01.1 (1) Subject to the provisions of subregulation (2), this Part shall apply to -

(a) aircraft operated within Namibia;

(b) aircraft registered in Namibia and operated internationally;

(c) persons acting as crew members of aircraft registered in Namibia; and

(d) persons who are on board an aircraft operated under this Part.

(2) Additional rules to, and exemptions from, the provisions of this Part, are prescribed, in respect of -

(a) the conveyance of dangerous goods, in Part 92;

(b) the operation of powered paragliders, in Part 98;

(c) the operation of gyroplanes, in Part 100;

(d) the operation of unmanned free balloons, kites, rockets and remotely piloted aircraft, in Part 101;

(e) the operation of free balloons and airships, in Part 102;

(f) the operation of microlight aeroplanes, in Part 103;

(g) the operation of gliders, in Part 104;

(h) the operation of parachutes, in Part 105;

(i) the operation of hang gliders, in Part 106;

(j) the operation of amateur-built aircraft, in Part 107;

(k) helicopters engaged in external-load operations, in Part 133; and

(l) aircraft engaged in agricultural operations, in Part 137.

Authority of pilot-in-command

91.01.2 All persons on board an aircraft shall obey all lawful commands given by the pilot-in-command of the aircraft for the purpose of securing the safety of such aircraft and of persons or property carried therein.

Authority of personnel to taxi aeroplanes

91.01.3 No owner, operator or pilot-in-command, as the case may be, of an aeroplane, shall permit the taxiing of, and no person shall taxi, an aeroplane on the movement area of an aerodrome unless the person at the controls of the aeroplane -

(a) is the holder of a valid pilot licence; or

(b) has received instruction in the taxiing of an aeroplane from, and has been declared competent to taxi an aeroplane by, the holder of a flight instructor rating or, in the case of a foreign registered aeroplane, a person authorised by an appropriate authority;

(c) if the person uses a radio apparatus, such person is authorised to use the radio apparatus; and

[The phrase "such person" is redundant in light of the wording of the introductory phrase.]

(d) is conversant with the aerodrome layout, routes, signs, markings, lighting, air traffic service signals and instructions, phraseology and procedures, if required, and is able to conform to the standards required for safe aeroplane movements at such aerodrome.

Turning helicopters rotors

91.01.4 No person engaged in helicopter operations, shall permit helicopter rotors to be turned under power without -

(a) a qualified pilot; or

(b) if the helicopter is stationary on the ground, a person who has received the relevant instruction and has been declared competent to control the helicopter while stationary on the ground, by a Category B flight instructor,

at the controls of such helicopter.

Search and rescue information

91.01.5 The owner, operator or pilot-in-command, as the case may be, of an aircraft, shall ensure that all essential information concerning the search and rescue services in the area over which it is intended that the aircraft will be flown, is available on board the aircraft.

Information on emergency and survival equipment carried

91.01.6 (1) The owner or operator, as the case may be, of an aircraft, shall have available for immediate communication to rescue co-ordination centres, a list containing information regarding the emergency and survival equipment carried on board the aircraft.

(2) The minimum information to be contained in the list referred to in subregulation (1) shall be as prescribed in Document NAM-CATS-OPS 91.

Method of carriage of persons

91.01.7 No person shall be in any part of an aircraft in flight which is not a part designed for the accommodation of persons, unless temporary permission has been granted by the pilot-in-command to access such part of the aircraft -

(a) for the purpose of taking action necessary for the safety of such aircraft or of any person, animal or goods therein; and

(b) in which cargo or stores are carried, being a part which is designed to enable a person to have access thereto while such aircraft is in flight.

Admission to flight deck

91.01.8 (1) No person other than the assigned flight crew, shall be carried on the flight deck of a Namibian registered aircraft except with the permission of the pilot-in-command.

(2) The admission of any person to the flight deck shall not interfere with the operation of the aircraft.

(3) Any person carried on the flight deck, shall be made familiar with the applicable procedures.

Unauthorised carriage

91.01.9 No person shall conceal himself, herself, animals or cargo on board an aircraft.

Electronic devices

91.01.10 (1) Subject to the provisions of subregulation (2), no owner, operator or pilot-in-command, as the case may be, of an aircraft, or person, shall permit the operation of, or operate on board, the aircraft during flight time, any electronic device which may adversely affect the performance of the systems or equipment of the aircraft.

[The comma after the phrase "on board" is superfluous.]

(2) The Director may, in Document NAM-CATS-OPS 91 identify an electronic device as a device which will not adversely affect the performance of the systems or equipment of the aircraft in which the systems or equipment are to be used, and the provisions of subregulation (1) shall not apply to an electronic device so identified.

Endangering safety

91.01.11 No person shall, through any act or omission -

(a) endanger the safety of an aircraft or person therein; or

(b) cause or permit an aircraft to endanger the safety of any person or property.

Preservation of documents

91.01.12 The owner or operator, as the case may be, of an aircraft, who is required to retain any of the documents for the specified period referred to in Subpart 3, shall retain such documents for such specified period irrespective of the fact that such owner or operator, before the expiry of such period, ceases to be the owner or operator of the aircraft.

Instruments and equipment

91.01.13 All instruments and equipment required by these Regulations to be installed in an aircraft, shall be serviceable and operable except as provided for in the MEL, if any.

Repeal of existing regulations

91.01.14 Subject to the provisions of regulation 183.00.2, the regulations in

(a) Chapters 10, 11 and 16 of the Air Navigation Regulations, 1976, as amended; and

(b) Chapters 1, 2, 3, 4, 5, 10 and 11 of the Rules of the Air, Air Traffic Services, Search and Rescue and Overflight Regulations, 1975, as amended,

are hereby repealed.

SUBPART 2
CREW MEMBERS

Composition of crew

91.02.1 (1) The number and composition of the crew shall not be less than the number and composition specified in the certificate of airworthiness, the aircraft flight manual referred to in regulation 91.03.2 or any other document associated with the certificate of airworthiness.

(2) The crew members shall -

(a) be competent and qualified to perform the duties assigned to them; and

(b) hold the appropriate valid crew member licences and ratings.

(3) Any flight crew member operating the radio installation in an aircraft, shall be the holder of a valid radiotelephony operator certificate or an equivalent document authorising such member to operate the type of radio transmitting equipment to be used.

(4) In the case of multi-pilot crew, the owner or operator, as the case may be, of an aircraft, shall designate one pilot among the flight crew as pilot-in-command of the aircraft and the pilot-in-command may delegate the conduct of the flight to another suitably qualified pilot.

Crew member emergency duties

91.02.2 (1) The owner or operator and, where appropriate, the pilot-in-command of a multi-crew aircraft, shall assign to each crew member concerned, the necessary functions to be performed in an emergency or a situation requiring emergency evacuation.

(2) The functions referred to in subregulation (1) shall be such as to ensure that any reasonably anticipated emergency can be adequately dealt with and shall take into consideration the possible incapacitation of individual crew members.

Crew member responsibilities

91.02.3 (1) No person shall act as a crew member of an aircraft -

(a) while under the influence of any psychoactive substance;

(b) within 24 hours, following scuba diving by such crew member;

(c) within 48 hours, following blood donation by such crew member;

(d) if the crew member knows or suspects that he or she is suffering from or, having due regard to the circumstances of the flight to be undertaken, is likely to suffer from fatigue to such an extent that it may endanger the safety of the aircraft or its occupants; or

(e) if the crew member is in any doubt of being able to accomplish his or her assigned duties on board the aircraft.

(2) No crew member shall -

(a) engage in any kind of problematic use of substances;

(b) use any psychoactive substance less than eight hours prior to commencing standby for flight duty or flight duty, which flight duty shall be deemed to commence at the specified reporting time, if applicable;

(c) commence flight duty with a blood alcohol level exceeding 0,04 gram per 100 millilitres; or

(d) within 8 hours;

[Paragraph (d) is reproduced here as it appears in the *Government Gazette*. Some text appears to be missing.]

(e) use any psychoactive substance during flight duty or whilst on standby, or within eight hours after an accident or incident involving the aircraft, unless the accident or incident was not related to his or her duties.

(3) Subject to the provisions of subregulation (4), no person shall act as a flight crew member of an aircraft if, prior to each flight, the planned flight time exceeds, or is likely to exceed, the permissible aggregate of·-

(a) in the case of pilots-

(i) eight hours within one calendar day;

(ii) 100 hours within 30 consecutive calendar days; and

(iii) 1 000 hours within one calendar year,

unless otherwise specified in an approved flight time and duty scheme; and

(b) in the case of flight instructors conducting *ab initio* training, six hours of flight instruction within one calendar day.

(4) If a flight crew member expects his or her cumulative flight hours projected for a particular operation, to exceed the appropriate limit referred to in subregulation (3), the flight crew member shall inform the operator accordingly.

Recency

91.02.4 (1) A pilot shall not act as pilot-in-command of an aircraft carrying passengers by day, unless such pilot has, within the 90 days immediately preceding the flight, carried out, either by day or by night, at least three take-offs and three landings in the same type or similar type of aircraft as prescribed in Document NAM-CATS-OPS 91, as that in which such flight is to be undertaken, or approved in a simulator of some type.

(2) A pilot shall not act as pilot-in-command of an aircraft carrying passengers by night, unless the pilot has, within the 90 days immediately preceding the flight, carried out at least three take-offs and three landings by night, in the same type or similar type of aircraft as prescribed in Document NAM-CATS-OPS 91, as that in which such flight is to be undertaken, or in an approved simulator.

(3) A pilot shall not act as pilot-in-command of an aircraft on an instrument approach to an aerodrome in IMC unless the pilot has, within the 90 days immediately preceding such approach, by means of an instrument approach procedure or procedures established by the Director or an appropriate authority -

(a) executed at least two actual approaches with reference to flight instruments only; or

(b) executed at least two approaches, either under actual or simulated conditions, with reference to flight instruments only; or

(c) executed at least one actual approach with reference to flight instruments only and one approach in a simulator for the purpose of practising instrument approach procedure; or

(d) undergone the appropriate skill test as prescribed in Part 61.

Crew members at duty stations

91.02.5 (1) In the case of a multi-crew aircraft -

(a) each crew member shall be at his or her assigned station or seat, properly secured by all seat belts and shoulder harnesses provided, during take-off and landing and whenever deemed necessary by the pilot-in-command in the interests of aviation safety;

(b) each flight crew member shall keep his or her seat belt fastened while at his or her assigned station, during phases of the flight other than the phases referred to in paragraph (a);

(c) each flight crew member required to be on flight deck duty, shall be at his or her assigned station, during take-off and landing;

(d) all flight crew members on flight deck duty shall remain at their assigned stations during all phases of the flight other than the phases referred to in paragraph (c):

Provided that -

(i) a flight crew member may leave his or her assigned station, in the course of the performance of his or her duties with regard to the operation of the aircraft or for physiological needs; and

(ii) at least one suitably qualified pilot remains at the controls of the aircraft at all times;

(e) the pilot-in-command or, where applicable, the operator shall ensure that crew members do not perform any activities during critical phases of the flight other than those required for the safe operation of the aircraft.

(2) In the case of a single-pilot aircraft, the pilot-in-command shall, during all phases of the flight, remain at the controls of the aircraft.

Laws, regulations and procedures

91.02.6 (1) In an emergency situation which endangers the aircraft, crew members or passengers, the pilot-in-command may, in the interests of aviation safety -

(a) take any action which he or she considers necessary under the circumstances; and

(b) deviate from any law, regulation and operational procedure.

(2) If a pilot-in-command deviates from any law, regulation or operational procedure in an emergency situation referred to in subregulation (1), he or she shall forthwith notify the Director of such deviation.

(3) If the Director requests the pilot-in-command to submit a report on such deviation, the pilot-in-command shall submit the report to the Director within the period specified by the Director.

Duties of pilot-in-command regarding flight preparation

91.02.7 (1) The pilot-in-command of an aircraft shall not commence a flight unless he or she is satisfied that -

(a) the aircraft is airworthy;

(b) the instruments and equipment required for the particular type of operation to be undertaken, are installed and are serviceable, except as provided for in the MEL, if any;

(c) the aircraft has been released to service in accordance with the provisions of Part 43;

(d) the mass of the aircraft does not exceed the maximum certificated mass calculated from the performance information provided in the aircraft flight manual referred to in regulation 91.03.2, in terms of which the performance operating limitation referred to in Subpart 9 are complied with;

(e) the load carried by the aircraft is properly secured, fit to be conveyed in accordance with the provisions of Part 92 and is so distributed that the centre of gravity is within the limits prescribed in the aircraft flight manual referred to in regulation 91.03.2;

(f) a flight plan referred to in regulation 91.03.4, has been properly completed and filed with the appropriate air traffic service unit, if such flight plan is required in terms of regulation 91.03.4;

(g) all the documents and forms required to be carried on board, current maps, charts and associated documents, are carried;

(h) a check has been completed indicating that the performance operating limitations referred to in Subpart 9 will not be exceeded;

(i) the search and rescue information, referred to in regulation 91.01.5 is available on board;

(j) the requirements in respect of fuel, oil, oxygen, air, minimum safe altitudes, aerodrome operating minima and availability of alternate aerodromes, are complied with;

(k) the aerodrome operating minima are not less than the operating minima of the aerodrome being operated and alternates to or from, established by the appropriate authority of the State in which the aerodrome is located, unless such appropriate authority approves lower aerodrome operating minima;

(l) the status of the aircraft and the relevant airborne systems are appropriate for the specific flight to be undertaken;

(m) the external surfaces are clear of any deposit which might adversely affect the performance or controllability of the aircraft, unless otherwise permitted in the aircraft flight manual referred to in regulation 91.03.2;

(n) according to the information available to him or her, the weather at the aerodromes concerned and, in respect of an aeroplane, the condition of the runway intended to be used, will not prevent a safe take-off and departure or a safe landing at the destination aerodrome or alternate aerodrome, as applicable;

(o) the RVR or visibility in the take-off direction of the aircraft is equal to, or better than, the applicable minimum;

(p) the crew members are properly qualified for the specific operation to be undertaken;

(q) the status of the visual and non-visual facilities is sufficient prior to commencing a low visibility take-off, or a Category II or III approach as specified in Document NAM-CATS-OPS 91, if such approaches are planned; and

(r) the crew members are not apparently incapacitated as a result of injury, sickness, fatigue, the use of any psychoactive substance or any other cause.

(2) The pilot-in-command of an aircraft shall –

(a) not commence a flight unless he or she has ascertained through the relevant NOTAM, AIC, AIP or AIP SUP or other relevant sources that the aerodromes, navigation aids and communication facilities are adequate for the manner in which the flight is to be conducted;

(b) prior to take-off from an aerodrome at which an air traffic service unit is in operation, determine through the aeronautical information services available from the unit, or any other reliable source, that the unserviceability of any aerodrome, navigation aids or communication facilities required for such flight, will not prejudice the safe conduct of the flight; and

(c) advise an air traffic service unit, as soon as it is practical to do so, of any inadequate facilities encountered in the course of operations.

(3) Where mass and balance documentation is required in terms of these Regulations, the mass and balance documentation shall be acceptable to and countersigned by the pilot-in-command before a flight commences: Provided that if the mass and balance documentation is submitted to the pilot-in-command by electronic data transfer, commencement of the flight shall be deemed to be the acceptance thereof by such pilot-in-command.

(4) Before take-off and landing, and whenever deemed necessary in the interests of aviation safety, the pilot-in-command shall ensure that all crew, passengers, equipment and baggage are properly secured and all exit and escape paths are unobstructed.

Duties of pilot-in-command regarding flight operations

91.02.8 (1) The pilot-in-command of an aircraft shall be responsible for -

(a) the operation and safety of the aircraft;

(b) the conduct and safety of crew members and passengers carried; and

(c) the maintenance of discipline by all persons on board.

(2) The pilot-in-command shall have the authority -

(a) to give such commands he or she deems necessary in the interest of the safety of the aircraft, persons or property; and

(b) to restrain any person, using only reasonable or sufficient force, if necessary, or disembark any person or cargo which in his or her opinion, represents a potential hazard to the safety of the aircraft, persons or property.

(3) The pilot-in-command shall -

(a) ensure that the pre-flight inspection has been carried out, and that the checklists, and where applicable, the flight deck procedures and other instructions regarding the operation of the aircraft, the limitations contained in the aircraft flight manual referred to in regulation 91.03.2, or equivalent certification document, are fully complied with at the appropriate times during a flight;

(b) decide whether or not to accept an aircraft with unserviceabilities allowed by the CDL or MEL, where applicable;

(c) before take-off, ensure that the passengers are briefed on the location and general manner of use of the relevant emergency equipment carried for collective or individual use and, when an emergency arises, instruct the passengers to take such emergency action as may be appropriate;

(d) ensure that during take-off and landing and whenever, by reason of turbulence or any emergency occurring during a flight, the precaution is considered necessary, all persons on board the aircraft are secured in their seats by means of the seat belts or shoulder harnesses provided;

(e) report any accident or incident involving the aircraft in accordance with the provisions of the Regulations Relating to Aircraft Accidents, 2000;

(f) report any dangerous goods accident or incident involving the aircraft in accordance with the provisions of Part 92;

(g) if the aircraft is endangered in flight by a near collision with any other aircraft or object, faulty air traffic procedure or lack of compliance with applicable procedures by an air traffic service unit or a crew member, or a failure of air traffic service facilities, submit an air traffic service incident report in accordance with the Regulations Relating to Aircraft Accidents, 2000;

(h) record any technical defect and the exceeding of any technical limitation which occurred while he or she was responsible for the flight, in the flight folio; and

(i) if a potentially hazardous condition such as bird accumulation, an irregularity in a ground or navigation facility, meteorological phenomena, a volcanic ash cloud or a greater than normal radiation level is observed during flight, notify an air traffic service unit as soon as possible.

(4) The pilot-in-command shall ensure that -

(a) oxygen is available to crew members and passengers if flights in a non-pressurised aircraft are contemplated above 10 000 feet up to 12 000 feet in excess of 60 minutes, or above 12 000 feet; and

(b) oxygen is carried in sufficient quantities for all flights at such altitudes where a lack of oxygen might result in impairment of faculties of crew members, or harmful affect passengers.

(5) The pilot-in-command shall not -

(a) require a crew member to perform any duties during a critical phase of the flight, except those duties required for the safe operation of the aircraft;

(b) permit any activity during a critical phase of the flight which could distract any crew member from the performance of his or her duties or which could interfere in any way with the proper conduct of those duties; and

(c) continue a flight beyond the nearest suitable aerodrome, in the event of a crew member becoming unable to perform any essential duties as a result of fatigue, sickness, lack of oxygen or any other reason.

(6) The pilot-in-command or, in his or her absence, the owner or operator of the aircraft, shall report any act of unlawful interference with the operation of such aircraft, or the authority of the pilot-in-command -

(a) if the act of unlawful interference occurs within Namibia; or

(b) if the act of unlawful interference occurs in a Namibian registered aircraft within or over the territory of a foreign State,

to the Director.

SUBPART 3
DOCUMENTATION AND RECORDS

Documents to be carried on board

91.03.1 The owner, operator or pilot-in-command, as the case may be, of an aircraft, shall ensure that the following documents, or certified true copies thereof, are carried on board the aircraft on each individual flight:

(a) If the aircraft is engaged in an international flight -

(i) the certificate of registration;

(ii) the certificate of airworthiness;

(iii) the appropriate licences, ratings and medical certificate of each crew member;

(iv) the journey logbook or general declaration;

(v) the aircraft radio station licence;

(vi) if passengers are carried, the passenger manifest, unless the information is included in the general declaration referred to in subparagraph (iv);

(vii) if cargo is carried, a manifest and detailed declaration of the cargo;

(viii) the certificate of release to service;

(ix) the aircraft flight manual referred to in regulation 91.03.2, or an equivalent document;

(x) the mass and balance documentation referred to in regulation 91.07.11(9), if required;

(xi) the technical log, or similar document;

(xii) the MEL, if applicable;

(xiii) the noise certificate, if such certificate has been issued for the type of aircraft; and

(xiv) a list of visual signals for use by intercepting and intercepted aircraft;

(b) if the aircraft is engaged in a domestic flight·

(i) the certificate of registration;

(ii) the certificate of airworthiness;

(iii) the appropriate licence, ratings and medical certificate of each crew member;

(iv) the aircraft radio station licence;

(v) the certificate of release to service;

(vi) the aircraft flight manual referred to in regulation 91.03.2, or an equivalent document;

(vii) the mass and balance documentation referred to in regulation 91.07.11(9), if required;

(viii) the technical log, or similar document;

(ix) the MEL, if applicable;

(x) the noise certificate, if such certificate has been issued for the type of aircraft; and

(xi) the list of visual signals for use by intercepting and intercepted aircraft.

Aircraft flight manual

91.03.2 (1) The owner or operator, as the case may be, of an aircraft, shall keep an approved and current aircraft flight manual for each aircraft of which he or she is the owner or operator.

(2) The crew members of the aircraft shall, on each flight, operate such aircraft in accordance with the aircraft flight manual, unless an emergency dictates otherwise.

Aircraft checklist

91.03.3 The owner, operator or pilot-in-command, as the case may be, of an aircraft, shall, where applicable, establish and make available to the crew and other personnel in his or her employ needing the information, a checklist system for the aircraft, which shall be used by such crew and other personnel for all phases of the operation under normal, abnormal and emergency conditions.

Flight plan

91.03.4 (1) The operator or pilot-in-command, as the case may be, of an aircraft, shall ensure that a flight plan is completed if required in terms of subregulation (4).

(2) The items to be contained in the flight plan referred to in subregulation (1), shall be as prescribed in Document NAM-CATS-OPS 91.

(3) The flight plan shall be filed with the appropriate air traffic service unit and such unit shall be responsible for transmitting such flight plan to all air traffic service units concerned with the flight.

(4) The flight plan shall be filed in respect of -

(a) all flights to be conducted in controlled or advisory airspace: Provided that this requirement shall not apply in respect of -

(i) a flight where the aircraft takes off and lands at the same aerodrome and remain within a 50 nm radius of such aerodrome without an intermediate landing;

(ii) a flight crossing an airway or advisory routes at right angles;

(iii) a VFR flight entering or departing from an aerodrome traffic zone or control zone, from or to an unmanned aerodrome and where no other controlled or advisory airspace will be entered during the flight; or

(iv) if dispensation has been granted by the Director;

(b) a flight for which the Director directs that a flight plan shall be filed;

(c) an international flight;

(d) all flights undertaken for the purposes of commercial air transport operations in terms of Part 121, 127 and 135: and

(e) a flight for which alerting action is required.

(5) An air traffic service unit may instruct a flight for which a flight plan is required in terms of subregulation (4) and for which a flight plan has not been filed, to clear or to remain clear of controlled airspace, and not to cross any border of Namibia, or to enter its airspace, until such time as the required flight plan has been filed.

(6) Unless otherwise authorised by the responsible air traffic service unit, a flight plan for a flight to be conducted in controlled or advisory airspace, shall be filed at least 30 minutes before departure or, if filed during flight while outside controlled or advisory airspace for a flight to be conducted in such airspace, it shall be filed with the responsible air traffic service unit at least 10 minutes before the aircraft is estimated to reach the intended point of entry into the controlled or advisory airspace.

(7) The pilot-in-command of an aircraft shall ensure that all changes which become applicable to a flight plan before departure or in flight, are reported, as soon as practicable, to the responsible air traffic service unit.

(8) If a flight plan has been filed with an air traffic service unit prior to departure, and is not activated with an air traffic service unit within one hour of original estimated time of departure, or amended estimated time of departure, the flight plan shall be regarded as cancelled and a new flight plan shall be filed.

(9) Where an air traffic service unit is not in operation at the aerodrome of intended landing, a report shall be submitted to an air traffic service unit, by the quickest means of communication available, immediately before or after landing, in respect of a flight for which a flight plan was submitted and not as yet closed.

(10) Subject to the provisions of subregulation (11), the pilot-in-command shall ensure that the aircraft adheres to the current flight plan filed for a controlled flight, unless a request for a change has been made and accepted by the air traffic service unit responsible for the controlled airspace in which the aircraft is operating, or unless an emergency situation arises which necessitates immediate action, in which event the responsible air traffic service unit shall, as soon as circumstances permit, be notified of the action taken and that such action was taken under emergency authority.

(11) In the event of a controlled flight inadvertently deviating from its current flight plan, the following action shall be taken:

(a) If the aircraft is off track, action shall be taken forthwith to adjust the heading of the aircraft to regain track, as soon as practicable;

(b) if the average true airspeed at cruising level between reporting points varies, or is expected to vary, from that given in a flight plan, in excess of five per cent of the true airspeed, the responsible air traffic service unit shall be so informed;

(c) if the estimated time at the next applicable reporting point, flight information regional boundary, or aerodrome of intended landing, whichever comes first, is found to be in error in excess of three minutes from that notified to the responsible air traffic service unit, a revised estimated time shall be notified to such air traffic service unit, as soon as practicable; or

(d) if the aircraft deviates from its altitude, action shall be taken forthwith to correct the altitude of the aircraft.

Technical log

91.03.5 (1) The owner, operator or pilot-in-command, as the case may be, of a Namibian registered aircraft, shall ensure that the aircraft carries a technical log, or any other similar document, which contains the information as prescribed in Document NAM-CATS-OPS 91, at all times.

(2) The technical log shall be kept up-to-date and maintained in a legible manner.

(3) All entries shall be made immediately upon completion of the occurrence to which they refer.

(4) In the case of rectification of defects being undertaken on the aircraft, the entry shall be certified by the person taking responsibility for the maintenance performed.

(5) The owner or operator shall retain the technical log for a period of two years calculated from the date of the last entry therein.

Fuel and oil record

91.03.6 (1) The owner or operator, as the case may be, of an aircraft, shall maintain fuel and oil records for each flight undertaken by the aircraft under the control of such owner or operator for a period of 2 years.

(2) The pilot-in-command of the aircraft shall enter the fuel and oil records referred to in subregulation (1), in the technical log, or similar document.

Certificate of release to service

91.03.7 (1) No owner, operator or pilot-in-command, as the case may be, of an aircraft, shall operate -

(a) a Namibian registered aircraft without holding a valid certificate of release to service signed by an appropriately rated aircraft maintenance engineer or an approved aircraft maintenance organisation; or

(b) a foreign aircraft without holding a valid certificate, equivalent to the certificate referred to in paragraph (a), issued by an appropriate authority.

(2) The owner, operator or pilot-in-command shall –

(a) ensure that one copy of the certificate of release to service, or equivalent certificate, is carried on board the aircraft to which it relates and, in the case of a Namibian registered aircraft, a second copy shall be filed at the normal station of the aircraft; and

(b) retain a copy of the certificate for a period of 12 months calculated from the date of issue of such certificate.

Flight recorder records

91.03.8 (1) The owner or operator, as the case may be, of an aircraft on which a flight recorder is carried, shall preserve the original recording as retained by the flight recorder -

(a) in the case of an accident or incident involving such aircraft -

(i) for a period of not less than 60 days calculated from the date of the accident or incident; or

(ii) until permission for disposal of such recording has been given by the investigator-in-charge or an appropriate authority,

whichever is the latter date, unless the preservation of the original recording is required under any other law;

(b) when the Director so directs, for a period of not less than 60 days calculated from the date of such direction, or until permission for disposal of such recording has been given by the Director.

(2) If the aircraft is required under this Part to be fitted with a flight data recorder, the owner or operator shall -

(a) save the recording for the period of operating time as required by subregulation (1)(a) and (b): Provided that for the purpose of testing and maintaining a flight data recorder, one hour of the oldest recorded material at the time of testing may be erased;

(b) keep a recording of at least one representative flight made within the preceding 12 months which includes a take-off, climb, cruise, descent, approach and landing, together with a means of identifying the recording with the flight to which it relates; and

(c) keep a document which represents the information necessary to retrieve and convert the stored data into engineering units.

(3) The owner or operator of an aircraft on which a flight recorder is carried, shall, within a reasonable time after being requested to do so by the Director or an appropriate authority, produce any recording made by such flight recorder which is available or has been preserved.

(4) A cockpit voice recorder recording may be used for purposes other than the investigation of an accident or incident only with the consent of all the flight crew members concerned.

(5) The flight data recorder recordings may be used for purposes other than the investigation of an accident or incident which is subject to mandatory reporting, only when such recordings are -

(a) used by the owner or operator for airworthiness or maintenance purposes;

(b) de-identified; or

(c) disclosed under secure procedures.

SUBPART 4
INSTRUMENTS AND EQUIPMENT

Use of instruments and equipment by pilot

91.04.1 (1) Instruments in an aircraft which are used by a pilot, shall be arranged in such manner that the pilot can see their indications readily from his or her station, with the minimum practicable deviation from the position and line of vision which he or she normally assumes when looking forward along the flight path.

(2) If a single instrument or item of equipment in an aircraft is required to be seen or operated by more than one pilot, such single instrument or item of equipment shall be installed in such manner that it can be readily seen or operated from each pilot station.

(3) An aircraft shall be equipped with means for indicating the adequacy of the power being supplied to the required flight instruments.

Circuit protection devices

91.04.2 (1) No owner, operator or pilot-in-command, as the case may be, of an aircraft in which fuses are used, shall operate the aircraft unless spare fuses are available for use in flight equal to at least ten per cent or three, whichever is the greater, of the number of fuses of

each rating required for complete circuit protection, which spare fuses shall be accessible to the flight crew during flight.

(2) If the ability to reset a circuit breaker or replace a fuse is essential to safety in flight, such circuit breaker or fuse shall be located and identified in such manner that it can be readily reset or replaced in flight.

(3) No person shall deactivate a circuit breaker in flight other than in accordance with the aircraft flight manual referred to in regulation 91.03.2.

Aircraft operating lights

91.04.3 (1) No owner, operator or pilot-in-command, as the case may be, of an aircraft, shall operate the aircraft by day unless such aircraft is equipped with an anti-collision light system.

(2) No owner, operator or pilot-in-command of an aeroplane, shall operate the aeroplane by night unless such aeroplane is equipped with -

(a) an anti-collision light system;

(b) lighting supplied from the electrical system of the aeroplane to provide adequate illumination for all instruments and equipment used by the flight crew essential for the safe operation of such aeroplane;

(c) lighting supplied from the electrical system of the aeroplane to provide illumination in all passenger compartments, if any; and

(d) an electric torch for each required crew member readily accessible to such crew member when seated at his or her designated seat;

(e) navigation or position lights; and

(f) two landing lights or a single light having two separately energised filaments.

(3) No owner, operator or pilot-in-command of a helicopter, shall operate the helicopter by night unless such helicopter is equipped with -

(a) an anti-collision light system;

(b) lighting supplied from the electrical system of the helicopter to provide adequate illumination for all instruments and equipment used by the flight crew essential for the safe operation of such helicopter;

(c) lighting supplied from the electrical system of the helicopter to provide illumination in all passenger compartments, if any;

(d) an electric torch for each required crew member readily accessible to such crew member when seated at his or her designated seat;

(e) in the case of a flight by night within 10 nautical miles, a light or lights providing adequate illumination both forward and downward to facilitate safe approaches, landings and take-offs; and

(f) in the case of a flight by night of more than 10 nautical miles, two landing lights or a single light having two separately energised filaments, which are capable of providing adequate illumination both forward and downward to facilitate safe approaches, landings and take-offs.

(4) No owner, operator or pilot-in-command of a seaplane or an amphibious aircraft, shall operate the seaplane or amphibious aircraft unless it is equipped with -

(a) the instruments and equipment referred to in subregulation (1), (2) or (3), as the case may be; and

(b) when operating on water by night, display lights to conform with the International Regulations for Preventing Collisions at Sea.

(5) The navigation lights to be displayed by aircraft by night, on the water or on the manoeuvring area of an aerodrome, shall be as prescribed in regulation 91.06.10.

Flight, navigation and associated equipment for aircraft operated under VFR

91.04.4 No owner, operator or pilot-in-command, as the case may be, of an aircraft, shall operate the aircraft in accordance with VFR, unless such aircraft is equipped with -

(a) a magnetic compass;

(b) an accurate time-piece showing the time in hours, minutes, and seconds;

(c) a sensitive pressure altimeter with a subscale setting, calibrated in hectopascals, millibars or inches of mercury, adjustable for any barometric pressure setting likely to be encountered during flight; and

(d) an airspeed indicator.

Flight, navigation and associated equipment for aircraft operated under IFR

91.04.5 No owner, operator or pilot-in-command, as the case may be, of an aircraft, shall operate the aircraft in accordance with IFR, unless such aircraft is equipped with -

(a) a magnetic compass;

(b) an accurate time-piece showing the time in hours, minutes and seconds;

(c) a sensitive pressure altimeter with subscale settings, calibrated in hectopascals, millibars or inches of mercury, adjustable for any barometric pressure setting likely to be encountered during flight;

(d) an airspeed indicator system with heated pitot tube or equivalent means for preventing malfunctioning due to either condensation or icing, including a warning indicator of pitot heater failure;

(e) a vertical-speed indicator;

(f) a stabilised direction indicator;

(g) a turn-and-bank indicator, or a turn coordinator incorporating a slip indicator;

(h) an attitude indicator;

[The word "altitude" is misspelt in the *Government Gazette*, as reproduced above.]

(i) a rate-of-climb and descent indicator;

(j) a means of indicating, in the cockpit or on the flight deck, the outside air temperature in degrees Celsius; and

(k) a chart holder in an easily readable position, which can be illuminated for operations by night.

Additional equipment for single-pilot operation in accordance with IFR

91.04.6 No pilot-in-command of an aircraft shall conduct single-pilot IFR operations in the aircraft unless such aircraft has been certificated for such operations and is equipped with -

(a) a stability augmentation or automatic flight control system with at least altitude hold and heading mode; and

(b) a headset with boom microphone, or equivalent, and a transmit button on the control wheel, joy stick or cyclic stick.

Mach number indicator

91.04.7 No owner, operator or pilot-in-command, as the case may be, of an aircraft with speed limitations expressed in terms of Mach number, shall operate the aircraft unless such aircraft is equipped with a Mach number indicator.

Radio altimeter

91.04.8 No pilot-in-command of a helicopter shall operate the helicopter on a flight over water at a distance from land corresponding to more than 10 minutes at normal cruise speed, unless such helicopter is equipped with a radio altimeter with an audio voice warning, or other means of warning, when operating below a preset height and with a visual warning capable of operating at a height selectable by the pilot-in-command.

Equipment for operations in icing conditions

91.04.9 (1) No pilot-in-command of an aircraft shall operate the aircraft in forecast or actual icing conditions unless such aircraft is certificated and equipped to operate in icing conditions.

(2) The pilot-in-command shall not operate the aircraft in forecast or actual icing conditions by night unless such aircraft is equipped with a means to illuminate or detect the formation of ice.

(3) The means of illumination referred to in subregulation (2), shall be of a type which does not cause glare or reflection which may handicap flight crew members in the performance of their duties.

Flight recorder

91.04.10 (1) The owner or operator, as the case may be, of a Namibian registered aircraft which is required to be equipped with a flight recorder in terms of regulation 91.04.12 or 91.04.13, shall ensure that the flight recorder complies with the specifications as prescribed in Document NAM-CATS-OPS 91.

(2) There shall be an aural or visual means for preflight checking to determine that the flight recorder is operating properly.

(3) The flight recorder shall not be switched off during flight.

(4) Each flight recorder installed in an aircraft shall be located in such manner that maximum practicable protection is provided, in order that, in the event of an accident or incident, the recorded data may be recovered in a preserved and intelligible state.

(5) Where a flight recorder is installed, it shall not -

(a) be a source of danger in itself;

(b) prejudice the proper functioning of any essential service; and

(c) in any way reduce the serviceability or airworthiness of the aircraft in which it is installed,

even if the flight recorder fails to function.

(6) The owner or operator of the aircraft shall ensure that retrieving the recorded data from the storage medium shall be readily possible.

(7) The parameters of the flight recorder shall be determined within the ranges, accuracies and recording intervals referred to in regulation 91.04.12 or 91.04.13, as the case may be.

(8) Each flight recorder container installed in the aircraft shall -

(a) be bright orange or bright yellow;

(b) have reflective tape affixed to the external surface to facilitate its location under water; and

(c) have an approved underwater location device on, or adjacent to, each container which is secured in such manner that the device is not likely to be separated from the container during crash impact: Provided that only one such device shall be required when the cockpit voice recorder and the flight data recorder required under this Part are installed adjacent to each other in such manner that they are not likely to be separated during crash impact.

(9) The owner or operator of the aircraft shall -

(a) copy and check the data on the flight recorder every six months, for the purpose of ensuring that such flight recorder is serviceable; and

(b) record and retain the results of such check for a period of five years calculated from the date of such check.

Foil data recorder

91.04.11 The owner or operator, as the case may be, of a Namibian registered aircraft which is required to be equipped with a flight recorder in terms of regulation 91.04.12 or 91.04.13, shall, if the flight recorder is a foil data recorder, replace the foil data recorder with a digital flight recorder before or on 1 July 2002.

Cockpit voice recorder

91.04.12 (1) No owner, operator or pilot-in-command, as the case may be, of an aircraft specified in Document NAM-CATS-OPS 91, shall operate the aircraft unless such aircraft is equipped with a cockpit voice recorder which complies with the specifications referred to in regulation 91.04.10(1).

(2) The cockpit voice recorder shall record, with reference to a time scale -

(a) voice communications transmitted from, or received on, the flight deck by radio;

(b) the aural environment of the flight deck, including without interruption, the audio signals received from each microphone in use;

(c) voice communications of flight crew members on the flight deck using the interphone system of the aircraft, if installed;

(d) voice or audio signals identifying navigation or approach aids introduced into a headset or speaker;

(e) voice communications of flight crew members on the flight deck using the public address system of the aircraft, if installed; and

(f) in the case of a helicopter to which subregulation (1) applies and which is not required to be equipped with a flight data recorder, the parameters necessary to determine main rotor speed.

(3) The cockpit voice recorder shall -

(a) be capable of retaining information recorded during at least the last 30 minutes of the aircraft's operation;

(b) start automatically to record prior to the aircraft moving under its own power, and continue to record until the termination of the flight when the aircraft is no longer capable of moving under its own power; and

(c) if possible, start to record the flight deck checks prior to engine start at the beginning of the flight, until the flight deck checks, immediately following engine shutdown, at the end of the flight.

(4) The cockpit voice recorder may be combined with a flight data recorder referred to in regulation 91.04.13.

(5) The pilot-in-command of an aircraft may commence a flight with the cockpit voice recorder inoperative: Provided that -

(a) the pilot-in-command of the aircraft shall not take-off from an aerodrome where repairs or replacements to such cockpit voice recorder can be made;

(b) the aircraft is not used in excess of six further consecutive flights with the cockpit voice recorder unserviceable;

(c) not more than 48 hours have elapsed since the cockpit voice recorder became unserviceable; and

(d) any flight data recorder required to be carried, is operative, unless the flight data recorder is combined with a cockpit voice recorder.

Flight data recorder

91.04.13 (1) No owner, operator or pilot-in-command, as the case may be, of an aircraft specified in Document NAM-CATS-OPS 91, shall operate the aircraft unless such aircraft is equipped with the appropriate flight data recorder as prescribed in Document NAM-CATS-OPS 91.

(2) The flight data recorder shall be capable of retaining the data recorded during at least -

(a) in the case of an aeroplane, the last 25 hours of its operation: or

(b) in the case of a helicopter, the last 10 hours of its operation.

(3) The data obtained from a flight data recorder shall be obtained from aircraft sources which enable accurate correlation with information displayed to the flight crew.

(4) The flight data recorder shall start automatically to record the data prior to the aircraft being capable of moving under its own power and shall stop automatically after the aircraft is incapable of moving under its own power.

(5) The pilot-in-command of an aircraft may commence a flight with the flight data recorder inoperative: Provided that -

(a) the pilot-in-command of the aircraft shall not depart from an aerodrome where repairs or replacements to such flight data recorder can be made;

(b) the aircraft is not used in excess of six further consecutive flights with the flight data recorder unserviceable;

(c) not more than 48 hours have elapsed since the flight data recorder became unserviceable; and

(d) any cockpit voice recorder required to be carried, is operative, unless the cockpit voice recorder is combined with the flight data recorder.

Seats, seat safety belts, harnesses and restraint devices

91.04.14 (1) No owner, operator or pilot-in-command, as the case may be, of an aircraft, shall operate the aircraft unless such aircraft is equipped, as applicable, with -

(a) a seat or berth for each person who is aged two years or more;

(b) a safety belt with or without a diagonal shoulder strap, or a safety harness, for use in each passenger seat, for each passenger who is a child;

(c) a restraining belt for use in each passenger berth;

(d) a restraint device for each passenger who is an infant;

(e) a safety harness for each flight crew member seat, incorporating a device which will automatically restrain the occupant's torso in the event of rapid deceleration; and

(f) a safety harness for each cabin crew member seat:

Provided that a safety belt with one diagonal shoulder strap is permitted if the fitting of a safety harness is not reasonably practical.

(2) Seats for cabin crew members shall, where possible, be located near a floor-level emergency exit: Provided that if the number of required cabin crew members exceeds the number of floor-level emergency exits, the additional cabin crew member seats required shall be so located that a cabin crew member may best be able to assist passengers in the event of an emergency evacuation: Provided further that such seats shall be forward or rearward facing within 15 degrees of the longitudinal axis of the aircraft.

(3) If the pilot-in-command cannot see all the passenger seats in the aircraft from his or her own seat, a means of indicating to all passengers and cabin crew members that seat belts should be fastened, shall be installed.

(4) The conditions, rules, requirements, procedures or standards for seats, seat safety belts, harnesses and restraint devices shall be as prescribed in Document NAM-CATS-OPS 91.

Stowage and security of articles, baggage and cargo

91.04.15 No owner, operator or pilot-in-command, as the case may be, of an aircraft, shall operate the aircraft unless all articles, baggage and cargo carried on board, except those items in use by either the crew or by passengers, if such use is not prohibited by the pilot-in-command in the interest of the safety of the aircraft or its occupants, are secured -

(a) in a manner which prevents movement likely to cause injury, damage or death and does not obstruct aisles and exits; or

(b) in stowages designed to prevent movement likely to cause injury, damage or death.

Standard first aid kit

91.04.16 (1) No owner, operator or pilot-in-command, as the case may be, of an aircraft, shall operate the aircraft unless such aircraft is equipped with an appropriate first aid kit as prescribed in Document NAM-CATS-OPS 91.

(2) The owner, operator or pilot-in-command shall ensure that the content of the first aid kit is in a condition necessary for its intended use.

First aid oxygen

91.04.17 (1) No owner, operator or pilot-in-command, as the case may be, of an aircraft in respect of which the carriage of a cabin crew member is required in terms of this Part, shall operate the aircraft unless such aircraft is equipped with the appropriate supply of first aid oxygen prescribed in Document NAM-CATS-OPS 91.

(2) The conditions, rules, requirements, procedures or standards for first aid oxygen shall be as prescribed in Document NAM-CATS-OPS 91.

Supplemental oxygen in the case of pressurised aircraft

91.04.18 (1) No owner, operator or pilot-in-command, as the case may be, of a pressurised aircraft, shall operate the aircraft unless such aircraft is equipped with the supplemental oxygen as prescribed in Document NAM-CATS-OPS 91.

(2) The conditions, rules, requirements, procedures or standards for supplemental oxygen shall be as prescribed in Document NAM-CATS-OPS 91.

Supplemental oxygen in the case of non-pressurised aircraft

91.04.19 (1) No owner, operator or pilot-in-command, as the case may be, of a non-pressurised aircraft, shall operate the aircraft at altitudes between 100 000 feet and 12 000 feet for longer than 60 minutes, or above 12 000 feet, unless such aircraft is equipped with the supplemental oxygen as prescribed in Document NAM-CATS-OPS 91.

(2) The conditions, rules, requirements, procedures or standards for supplemental oxygen shall be as prescribed in Document NAM-CATS-OPS 91.

Crew protective breathing equipment

91.04.20 (1) No owner, operator or pilot-in-command, as the case may be, of an aeroplane, shall, when carrying passengers in a pressurised aeroplane on or after 1 July 2001, or in an unpressurised aeroplane with a maximum certificated mass exceeding 5 700 kilograms or a maximum approved passenger seating configuration of more than 19 seats, at altitudes above 12 000 feet, operate the aeroplane unless such aeroplane -

(a) is equipped with smoke goggles for the pilot and equipment to protect the eyes, nose and mouth of each flight crew member while on flight deck duty, and to provide oxygen for a period of at least 15 minutes;

(b) has sufficient portable protective breathing equipment to protect the eyes, nose and mouth of all cabin crew members required to be carried in terms of this Part, and to provide breathing gas for a period of at least 15 minutes; and

(c) if no cabin crew member is carried, is equipped with portable protective breathing equipment to protect the eyes, nose and mouth of one member of the flight crew, and to provide breathing gas for a period of at least 15 minutes.

(2) The supply for protective breathing equipment may be provided by the supplemental oxygen referred to in regulation 91.04.18 or 91.04.19.

(3) Protective breathing equipment intended for use by flight crew, shall be conveniently located on the flight deck and be easily accessible for immediate use by each required flight crew member at his or her assigned duty station.

(4) Protective breathing equipment intended for use by cabin crew, shall be installed adjacent to each required cabin crew member duty station.

(5) In addition, easily accessible portable protective breathing equipment shall be provided and located at, or adjacent to, the hand fire extinguishers referred to in regulation 91.04.21: Provided that where the fire extinguisher is located inside a cargo compartment, the protective breathing equipment shall be stowed outside, but adjacent to, the entrance to such compartment.

(6) Protective breathing equipment, while in use, shall not prevent communication where required.

Hand fire extinguishers

91.04.21 No owner, operator or pilot-in-command, as the case may be, of an aircraft, shall operate the aircraft unless such aircraft is equipped with the appropriate hand fire extinguishers as prescribed in Document NAM-CATS-OPS 91.

Crash axes and crowbars

91.04.22 (1) No owner, operator or pilot-in-command, as the case may be, of an aeroplane with a maximum certificated mass exceeding 5 700 kilograms or a maximum approved passenger seating configuration of more than nine seats, shall operate the aeroplane unless such aeroplane is equipped with at least one crash axe or crowbar located on the flight deck.

(2) If the maximum approved passenger seating configuration is more than 200 seats, an additional crash axe or crowbar shall be carried in the aeroplane and located in, or near, the most rearward galley area.

Marking of break-in points

91.04.23 The owner or operator, as the case may be, of an aircraft, shall ensure that, if areas of the fuselage suitable for break-in by rescue crews in emergency, are marked on the aircraft, such areas shall be marked in accordance with the requirements as prescribed in Part 47.

Megaphones

91.04.24 (1) No owner, operator or pilot-in-command, as the case may be, of an aeroplane with a maximum approved passenger seating configuration of more than 60 seats, or a helicopter with a maximum approved passenger seating configuration of more than 19 seats, and which is carrying one or more passengers, shall operate the aeroplane or helicopter unless such aeroplane or helicopter is equipped with the appropriate portable battery-powered megaphones as prescribed in Document NAM-CATS-OPS 91.

(2) The conditions, rules, requirements, procedures or standards for battery-powered megaphones shall be as prescribed in Document NAM-CATS-OPS 91.

Emergency lighting

91.04.25 (1) No owner, operator or pilot-in-command, as the case may be, of an aircraft with a maximum approved passenger seating configuration of more than 19 seats, shall operate the aircraft unless such aircraft *is* equipped with the appropriate emergency lighting system as prescribed in Document NAM-CATS-OPS 91.

(2) The conditions, rules, requirements, procedures or standards for emergency lighting shall be as prescribed in Document NAM-CATS-OPS 91.

Automatic emergency locator transmitter

91.04.26 (1) No owner, operator or pilot-in-command, as the case may be, of an aircraft, shall operate the aircraft unless it is equipped with an automatic emergency locator transmitter.

(2) The owner, operator or pilot-in-command shall ensure that the automatic emergency locator transmitter -

(a) is attached to the aircraft in such manner that, in the event of a crash, the probability of such automatic emergency locator transmitter transmitting a detectable signal, is maximised, and the probability of such automatic emergency locator transmitter being damaged, is minimised; and

(b) complies with the specifications, and is capable of transmitting on the frequencies, as prescribed in Document NAM-CATS-OPS 91.

Life jackets and other flotation devices

91.04.27 No owner, operator or pilot-in-command, as the case may be, of -

(a) an aeroplane other than an aircraft referred to in paragraphs (b) and (c), shall operate the aeroplane -

(i) when flying over water and at a distance of more than 10 nautical miles from the shore, in the case of the aeroplane not capable of continuing the flight to an aerodrome with the critical power-unit becoming inoperative at any point along the route or any planned diversion; or

(ii) when taking off, or landing at, an aerodrome where the take-off or approach path is over water that in the event of an incident, there would be a likelihood of a ditching,

unless such aeroplane is equipped with a life jacket containing a survivor locator light, for each person on board, stowed in a position easily accessible, with safety belt fastened, from the seat or berth of the person for whose use it is provided, and an individual infant flotation device, containing a locator survival light for use by each infant on board;

(b) a seaplane or an amphibious aeroplane, shall operate the seaplane or amphibious aeroplane unless such seaplane or amphibious aeroplane is equipped with -

(i) a life jacket containing a survivor locator light, for each person on board, stowed in a position easily accessible, with safety belt fastened, from the seat or berth of the person for whose use it is provided, and an individual infant flotation device, containing a survivor locator light, for use by each infant on board; and

(ii) life jackets, other than the life jackets referred to in subparagraph (i), for 20 per cent of the number of persons on board such seaplane or amphibious aeroplane, located in the passenger compartment near the emergency exits and readily accessible;

(c) a helicopter, shall operate the helicopter over water beyond autorotative distance from land, other than only for take-off and initial climb, or final approach and landing, unless -

(i) each person on board is wearing a life jacket containing a survivor locator light; and

(ii) such helicopter is equipped with -

(aa) an individual infant flotation device containing a locator survival light for use by each infant on board, stowed in a position easily accessible for the person in whose care the infant is; and

(bb) flotation equipment to ensure a safe ditching.

Life rafts and survival radio equipment for extended over-water flights

91.04.28 (1) No owner, operator or pilot-in-command, as the case may be, of an aircraft, shall operate the aircraft over water at a distance equivalent to -

(a) 120 minutes at normal cruising speed or 400 miles, whichever is the lesser, away from land, if such aircraft has four engines;

(b) 90 minutes at normal cruising speed or 300 miles, whichever is the lesser, away from land, if such aircraft has three turbine engines; or

(c) 30 minutes at normal cruising speed or 100 miles, whichever is the lesser, away from land, in the case of an aircraft other than the aircraft referred to in paragraphs (a) and (b),

unless such aircraft is equipped with life rafts sufficient to accommodate all persons on board.

(2) The conditions, rules, requirements, procedures or standards for the life rafts and survival radio equipment for such extended over-water flights, shall be as prescribed in Document NAM-CATS-OPS 91.

Survival equipment

91.04.29 (1) No owner, operator or pilot-in-command, as the case may be, of an aircraft, shall operate the aircraft over areas where search and rescue would be especially difficult, unless such aircraft is equipped with the appropriate survival equipment as prescribed in Document NAM-CATS-OPS 91.

(2) The conditions, rules, requirements, procedures or standards for the survival equipment shall be as prescribed in Document NAM-CATS-OPS 91.

Seaplanes, amphibious aeroplanes and amphibious helicopters

91.04.30 No owner, operator or pilot-in-command, as the case may be, of a seaplane, amphibious aeroplane or amphibious helicopter, shall operate the seaplane, amphibious aeroplane or amphibious helicopter on water, unless it is equipped with -

(a) a sea anchor and other equipment necessary to facilitate mooring, anchoring or manoeuvring such seaplane, amphibious aeroplane or amphibious helicopter on water, appropriate to its size, mass and handling characteristics; and

(b) equipment for making the sound signals prescribed in the International Regulations for Preventing Collisions at Sea, where applicable.

Windshield wipers

91.04.31 The owner, operator or pilot-in-command, as the case may be, of an aircraft, shall not operate the aircraft unless such aircraft is equipped with a windshield wiper or equivalent system for each required pilot station, where applicable.

Traffic alert and collision avoidance system

91.04.32 (1) Any traffic alert and collision avoidance system installed in a Namibian registered aircraft, shall be approved by the Director.

(2) The owner, operator or pilot-in-command, as the case may be, operating an aircraft equipped with an operable traffic alert and collision avoidance system, shall have the system on and operating.

SUBPART 5
COMMUNICATION AND NAVIGATION EQUIPMENT

Communication equipment

91.05.1 (1) Except with the prior approval of the Director, no owner, operator or pilot-in-command, as the case may be, of an aircraft, shall operate the aircraft, unless such aircraft is equipped with radio communication equipment capable of maintaining two-way communication with an air traffic service unit.

(2) The radio communication equipment referred to in subregulation (1) shall be capable of providing communication on the aeronautical emergency frequency 121,5 MHz.

(3) The radio communication equipment installed in the aircraft shall be of a type as prescribed in Document NAM-CATS-OPS 91.

(4) The installation, bonding and screening of the radio communication equipment, shall be in accordance with the requirements as prescribed in Document NAM-CATS-OPS 91.

Navigation equipment

91.05.2 (1) No owner, operator or pilot-in-command, as the case may be, of an aircraft, shall operate the aircraft unless such aircraft is equipped with navigation equipment enabling it to proceed in accordance with its flight plan, the prescribed RNP types and the appropriate air traffic service requirements: Provided that the provisions of this regulation shall not apply to flights operated in accordance with VFR, if such flights can be accomplished by visual reference to landmarks.

(2) The aircraft shall be equipped with sufficient navigation equipment to ensure that, in the event of the failure of one item of equipment at any stage of the flight, the remaining equipment enables such aircraft to proceed with such flight.

(3) No person shall operate an aircraft in airspace where minimum navigation performance specifications apply, unless the aircraft is equipped with navigation equipment which complies with the minimum navigation performance specifications as prescribed in Document NAM-CATS-OPS 91, in the form of regional supplementary procedures.

(4) In an aircraft required to be operated by two pilots, the navigation equipment referred to in subregulation (3) shall be visible and usable by each pilot seated at his or her duty station.

(5) For unrestricted operation in airspace where minimum navigation performance specifications apply, an aircraft shall be equipped with two approved independent long-range navigation systems.

(6) For operation in airspace where minimum navigation performance specifications apply along notified special routes, an aircraft shall be equipped with one approved long-range navigation system, unless otherwise specified.

SUBPART 6
RULES OF THE AIR

DIVISION ONE: FLIGHT RULES

Landing and take-off

91.06.1 No pilot-in-command shall use a public road as a place of landing or take-off in an aircraft, except -

(a) in the case of an emergency involving the safety of the aircraft or its occupants;

(b) for the purpose of saving human lives; or

(c) when involved in civil defence or law-enforcement operations:

Provided that at all times reasonable care is taken for the safety of others with due regard to the prevailing circumstances.

Dropping objects, spraying or dusting

91.06.2 Except in an emergency or unless granted special permission by the Director, no person shall drop an article from an aircraft in flight other than -

(a) fine sand or clean water used as ballast; or

(b) chemical substances for the purpose of spraying or dusting.

Picking up objects

91.06.3 The pilot-in-command of an aircraft in flight shall not permit objects to be picked up, except -

(a) with the prior approval of the Director; or

(b) if certificated to do so under aerial work operations or external-load operations in terms of Part 133.

Towing

91.06.4 The pilot-in-command of an aircraft in flight shall not permit anything to be towed by the aircraft, except -

(a) with the prior approval of the Director; or

(b) if certificated to do so under aerial work operations.

Operation of vehicle- or vessel-towed aircraft

91.06.5 (1) Except with the prior approval of the Director and subject to such conditions as he or she may impose, the pilot-in-command of an aircraft which is intended, for purposes of flight, to be towed by a vehicle or vessel travelling on the surface or to be moored on the surface, shall not -

(a) fly such aircraft higher than 150 feet above the surface on which the towing vehicle or vessel is travelling or to which such aircraft is moored;

(b) fly such aircraft closer than five nautical miles from the boundary of an aerodrome; or

(c) take-off from, land on or be flown above any public road.

(2) The provisions of subregulation (1)(a) and (b) shall not apply to the winching or towing of gliders at the aerodrome of departure.

Proximity and formation flights

91.06.6 No pilot-in-command shall fly an aircraft -

(a) in such proximity to other aircraft so as to create a collision hazard;

(b) in formation, except by arrangement with the pilot-in-command of each aircraft in the formation.

Right of way

91.06.7 (1) The pilot-in-command of an aircraft which has the right of way, shall maintain heading and speed, but nothing in this Subpart shall relieve the pilot-in-command from the responsibility of taking such action as will best avert collision.

(2) The pilot-in-command of an aircraft which is obliged, by the provisions of this Subpart, to keep out of the way of another aircraft, shall avoid passing over or under the other aircraft, or crossing ahead of such aircraft, unless passing well clear.

(3) When two aircraft are approaching head-on or approximately so and there is danger of collision, the pilot-in-command of each aircraft shall alter its heading to the right.

(4) When two aircraft are converging at approximately the same level, the pilot-in-command of the aircraft which has the other aircraft on its right, shall give way, except in the following circumstances:

(a) The pilot-in-command of a power-driven heavier-than-air aircraft shall give way to airships, gliders and balloons;

(b) the pilot-in-command of an airship shall give way to gliders and balloons;

(c) the pilot-in-command of a glider shall give way to balloons;

(d) the pilot-in-command of a power-driven aircraft shall give way to aircraft which are -

(i) seen to be towing other aircraft or objects;

(ii) carrying an underslung load or are engaged in winching operations; and

(iii) being towed or tethered.

(5) An aircraft which is being overtaken has the right of way and the pilot-in-command of the overtaking aircraft, whether climbing, descending or in horizontal flight, shall keep such aircraft out of the way of the overtaken aircraft by altering its heading to the right, and no subsequent change in the relative positions of the two aircraft shall absolve the pilot-in-command of the overtaking aircraft from his or her obligation until such aircraft is entirely past and clear: Provided that where a right-hand circuit is being followed at an aerodrome, the pilot-in-command of the overtaking aircraft shall alter its heading to the left.

(6) The pilot-in-command of an aircraft in flight or operating on the ground or water, shall give way to other aircraft landing or on final approach to land.

(7) (a) When two or more heavier-than-air aircraft are approaching an aerodrome for the purpose of landing, the pilot-in-command of the aircraft at the higher level, shall give way to the aircraft at the lower level, but the pilot-in-command of the latter aircraft shall not take advantage of this provision to cut in front of another aircraft which is on final approach to land, or to overtake such aircraft.

(b) Notwithstanding the provisions of paragraph (a), the pilot-in-command of a power-driven heavier-than-air aircraft shall give way to gliders.

(8) The pilot-in-command of an aircraft about to take-off, shall not attempt to do so until there is no apparent risk of collision with other aircraft.

(9) The pilot-in-command of an aircraft who is aware that another aircraft is compelled to land, shall give way to such aircraft.

(10) For the purposes of this regulation, an overtaking aircraft is an aircraft which approaches another aircraft from the rear on a line forming an angle of less than 70 degrees with the plane of symmetry of the latter aircraft, and will therefore be in such a position with reference to the other aircraft, that by night it should be unable to see either of the other aircraft's wingtip navigation lights.

Following line features

91.06.8 The pilot-in-command of an aircraft flying at or below 1 500 feet above the surface and following a power line, a road, a railway line, a river, a coastline or any other line feature or within one nautical mile of such line feature, shall fly to the right of such power line, road, railway line, river, coastline or other line feature, except when the pilot-in-command is instructed to do otherwise by an air traffic service unit.

Aircraft speed

91.06.9 (1) Unless otherwise authorised or required by the Director, no person shall, outside controlled airspace and below flight level 100, fly an aircraft at an indicated air speed of more than 250 knots.

(2) Unless otherwise authorised or required by an air traffic service unit, no person shall fly an aircraft within a control zone or an aerodrome traffic zone at an indicated air speed of more than -

(a) 160 knots, in the case of a reciprocating-engine aircraft; or

(b) 200 knots, in the case of a turbine-powered aircraft:

Provided that if the minimum safe indicated air speed for a particular flight is greater than the maximum indicated air speed prescribed in this regulation, the aircraft may be flown at the minimum safe indicated air speed.

Lights to be displayed by aircraft

91.06.10 The lights which have to be displayed by aircraft by night, on water or on the manoeuvring area of an aerodrome, shall be as prescribed in NAM-CATS-OPS 91.

Taxi rules

91.06.11 (1) Aircraft which are landing or taking off, shall be given right of way by other aircraft and by vehicles.

(2) The pilot-in-command of an aircraft shall, after landing, unless otherwise authorised or instructed by an air traffic service unit, move clear of the runway in use, as soon as it is possible to safely do so.

(3) A vehicle which is towing an aircraft shall be given right of way by the persons in charge of other vehicles and by pilots of and personnel authorised to taxi other aircraft which are not landing or taking off.

(4) An aircraft shall be given right of way by the person in charge of a vehicle which is not towing an aircraft.

(5) The pilot-in-command of, or personnel authorised to taxi, an aircraft or the person in charge of a vehicle which is obliged by the provisions of this regulation to give right of way to another aircraft, shall, if necessary in the circumstances in order to do so, reduce the speed or stop such aircraft or vehicle.

(6) If danger of collision exists between an aircraft or vehicle and another aircraft or vehicle, such of the following procedures as may be appropriate in the circumstances, shall be applied:

(a) When the two are approaching head-on or nearly head-on, the pilot-in-command of, or personnel authorised to taxi, the aircraft and the person in charge of the vehicle, shall turn to the right;

(b) when one is overtaking the other, the pilot-in-command of, or personnel authorised to taxi, the aircraft or person in charge of the vehicle which is overtaking, shall keep out of the way of the other by turning to the right, and no subsequent change in the relative positions of the two shall absolve the one which is overtaking from this obligation, until it is finally past and clear of the other;

(c) subject to the provisions of subregulation (2), when the two are converging, the pilot-in-command of, or personnel authorised to taxi, the aircraft or person in charge of the vehicle which has the other on its right, shall give way to the other and shall avoid crossing ahead of the other unless passing well clear of it.

(7) The person in charge of a vehicle moving along a runway or taxiway, shall as far as practicable keep to the right side of the runway or taxiway.

(8) When an aircraft is being towed, the person in charge of the towing vehicle shall be responsible for compliance with the provisions of this regulation.

(9) Nothing in this regulation shall relieve the pilot-in-command of, or personnel authorised to taxi, an aircraft or the person in charge of a vehicle, from the responsibility for taking such action as will best aid to avert collision.

Operation on and in vicinity of aerodrome

91.06.12 (1) The pilot-in-command of an aircraft operated on or in the vicinity of an aerodrome, shall comply with the following rules:

(a) Observe other aerodrome traffic for the purpose of avoiding collision;

(b) conform with or avoid the pattern of traffic formed by other aircraft in operation;

(c) make all turns to the left when approaching for a landing and after taking off, unless otherwise instructed by an air traffic service unit, or unless a right hand circuit is in force: Provided that a helicopter may, with due regard to other factors and when it is in the interest of safety, execute a circuit to the opposite side;

(d) land and take-off into the wind unless safety, the runway configuration or air traffic considerations determine that a different direction is preferable;

(e) when not joining the traffic pattern for landing, fly across the aerodrome or its environs at a height of not less than 2 000 feet above the level of such aerodrome:

Provided that if circumstances require such pilot-in-command to fly at a height of less than 2 000 feet above the level of the aerodrome, he or she shall conform with the traffic pattern at such aerodrome; and

(f) taxi in accordance with the ground control procedures which may be in force at the aerodrome.

(2) If an aerodrome control tower is in operation, the pilot-in-command shall also, whilst the aircraft is within the aerodrome traffic zone -

(a) maintain a continuous radio watch on the frequency of the aerodrome control tower responsible for providing aerodrome control service at the aerodrome, establish two-way radio communication as necessary for aerodrome control purposes and obtain such clearances for his or her movements as may be necessary for the protection of aerodrome traffic; or

(b) if this is not possible, keep a watch for and comply with such clearances and instructions as may be issued by visual means.

(3) If an aerodrome flight information service unit is in operation, the pilot-in-command shall also, whilst the aircraft is within the aerodrome traffic zone -

(a) maintain a continuous radio watch on the frequency of the aerodrome flight information service unit responsible for providing aerodrome flight information service at the aerodrome, establish two-way radio communication as necessary for aerodrome flight information service purposes and obtain information in respect of the surface wind, runway in use and altimeter setting and in respect of aerodrome traffic on the manoeuvring area and in the aerodrome traffic zone; or

(b) if this is not possible, keep a watch for visual signals which may be displayed or may be issued by the aerodrome flight information service unit.

(4) The pilot-in-command of an aircraft who is unable to communicate by radio, shall, before landing at an aerodrome, make a circuit of the aerodrome for the purpose of observing the traffic, and reading such ground markings and signals as may be displayed thereon, unless he or she has the consent of the appropriate air traffic service unit to do otherwise.

Signals

91.06.13 The pilot-in-command of an aircraft in flight shall, upon observing or receiving any of the signals as prescribed in Document NAM-CATS-OPS 91, take such action as may be required by the interpretation of the signal as prescribed in Document NAM-CATS-OPS 91.

Water operations

91.06.14 (1) In areas in which the International Regulations for Preventing Collisions at Sea are in force, the pilot-in-command of an aircraft operated on the water shall comply with the provisions thereof.

(2) The pilot-in-command of an aircraft in flight near the surface of the water shall, as far as possible, keep clear of all vessels and avoid impeding their navigation.

(3) When two aircraft or an aircraft and a vessel are approaching one another and there is a risk of collision, the pilot-in-command of the aircraft shall proceed with careful regard to existing circumstances and conditions including the limitations of the respective craft.

(4) The pilot-in-command of an aircraft which has another aircraft or a vessel on its right shall give way so as to keep well clear.

(5) The pilot-in-command of an aircraft approaching another aircraft or a vessel head-on, or nearly head-on, shall alter the heading of the aircraft to the right to keep well clear.

(6) The aircraft or vessel which is being overtaken has the right of way, and the pilot-in-command of the aircraft overtaking shall alter the heading of the aircraft to keep well clear.

(7) The pilot-in-command of an aircraft landing on or taking off from the water shall, as far as practicable, keep well clear of all vessels and avoid impeding their navigation.

Reporting position

91.06.15 The pilot-in-command of an aircraft -

(a) flying in controlled airspace;

(b) flying in advisory airspace; or

(c) Flying on routes defined by significant and/or compulsory reporting points; or

(d) on a flight for which alerting action is being provided,

shall ensure that reports are made to the responsible air traffic service unit, as soon as possible, of the time and level of passing each compulsory reporting point, together with meteorological any other required information, and he or she shall further ensure that position reports are similarly made in relation to additional reporting points, if so requested by the responsible air traffic service unit and that, in the absence of designated reporting points, position reports are made at the intervals specified by the responsible air traffic service unit or published by the Director in tcm1s of Part 175, for that area.

Mandatory radio communication in controlled airspace

91.06.16 The pilot-in-command of an aircraft to be operated in or crossing a controlled airspace shall ensure that, before the aircraft enters such airspace, two-way radio communication is established with the responsible air traffic service unit on the designated radio frequency, and shall ensure, while the aircraft is within, and until it leaves, the controlled airspace, that continuous radio watch is maintained and that such further two-way radio communication as such air traffic service unit may require, is established: Provided that -

(a) the air traffic service unit may permit an aircraft not capable of maintaining continuous two-way radio communication, to fly in the control area, terminal control area, control zone or aerodrome traffic zone for which it is responsible, if traffic conditions permit, in which case the flight shall be subject to such conditions as such air traffic service unit deems necessary to ensure the safety of other air traffic; and

(b) in the case of radio failure, a flight for which a flight plan was filed and activated by the air traffic service unit on receipt of a departure time, may continue in controlled

airspace if the communication failure procedures as prescribed in Document NAM-CATS-OPS 91, are complied with.

Mandatory radio communication in advisory airspace

91.06.17 The pilot-in-command of an aircraft to be operated in advisory airspace shall ensure that, before the aircraft approaches or enters such airspace -

(a) two-way radio communication with the responsible air traffic service unit is established on the designated radio frequency; or

(b) if such communication is not possible, two-way radio communication is established with any air traffic service unit which is capable of relaying messages to and from the responsible air traffic service unit; or

(c) if such communication is not possible, broadcasts are made on the designated radio frequency giving information on the intention of the pilot-in-command of the aircraft to enter the airspace, and such pilot-in-command shall ensure that, while the aircraft is within the advisory airspace and until it departs therefrom, a continuous radio watch is maintained on the designated radio frequency and that -

(i) such further two-way radio communication as the responsible air traffic service unit may require, is established with any other air traffic service unit which is capable of relaying messages to and from such responsible air traffic service unit;

(ii) if such communication is not possible, such further two-way radio communication is established with any other air traffic service unit which is capable of relaying messages to and from the responsible air traffic service unit, as such responsible air traffic service unit may require; or

(iii) if such communication is not possible, broadcasts are made on the designated radio frequency giving information on passing reporting points and when leaving the airspace concerned:

Provided that in the case of a radio failure, a flight for which a flight plan was filed and activated by an air traffic service unit on receipt of a departure time, may continue in advisory airspace if the communication failure procedures as prescribed in Document NAM-CATS-OPS 91, are complied with.

Compliance with air traffic control clearance and instructions

91.06.18 The pilot-in-command of an aircraft shall -

(a) comply with any air traffic control clearance which is obtained, unless the pilot-in-command obtains an amended clearance;

(b) not operate the aircraft contrary to an air traffic control instruction in an area in which an air traffic control service is provided; and

(c) when deviating from an air traffic control clearance or instruction, notify the air traffic control unit of the deviation, as soon as practicable.

Prohibited areas

91.06.19 (1) The Director may, by notice in an AIP, AIP SUP, AIC or a NOTAM, declare any area to be a prohibited area and shall, for the purposes of the prohibition contained in subregulation (2), when so declaring an area to be a prohibited area -

(a) specify a height above the ground surface of such area; or

(b) specify an altitude in respect of such area, as the Director may deem expedient, in the notice in question.

(2) No person shall fly any aircraft whatsoever in the airspace above a prohibited area -

(a) below the height specified in terms of subregulation (1)(a); or

(b) below the altitude specified in terms of subregulation (1)(b),

as the case may be, in respect of the prohibited area in question.

Restricted areas

91.06.20 (1) The Director may, by notice in an AIP, AIP SUP, AIC or a NOTAM, declare any area to be a restricted area and shall, when so declaring an area to be a restricted area, specify in the notice in question -

(a) the nature and extent of the restriction applicable in respect of the area in question; and

(b) the authorisation under which flights in such a restricted area shall be permitted.

(2) No person shall, in contravention of a restriction contemplated in subregulation (1)(a), fly any aircraft to which the said restriction applies, in any restricted area, unless the flight in question has been permitted by virtue of an authorisation contemplated in subregulation (1)(b).

Danger Areas

91.06.21 (1) The Director may, by notice in an AIP, AIP SUP or a NOTAM, declare any area to be a danger area and shall, when so declaring an area to be a danger area, specify in the notice in question the nature and extent of the dangerous activity or activities in respect of the area in question.

(2) No person shall fly any aircraft in any danger area.

DIVISION TWO: VISUAL FLIGHT RULES

Visibility and distance from cloud

91.06.22 (1) Every VFR flight shall be so conducted by the pilot-in-command that the aircraft is flown -

(a) with visual reference to identifiable objects on the surface by day;

(b) by night, with less than three eighths of cloud -

(i) seven days prior to full moon until seven days after full moon expressed in Namibian Standard Time, 15 minutes after moonrise to 15 minutes before moonset; or

[Section 1 of the Namibian Time Act 9 of 2017 provides that the standard time of Namibia is two hours in advance of Greenwich Mean Time.]

(ii) with visual reference to identifiable objects on the surface;

(c) at no time above more than three eighths of cloud within a radius of five nautical miles of such aircraft; and

(d) under conditions of visibility and distance from cloud equal to, or greater than, the conditions as prescribed in Document NAM-CATS-OPS 91: Provided that when the height of the transition altitude is lower than 3 050 m (10 000 ft) above MSL, FL 100 shall be used in lieu of 10 000 ft.

(2) When authorised by an air traffic service unit -

(a) lower flight visibilities to 1 500 m may be permitted for flights operating in Class G airspace -

(i) at speeds that, in the prevailing visibility, will give adequate opportunity to observe other traffic or any obstacles in time to avoid collision; or

(ii) in circumstances in which the probability of encounters with other traffic would normally be low, such as areas of low volume traffic and aerial work at low levels; and

(b) helicopters may operate in Class G airspace in less than 1 500 m flight visibility, if manoeuvred at a speed that will give adequate opportunity to observe other traffic or any obstacles in time to avoid collision.

Special VFR weather minima

91.06.23 A pilot-in-command may conduct special VFR operations in weather conditions below the conditions prescribed in regulation 91.06.22, within a control zone -

(a) under the terms of an air traffic control clearance;

(b) by day only;

(c) clear of clouds;

(d) with a ceiling of at least 500 feet and visibility of at least 1 500 m;

(e) in an aircraft equipped with two-way radio equipment capable of communicating with an air traffic service unit on the appropriate frequency; and

(f) if leaving the control zone, in accordance with instructions issued by an air traffic service unit prior to departure.

Responsibility to ascertain whether VFR flight is permitted

91.06.24 Outside a control zone, an aerodrome traffic zone or an aerodrome traffic area, the pilot-in-command of the aircraft shall ascertain whether or not weather conditions permit flight in accordance with VFR, and whenever weather conditions do not permit a pilot to maintain the minimum distance from cloud and the minimum visibility required by VFR, the pilot-in-command shall comply with IFR.

DIVISION THREE: INSTRUMENT FLIGHT RULES

Compliance with IFR

91.06.25 If the pilot-in-command of an aircraft conducts a flight above FL 200, he or she shall fly such aircraft in compliance with IFR as prescribed in this Subpart.

Aircraft equipment

91.06.26 No operator or pilot-in-command, as the case may be, of an aircraft which is required to operate in compliance with IFR, shall operate the aircraft unless such aircraft is equipped with suitable instruments and radio navigation apparatus appropriate to the route to be flown and in accordance with the provisions of Subpart 5.

Change from IFR flight to VFR flight

91.06.27 (1) The pilot-in-command of an aircraft who elects to change the conduct of flight of the aircraft from compliance with IFR to compliance with VFR, shall, if a flight plan was submitted for the flight, notify the air traffic service unit concerned that the IFR flight is cancelled and communicate to such air traffic service unit the intended changes to be made to the current flight plan.

(2) When an aircraft operating under IFR is flown in or encounters visual meteorological conditions, the pilot-in-command shall not cancel its IFR flight unless it is anticipated, and intended, that the flight will be continued for a reasonable period in uninterrupted visual meteorological conditions.

IFR procedures

91.06.28 (1) Unless otherwise authorised by the responsible air traffic service unit, the pilot-in-command of an aircraft flown in compliance with the rules contained in this Division, shall comply with IFR procedures applicable in the relevant airspace.

(2) Subject to the provisions of regulation 91.06.26, the pilot-in-command of an aircraft may execute, or endeavour to execute, a cloud break or let-down procedure at an aerodrome, or nominate an aerodrome as an alternate aerodrome: Provided that the requirements relating to cloud break or let-down procedures and to flights under IMC, as published by the Director in a NOTAM, can be complied with.

DIVISION FOUR: AIRCRAFT ENGAGED IN OPERATIONS OTHER THAN SCHEDULED INTERNATIONAL COMMERCIAL AIR TRANSPORT OPERATIONS

Foreign military aircraft

91.06.29 No foreign military aircraft shall fly over, or land in, Namibia except on the express invitation or with the express permission of the Government of Namibia, but any such aircraft so flying over, or landing in, Namibia shall be exempt from these Regulations to such extent and on such conditions as are specified in the invitation or permission.

Identification and interception of aircraft

91.06.30 (1) The pilot-in-command of an intercepted aircraft shall carry out the instruction of the pilot-in-command of an intercepting aircraft, as prescribed in these Regulations.

(2) When an aircraft is intercepted, the pilot-in-command shall forthwith establish radio communication with the pilot-in-command of the intercepting aircraft on 121,5 MHz, if the aircraft is so equipped, and if radio communication has not already been established.

(3) When the pilot-in-command of the intercepting aircraft cannot establish radio communication or communication in any other practical way with the pilot-in-command of the intercepted aircraft, he or she shall use the visual signals as prescribed in Document NAM-CATS-OPS 91.

(4) The visual signals shall be used as follows:

(a) When an aircraft has been intercepted for identification purposes only, the pilot-in-command of the intercepting aircraft shall use the second series to show that the aircraft may proceed;

(b) when an aircraft is to be led away from a prohibited or restricted area, the pilot-in-command of the intercepting aircraft shall use the appropriate part of the first series, and he or she shall use the second series when the purpose has been achieved and the aircraft is released;

(c) when an aircraft is required to land, the pilot-in-command of the intercepting aircraft shall initially use the appropriate part of the first series, followed by the third series when in the vicinity of the designated landing area;

(d) when the pilot-in-command of the intercepted aircraft considers the landing area designated as unsuitable for the aircraft type, he or she shall use the fourth series to indicate this, upon which new instructions shall be given by the pilot-in-command of the intercepting aircraft;

(e) when an intercepted aircraft is in distress, the pilot-in-command shall use the distress signals, where practical.

DIVISION FIVE: AIR TRAFFIC RULES

Air traffic service procedures

91.06.31 The pilot-in-command of an aircraft to be operated in controlled airspace shall -

(a) ensure that a flight plan is submitted, and changes thereto are notified, in accordance with the provisions of regulation 91.03.4;

(b) ensure that radio communication is established with the responsible air traffic service unit and that radio communication is maintained in accordance with the provisions of regulation 91.06.16; and

(c) comply with air traffic control clearances and instructions:

Provided that -

(i) the pilot-in-command of an aircraft may deviate from an air traffic control clearance in exceptional circumstances, but such deviation shall be reported to the responsible air traffic service unit as soon as possible; and

(ii) the pilot-in-command of an aircraft may propose an amendment to an air traffic control clearance, but such amendment shall not be applied until authorised by the responsible air traffic service unit.

Priority

91.06.32 An air traffic service unit may, with regard to arrivals and departures, give priority to aircraft operating in accordance with flight plan clearance over aircraft not so engaged.

DIVISION SIX: HEIGHTS AND INSTRUMENT APPROACH AND DEPARTURE PROCEDURES

Minimum heights

91.06.33 (1) Except when necessary for take-off or landing, or except with the prior approval of the Director, no pilot-in-command of an aircraft -

(a) shall fly the aircraft over built-up areas or over an open-air assembly of persons at a height less than 1 000 feet above the highest obstacle, within a radius of 2 000 feet from such aircraft;

(b) when flown elsewhere than specified in paragraph (a), shall fly the aircraft at a height less than 500 feet above the ground or water; and

(c) shall circle over or do repeated overflights over an open-air assembly of persons at a height less than 3 000 feet above the surface.

(2) Except when necessary for take-off or landing, the pilot-in-command of an aircraft shall by night, in IMC, or when operated in accordance with IFR, fly the aircraft -

(a) if within an area determined by the Director, at a height of at least 1 000 feet above the highest obstacle within that area and in accordance with such procedures as the Director may determine; or

(b) if elsewhere than in an area contemplated in paragraph (a), at a height of at least 1 500 feet above the highest obstacle located within five nautical miles of the aircraft in flight.

Semi-circular rule

91.06.34 (1) Unless otherwise directed by an air traffic service unit, the pilot-in-command of an aircraft in level flight, shall fly at an appropriate flight level selected according to magnetic track from the table as prescribed in Document NAM-CATS-OPS 91.

(2) Aircraft flown in accordance with VFR at a height of less than 1 500 feet above the surface, shall not be required to comply with the provisions of subregulation (1), unless otherwise directed by an air traffic service unit.

Standard instrument approach to and departure from aerodrome

91.06.35 When an instrument approach to, or instrument departure from, an aerodrome is necessary, the pilot-in-command of an aircraft shall use the standard instrument approach and departure procedure as published by the Director in an AIC, AIP, AIP SUP or a NOTAM.

SUBPART 7
FLIGHT OPERATIONS

Routes and areas of operation

91.07.1 The owner, operator or pilot-in-command, as the case may be, of an aircraft, shall ensure that -

(a) operations are only conducted along such routes, or within such areas, for which approval or authorisation has been obtained, where required;

(b) the performance of the aircraft intended to be used, is adequate to comply with minimum flight altitude requirements; and

(c) the equipment of the aircraft intended to be used, complies with the minimum requirements for the planned operation.

Minimum flight altitudes

91.07.2 (1) No pilot-in-command shall operate an aircraft at flight altitudes below -

(a) flight altitudes established by the operator or pilot-in-command, which provide for the required terrain clearance, taking into account the performance operating limitations referred to in Subpart 9; and

(b) the minimum altitudes referred to in Subpart 6,

except when necessary for take-off and landing.

(2) The method of establishing minimum flight altitudes referred to in subregulation (1)(a), shall be as prescribed in Document NAM-CATS-OPS 91.

(3) Where the minimum flight altitudes established by the appropriate authority of a foreign State, are higher than the minimum flight altitudes prescribed in this regulation, the minimum flight altitudes established by such appropriate authority shall apply in respect of a Namibian registered aircraft flying in the airspace of the foreign State concerned.

Use of aerodromes

91.07.3 (1) No pilot-in-command shall use, and no owner or operator shall authorise the use of, an aerodrome as a destination or alternate destination aerodrome, unless such aerodrome is adequate for the type of aircraft and operation concerned.

(2) Except in an emergency, no pilot-in-command of an aircraft shall take-off or land by night, unless the place of take-off or landing is equipped with approved night flying facilities.

Helicopter landings and take-offs

91.07.4 (1) No pilot-in-command of a helicopter shall land at, or take-off from, any place unless the place is so situated to permit the helicopter, in the event of an emergency arising during such landing or take-off, to land without undue hazard to persons or property on the surface.

(2) No pilot-in-command of a helicopter shall land on, or take-off from, any building, structure or place situated within 100 metres of any other building or structure, in the area of jurisdiction of a local authority, unless such building, structure or place has been approved for the purpose by the Director: Provided that this restriction shall not apply -

(a) to a helicopter landing on, or taking off from, a building, structure or place within an industrial area, a commercial warehouse area or an open farm land, which is suitable for such purpose and in respect of which helicopter the pilot-in-command is the holder of a valid commercial or airline transport pilot licence (helicopter), or, in the case of the holder of a private pilot licence (helicopter), with the written permission of the Director, unless specifically prohibited by the local authority;

(b) to a helicopter engaged in an emergency medical service operation, or undertaking a flight necessary for the exercising of any power in terms of any law.

(3) A local authority may, after consultation with the Director, extend the scope of the provisions of subregulation (2)(a) to include other places in its area of jurisdiction.

(4) The Director may, in the interests of aviation safety, impose conditions or institute restrictions as to the use of any building, structure or place for the landing or take-off of helicopters, or require special flight procedures to be adopted at, or special routes to be followed to or from, such building, structure or place by helicopters, and the Director may impose different conditions, institute different restrictions or require different special flight procedures to be adopted in respect of different buildings, structures or places.

(5) Nothing in this regulation shall be construed as conferring any right to land at any building, structure or place against the wishes of the owner of, or any other person who has an interest in, the building, structure or place, or as prejudicing the rights or remedies of any person in respect of any injury to persons or property caused by the helicopter or its occupants.

Aerodrome operating minima

91.07.5 (1) No pilot-in-command of an aircraft shall use an aerodrome as a destination or alternate aerodrome, unless the operating minima for such aerodrome, established by the appropriate authority of the State in which the aerodrome is situated, can be complied with.

(2) The aerodrome operating minima for a specific type of approach and landing procedure shall be applicable if -

(a) the ground equipment shown on the respective instrument approach and landing chart required for the intended procedure, is operative;

(b) the aircraft systems required for the type of approach, are operative;

(c) the required aircraft performance criteria are complied with; and

(d) the flight crew are qualified to conduct the type of approach.

(3) In determining or establishing the aerodrome operating minima applicable to any particular operation, the operator or pilot-in-command shall take into account -

(a) the type, performance and handling characteristics of the aircraft;

(b) the composition of the flight crew, their competence and experience;

(c) the dimensions and characteristics of the runways or touchdown and lift-off areas which may be selected for use;

(d) the adequacy and performance of the available visual and non-visual ground aids;

(e) the equipment available in the aircraft for the purpose of navigation or control of the flight path, as appropriate, during the take-off, approach, flare, landing or missed approach;

(f) the obstacles in the approach and missed approach areas and the climb-out areas and necessary clearance;

(g) the obstacle clearance altitude or height for the instrument approach procedures;

(h) the means to determine and report meteorological conditions; and

(i) the availability and adequacy of emergency services.

Threshold crossing height

91.07.6 (1) The operator or pilot-in-command, as the case may be, of an aircraft, shall establish operational procedures designed to ensure that the aircraft being used to conduct precision approaches, crosses the threshold by a safe margin with such aircraft in the landing configuration and attitude.

[The word "altitude" is misspelt in the *Government Gazette*, as reproduced above.]

(2) The operational procedures applicable to Category II and Category III approaches, shall be approved by the Director.

Pre-flight selection of aerodromes

91.07.7 (1) The operator or pilot-in-command, as the case may be, of an aircraft, shall select destination or alternate aerodromes in accordance with regulation 91.07.5 when planning a flight.

(2) The operator or pilot-in-command shall select a departure, destination or alternate aerodrome only when the serviceability status of the aerodrome permits safe operation of the type of aircraft concerned.

(3) The operator or pilot-in-command shall select and specify in the flight plan referred to in regulation 91.03 .4, a take-off alternate aerodrome, if it would not be possible for the aircraft to return to the aerodrome of departure due to meteorological or performance reasons.

(4) The take-off alternate aerodrome referred to in subregulation (3), shall be located within -

(a) one hour flight time atone-engine cruising true air speed according to the aircraft flight manual referred to in regulation 91.03.2, in still air standard conditions based on the actual take-off mass for a twin-engine aircraft;

(b) two hours flight time at one-engine inoperative cruising true air speed according to the aircraft flight manual referred to in regulation 91.03 .2, in still air standard conditions based on the actual take-off mass for three-engine and four-engine aircraft;

(c) if the aircraft flight manual referred to in regulation 91.03.2, does not contain a one-engine inoperative cruising true air speed, the speed to be used for calculation, shall be the speed which is achieved with the remaining engine set at maximum continuous power.

(5) The operator or pilot-in-command of a helicopter, shall select at least one destination alternate aerodrome for each IFR flight, unless the meteorological conditions prevailing are such that, for the period from one hour before until one hour after the expected time of arrival at the destination aerodrome, the approach from the minimum sector safe altitude and landing can be made in VMC.

(6) The operator or pilot-in-command of an aeroplane, shall select at least one destination alternate aerodrome for each IFR flight, unless -

(a) two suitable non-intersecting runways are available at the destination aerodrome; and

(b) the meteorological conditions forecast or prevailing are such that, for the period from one hour before until one hour after the expected time of arrival at the destination aerodrome, the approach from the minimum sector safe altitude and landing can be made in VMC; or

(c) the destination aerodrome is isolated and no adequate destination alternate aerodrome exists.

(7) The operator or pilot-in-command shall select two destination alternate aerodromes when -

(a) the appropriate weather reports or forecasts for the destination aerodrome, or any combination thereof, indicate that during a period commencing one hour before, and ending one hour after, the estimated time of arrival, the weather conditions will be below the applicable planning minima; or

(b) no meteorological information can be obtained.

(8) The operator or pilot-in-command shall specify the destination alternate aerodrome in the flight plan referred to in regulation 91.03.4.

(9) The operator or pilot-in-command shall specify en route alternate aerodromes for extended-range operations with twin-engine aeroplanes and shall specify such en route alternate aerodromes in the flight plan referred to in regulation 91.03.4.

(10) When planning a flight, the operator or pilot-in-command shall only select an aerodrome as a destination or alternate aerodrome, if the appropriate weather reports or forecasts, or a combination thereof, are at or above the applicable planning minima for a period commencing one hour before, and ending one hour after, the estimated time of arrival of the aircraft at the aerodrome.

Planning minima for IFR fights

[The word "flights" is misspelt in the *Government Gazette*, as reproduced above.]

91.07.8 (1) The operator or pilot-in-command, as the case may be, of an aircraft, shall not select an aerodrome as a take-off alternate aerodrome for a flight to be conducted, wholly or partly in accordance with IFR under IMC, unless the appropriate weather reports or forecasts, or any combination thereof, indicate that, during a period commencing one hour before, and ending one hour after, the estimated time of arrival at the aerodrome, the weather conditions will be at or above the applicable landing minima prescribed in regulation 91.07.5.

(2) The ceiling shall be taken into account when the only approaches available are non-precision or circling approaches.

(3) Any limitation related to one-engine inoperative operations shall be taken into account.

(4) The operator or pilot-in-command shall only select the destination aerodrome or destination alternate aerodrome when the appropriate weather reports or forecasts, or any combination thereof, indicate that, during a period commencing one hour before and ending one hour after the estimated time of arrival at the aerodrome, the weather conditions will be at or above the applicable planning minima as follows:

(a) Planning minima for a destination aerodrome -

(i) RVR or visibility specified in accordance with regulation 91.07.5; and

(ii) for a non-precision approach or a circling approach, the ceiling at or above minimum descent altitude/height; and

(b) planning minima for a destination alternate aerodrome shall be as prescribed in Document NAM-CATS-OPS 91.

(5) The operator or pilot-in-command shall not select an aerodrome as an en route alternate aerodrome unless the appropriate weather reports or forecasts, or any combination thereof, indicate that, during a period commencing one hour before, and ending one hour after, the estimated time of arrival at the aerodrome, the weather conditions will be at or above the planning minima as prescribed in Document NAM-CATS-OPS 91.

(6) The operator or pilot-in-command shall not select an aerodrome as an ETOPS en route alternate aerodrome unless the appropriate weather reports or forecasts, or any combination thereof, indicate that, during a period commencing one hour before, and ending one hour after, the estimated time of arrival at the aerodrome, the weather conditions will be at or above the planning minima as prescribed in Document NAM-CATS-OPS 91, and in accordance with the ETOPS approval obtained by the operator.

Meteorological conditions

91.07.9 (1) On a flight to be conducted in accordance with IFR, the pilot-in-command of an aircraft shall not -

(a) commence take-off; or

(b) continue beyond the in-flight decision point,

unless information is available indicating that conditions will, at the estimated time of arrival of such aircraft, be at or above the applicable aerodrome operating minima -

(i) at the destination aerodrome; or

(ii) where a destination alternate aerodrome is required, at the destination aerodrome and one destination alternate aerodrome, or at two destination alternate aerodromes.

(2) On a flight conducted in accordance with VFR, the pilot-in-command of an aircraft shall not commence take-off unless current meteorological reports, or a combination of current reports and forecasts, indicate that the meteorological conditions along the route, or that part of the route to be flown under VFR, shall, at the appropriate time, be such as to render compliance with the provisions prescribed in this Part possible.

VFR operating minima

91.07.10 The operator or pilot-in-command, as the case may be, of an aircraft, shall ensure that -

(a) VFR flights are conducted in accordance with the visual flight rules prescribed in Subpart 6; and

(b) special VFR flights are not commenced when the ceiling is less than 3 km, and not otherwise conducted when the ceiling is less than the ceiling prescribed in regulation 91 .06.22(d).

[It appears that the cross-reference should be "91.06.22(1)(d)".]

Mass and balance

91.07.11 (1) The operator or pilot-in-command, as the case may be, of an aircraft, shall, where applicable, ensure that, during any phase of operation, the loading, mass and the centre of gravity of the aircraft complies with the limitations specified in the approved aircraft flight manual referred to in regulation 91.03.2.

(2) The operator or pilot-in-command shall establish the mass and the centre of gravity of the aircraft by actual weighing prior to initial entry into operation and thereafter, at intervals of five years.

(3) The accumulated effects of modifications and repairs on the mass and balance of the aircraft, shall be accounted for and properly documented by the operator or pilot-in-command.

(4) The aircraft shall be weighed in accordance with the provisions of subregulation (2), if the effect of modifications on the mass and balance is not accurately known.

(5) The operator or pilot-in-command shall determine the mass of all operating items and crew members included in the dry operating mass of the aircraft, by weighing or by using the appropriate standard mass *as* prescribed in Document NAM-CATS-OPS 91.

(6) The influence of the mass of the operating items and crew members referred to in subregulation (5), on the centre of gravity of the aircraft, shall be determined by the operator or pilot-in-command of such aircraft.

(7) The operator or pilot-in-command shall establish the mass of the traffic load, including any ballast, by actual weighing, or determine the mass of the traffic load in accordance with the appropriate standard passenger and baggage mass as prescribed in Document NAM-CATS-OPS 91.

(8) The operator or pilot-in-command shall determine the mass of the fuel load by using the actual specific gravity or, if approved by the Director, a standard specific gravity.

(9) The operator or pilot-in-command shall establish mass and balance documentation as prescribed in Document NAM-CATS-OPS 91.

Fuel and oil supply

91.07.12 The pilot-in-command of an aircraft shall not commence a flight unless he or she is satisfied that the aircraft carries at least the planned amount of fuel and oil to complete the flight safely, taking into account operating and meteorological conditions, the expected delays and the fuel and oil requirements as prescribed in Document NAM-CATS-OPS 91.

Refueling or defueling with passengers on board

91.07.13 (1) The operator or pilot-in-command, as the case may be, of an aircraft, shall ensure that the aircraft is not refueled or defueled with AVGAS or wide-cut type fuel when passengers are embarking, on board or disembarking such aircraft.

(2) In cases other than the cases referred to in subregulation (1), necessary precautions shall be taken and the aircraft shall be properly manned by qualified personnel ready to initiate and direct an evacuation of such aircraft by the most practical and expeditious means available.

Smoking in aircraft

91.07.14 (1) No person shall smoke in a Namibian registered aircraft when carrying passengers.

(2) No person shall smoke in a foreign registered aircraft, when carrying passengers, which is operated to or from any aerodrome located in Namibia, while the aircraft is in Namibian airspace.

(3) In an aircraft in which smoking is permitted, smoking shall nevertheless be prohibited -

(a) when the aircraft is on the ground;

(b) during take-off; and

(c) during an approach to land.

(4) In all Namibian registered aircraft, notices shall be displayed in a prominent place in all passenger and crew compartments, indicating to what extent, and when, smoking is permitted or prohibited.

Instrument approach and departure procedures

91.07.15 (1) The operator or pilot-in-command, as the case may be, of an aircraft, shall ensure that only instrument approach and departure procedures, established by the appropriate authority of the State in which the aerodrome to be used, is located, are used.

(2) Notwithstanding the provisions prescribed in subregulation (1), a pilot-in-command may accept an air traffic control clearance to deviate from a published approach or departure route: Provided that -

(a) obstacle clearance criteria are observed and full account is taken of the operating conditions; and

(b) the final approach is flown visually or in accordance with the established instrument approach procedure.

Noise abatement procedures

91.07.16 (1) No person shall operate an aircraft contrary to noise abatement procedures established for an aerodrome in terms of the provisions of Part 139.

(2) The Director may, by notice in an AIP or AIP SUP, identify those aerodromes where noise abatement procedures do not apply.

Submission of flight plan

91.07.17 (1) The operator or pilot-in-command, as the case may be, of an aircraft, shall ensure that a flight is not commenced unless a flight plan referred to in regulation 91.03.4, has been filed, or adequate information has been deposited in order to permit alerting services to be activated, if required.

(2) The operator or pilot-in-command of a flight for which search and rescue action has been requested, who fails to comply with the search and rescue requirements, shall be responsible for any costs incurred by the air traffic service unit concerned for such search and rescue action or for the provision of alerting or supporting services. Such costs shall be no less than five hundred Namibian dollars (N$500).

Seats, safety belts and harnesses

91.07.18 (1) Before take-off and landing, and whenever deemed necessary in the interests of aviation safety, the pilot-in-command of an aircraft shall ensure that each person on board such aircraft, occupies a seat or berth with his or her safety belt or harness, where provided, properly secured.

(2) The pilot-in-command shall ensure that multiple occupancy of aircraft seats does not occur other than by one adult and one infant, who is properly secured by an approved infant restraint device.

Passenger seating

91.07.19 The operator or pilot-in-command, as the case may be, of an aircraft, shall ensure that passengers are seated where, if an emergency evacuation is required, such passengers may best assist, and not hinder, evacuation from the aircraft.

Passenger briefing

91.07.20 (1) The operator or pilot-in-command, as the case may be, of an aircraft, shall ensure that -

(a) passengers are verbally briefed about safety matters, parts or all of which may be given by an audio-visual presentation; and

(b) in an emergency during flight, passengers are instructed in such emergency action as may be appropriate to the circumstances.

(2) The operator or pilot-in-command shall ensure that, before take-off -

(a) passengers are briefed, to the extent applicable, on -

(i) the prohibition of smoking;

(ii) when the back of the seat is to be in the upright position and the tray table stowed;

(iii) the location and use of floor proximity escape path markings;

(iv) the stowage of carry-on baggage;

(v) any restrictions on the use of electronic devices;

(vi) the location and the contents of the safety briefing card, if applicable;

(vii) when and how oxygen equipment is to be used, if the carriage of oxygen is required;

(viii) the location and use of life jackets;

(ix) the location and method of opening emergency exits; and

(x) when seat belts are to be fastened; and

(b) passengers receive, to the extent applicable, a demonstration of -

(i) the use of safety belts or safety harnesses, including the manner in which the safety belts or safety harnesses are to be fastened and unfastened;

(ii) the location and use of oxygen equipment and the extinguishing of all smoking materials when oxygen is being used; and

(iii) the location and use of life jackets.

(3) The operator or pilot-in-command shall ensure that, after take-off, passengers are reminded about -

(a) the prohibition of smoking; and

(b) the use of safety belts or safety harnesses.

(4) The operator or pilot-in-command shall ensure that, before landing, passengers are reminded about -

(a) the prohibition of smoking;

(b) the use of safety belts or safety harnesses;

(c) when the back of the seat is to be in the upright position and the tray table stowed, if applicable;

(d) the re-stowage of carry-on baggage; and

(e) any restrictions on the use of electronic devices.

(5) The operator or pilot-in-command shall ensure that, after landing, passengers are reminded about -

(a) the prohibition of smoking; and

(b) the use of safety belts or safety harnesses.

Emergency equipment

91.07.21 (1) The owner, operator or pilot-in-command, as the case may be, of an aircraft, shall ensure that emergency equipment, carried or installed in the aircraft in order to meet the requirements prescribed in this Part and the MEL, is in such condition that it will satisfactorily perform its design function.

(2) The pilot-in-command of the aircraft shall ensure that the emergency equipment concerned is always easily accessible for immediate use by the crew members.

Illumination of emergency exits

91.07.22 The pilot-in-command of an aircraft, which is equipped with an emergency lighting system referred to in regulation 91.04.25, shall ensure that when the aircraft is in flight and below 1 000 feet above ground or sea level, or on the ground with passengers on board -

(a) the emergency lighting system is switched on; or

(b) the normal cabin lighting system is switched off and the emergency lighting is armed.

Use of supplemental oxygen

91.07.23 (1) The pilot-in-command of an aircraft shall ensure that flight crew members engaged in performing duties essential to the safe operation of an aircraft in flight, use supplemental oxygen continuously when the flight deck pressure altitude exceeds 10 000 feet for more than 60 minutes, and at all times when the flight deck pressure altitude exceeds 12 000 feet.

(2) The pilot-in-command shall ensure that, with the exception of supersonic aeroplanes, when a flight is conducted above FL 410, at least one pilot at the pilot station wears an oxygen mask and is fully strapped in when the other pilot leaves the flight deck for any reason.

Approach and landing conditions

91.07.24 Before commencing an approach to land, the pilot-in-command of an aircraft shall be satisfied that, according to the infom1ation available to him or her, the weather at the aerodrome and the condition of the runway or touchdown and lift-off area intended to be used, will not prevent a safe approach, landing or missed approach, having regard for the performance information contained in the aircraft flight manual referred to in regulation 91.03.2, or a similar document.

Commencement and continuation of approach

91.07.25 (1) When operating in IMC and in accordance with IFR, the pilot-in-command of an aircraft may commence an approach regardless of the reported RVR or visibility, but the approach shall not be continued beyond the outer marker or equivalent published position, unless the reported RVR or visibility for the runway or touchdown and lift-off area is equal to, or better than, the applicable operating minima.

(2) Where RVR is not available, the pilot-in-command may derive an RVR value by converting the reported visibility in accordance with the provisions as prescribed in Document NAM-CATS-OPS 91.

(3) If, after passing the outer marker or equivalent published position in accordance with the provisions of subregulation (1), the reported RVR or visibility falls below the applicable minima, the pilot-in-command may continue the approach to decision altitude/height or minimum descent altitude/height.

(4) The pilot-in-command may continue the approach below decision altitude/height or minimum descent altitude/height and the landing may be completed: Provided that the required visual reference is established at the decision altitude/height or minimum descent altitude/height and is maintained.

(5) Where no outer marker or equivalent published position exists, the pilot-in-command shall decide whether to continue or abandon the approach before descending below 1 000 feet above the aerodrome on the final approach segment.

In-flight simulation of emergency situations

91.07.26 The operator or pilot-in-command, as the case may be, of an aircraft, shall ensure that no person, simulates emergency situations in the aircraft affecting the flight characteristics of such aircraft when passengers are on board such aircraft.

Starting engines

91.07.27 (1) Except when the brakes are serviceable and are fully applied, chocks shall be placed in front of the wheels of an aeroplane before starting the engine or engines, and a competent person shall be seated at the controls when the engine or engines are running.

(2) Where the pilot of an aeroplane is the only competent person present, he or she shall use brakes when starting the engine or engines.

Aerobatic flights

91.07.28 (1) No pilot-in-command of an aircraft shall engage in acrobatic flight so as to endanger air traffic.

(2) Unless prior approval has been obtained from the Director for each flight, no pilot-in-command of an aircraft shall engage in aerobatic flight -

(a) in the vicinity of air traffic service routes;

(b) within five nautical miles of an aerodrome unless at a height not less than 4 000 feet above ground level;

(c) unless the manoevre can be concluded and the aircraft brought on an even keel at a height of not less than 2 000 feet above the ground or water; or

[The word "manoeuvre" is misspelt in the *Government Gazette*, as reproduced above.]

(d) over any densely inhabited area or public gathering.

Aviation events

91.07.29 (1) No person shall conduct an aviation event, and no person shall operate an aircraft in an aviation event, unless the organiser of the event obtains the prior approval of the Director.

(2) Application to the Director for approval to conduct an aviation event shall -

(a) be made at least 30 days prior to the aviation event; and

(b) contain the following information about the proposed aviation event:

(i) Name, position, and address of the organiser;

(ii) place, date and time;

(iii) type;

(iv) details of the organisation and key persons to be employed;

(v) details of the flying programme;

(vi) detailed plan and description of the site with sufficient detail to show compliance with the safety requirements prescribed in this regulation;

(vii) details of control methods to be used for the safety of the spectators; and

(viii) details of the emergency services provided.

(3) Each pilot-in-command of an aircraft participating in an aviation event shall -

(a) not perform acrobatic flight below 500 feet above the surface;

(b) for display flights, other than a display of agricultural operations or helicopter operations, operate at a height of at least 100 feet above the surface;

(c) fly the aircraft aligned with reference to a display line sufficiently distanced from spectators so as not to create a hazard to person or property on the surface;

(d) not carry any passengers;

(e) not fly over any spectator area;

(f) not conduct any manoeuvre between the display line and any spectator area; and

(g) with the exception of a helicopter in the hover or hover taxiing, not initiate any manoeuvre in the direction of any spectator area.

(4) For the purposes of this regulation, "aviation event" means an event to be conducted below the minimum safe altitudes prescribed under this Part which is -

(a) an air show or practice for an air show;

(b) an air race or practice for an air race;

(c) an acrobatic competition; or

(d) acrobatic training or practice.

SUBPART 8
ALL WEATHER OPERATIONS

Aerodrome operating minima

91.08.1 The aerodrome operating minima are the aerodrome operating minima referred to in regulation 91.07.5, and the minima prescribed in Subpart 6 shall apply *mutatis mutandis.*

General operating rules for low-visibility operations

91.08.2 (1) The operator or pilot-in-command, as the case may be, of an aircraft, shall ensure that no Category II or III operations are conducted with the aircraft unless -

(a) such aircraft is certificated for operations with decision heights below 200 feet or no decision height, and equipped in accordance with the provisions of this Part;

(b) a suitable system for recording approach or automatic-landing success and failure is established and maintained to monitor the overall safety of the operation;

(c) the operations are approved by the Director; and

(d) decision height is determined by means of a radio altimeter.

(2) The pilot-in-command shall not conduct low-visibility take-offs with RVR of less than 150 m for Category A, B, C and D aeroplanes, or RVR of less than 200 m for Category E aeroplanes, unless approved by the Director.

(3) The categories referred to in subregulation (2), are established on the basis of 1.3 times the stall speed of the aeroplanes in the landing configuration at maximum certificated landing mass and are as follows:

(a) Category A - less than 91 knots indicated airspeed;

(b) Category B - 91 knots indicated airspeed or more, but less than 121 knots indicated airspeed;

(c) Category C - 121 knots indicated airspeed or more, but less than 141 knots indicated airspeed;

(d) Category D - 141 knots indicated airspeed or more, but less than 166 knots indicated airspeed; and

(e) Category E - 166 knots indicated airspeed or more, but less than 211 knots indicated airspeed.

Aerodrome considerations for low-visibility operations

91.08.3 (1) No pilot-in-command of an aircraft shall use an aerodrome for Category II or III operations, unless the aerodrome is approved for such operations by the appropriate authority of the State in which the aerodrome is located.

(2) The operator or pilot-in-command, as the case may be, of an aircraft intended to be used in low-visibility operations, shall verify that low-visibility procedures have been established, and are in force, at the aerodromes where low-visibility operations are to be conducted.

Training and qualifications for low-visibility operations

91.08.4 The owner or operator, as the case may be, of an aircraft, shall ensure that, prior to conducting low-visibility take-off or Category II and III operations -

(a) each flight crew member -

(i) has completed the training and checking requirements as prescribed in Document NAM-CATS- OPS 91, including simulator training in operating to the limiting values of RVR and decision height appropriate to the owner's or operator's Category II or III approval; and

(ii) is qualified in accordance with the requirements as prescribed in Document NAM-CATS-OPS 91; and

(b) the flight crew qualifications are specific to the operations and aircraft types.

Operating procedures for low-visibility operations

91.08.5 (1) The operator or pilot-in-command, as the case may be, of an aircraft, shall establish procedures and instructions to be used for low-visibility take-offs and Category II and III operations.

(2) The pilot-in-command shall be satisfied that -

(a) the status of the visual and non-visual facilities is sufficient prior to commencing a low-visibility take-off or a Category II or III approach;

(b) appropriate low-visibility procedures are in force according to information received from an air traffic service unit, before commencing a low-visibility take-off or a Category II or III approach; and

(c) the flight crew members are properly qualified to carry out a low-visibility take-off with RVR of less than 150 m in a Category A, B, C and D aeroplane, or 200 m in a Category E aeroplane, or a Category II or III approach.

Minimum equipment for low-visibility operations

91.08.6 (1) The operator of an aircraft shall determine the minimum equipment which shall be serviceable at the commencement of a low-visibility take-off or a Category II or III approach, in accordance with the aircraft flight manual referred to in regulation 91.03.2.

(2) The pilot-in-command shall be satisfied that the status of the aircraft and the relevant airborne systems thereof, is appropriate for the specific operation to be conducted.

SUBPART 9
AIRCRAFT PERFORMANCE OPERATING LIMITATIONS

General provisions

91.09.1 (1) The operator or pilot-in-command, as the case may be, of an aircraft, shalt ensure that the aircraft is operated in accordance with -

(a) the terms and conditions of the certificate of airworthiness issued in respect of such aircraft;

(b) the operating limitations, the markings and placards as prescribed by the State of Registry; and

(c) the mass limitations prescribed in Part 21.

(2) ln complying with subregulation (1), the operator or pilot-in-command shall take account of airframe configuration, environmental conditions, runway characteristics and the operation of systems which may have an effect on the performance of the aircraft, when appropriate.

Helicopter operating limitations

91.09.2 (1) Performance Class 3 helicopters shall only be operated in conditions of weather and light, and over such routes and diversions therefrom, which may permit a safe forced landing to be executed in the event of an engine failure.

(2) The provisions of subregulation (1) shall apply *mutatis mutandis* to performance Class 2 helicopters prior to the defined point after take-off, and alter the defined point before landing.

(3) Only performance Class 1 helicopters shall be permitted to operate from elevated heliports in built-up urban areas.

Helicopter performance classification

91.09.3 (1) For performance purposes, helicopters are classified as follows:

(a) Class 1 helicopter - a helicopter with performance such that, in case of critical power unit failure, the helicopter is able to land on the rejected take-off area or safely continue the flight to an appropriate landing area, depending on when the failure occurs;

(b) Class 2 helicopter - a helicopter with performance such that, in case of critical power unit failure, the helicopter is able to safely continue the flight, except when the failure occurs prior to a defined point after take-off or after a defined point before landing, in which case a forced landing may be required; and

(c) Class 3 helicopter - a helicopter with performance such that, in case of power unit failure at any point in the flight profile, a forced landing has to be performed.

(2) The Director may, for performance purposes, classify any type of helicopter in Document NAM-CATS-OPS 91, as a Class 1, Class 2 or Class 3 helicopter.

Aeroplane performance classification

91.09.4 (1) For performance purposes, aeroplanes are classified as follows:

(a) Class A aeroplane -

(i) a multi-engine aeroplane powered by turbo-propeller engines with a maximum approved passenger seating configuration of more than nine seats or a maximum certificated mass exceeding 5 700 kilograms; and

(ii) a multi-engine turbojet-powered aeroplane;

(b) a Class B aeroplane - a propeller-driven aeroplane with a maximum approved passenger seating configuration of nine seats or less, or a maximum certificated mass of 5 700 kilograms or less; and

(c) a Class C aeroplane - an aeroplane powered by two or more reciprocating engines with a maximum approved passenger seating configuration of more than nine seats or a maximum certificated mass exceeding 5 700 kilograms.

(2) The Director may, for performance purposes, classify any type of aeroplane in Document NAM-CATS-OPS 91, as a Class A, Class B or Class C aeroplane.

SUBPART 10
AIRCRAFT MAINTENANCE

General

91.10.1 No owner, operator or pilot-in-command, as the case may be, of an aircraft, shall operate the aircraft unless such aircraft is maintained and released to service in accordance with the regulations in Part 43.

SUBPART 11
EMERGENCY MEDICAL SERVICE OPERATIONS

Requirements for emergency medical service operations

91.11.1 (1) The operator of an aircraft engaged in a commercial emergency medical service operation, shall not operate the aircraft unless such operator is the holder of -

(a) a valid air operator certificate issued in terms of Part 121, Part 127 or Part 135, as the case may be; and

(b) a licence issued in terms of section 31 of the Hospital and Health Facilities Act, 1994 (Act 36 of 1994).

(2) The operator of an aircraft engaged in an emergency medical service operation other than a commercial emergency medical service operation, shall not operate the aircraft unless such operator -

(a) conducts the emergency medical service operation in accordance with an approved manual of procedure; and

(b) is the holder of a licence issued in terms of section 31 of the Hospital and Health Facilities Act, 1994.

Manual of procedure

91.11.2 (1) The operator of an aircraft engaged in an emergency medical service operation shall compile a manual of procedure setting out the manner in which such operator is to operate the emergency medical service operation: Provided that if the operator is engaged in a commercial emergency medical service operation, the operations manual of the operator referred to in Part 121, 127 or 135, as the case may be, shall be deemed to be the manual of procedure for the purposes of this Subpart.

(2) The operator shall, prior to commencing an emergency medical service operation, submit the manual of procedure in duplicate to the Director for approval.

(3) The structure and contents of the manual of procedure shall be as prescribed in Document NAM-CATS-OPS 91.

(4) If the Director is satisfied that the operator will operate the emergency medical service operation in accordance with the provisions in this Part, the Director shall certify in writing, on both copies of the manual of procedure, that such manual of procedure has been approved, and shall return one copy of such manual of procedure to the operator.

(5) The operator shall submit any amendment to the manual of procedure in duplicate to the Director for approval.

(6) If the Director is satisfied that the operator will continue to comply with the provisions of this Subpart, the Director shall certify in writing on both copies of the amendment to the manual of procedure that such amendment has been approved, and shall return one copy of the approved amendment to the operator.

(7) The operator shall at all times operate the emergency medical service operation in accordance with the approved manual of procedure, or an approved amendment thereto.

(8) The operator shall -

(a) ensure that all operations personnel are able to understand the language used in those sections of the approved manual of procedure which pertain to their duties;

(b) ensure that every flight is conducted in accordance with the approved manual of procedure and that those parts of the manual which are required for the conduct of a flight, are easily accessible to the flight crew and medical personnel on board the aircraft;

(c) make the manual of procedure available for the use and guidance of operations personnel;

(d) provide the flight crew and medical personnel with their own personal copy of the sections of the approved manual of procedure which are relevant to the duties assigned to them;

(e) keep the approved manual of procedure up to date; and

(f) keep the approved manual of procedure in a safe place.

(9) The approved manual of procedure shall be reviewed every six months and updated, if necessary.

Operational procedures

91.11.3 The operator of an aircraft engaged in an emergency medical service operation shall ensure that medical personnel are briefed and are familiar with -

(a) the danger areas around an aircraft;

(b) standard helicopter and aeroplane safety rules;

(c) look-out assistance for obstructions, wires and debris;

(d) the location and operation of safety equipment, fire extinguishers, emergency exits and ELT;

(e) the location and operation of aircraft electrical master switches and fuel shut-off valves;

(f) the location and operation of oxygen emergency shut-off valves;

(g) the correct stowage of medical equipment;

(h) patient loading and unloading procedures;

(i) hot-loading policy and hot-unloading procedures;

(j) aircraft emergency procedures pertaining to emergency medical service flights, securing oxygen, securing loose equipment, seat belts, forced-landing drills and patient evacuation;

(k) overdue actions - emergency plans;

(l) communications in an emergency;

(m) survival instructions;

(n) a clear understanding of the day and night flying limitations;

(o) an understanding of basic aerodrome requirements;

(p) the requirements for the use of *ad hoc* landing sites; and

(q) crowd control and flight crew and medical personnel duties.

Instruments and equipment

91.11.4 The operator of an aircraft engaged in an emergency medical service operation shall ensure that any major or minor modification to the aircraft or equipment and the maintenance thereof, is done in accordance with the regulations in Part 43.

PART 92
SAFE TRANSPORT OF DANGEROUS GOODS BY AIR

[Part 92, including its heading, is substituted by GN 293/2018.]

LIST OF REGULATIONS

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92.00.33 Application of Technical Instructions: reporting difficulties and amendments

Applicability

92.00.1 (1) This Part is applicable to all international and domestic operations of civil aircraft and specifically applies to -

(a) any aircraft which is registered in Namibia or operated in Namibian airspace and which is used for the transportation of dangerous goods and any person who -

(i) offers dangerous goods for transportation by air;

(ii) transports dangerous goods by air; or

(iii) accepts dangerous goods for transportation by air; and

(b) any passenger or flight crew member on board or to be taken on board any aircraft in the manner provided for in Annex 18 of the Chicago Convention read with the Technical Instructions issued as ICAO Doc 9284.

(2) This Part does not apply to -

(a) military aircraft and military personnel who perform their official duties on board a military aircraft;

(b) dangerous goods carried in an aircraft where such goods are intended -

(i) to provide medical aid to a patient during a flight;

(ii) to provide veterinary aid or a humane killer for an animal during a flight;

(iii) for spraying, dusting or dropping in connection with lawfully conducted agricultural, horticultural, forestry or pollution control operations; or

(iv) for purposes of lawful game and livestock management during a flight;

(c) articles and substances which would otherwise constitute dangerous goods but which are required to be on board the aircraft in accordance with the appropriate airworthiness requirements and the provisions of the operations manual concerned, except that articles and substances intended as replacements for such articles and substances must be transported in accordance with the requirements and standards as prescribed in Document NAM-CATS-DG;

(d) articles and substances which would otherwise constitute dangerous goods but which are on board the aircraft for the specialised purposes as prescribed in Document NAM-CATS-DG; and

(e) articles and substances intended for the personal use of passengers and flight crew members to the extent as prescribed in Document NAM-CATS-DG.

Prohibition of transportation of dangerous goods by air

92.00.2 (1) A person may not offer for transportation in an aircraft or transport in an aircraft or accept for transport in an aircraft any -

(a) of the dangerous goods specifically identified by name or by generic description in Document NAM-CATS-DG as being forbidden for transportation by air under any circumstances;

(b) of the dangerous goods identified in Document NAM-CATS-DG as being forbidden for transportation by air under normal circumstances;

(c) other dangerous goods, unless in accordance with the provisions of the Act, this Part and the requirements and standards as prescribed in Document NAM-CATS-DG; and

(d) infected live animals.

(2) The Executive Director may, upon application in writing by any person referred to in regulation 92.00.1(1)(b), exempt such person from the provisions of subregulation (1)(b), where the Executive Director determines that -

(a) a situation of extreme urgency requires the transportation of the dangerous goods;

(b) other forms of transportation are, in the circumstances, impracticable or inappropriate; or

(c) full compliance with the provisions of this Part would, in the circumstances, be contrary to the public interest,

and the grant of the exemption applied for would not be contrary to the interests of aviation safety.

(2) The provisions of section 46 of the Act apply with the necessary changes to an application for exemption in terms of subregulation (1).

(3) An application for an exemption under this Part may be made -

(a) in respect of flights originating in or departing from Namibia; or

(b) in respect of aircraft not registered in Namibia but engaged in the overflight of Namibian territory.

Classification, division and listing of dangerous goods

92.00.3 The classes, divisions and listing of dangerous goods are contained in Document NAM-CATS-DG.

Designation of dangerous goods inspectors

92.00.4 (1) Subject to the provisions of section 37 of the Act, the Executive Director may designate dangerous goods inspectors to exercise the powers referred to in regulation 92.00.5.

(2) The conditions and requirements for and the rules, procedures and standards connected with a designation referred to in subregulation (1), are as prescribed in Document NAM-CATS-DG.

(3) The Executive Director must sign and issue to each designated dangerous goods inspector a document which states the full name of such inspector and contains a statement indicating that -

(a) such inspector has been designated in terms of subregulation (1); and

(b) such inspector is authorised to exercise the powers referred to in regulation 92.00.5 and any other powers delegated by the Executive Director to the inspector under the Act.

Powers of dangerous goods inspectors

92.00.5 (1) A designated dangerous goods inspector may -

(a) enter and inspect any -

(i) aerodrome or hangar;

(ii) premises, whether situated inside or outside any aerodrome, where goods, including food products intended for transportation by air are manufactured, produced, prepared or stored or where goods, mail or baggage intended for the transportation by air are packed, held or received or where goods, mail or baggage are received after being conveyed by air; and

(iii) aircraft, vehicle, freight or baggage container or unit load device used for the transportation of goods,

in order to ensure that the provisions of the Act, this Part and the requirements and standards as prescribed in Document NAM-CATS-DG are complied with; and

(b) require any person to forthwith produce or furnish the inspector with all documents, information and any other evidence relating to dangerous goods or baggage in so far as this may be necessary for the proper execution of his or her functions.

(2) A designated dangerous goods inspector who on reasonable grounds suspects that -

(a) any baggage, consignment, freight or baggage container or unit load device contains goods which may not lawfully, in terms of the provisions of the Act, this Part and the requirements and standards as prescribed in Document NAM-CATS-DG, be transported by air; or

(b) goods which constitute a danger or potential danger to the safety or security of persons, aircraft or any other property are being transported, have been transported or are to be transported by air,

may inspect such baggage, consignment, freight or baggage container or unit load device and, if he or she considers it necessary in the interest of aviation safety, order that such goods be detained and not be loaded in any aircraft.

(3) A designated dangerous goods inspector may at any time -

(a) search -

(i) any baggage, consignment, freight or baggage container or unit load device presented or accepted for transportation by air;

(ii) any baggage, consignment, freight or baggage container or unit load device received after being transported by air; and

(iii) any person who has disembarked from an aircraft or who intends to board an aircraft or the baggage or personal possessions of such person,

in order to ascertain whether dangerous goods are being, have been or are to be transported by air;

(b) take reasonable steps to satisfy himself or herself that the mass, quantity or composition of any -

(i) goods or baggage offered or presented for transportation in any consignment;

(ii) passengers' baggage;

(iii) freight or baggage container or unit load device;

(iv) stores transported by the operator or owner of an aircraft or his or her agent; and

(v) goods or baggage on board an aircraft,

comply with the requirements and standards as prescribed in Document NAM-CATS-DG;

(c) take reasonable steps to satisfy himself or herself that the requirements and standards as prescribed in Document NAM-CATS-DG are complied with regarding the separation of the classes of dangerous goods in storage areas, unit load devices, vehicles and aircraft;

(d) require goods to be removed from an aircraft if the requirements and standards referred to in paragraphs (b) and (c) are not complied with;

(e) request any person to produce or cause to be produced for inspection, any document relating to a consignment intended for transportation by air or which has been transported by air or any other document specified in Document NAM-CATS-DG;

(f) question any person handling dangerous goods in order to ascertain whether that person complies with the provisions of the Act, this Part and the requirements and standards as prescribed in Document NAM-CATS-DG relating to the handling of such dangerous goods; and

(g) condemn any dangerous goods which, in his or her reasonable opinion, are not in a good condition or the storage or use of which he or she considers to be dangerous and order any such dangerous goods -

(i) to be returned to the owner of the goods or to the person who delivered the goods to the place where they are inspected by the designated dangerous goods inspector; or

(ii) where the owner of the goods or the person who delivered the goods cannot be found or identified, to be destroyed forthwith; and recover any expenses incurred in connection with the return or destruction

of the goods from that owner or person, as the case maybe.

[The word "maybe" should be the two words "may be".]

(4) Any search referred to in subregulation (3)(a)(iii) must be conducted in accordance with the requirements of section 144 of the Act as if such search were a search carried out under section 140(1) of that Act.

(5) The provisions of this Part are without prejudice to the general powers under the Act, of the Executive Director, and to the specific powers under the Act of aviation security officers insofar as they may be of general or specific application to dangerous goods.

Training

92.00.6 (1) Any -

(a) shipper of dangerous goods, including a packer and shipper's agent;

(b) operator of any aircraft used in a commercial air transport operation in terms of Parts 91, 121, 127 or 135;

(c) person -

(i) who performs the act of accepting, handling, loading, unloading, transferring or other processing of cargo, on behalf of an operator;

(ii) located at an aerodrome, who performs the act of processing passengers on behalf of an operator;

(iii) not located at an aerodrome, who performs the act of checking in passengers on behalf of an operator;

(iv) other than an operator, who is involved in the processing of cargo; or

(v) engaged in the security screening of passengers, their baggage and cargo,

must ensure that the following categories of any personnel in his, her or its employ successfully complete initial dangerous goods training and recurrent dangerous goods training -

(aa) cargo personnel including any person who has access to a cargo warehouse;

(bb) personnel engaged in the ground handling, storage and loading of dangerous goods;

(cc) passenger handling personnel;

(dd) security personnel who deal with the screening of passengers, their baggage and cargo;

(ee) flight crew members;

(ff) packers;

(gg) shippers;

(hh) shipper's agents;

(ii) any person who has unescorted access to a cargo warehouse who is not responsible for the handling, storage, loading or transportation of cargo; and

(jj) cabin crew members.

(2) Training as required by this Part may only be provided by an aviation training organisation approved in terms of Part 141.

(3) The subject matter of initial dangerous goods training and refresher dangerous goods training are as prescribed in Document NAM-CATS-DG.

(4) The persons, employees or agencies referred to in subregulation (1) must complete recurrent dangerous goods training every 24 months, calculated from the date of the successful completion of the initial dangerous goods training or the preceding recurrent dangerous goods training, as the case may be.

(5) Upon the successful completion of the initial dangerous goods training or the recurrent dangerous goods training referred to in subregulation (3), the dangerous goods training organisation concerned must issue to the candidate a certificate of competence in the handling of dangerous goods to be transported by air.

(6) Any instructor conducting a dangerous goods training programme must successfully complete a category 6 initial training course and thereafter successfully complete a dangerous goods training recurrent course within 24 months calculated from the date of the completion of the initial course with an aviation training organisation approved under Part 141.

(7) The curriculum for the training referred to in subregulation (6) is as prescribed in Document NAM-CATS-DG.

(8) An operator of an aerodrome or, where appropriate or necessary, a holder and its respective service providers and subcontractors must maintain a record of training of personnel, including third party personnel, and such records must be made available on-site and upon request.

Validation of foreign certificates

92.00.7 (1) The Executive Director may upon application in writing by any person, validate any foreign certificate issued in respect of the handling of dangerous goods to be transported by air, if the holder of the certificate submits documentary proof that -

(a) such certificate has been obtained from an approved foreign training organisation; and

(b) he or she has successfully completed the refresher dangerous goods training referred to in regulation 92.00.6(3), where applicable.

(2) The application referred to in subregulation (1) must be accompanied by the appropriate fee as prescribed in Part 187.

(3) The provisions of regulation 92.00.6(4) and (5) apply with the necessary changes to the holder of a certificate referred to in subregulation (1).

Packing and packaging

92.00.8 (1) A shipper must ensure that all dangerous goods which the shipper prepares or offers for transportation by air, are packed in accordance with the provisions of this Part and the requirements and standards as prescribed in Document NAM-CATS-DG.

(2) A shipper must ensure that any packaging used for the transportation of dangerous goods by air -

(a) complies with the material and construction specifications of, and is tested initially in accordance with, the requirements and standards as prescribed in Document NAM-CATS-DG; and

(b) is of good quality and be constructed and securely closed so as to prevent leakage caused by changes in temperature, humidity, pressure or vibration under normal conditions of transportation by air.

(3) A shipper must ensure that inner packaging is packed, secured or cushioned to prevent its breakage or leakage and to control its movement within the outer packaging during normal conditions of transportation by air.

(4) A shipper must ensure that packaging in direct contact with dangerous goods is resistant to any chemical or other action of such goods and cushioning, and that absorbent materials do not react dangerously with the contents of the receptacles.

(5) A shipper must ensure that packaging for which retention of a liquid is a basic function, is capable of withstanding, without leaking, the pressure as prescribed in Document NAM-CATS-DG.

(6) A receptacle used for the transportation of dangerous goods by air may not be re-used by the shipper until such receptacle has been inspected by such shipper and found free from corrosion or other damage.

(7) If a receptacle, used for the transportation of dangerous goods by air, is reused by the shipper, all necessary measures must be taken by the shipper to prevent contamination of subsequent dangerous goods transported therein.

(8) If, because of the nature of their former contents, uncleaned empty receptacles may present a hazard, the shipper must ensure that such receptacles are tightly closed and treated according to the hazard that they constitute.

(9) A shipper must ensure that no harmful quantity of any dangerous substance adheres to the outside of a package.

Responsibility of shipper

92.00.9 (1) A shipper must ensure that dangerous goods offered for transportation by air are not dangerous goods identified as forbidden for transported by air in terms of regulation 92.00.2 and are -

[The word "transported" should be "transport".]

(a) identified, classified, packed, marked and labelled; and

(b) accompanied by a properly executed dangerous goods transport document,

in accordance with the provisions of this Part and the requirements and standards as prescribed in Document NAM-CATS-DG.

(2) A shipper must ensure that any person employed by him or her or any person employed to act on his or her behalf, who is involved in the preparation of a consignment of dangerous goods to be transported by air, is trained in accordance with the provisions of regulation 92.00.6.

Labelling and marking

92.01.10 (1) Any person who offers any package containing dangerous goods for conveyance by air must ensure that such package is labelled with the appropriate label or labels in accordance with the requirements and standards as prescribed in Document NAM-CATS-DG.

(2) Any person who offers any package containing dangerous goods for conveyance by air must ensure that such package is marked with the proper shipping name, UN number, class of hazard and subsidiary risk, and that any authorisation reference of the contents of the package is in accordance with the requirements and standards as prescribed in Document NAM-CATS-DG.

(3) Any person who offers any package containing dangerous goods for transportation by air must ensure that each packaging which is manufactured in accordance with a packaging specification as prescribed in Document NAM-CATS-DG, is marked with the appropriate packaging specification marking as prescribed in Document NAM-CATS-DG.

(4) Packaging may not be marked with a packaging specification marking unless such packaging complies with the appropriate packaging specification as prescribed in Document NAM-CATS-DG.

(5) In addition to the languages required by the State of origin, the English language must be used for the markings related to dangerous goods.

Dangerous goods transport document

92.00.11 (1) Any person who offers dangerous goods for transportation by air must, unless otherwise provided for in Document NAM-CATS-DG, complete, sign and provide the operator with a dangerous goods transport document and such other appropriate documents as prescribed in Document NAM-CATS-DG.

(2) A dangerous goods transport document must contain the information as prescribed in Document NAM-CATS-DG as well as a declaration, signed by the person referred to in subregulation (1), indicating that the dangerous goods offered for transportation by air are -

(a) fully and accurately described by their proper shipping names;

(b) identified, classified, packed, marked and labelled in accordance with the requirements and standards as prescribed in Document NAM-CATS-DG;

(c) in proper condition for transportation by air in accordance with the requirements and standards as prescribed in Document NAM-CATS-DG; and

(d) not dangerous goods identified as forbidden for transportation by air in terms of regulation 92.00.2.

(3) The English language must be used for the dangerous goods transport document.

(4) The operator of an aircraft in which dangerous goods are to be transported, may not accept such dangerous goods for transportation by air –

(a) unless the dangerous goods are accompanied by a completed dangerous goods transport document, except where Document NAM-CATS-DG provides that such document is not required; and

(b) until such operator has inspected the exterior or the package, overpack or freight or baggage container containing the dangerous goods in accordance with the acceptance procedures as prescribed in Document NAM-CATS-DG.

(5) The operator referred to in subregulation (1) must develop and use an acceptance checklist to ensure that the provisions of subregulation (1) regarding the acceptance of dangerous goods for transportation by air are complied with.

(6) The acceptance checklist referred to in subregulation (2), must comply with the requirements as prescribed in Document NAM-CATS-DG.

(7) The operator of an aircraft in which dangerous goods are to be transported must provide the pilot-in-command, as soon as practicable before departure of the aircraft, with the written information as prescribed in Document NAM-CATS-DG.

(8) The operator referred to in subregulation (1), must provide information in the operations manual and other relevant publications to the flight crew members and employees concerned to enable such flight crew members and employees to carry out their duties with regard to the transportation by air of dangerous goods, and such information must include the information as prescribed in Document NAM-CATS-DG.

(9) Operators, shippers or other organisations involved in the transport of dangerous goods by air must provide such information to their personnel as will enable the personnel to carry out their responsibilities with regard to the transport of dangerous goods and must provide instructions as to the action to be taken in the event of emergencies arising involving dangerous goods.

Inspection for damage or leakage by operator

92.00.12 (1) The operator of an aircraft in which dangerous goods are to be transported must inspect the exterior of each package and overpack containing dangerous goods and each freight or baggage container or package containing radioactive materials to ensure that there is no damage to or leakage from such package, overpack and freight or baggage container, before loading such package, overpack and container into the aircraft or into a unit load device.

(2) The operator referred to in subregulation (1) must inspect a unit load device before loading such device in the aircraft to ensure that there is no damage to or leakage from any dangerous goods contained therein.

(3) Damaged or leaking package, overpack, freight or baggage container or unit load device may not be loaded into an aircraft.

(4) If any package, overpack or freight or baggage container containing dangerous goods appears to be damaged or leaking after loading such package, overpack or freight or baggage container into an aircraft, the operator must remove or arrange for the removal of such package, overpack or freight or baggage container from the aircraft and must ensure that the remainder of the consignment is in a proper condition for transportation by air and that no other package, overpack or freight or baggage container has been damaged or contaminated.

(5) The operator of an aircraft referred to in subregulation (1) must inspect each package or overpack containing dangerous goods, or a freight or baggage container or package containing radioactive materials, for signs of damage or leakage upon unloading such package, overpack or freight or baggage container from the aircraft or unit load device, and if damage or leakage has occurred, the area where such package, overpack, freight or baggage container or unit load device was stowed in the aircraft, must be inspected for damage or contamination.

(6) If a package, overpack or freight or baggage container containing radioactive materials is found to be damaged or leaking, the operator must -

(a) take all necessary precautions to restrict access to such package, overpack or freight or baggage container containing radioactive materials; and

(b) designate a qualified person to assess the extent of the contamination and the radiation level.

(7) If any hazardous contamination is found in an aircraft as a result of damage to or leakage from a package or overpack containing dangerous goods, the operator must decontaminate the aircraft immediately.

(8) The operator must remove an aircraft from service immediately when such aircraft is contaminated by radioactive materials and may not return such aircraft to service until the radiation level resulting from the fixed contamination at any accessible surface and the non-fixed contamination, is below the values as prescribed in Document NAM-CATS-DG.

(9) Any person responsible for the conveyance and opening of packages containing infectious substances who becomes aware of damage to or leaking from such packages, must -

(a) avoid handling such infectious substances, where possible;

(b) inspect adjacent packages for contamination;

(c) inform the appropriate public health authority or veterinary authority of such damage or leakage;

(d) provide the appropriate authority of the country of transit with information regarding any possible contamination; and

(e) notify the shipper or the consignee accordingly.

(10) The operator of an aircraft in which dangerous goods are to be transported must comply with the storage and loading provisions of this Part and the requirements and standards as prescribed in Document NAM-CATS-DG.

Loading restrictions in cabin or on flight deck

92.00.13 Unless otherwise provided for in Document NAM-CATS-DG, a person may not stow dangerous goods in an aircraft cabin occupied by passengers or on the flight deck of an aircraft.

Separate packaging of dangerous goods

92.00.14 (1) The operator of an aircraft in which dangerous goods are to be transported must ensure that packages containing dangerous goods which might react dangerously when coming into contact with each other, are not stowed in an aircraft next to each other or in a position that would allow interaction between them in the event of leakage.

(2) The operator must ensure that a package containing a toxic or infectious substance is stowed in an aircraft in accordance with the requirements and standards prescribed in Document NAM-CATS-DG.

(3) The operator must ensure that a package containing radioactive materials is stowed in an aircraft in a manner which separates the package from persons, live animals, and undeveloped film, in accordance with the requirements and standards as prescribed in Document NAM-CATS-DG.

Securing of dangerous goods

92.00.15 (1) The operator of an aircraft in which dangerous goods are to be transported, must, when dangerous goods are loaded into the aircraft, protect such dangerous goods from being damaged, and must secure such dangerous goods in the aircraft in a manner which will prevent any movement in flight that could change the positioning of the packages.

(2) When securing packages containing radioactive materials, the operator must ensure that the securing is adequate in order that the requirements regarding the separation of radioactive materials referred to in regulation 92.00.14(3) are complied with.

(3) An operator, shipper, and other person engaged in the transport of dangerous goods by air, must establish dangerous goods security measures to minimise theft or misuse of dangerous goods that may endanger persons, property or the environment, in accordance with the provisions of Document NAM-CATS-DG.

Loading in cargo aircraft

92.00.16 Unless otherwise provided for in Document NAM-CATS-DG, an operator must load a package or overpack, containing dangerous goods and bearing a "cargo aircraft only" label in such manner that any flight crew member or other person authorised by the operator, can see, handle and, where size and weight permit, separate such package or overpack from other cargo in flight.

Dangerous goods accident and incident reporting

92.00.17 (1) The operator of an aircraft, the person in charge of a cargo warehouse, an aerodrome manager or the person in charge of ramp and ground handlers involved in a dangerous goods accident or dangerous goods incident within Namibia, must, within 48 hours after such accident or incident has occurred, notify -

(a) in the case of an accident, the Executive Director, any air traffic service Unit (ATSU) or the nearest police station; or

(b) in the case of an incident, any ATSU,

of such accident or incident, and such ATSU or police station, as the case may be, must immediately on receipt of the notification, notify -

(i) the Executive Director; and

(ii) where such accident or incident occurs at an aerodrome, the aerodrome manager.

(2) The operator of a Namibian registered aircraft involved in a dangerous goods accident or dangerous goods incident or an accident or serious incident where dangerous goods carried as cargo may be involved, must, as soon as practicable, notify -

(a) the appropriate authority of the State in territory where the accident or incident has occurred, directly or through any ATSU; and

(b) the Executive Director,

of such accident or incident.

(3) Any notification of a dangerous goods accident or dangerous goods incident must contain the particulars as prescribed in Document NAM-CATS-DG.

(4) In the event of an aircraft accident or a serious incident where dangerous goods carried as cargo may be involved, the operator of the aircraft carrying the dangerous goods as cargo must provide information, without delay, to emergency services responding to the accident or serious incident about the dangerous goods on board, as indicated in the operator's dangerous goods manual.

(5) In the event of an aircraft incident, the operator of an aircraft carrying dangerous goods as cargo must, if requested to do so, provide information without delay to emergency services responding to the incident, as indicated in the operator's dangerous goods manual.

(6) Reports of incidents and accidents involving dangerous goods must be collated and analysed by the Executive Director as part of the State safety programme required under Part 11.

Dangerous goods accident and incident investigation

92.00.18 The investigator in charge designated by the Director of Investigations under section 84(1) of the Act must investigate all dangerous goods accidents and dangerous goods incidents reported in terms of regulation 92.00.17, and the provisions of Part 11 of the Act will apply with the necessary changes to such investigation.

Dangerous goods accident and incident information

92.00.19 In the case of a consignment for which a dangerous goods transport document is required in terms of this Part, the operator or cargo handling organisation must ensure that the information as prescribed in Document NAM-CATS-DG is available at all times for use in an emergency response to dangerous goods accidents or dangerous goods incidents.

Notification of undeclared or misdeclared dangerous goods

92.00.20 (1) The operator of an aircraft in which dangerous goods are transported within Namibia or, in the case of Namibian a registered aircraft, outside Namibia must, within 48 hours after the discovery of -

(a) any undeclared or misdeclared dangerous goods; or

(b) dangerous goods not permitted in terms of regulation 92.00.2,

on board the aircraft or in the baggage or on the person of a passenger or flight crew member, notify the Executive Director or the appropriate national authority thereof, as the case may be.

(2) In order to prevent the occurrence of instances of undeclared and misdeclared dangerous goods in cargo, each operator must establish procedures for investigating and compiling information concerning such occurrences in any State or territory and which involve the transport of dangerous goods originating in, or destined for, another State or territory, and those procedures must be clearly stated in the manual of procedures (MOP).

(3) Reports of occurrences of instances must be made available to the Executive Director or the appropriate authority of the State in which this occurred, within 48 hours.

Retention of documents

92.00.21 (1) The operator of an aircraft in which dangerous goods are transported, must ensure that at least one copy of all records pertaining to a flight on which dangerous goods are transported, including the -

(a) dangerous goods transport records such as the dangerous goods transport document and air way bill;

(b) acceptance checklist, if completion of the checklist is required; and

(c) written information provided to the pilot-in-command in terms of regulation 92.00.11(7), are retained for a period of 90 days, calculated from the date of such flight.

[Subsection (1) is reproduced above as it appears in the *Government Gazette*. The closing phrase "are retained for a period of 90 days, calculated from the date of such flight" appears to have been intended to apply to paragraphs (a)-(c). Subsection (1) should probably appear as follows:

"92.00.21 (1) The operator of an aircraft in which dangerous goods are transported, must ensure that at least one copy of all records pertaining to a flight on which dangerous goods are transported, including the -

(a) dangerous goods transport records such as the dangerous goods transport document and air way bill;

(b) acceptance checklist, if completion of the checklist is required; and

(c) written information provided to the pilot-in-command in terms of regulation 92.00.11(7),

are retained for a period of 90 days, calculated from the date of such flight."**]**

(2) The operator of an aircraft involved in a dangerous goods accident or incident, and the manager of an aerodrome where such accident or incident has occurred must keep records of the dangerous goods incident or accident and any undeclared or misdeclared dangerous goods discovered and such records must be made available on-site and copies supplied to the Executive Director upon request by the Executive Director an authorised officer, inspector or authorised person within 48 hours.

Dangerous goods carried by passengers or flight crew members

92.00.22 A passenger or flight crew member may not carry dangerous goods as, or in, carry-on baggage or checked baggage, or on his or her person, except in accordance with the requirements and standards as prescribed in Document NAM-CATS-DG.

Information to passengers

92.00.23 Every operator of an aircraft must ensure that information regarding the types of goods that passengers are prohibited to carry on board an aircraft, is available to such passengers as prescribed in Document NAM-CATS-DG and such information must include -

(a) applicable information accompanying the passenger ticket; and

(b) notices which are prominently displayed -

(i) at any location where tickets are issued and baggage checked; and

(ii) at all check-in- counters and aircraft boarding areas.

Powers of aerodrome operator: loading and unloading of dangerous goods

92.00.24 (1) If in the opinion of any aerodrome operator a possibility exists that persons on a certified or licensed aerodrome may be endangered through the loading or unloading of dangerous goods, the operator may take any of the steps as contemplated in subregulations (2), (3) and (4).

(2) If the operator of an aircraft has informed the aerodrome operator of the proposed loading or unloading, and the aerodrome operator considers that persons or property on the licensed aerodrome may be endangered by the proposed loading or unloading, the aerodrome operator may -

(a) permit such loading or unloading subject to such conditions as the aerodrome operator may consider necessary to impose with a view to safeguarding persons or property on the aerodrome; or

(b) prohibit such loading or unloading.

(3) If dangerous goods have been loaded into, or unloaded from, an aircraft without the permission of the aerodrome operator, the aerodrome operator may direct that such dangerous cargo be unloaded from or reloaded into such aircraft, or give such other directions or impose such conditions as the aerodrome operator may consider necessary with a view to safeguarding persons or property on the aerodrome.

(4) The operator of an aircraft carrying dangerous goods on an aerodrome must, if directed to do so by the aerodrome operator, move such aircraft to another place on the aerodrome and keep such aircraft in that place until the aerodrome operator grants permission for such aircraft to be moved.

Designation of persons responsible for dangerous goods

92.00.25 (1) Each operator, ramp handling organisation, ground handling organisation and aerodrome manager must designate a dangerous goods specialist who is responsible for the following matters involving dangerous goods -

(a) compliance with these regulations;

(b) quality control;

(c) reporting of accidents and incidents; and

(d) maintenance of dangerous goods incidents and accidents records.

(2) The minimum requirement or qualification for the designated dangerous goods specialist is the successful completion of minimum dangerous goods Category 6 training from an aviation training organisation approved under Part 141.

Issuing of competency cards

92.00.26 All personnel required to have a dangerous goods qualification as prescribed in Document NAM-CATS-DG must be issued with a competency card and must carry the card on their person at all times while on duty.

Reporting of undeclared or misdeclared dangerous goods

92.00.27 (1) Any operator, shipper or any other organisation engaged in the transportion of dangerous goods by air, must report any occasion when undeclared or misdeclared dangerous goods are discovered or when dangerous goods not permitted in terms of Document NAM-CATS-DG are discovered in a passenger's baggage.

[The word "transport" is misspelt in the Government Gazette, as reproduced above. Compare regulation 92.00.29. Alternatively, the word may have been intended to be "transportation". Compare regulation 92.00.30.]

(2) The report referred to in subregulation (1) must be made to the Executive Director, within 48 hours of the discovery.

Surface transport

92.00.28 An operator must make provision to enable dangerous goods intended for air transport, and prepared in accordance of Document NAM-CATS-DG, to be accepted by such surface transport operators for surface transport to or from aerodromes.

[The phrase "in accordance of" was probably intended to be "in accordance with".]

Dangerous goods by mail

92.00.29 (1) An operators and an individual engaged in the transport of dangerous goods by air must establish procedures with the view to controlling the introduction of dangerous goods into air transport through postal and courier services as set out in Document NAM-CATS-DG, and read with Part 108 on Co-Mail.

[The plural word "operators" should be the single word "operator".]

(2) Staff of any postal operators must be trained appropriate to their responsibilities as set out in Document NAM-CATS-DG.

Reporting of dangerous goods occurrences

92.00.30 Any operator, shipper or individual engaged in the transportation of dangerous goods by air must report any occurrence to the Executive Director, within 48 hours, whenever it is discovered that -

(a) dangerous goods carried by air have not been loaded, segregated, separated or secured in accordance with the provisions of these regulations and Document NAM-CATS-DG; and

(b) dangerous goods have been carried on an aircraft without information having been provided to the pilot-in-command in accordance with the provisions of these regulations and Document NAM-CATS-DG.

Storage and loading

92.00.31 The procedure for the loading and stowing of packages and overpacks containing dangerous goods, and freight or baggage containers containing radio-active materials is as prescribed in Document NAM-CATS-DG.

[The word "radioactive" appears elsewhere in the regulations without a hyphen.]

In-flight emergencies

92.00.32 In the event of an in-flight emergency, the pilot-in-command must, as soon as the situation permits, inform the appropriate provider of air navigation services, for the information of the aerodrome authorities, of any dangerous goods on board the aircraft, as provided for in Document NAM-CATS-DG.

Application of Technical Instructions: reporting difficulties and amendments

92.00.33 (1) The Executive Director must inform the ICAO of any difficulties encountered in the application of the Technical Instructions referred to in regulation 92.00.1(1),

and, in the manner prescribed in the Technical Instructions, of any amendments which it would be desirable to make to them.

(2) Although an amendment to the Technical Instructions with an immediate applicability for reasons of aviation safety may not yet have been implemented in Namibia, it may nevertheless be applied by way of an Executive Director aviation directive to facilitate the movement of dangerous goods in Namibian territory which are consigned from another State in accordance with that amendment, as long as the goods comply in total with the revised requirements.

PART 98
RULES OF THE AIR AND GENERAL OPERATING RULES: OPERATION OF POWERED PARAGLIDERS

LIST OF REGULATIONS

SUBPART 1: GENERAL

98.01.1 Applicability
98.01.2 Pilot qualifications

SUBPART 2: OPERATING RULES

98.02.1 Airworthiness
98.02.2 Certificate of fitness
98.02.3 Maintenance and inspection requirements

SUBPART 3: FLIGHT RULES

98.03.1 Right of way
98.03.2 Flight plan
98.03.3 Clearance from cloud and maximum altitude
98.03.4 Minimum altitude
98.03.5 Launch sites
98.03.6 Flight criteria

SUBPART 4: EQUIPMENT AND INSTRUMENTS

98.04.1 Equipment
98.04.2 Protective headgear

SUBPART 1
GENERAL

Applicability

98.01.1 This Part shall apply to the operation of powered paragliders and contains -

(a) in addition to the provisions of the regulations in Part 91, the operating and flight rules relating to such operations; and

(b) the exceptions to the general operating and flight rules prescribed in Part 91.

Pilot qualifications

98.01.2 Any person operating a powered paraglider shall -

(a) be the holder of a valid powered paraglider pilot licence or certificate issued by the body or institution designated by the Director in terms of Part 149;

(b) be the holder of at least a valid class 3 medical certificate

[A semicolon appears to be missing at the end of paragraph (b).]

(c) comply with the competency requirements prescribed by such designated body or institution for the holder of a powered paraglider pilot licence or certificate;

(d) comply with the privileges and limitations of a powered paraglider pilot licence or certificate issued by such designated body or institution;

(e) be a *bona fide* member of an aviation recreation organisation approved by the Director in terms of Part 149; and

(f) comply with the standards and procedures determined by such approved aviation recreation organisation.

SUBPART 2
OPERATING RULES

Airworthiness

98.02.1 No person shall operate a powered paraglider unless such powered paraglider and its suspension system -

(a) comply with the airworthiness requirements determined by the body or institution designated by the Director in terms of Part 149; and

(b) are in an airworthy condition before the commencement of each flight.

Certificate of fitness

98.02.2 Notwithstanding the provisions of regulation 91.03.7, a person may operate a powered paraglider if the powered paraglider has a certificate of fitness issued by a person who is authorised by the body or institution designated by the Director in terms of Part 149.

Maintenance and inspection requirements

98.02.3 (1) The pilot of a powered paraglider shall ensure that the powered paraglider is in an airworthy condition before the commencement of each flight.

(2) The owner of the powered paraglider shall -

(a) take such action as is necessary to ensure the continued airworthiness of the powered paraglider concerned; and

(b) maintain the powered paraglider as may be necessary.

SUBPART 3
FLIGHT RULES

Right of way

98.03.1 Notwithstanding the provisions of regulation 91.06.7(5), a pilot of a powered paraglider overtaking another powered paraglider soaring from a ridge, shall pass on the right side of the overtaken powered paraglider.

Flight plan

98.03.2 Notwithstanding the provisions of regulation 91.03.4, the pilot of a powered paraglider may fly under VFR without submitting a flight plan.

Clearance from cloud and maximum altitude

98.03.3 Notwithstanding the provisions of regulation 91.06.21, a pilot may fly a powered paraglider -

(a) to 500 feet vertically below cloud up to a maximum altitude of 10 000 feet above MSL in Class G airspace; or

(b) to 500 feet vertically below cloud up to a maximum altitude of 10 000 feet above MSL in Class E airspace other than transponder-mandatory airspace.

Minimum altitude

98.03.4 The pilot of a powered paraglider may fly the powered paraglider below 500 feet AGL, for the purpose of ridge soaring, if such powered paraglider is flown in a manner that does not cause nuisance to persons, property, animals or birds on the ground.

Launch sites

98.03.5 No pilot of a powered paraglider, shall launch the powered paraglider from a launch site other than an approved launch site.

Flight criteria

98.03.6 All powered paraglider operations shall be conducted -

(a) by day;

(b) in meteorological conditions equal to, or better than, those prescribed as suitable for VFR flight unless otherwise approved by the Director.

SUBPART 4
EQUIPMENT AND INSTRUMENTS

Equipment

98.04.1 Notwithstanding the provisions of the regulations in Subpart 4 of Part 91, no person may operate a powered paraglider unless the powered paraglider is equipped with the equipment as prescribed in Document NAM-CATS-OPS 98.

Protective headgear

98.04.2 Each pilot and passenger of a powered paraglider shall wear serviceable rigid protective headgear authorised by the body or institution designated by the Director in terms of Part 149.

PART 100
RULES OF THE AIR AND GENERAL OPERATING RULES: OPERATION OF GYROPLANES

LIST OF REGULATIONS

SUBPART 1: GENERAL

100.01.1 Applicability
100.01.2 Pilot qualifications

SUBPART 2: OPERATING RULES

100.02.1 Airworthiness
100.02.2 Registration
100.02.3 Flight manual
100.02.4 Maintenance and inspection requirements
100.02.5 Equipment

SUBPART 3: FLIGHT RULES

100.03.1 Hazardous operations
100.03.2 Practice for and participation in competition and display flying
100.03.3 Flight criteria

SUBPART 1
GENERAL

Applicability

100.01.1 This Part shall apply to the operation of gyroplanes and contains -

(a) in addition to the provisions of the regulations in Part 91, the operating and flight rules relating to such operations; and

(b) the exceptions to the general operating and flight rules prescribed in Part 91.

Pilot qualifications

100.01.2 No person shall act as pilot-in-command of a gyroplane unless such person -

(a) is the holder of a valid gyroplane pilot licence issued in terms of Part 61;

(b) is the holder of a valid Class 1 medical certificate or a Class 2 medical certificate issued in terms of Part 67, as the case may be;

(c) complies with the privileges and limitations of a gyroplane pilot licence;

(d) complies with the competency requirements prescribed for the holder of a gyroplane pilot licence; and

(e) when operating for non-commercial purposes, is a *bona fide* member of an aviation recreation organisation approved by the Director in terms of Part 149.

SUBPART 2
OPERATING RULES

Airworthiness

100.02.1 No person shall operate a gyroplane unless such gyroplane -

(a) has been issued with an appropriate authority to fly; and

(b) is in an airworthy condition.

Registration

100.02.2 No person shall operate a gyroplane unless it is registered and marked in accordance with, and complies with, the provisions of the regulations in Part 47.

Flight manual

100.02.3 Notwithstanding the provisions of regulation 91.03.2, a person may operate a gyroplane without carrying a current approved flight manual on board.

Maintenance and inspection requirements

100.02.4 (1) The pilot-in-command of a gyroplane shall ensure that the gyroplane is in an airworthy condition before the commencement of each flight.

(2) The owner of a gyroplane shall -

(a) take such action as is necessary to ensure the continued airworthiness of the gyroplane concerned; and

(b) maintain the gyroplane in accordance with the provisions of the regulations in Part 43.

Equipment

100.02.5 Notwithstanding the provisions of the regulations in Subpart 4 of Part 91, no person may operate a gyroplane unless the gyroplane is equipped with the equipment as prescribed in Document NAM-CATS-OPS 100.

SUBPART 3
FLIGHT RULES

Hazardous operations

100.03.1 No person shall operate any gyroplane in a manner that creates, or is likely to create, a hazard or nuisance to other persons, animals, birds or property.

Practice for and participation in competition and display flying

100.03.2 The pilot-in-command of a gyroplane may carry out low flying for the purpose of practice for, and participation in, gyroplane competition and display flying: Provided that such operations are -

(a) authorised by the body or institution designated by the Director in terms of Part 149;

(b) carried out in accordance with any conditions imposed by such designated body or institution; and

(c) carried out not lower than 200 feet above the ground and not over any inhabited area, or assembly of persons, animals or birds.

Flight criteria

100.03.3 All gyroplane operations shall be conducted -

(a) by day, unless the gyroplane is certificated for night flying in terms of Part 21, and the pilot-in-command is the holder of a night rating issued in terms of Part 61;

(b) in meteorological conditions equal to, or better than, those prescribed as suitable for VFR flight, unless otherwise approved by the Director.

PART 101
RULES OF THE AIR AND GENERAL OPERATING RULES: OPERATION OF REMOTELY PILOTED AIRCRAFT

[Part 101 is substituted by GN 89/2020.]

LIST OF REGULATIONS

SUBPART 1: GENERAL

101.01.1 Definitions for this Part
101.01.2 Applicability

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101.02.1 Classification of RPA and RPA systems
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SUBPART 3: APPROVAL OF RPA AND RPA SYSTEM OPERATIONS

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101.03.2 Application for approval or amendment or extension of approval
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101.05.4 Restrictions on use of RPA and RPA systems
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101.05.6 Collision avoidance
101.05.7 Reporting of RPA and RPA system incidents and accidents
101.05.8 Air traffic control communication
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SUBPART 6: GENERAL PROVISIONS
101.06.1 Records and documents
101.06.2 Insurance

[Throughout this Part, the phrase "a RPA" should be "an RPA".]

SUBPART 1
GENERAL

Definitions for this Part

101.01.1 (1) Definitions pertaining to this Part are contained in Document NAM-CATS-RPA.

(2) For the purposes of this Part -

"approval" means an authorisation granted by the Executive Director under this Part, authorising a person to carry out a specified RPA or RPA system operation or to do any other thing in connection with or that is related to a RPA or RPA system operation;

"beyond visual line-of-sight (BVLOS) operation" means an operation of a RPA system in which the remote pilot or RPA observer cannot maintain direct unaided visual contact with the RPA in the manner described in the current updated version of the ICAO Manual on Remotely Piloted Aircraft Systems (Document 10019);

"detect and avoid" means the capability to see, sense or detect conflicting traffic or other hazards and take the appropriate action;

"RPA observer" means a trained and competent person designated by the operator who, by visual observation of a RPA, or a RPA system, assesses the remote pilot in the safe conduct of the flight, and for such purposes, the observer may be an inspector, authorised officer or authorised person designated by the Executive Director; and

"visual line-of-sight (VLOS) operation" means an operation in which the remote pilot or a RPA observer maintains direct unaided visual contact with the remotely piloted aircraft.

Applicability

101.01.2 (1) This Part -

(a) applies to the operation of unmanned free balloons, kites, rockets and remotely piloted aircraft; and

(b) contains -

(i) in addition to the provisions of the regulations in Part 91, the operating and flight rules relating to the operations described in paragraph (a); and

(ii) the exceptions or variations to the general operating and flight rules prescribed in Part 91.

(2) This Part does not apply to -

(a) RPA operations that constitute an air service within the meaning of the Air Services Act, 1949 (Act No. 51 of 1949);

(b) operations utilising a RPA or RPA system separately from commercial air transport services;

(c) recreational use RPA provided that -

(i) such use is not within an aerodrome and not less than 1500 metres from the aerodrome boundaries;

(ii) it meets the restriction, prohibition, or danger areas requirements wherever or whenever designated; and

(ii) such use is not in or around any key points as described in Document NAM-CATS-RPA; and

[There are two paragraphs labelled as "(ii)" in the *Government Gazette*, as reproduced above.]

(d) RPA or RPA systems, when used for purposes of -

(i) military, police and related security operations; and

(ii) environmental protection actions of national game parks or reserves.

SUBPART 2
CLASSIFICATION OF RPA AND RPA SYSTEMS

Classification of RPA and RPA systems

101.02.1 (1) RPA or RPA systems are classified and categorised by weight and use for the purposes of this Part, for use as follows:

(a) Category I:

(i) recreational operation of RPA which refers to a RPA operation for individual, personal, casual and private purposes, within the confines of the private property of the operator, and where -

(aa) there is no commercial reward or gain; and

(bb) the operation excludes public, sporting or academic research RPA usage; and

(ii) a person intending to operate a RPA or RPA system recreational operation outside the boundaries of the private property of the operator, and in excess of the height or VLOS requirements set out in this Part, must apply for an approval under paragraph (b), Category II, and must conduct such operation in accordance with conditions set out in the approval;

(b) Category II: sports, recreational and research operations, including operations for purposes of tourism, of a RPA or RPA system, which refers to any operation of a RPA or RPA system for the sole purpose of organised leisure, competition, entertainment or games, and where there is no commercial reward or gain, subject to the payment of the fee prescribed under Part 187 for this category; and

(c) Category III: commercial operation of a RPA or RPA system which refers to any operation under either paragraph (a) or (b), but for purposes of business, and for remuneration, hire, reward or gain, subject to the payment of the fee prescribed fee under Part 187 for this category.

(2) For the purposes of this regulation a RPA or RPA system is considered to be used in a recreational operation if the RPA is -

(a) less than 250 grammes in gross weight;

(b) not powered by any fuel system;

(c) not capable of carrying any payload;

(d) not fitted with a camera or other similar recording device; and

(e) operated at a maximum height of 120 metres above ground level and at a lateral distance of 50 metres from the operator and a maximum speed of 10 knots.

Additional requirements for Category III RPA and RPA systems

101.02.2 (1) An operator or owner of a Category III RPA or RPA system must demonstrate to the Executive Director -

(a) an adequate organisation for the purposes of the commercial operation;

(b) a level of accountability for purposes of a commercial operation;

(c) a method of control and supervision of flight operations, training programmes as well as ground handling and maintenance arrangements under the approval;

(d) safety management actions consistent with the nature and extent of the operations specified and commensurate with the size, structure and complexity of the organisation as required under Part 140; and

(e) any other requirement for safe and secure operations under this category.

(2) A person may not own, register or seek approval to operate a RPA or RPA system that has military, police or intelligence specifications, unless that person has been authorised in writing by the Executive Director to conduct the operation.

SUBPART 3
APPROVAL OF RPA AND RPA SYSTEM OPERATIONS

Requirement for approval of RPA and RPA system operation

101.03.1 A person may not carry out a Category II or III RPA or RPA system operation outside the property of the owner or operator except, under the authority of, and in accordance with the provisions of an approval issued under this Part, and the standards set out in Document NAM-CATS-RPA.

Application for approval or amendment of approval

101.03.2 (1) A person may apply to the Executive Director for the issue or amendment of an approval to operate a RPA or RPA system operation for use in Namibia whether or not the commencing operation is inside or outside of Namibia.

(2) An application under subregulation (1) must be -

(a) made in the appropriate form set out in Document NAM-CATS-RPA; and

(b) accompanied by proof of the payment of the appropriate fee prescribed under Part 187.

(3) An application under subregulation (1) must be made within the following periods prior to the commencement date of the operation:

(a) Category II: 15 days; and

(b) Category III: 30 days.

(4) The Executive Director may allow for alternative periods of an application under subregulation (3) on good cause shown by the applicant which is acceptable to the Executive Director.

(5) An approval issued under this Part must be specific to a particular RPA or RPA system operation and is valid for the period of the specific operation only unless the Executive Director extends its validity up to a maximum of 12 months.

(6) An application for an approval requiring conversion to another RPA category must be considered as a new application for that RPA category.

(7) Where an application for conversion is made under subregulation (1) -

(a) the fee which accompanied the original application is not refundable to the applicant; and

(b) the original application must be considered as valid until such time that the conversion to a new RPA category application becomes effective.

Requirements for application

101.03.3 (1) Unless otherwise specified by the Executive Director, an application for an approval to operate or use a RPA or RPA system, must include the following:

(a) the name and contact information of the operator and, where relevant, the owner;

(b) the technical characteristics of the RPA, including the type of aircraft, maximum certificated take-off mass, and where relevant, number of engines and other attachments;

(c) a certified copy of certificate of registration or airworthiness, where relevant;

[The word “the” appears to have been omitted before the word “certificate”.]

(d) aircraft identification to be used in radiotelephony, where relevant;

(e) a copy of the RPA operator certificate, currently valid, issued by the appropriate authority of another State, where applicable;

(f) a copy of the remote pilot competency certificate, where relevant;

(g) a copy of the aircraft radio station licence, if applicable;

(h) a description of the intended operation, including type of operation or purpose, and flight rules, visual line-of-sight or beyond visual line of sight (VLOS or BVLOS) operation, if applicable, date of intended flight, point of departure, destination, cruising speed, cruising level, route to be followed and duration or frequency of flight;

(i) command and control (C2) link failure procedure;

(j) remote pilot or RPA observer communications failure, if applicable;

(k) number and location of remote pilot stations as well as handover procedures between remote pilot stations, if applicable;

(l) document attesting noise and emissions certification, if applicable;

(m) payload information or description, if applicable;

(n) proof of adequate insurance liability, including third party insurance coverage; and

(o) proof of registration as a surveyor, for purposes of commercial aerial and survey mapping, where applicable.

(2) Where the documents listed in subregulation (1) are issued in a language other than English, the applicant for an approval must ensure that a sworn English translation is included.

Issue of RPA approval

101.03.4 (1) The Executive Director may issue a RPA approval, if the Executive Director is satisfied that -

(a) the applicant meets the requirements prescribed in this Part;

(b) the applicant's personnel required by this Part are competent to perform their respective duties; and

(c) the issuing of the approval is not contrary to the interests of aviation safety.

(2) The RPA approval referred to in subregulation (1) must be issued in the appropriate form, and contain the information, set out in Document NAM-CATS-RPA.

Duplicate approval

101.03.5 (1) If a RPA approval is lost, stolen, damaged or destroyed, the holder may apply to the Executive Director for the issue of a duplicate approval.

(2) An application referred to in subregulation (1) must be -

(a) made in the appropriate form set out in Document NAM-CATS-RPA; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

(3) A duplicate of the approval is issued on the appropriate form set out in Document NAM-CATS-RPA.

Display of approval

101.03.6 (1) A holder of a RPA approval must display the approval, or a copy of it, in a conspicuous place, generally accessible to the public at such holder's principal place of business.

(2) Where a copy of the approval in Catogory II or III is displayed under subregulation (1), the holder of the approval must produce the original approval, if so requested by an authorised officer, inspector or authorised person.

[The word "Category" is misspelt in the *Government Gazette*, as reproduced above.

Privileges of RPA approval holder

101.03.7 The privileges of a RPA approval holder are limited to the services authorised by the approval and the appropriate specifications set out in Document NAM-CATS-RPA.

SUBPART 4
OTHER REQUIREMENTS RELATING TO RPA AND RPA SYSTEMS

Import, manufacture, assembly and testing

101.04.1 (1) A person may not import or export a RPA or RPA system, or a component thereof, unless that person has complied with the requirements of the Customs and Excise Act of 1998, as specified in Document NAM-CATS-RPA.

(2) Any person intending to manufacture, assemble, modify or test a RPA or RPA system or a component of it, must ensure compliance with requirements of the State of Design, State of Manufacture, State of Import or State of Registration to the extent required by the Executive Director and in compliance with the requirements, where relevant, set out in NAM-CATS-RPA or NAM-CATS-AR.

(3) The Executive Director may require a RPA or RPA system of a certain class and category with a type certificate to obtain a certificate of airworthiness in accordance with Part 21, 34 or 36.

SUBPART 5
OPERATION OF RPA AND RPA SYSTEMS

General: operations

101.05.1 (1) A person may not operate a RPA or RPA system flight commencing at a place within Namibia and terminating at a place outside Namibia, unless that person has

authorisation from the State of destination and any other State over whose airspace the RPA must fly.

(2) A person may not launch a RPA flight or RPA system flight commencing at a place outside Namibia and terminating at a place within Namibia or overflying the Namibian airspace, unless that person has obtained approval from the Executive Director.

RPA flight rules

101.05.2 (1) A person who is in charge of the operation of a RPA or RPA system may not operate or permit that aircraft to be operated -

(a) so as to cause a hazard to other aircraft;

(b) in the vicinity of aircraft manoeuvring in an aerodrome traffic circuit;

(c) in such a manner or within a distance that may endanger or obstruct traffic that is using a public road as defined in the Road Traffic and Transport Act, 1999 (Act No. 22 of 1999); or

(d) in a negligent or reckless manner so as to endanger life or cause damage to the property of others.

(2) A RPA must give way to manned aircraft and must have the capability to -

(a) be halted in mid-air;

(b) be re-routed to another waypoint; and

(c) change present flight levels.

(3) The Executive Director may define areas within air traffic services airspace, where RPA activity may, subject to the requirements of Part 173, take place.

(4) A person who is in charge of the operation of a RPA which has a mass of less than 25 kilograms, without fuel but including -

(a) any articles or equipment installed in or attached to the aircraft; and

(b) cargo,

at the commencement of its flight, may not allow such an aircraft to be flown in the manner described in subregulation (5).

(5) The RPA referred to in subregulation (4) may not be flown -

(a) within a prohibited area, restricted area or controlled airspace, without specific approval from the Executive Director;

(b) in air traffic services airspace, other than controlled airspace, within three kilometres of an aerodrome during periods of aircraft operations, unless the aerodrome operator has given permission for the flight to be undertaken;

(c) at any distance from a person, vessel, vehicle or structure, unless the RPA is flown under the direct control of the operator or the owner;

(d) at any distance from an assembly of persons, unless the RPA is flown under the direct control of the operator or owner and only with an approved fail safe system and with the approval of the Executive Director;

(e) beyond direct unaided visual line of sight (BVLOS) and not further than 300 metres from the point of operation, unless specifically approved by the Executive Director for BVLOS operations;

(f) at a height of more than 50 metres above the ground or water, unless the flight is approved by the Executive Director; or

(g) in such a manner as to allow or permit any article or animal, including a bullet or missile, whether or not attached to a parachute or free balloon to be released from that aircraft.

(6) A person who is in charge of the operation of a RPA or RPA system may not allow such aircraft to be operated from any place, unless the aircraft may take-off and land without undue hazard to persons or property.

(7) A person who is in charge of the operation of a RPA or RPA system, which has a mass of four kilograms or more, without fuel but including -

(a) any articles or equipment installed in or attached to the aircraft; and

(b) cargo,

at the commencement of its flight, may not allow such an aircraft to be flown, unless that person has successfully undertaken a course of remote aircraft-related handling, safety, and emergency procedures training acceptable to the Executive Director.

(8) A person who is in charge of the operation of a RPA or a RPA system carrying goods, including -

(a) any articles or equipment installed in or attached to the aircraft; and

(b) cargo,

at the commencement of its flight, may not allow such an aircraft to be flown, unless the person has been granted approval by the Executive Director to do so and subject to such conditions as are required by such approval.

Rockets

101.05.3 In the case of a rocket, an operation, other than for military purposes, may not be conducted within Namibia unless the person who is in charge of the operation -

(a) furnishes such pertinent information as may be required by the Executive Director on the operation;

(b) obtains approval from the Executive Director prior to the launching of the rocket; and

(c) complies with such conditions as are imposed in that approval.

Restrictions on use of RPA and RPA systems

101.05.4 (1) The Executive Director may decline an application for approval to operate a RPA or RPA system and may prohibit such an operation if it appears that it would not be in the interest of aviation safety and security to allow that operation to proceed.

(2) The Executive Director or an authorised officer, inspector or authorised person may at any time during the operations of a RPA or RPA system, subject the RPA or RPA system to inspection without prior notification to the operator or owner.

(3) A person engaged in RPA and RPA system operations is subject to security background checks and, where necessary, vetting, in accordance with the requirements of section 134 of the Act and Part 114.

(4) A person may not use a RPA or RPA system to -

(a) conduct surveillance of another person, unless that other person has given his or her consent to the surveillance;

(b) conduct surveillance of movable or immovable property of any person, unless the owner of the property has given his or her consent to the surveillance;

(c) photograph or film any person, for the purpose of publishing or otherwise publicly disseminating the photograph, unless that person has given his or her consent to the photographing or filming.

(5) RPA or RPA system usage under this Part allows for newsgathering, or events or places to which the general public is invited and in such manner participate provided that the required approvals from the Executive Director or the Head of Air Navigation Services, as the case maybe, are obtained and all generally accepted aviation safety and security considerations are complied with.

[One or more words seem to be missing in the phrase "events or places to which the general public is invited and in such manner participate". The word "maybe" should be the two words "may be".]

(6) Infrared or other similar thermal imaging technology equipment fitted on a RPA or RPA system, subject to the requirements in this Part, must be set-up as part of the RPA or RPA system, for purposes of -

(a) scientific research and investigation;

(b) mapping and evaluating the earth's surface, including terrain and surface water bodies and other features;

(c) investigation or evaluation of crops, livestock or farming operations;

(d) investigation of forests and for estate management; or

(e) fire fighting, police, search and rescue, or crime investigations.

(7) If it appears to the Executive Director, or an authorised officer, inspector or authorised person that a RPA or RPA system is intended to be or is likely to be flown from any place within Namibia and that there would be a contravention of any provision of the Act, or these regulations, if that RPA were to be so flown, the Executive Director may direct -

(a) the registered owner or operator of the RPA or RPA system;

(b) the person who is in charge of that RPA or RPA system;

(c) the person designated by the registered owner or operator thereof to be in charge of that RPA or RPA system; or

(d) any other person having charge or purporting to have charge of that RPA, with or without the permission of the registered owner or the legitimate operator of that RPA or RPA system,

that he or she may not to permit or cause the RPA or RPA system to make the flight and the Executive Director may take such steps as are necessary to seize and detain that RPA at a suitable location.

[The word "to" in the phrase "not to permit" is superfluous.]

Flight plans: airspace requirements

101.05.5 (1) A RPA or RPA system operator of BVLOS flights and flights in airspace higher than 120 metres must file a flight plan with the nearest ATC as specified in the following conditions:

(a) flights in controlled airspace must file flight plans as specified for in the Aeronautical Information Publication (AIP); and

(b) flights in uncontrolled air space higher than 120 metres must file flight plans as follows:

(i) operations within five kilometres out of launch area must notify the nearest ATC; and

(ii) operations beyond five kilometres out of launch must file flight plans as stipulated in paragraph (a) and in accordance with the requirements set out in Document NAM-CATS-RPA.

Collision avoidance

101.05.6 (1) A RPA or RPA system in controlled airspace must be operated in accordance with the Rules of the Air prescribed in Part 91, and in compliance with following:

(a) a remote pilot must maintain awareness so as to detect and avoid other aircraft and vehicles and must yield the right-of-way to all aircraft;

(b) yielding the right-of-way means that the RPA or RPA system must give way to the aircraft and may not pass over, under, or ahead of it unless well clear; and

(c) a RPA or RPA system operating in mixed use airspace must have detect and avoid capability.

(2) A person may not operate a RPA or RPA system so close to another aircraft so as to create a collision hazard.

Reporting of RPA and RPA system incidents and accidents

101.05.7 (1) A RPA or RPA system owner or operator must ensure that all incidents and accidents involving a RPA or RPA system and which cause damage to property, injuries or death, are reported to the Executive Director, and to the Directorate in accordance with the provisions of Part 11 of the Act.

(2) A RPA and RPA system owner or operator in Categories II and III must develop and implement emergency and contingency procedures acceptable to the Executive Director.

(3) A RPA and RPA system owner or operator in Categories II and III must have response procedures for operations personnel for threats and incidents involving RPA operations in compliance with the requirements set out in Document NAM-CATS-RPA.

(4) A RPA and RPA system owner or operator in Categories II and III must ensure that reports on acts of unlawful interference are promptly submitted to the Executive Director in compliance with the requirements set out in Document NAM-CATS-RPA.

Air traffic control communication

101.05.8 (1) A RPA or RPA system owner or operator must ensure that air traffic control (ATC) is made aware of any operations that takes or will take place in areas which are likely to affect manned and controlled air traffic.

[The verb "takes" should be "take" to be grammatically correct.]

(2) Subject to compliance with the applicable requirements of Part 170, a RPA and RPA system owner or operator must, in compliance with the procedures set out in Document NAM-CATS-RPA integrate, the RPA operations into the airspace to ensure aviation safety and such procedures must include communication and surveillance detection.

[The comma after the word "integrate" should appear before that word instead, to properly set off the phrase "in compliance with the procedures set out in Document NAM-CATS-RPA".]

(3) Procedures referred to in subregulation (2) must specify that the operator or person in charge of the RPA or RPA system must, before and during RPA operations, pass on the required information to the air traffic control services provider.

Operations in vicinity of aerodromes and airports

101.05.9 (1) Except with the permission of the owner or operator of an aerodrome or airport, and subject to the requirements of the appropriate air navigation services provider, a person may not operate a RPA or RPA system -

(a) from the aerodrome or airport reference point;

(b) in approach and take-off paths;

(c) within the vicinity of navigation aids;

(d) within the aerodrome traffic zone; and

(e) within terminal traffic holding patterns.

(2) The Executive Director may, in writing, approve RPA or RPA system operations at an aerodrome or airport subject to the following conditions:

(a) imposition of operating restrictions on the approval in the interest of safety;

(b) publication of details of the approval in the appropriate part of the AIP; and

(c) revocation or change of the conditions that apply to such approval and publication of details of any revocation or change in conditions in the appropriate part of the AIP.

SUBPART 6
GENERAL PROVISIONS

Records and documents

101.06.1 (1) A Category II or Category III RPA or RPA system operator must establish a system of record-keeping that allows adequate storage, accessibility and enabling the surveillance and traceability of all activities developed in terms of this Part.

(2) Records must be stored in a manner that ensures protection from damage, alteration and theft.

(3) The list of others matters required to be recorded and kept in terms of this Part are set out in Document NAM-CATS-RPA.

[The phrase "others matters" was probably intended to be "other matters". The verb "are" should be "is" to be grammatically correct ("list… is")**.]**

Insurance

101.06.2 (1) A person may not operate, or cause to be operated or permit any other person to operate a RPA or RPA system unless there is in force adequate liability insurance in respect of third party risks.

(2) A RPA or RPA system owner or operator must make a certified copy of the insurance required in terms of subregulation (1) to be available in case of any inspection carried out by the Executive Director or an authorised officer, inspector or authorised person.

(3) Despite the provision of subregulation (1), the Executive Director may dispense with the requirement depending on the class and category of the RPA or RPA system operation.

PART 102
RULES OF THE AIR AND GENERAL OPERATING RULES: OPERATION OF FREE BALLOONS AND AIRSHIPS

LIST OF REGULATIONS

SUBPART 1: GENERAL

102.01.1 Applicability
102.01.2 Pilot qualifications

SUBPART 2: OPERATING RULES

102.02.1 Airworthiness
102.02.2 Registration
102.02.3 Flight manual
102.02.4 Maintenance and inspection requirements
102.02.5 Equipment

SUBPART 3: FLIGHT RULES

102.03.1 Hazardous operations
102.03.2 Flight criteria

SUBPART 1
GENERAL

Applicability

102.01.1 This Part shall apply to free balloons and contains -

(a) in addition to the provisions of the regulations in Part 91, the operating and flight rules relating to such operations; and

(b) the exceptions to the general operating and flight rules prescribed in Part 91.

Pilot qualifications

102.01.2 No person shall act as pilot-in-command of a free balloon unless such person -

(a) is the holder of a valid free balloon pilot licence or airship pilot licence, as the case may be, issued in terms of Part 61;

(b) is the holder of a valid Class 1 medical certificate or a Class 2 medical certificate, as the case may be, issued in terms of Part 67;

(c) complies with the privileges and limitations of a free balloon pilot licence or airship pilot licence, as the case may be;

(d) complies with the competency requirements prescribed for the holder of a free balloon pilot licence or airship pilot licence, as the case may be; and

(e) when operating for non-commercial purposes, is a *bona fide* member of an aviation recreation organisation approved by the Director in terms of Part 149.

SUBPART 2
OPERATING RULES

Airworthiness

102.02.1 No person shall operate a free balloon unless such free balloon -

(a) has been issued with an appropriate certificate of airworthiness in terms of Part 21; and

(b) is in an airworthy condition.

Registration

102.02.2 No person shall operate a free balloon unless it is registered and marked in accordance with, and complies with, the provisions of the regulations in Part 47.

Flight manual

102.02.3 Notwithstanding the provisions of regulation 91.03.2, a person may operate a free balloon without carrying a current approved flight manual on board for non-commercial operation.

Maintenance and inspection requirements

102.02.4 (1) The pilot-in-command of a free balloon shall ensure that the free balloon is in an airworthy condition before the commencement of each flight.

(2) The owner of a free balloon shall -

(a) take such action as is necessary to ensure the continued airworthiness of the free balloon concerned; and

(b) maintain the free balloon in accordance with the provisions of the regulations in Part 43.

Equipment

102.02.5 Notwithstanding the provisions of the regulations in Subpart 4 of Part 91, no person may operate a free balloon unless the free balloon is equipped with the equipment as prescribed in Document NAM-CATS-OPS 102.

SUBPART 3
FLIGHT RULES

Hazardous operations

102.03.1 No person shall operate any free balloon in a manner that creates, or is likely to create, a hazard to other persons or property.

Flight criteria

102.03.2 All free balloon operations shall be conducted -

(a) by day, unless in the case of an airship, the airship is certificated for night flying in terms of Part 21, and the pilot-in-command is the holder of a night rating issued in terms of Part 61;

(b) in meteorological conditions equal to, or better than, those prescribed as suitable for VFR flight and a surface wind not exceeding 10 knots, unless otherwise approved by the Director.

PART 103
RULES OF THE AIR AND GENERAL OPERATING RULES: OPERATION OF MICROLIGHT AEROPLANES

LIST OF REGULATIONS

SUBPART 1: GENERAL

103.01.1 Applicability
103.01.2 Pilot qualifications

SUBPART 2: OPERATING RULES

103.02.1 Airworthiness
103.02.2 Registration
103.02.3 Flight manual
103.02.4 Maintenance and inspection requirements
103.02.5 Equipment

SUBPART 3: FLIGHT RULES

103.03.1 Hazardous operations
103.03.2 Practice for and participation in competition and display flying
103.03.3 Flight criteria

SUBPART 1
GENERAL

Applicability

103.01.1 (1) This Part shall apply to microlight aeroplanes operated for non-commercial purposes, and contains -

(a) in addition to the provisions of the regulations in Part 91, the operating and flight rules relating to such operations; and

(b) the exceptions to the general operating and flight rules prescribed in Part 91.

(2) No person shall use a microlight aeroplane in any air transport operation.

Pilot qualifications

103.01.2 No person shall act as pilot-in-command of a microlight aeroplane unless such person -

(a) is the holder of a valid microlight aeroplane pilot licence issued in terms of Part 61;

(b) is the holder of a valid Class 2 medical certificate issued in terms of Part 67;

(c) complies with the privileges and limitations of a microlight aeroplane pilot licence;

(d) complies with the competency requirements prescribed for the holder of a microlight aeroplane pilot licence; and

(e) is a *bona fide* member of an aviation recreation organisation approved by the Director in terms of Part 149.

SUBPART 2
OPERATING RULES

Airworthiness

103.02.1 No person shall operate a microlight aeroplane unless such microlight aeroplane -

(a) has been issued with an appropriate authority to fly; and

(b) is in an airworthy condition.

Registration

103.02.2 No person shall operate a microlight aeroplane unless it is registered and marked in accordance with, and complies with, the provisions of the regulations in Part 47.

Flight manual

103.02.3 Notwithstanding the provisions of regulation 91.03.2, a person may operate a microlight aeroplane without carrying a current approved flight manual.

Maintenance and inspection requirements

103.02.4 (1) The pilot-in-command of a microlight aeroplane shall ensure that the microlight aeroplane is in an airworthy condition before the commencement of each flight.

(2) The owner of a microlight aeroplane shall -

(a) take such action as is necessary to ensure the continued airworthiness of the microlight aeroplane concerned; and

(b) maintain the microlight aeroplane in accordance with the provisions of the regulations in Part 43.

Equipment

103.02.5 Notwithstanding the provisions of the regulations in Subpart 4 of Part 91, a person may operate a microlight aeroplane if the microlight aeroplane is equipped with the equipment as prescribed in Document NAM-CATS-OPS 103.

SUBPART 3
FLIGHT RULES

Hazardous operations

103.03.1 No person shall operate any microlight aeroplane in a manner that creates, or is likely to create, a hazard to other persons or property.

Practice for and participation in competition and display flying

103.03.2 A pilot-in-command of a microlight aeroplane may do low flying for the purpose of practice for, and participation in, microlight aeroplane competition and display flying: Provided that such operations are -

(a) authorised by the body or institution designated by the Director in terms of Part 149;

(b) carried out in accordance with any conditions imposed by such designated body or institution; and

(c) carried out not lower than 200 feet above the ground and not over any densely inhabited area of a city, town or settlement.

Flight criteria

103.03.3 All microlight aeroplane operations shall be conducted -

(a) by day, unless the microlight aeroplane is certificated for night flying in terms of Part 21, and the pilot-in-command is the holder of a night rating issued in terms of Part 61;

(b) in meteorological conditions equal to, or better than, those prescribed as suitable for VFR flight, unless otherwise approved by the Director; and

(c) at least 500 feet beneath any ceiling.

PART 104
RULES OF THE AIR AND GENERAL OPERATING RULES: OPERATION OF GLIDERS

LIST OF REGULATIONS

SUBPART 1: GENERAL

104.01.1 Applicability
104.01.2 Pilot qualifications
104.01.3 Glider launching winches

SUBPART 2: OPERATING RULES

104.02.1 Airworthiness
104.02.2 Registration
104.02.3 Flight manual
104.02.4 Maintenance and inspection requirements
104.02.5 Equipment

SUBPART 3: FLIGHT RULES

104.03.1 Hazardous operations
104.03.2 Practice for and participation in competition and display flying
104.03.3 Flight criteria

SUBPART 1

GENERAL

Applicability

104.01.1 (1) This Part shall apply to the operation of gliders and contains -

(a) in addition to the provisions of the regulations in Part 91, the operating and flight rules relating to such operations; and

(b) the exceptions to the general operating and flight rules prescribed in Part 91.

(2) No person shall use a glider in any commercial air transport operation.

Pilot qualifications

104.01.2 No person shall act as pilot-in-command of a glider unless such person -

(a) is the holder of a valid glider pilot licence issued in terms of Part 61;

(b) is the holder of at least valid Class 2 medical certificate issued in terms of Part 67;

(c) complies with the privileges and limitations of a glider pilot licence;

(d) complies with the competency requirements prescribed for the holder of a glider pilot licence; and

(e) is a *bona fide* member of an aviation recreation organisation approved by the Director in terms of Part 149.

Glider launching winches

104.01.3 (1) On every winch used for the launching of gliders, a means shall be provided for the severing of the launching cable.

(2) The means referred to in subregulation (1) shall be subject to the approval of an aviation recreation organisation approved by the Director in terms of Part 149, and shall be so positioned that it can be easily and readily operated by the winch operator.

SUBPART 2
OPERATING RULES

Airworthiness

104.02.1 No person shall operate a glider unless such glider -

(a) has been issued with an authority to fly in terms of Part 21; and

(b) is in an airworthy condition.

Registration

104.02.2 No person shall operate a glider unless it is registered and marked in accordance with, and complies with, the provisions of the regulations in Part 47.

Flight manual

104.02.3 Notwithstanding the provisions of regulation 91.03.2, a person may operate a glider without carrying a current approved flight manual on board.

Maintenance and inspection requirements

104.02.4 (1) The pilot-in-command of a glider shall ensure that the glider is in an airworthy condition before the commencement of each flight.

(2) The owner of a glider shall·-

(a) take such action as is necessary to ensure the continued airworthiness of the glider concerned; and

(b) maintain the glider in accordance with the provisions of the regulations in Part 43.

Equipment

104.02.5 Notwithstanding the provisions of the regulations in Subpart 4 of Part 91, no person may operate a glider unless the glider is equipped with the equipment as prescribed in Document NAM-CATS-OPS 104.

SUBPART 3
FLIGHT RULES

Hazardous operations

104.03.1 No person shall operate any glider in a manner that creates, or is likely to create, a hazard to other persons or property.

Practice for and participation in competition and display flying

104.03.2 The pilot-in-command of a glider may carry out low flying for the purpose of practice for, and participation in, glider competition and display flying: Provided that such operations are -

(a) authorised by the body or institution designated by the Director in terms of Part 149;

(b) carried out in accordance with any conditions imposed by such designated body or institution; and

(c) carried out not lower than 200 feet above the ground and not over any densely inhabited area of a city, town or settlement.

Flight criteria

104.03.3 (1) All glider operations shall be conducted -

(a) by day, unless the glider is certificated for night flying in terms of Part 21, and the pilot-in-command is the holder of a night rating issued in terms of Part 61;

(b) in meteorological conditions equal to, or better than, those prescribed as suitable for VFR flight unless otherwise approved by the Director; and

[Subregulation (1) is reproduced as it appears in the *Government Gazette*. Some portion of it may be missing. Otherwise, it should end with a full stop instead of a semicolon and the word "and".]

(2) Unless otherwise approved by the Director, no glider operation shall be conducted above FL 195.

PART 105
RULES OF THE AIR AND GENERAL OPERATING RULES: OPERATION OF PARACHUTES

LIST OF REGULATIONS

SUBPART 1: GENERAL

105.01.1 Applicability
105.01.2 Persons making parachute descent
105.01.3 Problematic use of psychoactive substances or alcohol
105.01.4 Securing of articles
105.01.5 Hazard
105.01.6 Parachuting operations
105.01.7 Minimum parachute opening altitude
105.01.8 Parachute drop zone
105.01.9 Parachute landing area
105.01.10 Controlled airspace
105.01.11 Descent onto an aerodrome where ATS Unit is in operation
105.01.12 Descent onto an aerodrome where no ATS Unit is in operation
105.01.13 Descent within restricted area
105.01.14 Visibility and clearance from cloud
105.01.15 Descent from unpressurised aircraft
105.01.16 Descent from pressurised aircraft
105.01.17 Descent from above FL150
105.01.18 Descent from above FL200
105.01.19 Aircraft operating and airworthiness requirements

SUBPART 2: PARACHUTE EQUIPMENT

105.02.1 Main parachute
105.02.2 Reserve parachutes
105.02.3 Night descents
105.02.4 Water descents
105.02.5 Altimeter
105.02.6 Automatic activation devices
105.02.7 Protective headgear
105.02.8 Parachute descent near water
105.02.9 Tandem harness

SUBPART 3: PARACHUTE MAINTENANCE

105.03.1 Rigger
105.03.2 Safety directives
105.03.3 Parachute serviceability
105.03.4 Modification and repair
105.03.5 Parachute assemblies
105.03.6 Parachute records

SUBPART 1
GENERAL

Applicability

105.01.1 (1) This Part shall apply to the operation of parachutes.

(2) This Part shall not apply in respect of -

(a) persons making emergency descents; or

(b) persons making base jumps.

Persons making parachute descent

105.01.2 Any person making a parachute descent shall -

(a) be the holder of a valid parachuting licence or certificate, as the case may be, issued by the body or institution designated by the Director in terms of Part 149;

(b) comply with the privileges and limitations of a parachuting licence or certificate, as the case may be, issued by such designated body or institution;

(c) comply with the competency requirements prescribed by such designated body or institution for the holder of a parachuting licence or certificate, as the case may be;

(d) be a *bona fide* member of an aviation recreation organisation approved by the Director in terms of Part 149;

(e) comply with the standards and procedures determined by such approved aviation recreation organisation.

Problematic use of psychoactive substances or alcohol

105.01.3 No person shall make a parachute descent -

(a) while under the influence of any psychoactive substance; or alcohol

[The semicolon is misplaced in paragraph (a); it should appear at the end of the phrase.]

(b) if such person has used any psychoactive substance or alcohol less than eight hours prior to commencing the parachute descent; or

(c) with a blood alcohol level exceeding 0,04 gram per 100 millilitres.

Securing of articles

105.01.4 No person making a parachute descent shall carry any article which is not part of the parachute assembly or normal apparel of a person making a parachute descent, unless such person secures such article to his or her person.

Hazard

105.01.5 No person shall make a parachute descent if such parachute descent constitutes, or is likely to constitute, a safety hazard to air traffic, persons or property in the air or on the ground, the aircraft concerned or its occupants.

Parachuting operations

105.01.6 (1) The pilot-in-command of the aircraft engaged in a parachuting operation, shall -

(a) ensure that -

(i) the aircraft performing the operation has a valid appropriate certificate of airworthiness;

(ii) the configuration of the aircraft is appropriate for the parachute drop operation;

(iii) the aircraft has adequate interior room and satisfactory egress for the parachutists to be carried;

(iv) the aircraft cabin has no handles or fittings which could cause the inadvertent opening of a parachute in the aircraft or during egress by any parachutist;

(v) suitable strong points on the aircraft are used for the attachment of static lines;

(vi) the aircraft flight manual authorises flight with a door open in flight or the aircraft is of a type referred to in regulation 105.01.19, which may be operated with a door removed;

(vii) each person carried in the aircraft including the persons who will perform the parachute descent shall;

[The semicolon at the end of the phrase above should be a colon or a dash.]

(aa) fasten his or her safety belt during take-off and landing;

(bb) wears an emergency or reserve parachute;

(cc) be trained in the use of the emergency or reserve parachute; and

(dd) be briefed on the general procedures to be followed in an aircraft emergency, including the method to be used for exiting the aircraft; and

(viii) each person carried in the aircraft for the purpose of making a parachute descent -

(aa) is not in a position in the aircraft that could hazard the safety of the aircraft or its occupants through inadvertent interference with the controls; and

(bb) is briefed on the general procedures to be followed in an aircraft emergency, including the method to be used for exiting the aircraft;

(b) not permit a person to make a parachute descent from the aircraft, unless the person or persons making the descent have -

(i) provided the pilot with the details of the proposed descent prior to take-off; and

(ii) satisfied the pilot that each person is operating under the authorisation of an aviation recreation organisation approved by the Director in terms of Part 149; and

(c) give an instruction to proceed with the parachute descent, after approval has been received from the appropriate air traffic service unit or when the aircraft is positioned correctly.

(2) Each person making a parachute descent shall only exit from the aircraft and commence the parachute descent on instruction of the jump master.

(3) For the purposes of this regulation, "jump master" means the holder of a licence or certificate and rating issued by the body or organisation designated by the Director in terms of Part 149, who is capable of supervising novices in the aircraft and supervising novices and students on static line and free fall parachute descents.

Minimum parachute opening altitude

105.01.7 Each person making a parachute descent shall activate the main parachute at not less than 2 000 feet AGL, except for -

(a) a student parachutist, who shall activate the main parachute at not less than 3 000 feet AGL;

(b) a person carrying out a tandem parachute descent, who shall activate the main parachute at not less than 4 000 feet AGL, or a higher altitude if so recommended by the manufacturer; or

(c) a person making a parachute descent at night, who shall activate the main parachute at not less than 3 500 feet AGL.

Parachute drop zone

105.01.8 (1) All parachute descents, except emergency and display parachute descents, shall be made within a parachute drop zone approved by the Director.

(2) No person may make a parachute descent outside a parachute drop zone, unless such descent is approved by the Director.

Parachute landing area

105.01.9 (1) Each person making a parachute descent shall land on a parachute landing area approved by the Director.

(2) Simultaneous parachute and aircraft movements may be conducted at aerodromes, if the parachute landing area is located clear of -

(a) any movement area in use;

(b) the strip area of any runway in use;

(c) the taxiway minimum separation distances; and

(d) the approach and take-off area of any runway in use.

(3) A person shall not make a parachute descent into water unless -

(a) the parachute landing area has a clearly defined perimeter; and

(b) a motorised rescue tender as required by an aviation recreation organisation approved by the Director in terms of Part 149, is stationed at the parachute landing area to retrieve him or her.

Controlled airspace

105.01.10 No parachute descent shall take place in controlled airspace unless an air traffic control clearance has been granted.

Descent onto an aerodrome where ATS Unit is in operation

105.01.11 No parachute descent shall take place onto an aerodrome where ATS unit is in operation unless, in addition to the approval contemplated in regulation 105.01.8 -

(a) prior approval has been obtained from the Director and owner or operator of the aerodrome; and

(b) the person making the parachute descent lands within the parachute landing area.

[The full stop at the end of paragraph (b) should be a semicolon, and the word "and" at the end of paragraph (a) should appear at the end of paragraph (b) instead.]

(c) prior approval has been obtained from the ATS unit.

Descent onto an aerodrome where no ATS Unit is in operation

105.01.12 No parachute descent shall be made onto an unmanned aerodrome unless -

(a) prior approval has been obtained from the Director and the owner or operator of that aerodrome;

(b) collision with other traffic can be avoided;

(c) other traffic within the parachute descent zone is made aware of the parachute descent; and

(d) the person making the parachute descent lands within the parachute landing area.

Descent within restricted area

105.01.13 No parachute descent shall be made within a restricted area unless permitted by virtue of an authorisation contemplated in regulation 91.06.20(1)(b).

Visibility and clearance from cloud

105.01.14 (1) Subject to the provisions of subregulation (2), no person shall make a parachute descent unless the visibility and distance from cloud is greater than the visibility and distance from cloud as prescribed in Document NAM-CATS-OPS 105.

[The verb "is" should be "are" to be grammatically correct.]

(2) A person may descend through cloud in a parachute drop zone at a manned aerodrome, if he or she has an air traffic control clearance in Class C and D airspace.

Descent from unpressurised aircraft

105.01.15 Each person making a parachute descent prior to exiting from an unpressurised aircraft shall -

(a) if between an altitude of 10 000 feet above MSL and FL150 for longer than 30 minutes, use supplementary oxygen; and

(b) if above FLI50, use supplementary oxygen until immediately prior to exiting the aircraft.

Descent from pressurised aircraft

105.01.16 Each person making a parachute descent from a pressurised aircraft up to FL200, shall use supplementary oxygen during the period from immediately prior to depressurisation above FL150, to immediately prior to exiting the aircraft.

Descent from above FL150

105.01.17 Each person making a parachute descent from above FL150, shall comply with the standards, procedures and training requirements determined by the body or institution designated by the Director in terms of Part 149, for intermediate altitude descents.

Descent from above FL200

105.01.18 (1) Each person making a parachute descent from above FL200, shall, in addition to regulations 105.01.16 and 105.01.17, use individual supplementary oxygen during the dispatch and descent.

(2) No person shall make a parachute descent from above FL200 unless he or she has the prior approval of the body or institution designated by the Director in terms of Part 149.

Aircraft operating and airworthiness requirements

105.01.19 (1) The owner or operator of an aircraft engaged in a parachuting operation, shall, if the aircraft is to be flown with the cabin door removed during the parachuting operation, apply for approval to the Director.

(2) The Director may grant the approval referred to in subregulation (1), subject to the following conditions:

(a) The aircraft concerned shall be of the type as prescribed in Document NAM-CATS-OPS 105; and

(b) installation and removal of equipment shall be done in accordance with the applicable provisions of the regulations in Part 43.

SUBPART 2
PARACHUTE EQUIPMENT

Main parachute

105.02.1 Each person, or tandem pair, making a parachute descent shall be equipped with a main parachute which complies with the requirements prescribed by the body or institution designated by the Director in terms of Part 149.

Reserve parachutes

105.02.2 Each person, or tandem pair, making a parachute descent shall be equipped with a reserve parachute assembly which has been

(a) approved by the body or institution designated by the Director in terms of Part 149;

(b) inspected, re-packed and signed-off within the preceding six months by a rigger authorised by such designated body or institution; and

(c) where necessary, repaired in accordance with -

(i) the standards of such designated body or institution; and

(ii) the instructions of the manufacturer.

Night descents

105.02.3 Each person making a parachute descent by night shall be equipped with an illuminated altimeter.

Water descents

105.02.4 Each person making a parachute descent into water shall wear a serviceable, self-righting flotation jacket capable of supporting the person and equipment.

Altimeter

105.02.5 (1) Each student parachutist or solo jumper making a free-fall descent of more than 15 seconds, unless the student parachutist or solo jumper is engaged in formation parachuting, and each tandem master, shall -

(a) be equipped with, and use, a serviceable altimeter of a type suitable for parachuting; and

(b) prior to take-off, zero the altimeter to the parachute landing area height.

(2) In the case of formation parachuting -

(a) if the formation consists of less than eight participants, 50 per cent of the participants in such formation; or

(b) if the formation consists of eight or more participants, 25 per cent of the participants in such formation,

shall comply with the provisions of subregulation (1).

Automatic activation devices

105.02.6 From 1 January 2002, each student parachutist or tandem master making a parachute descent, and every person making a parachute descent from above FL200, shall, in addition to the provisions of regulation 105.02.2, be equipped with an automatic activation device on the reserve parachute, which has been -

(a) certified by a rigger as compatible with the reserve parachute assembly, on the parachute assembly packing record;

(b) calibrated in accordance with the manufacturer's operating instructions;

(c) set to operate the reserve parachute at a minimum altitude of-

(i) in the case of an individual parachute descent, 1 000 feet AGL or such lower altitude as predetermined and set within the automatic activation device by the manufacturer of such device for the category of use; and

(ii) in the case of a tandem parachute descent, 2 000 feet AGL or such lower altitude as predetermined and set within the automatic activation device by the manufacturer of such device for use on tandem descents;

(d) inspected by the rigger in accordance with the manufacturer's instructions; and

(e) check calibrated within the preceding six months.

Protective headgear

105.02.7 (1) Each person making a parachute descent shall wear protective headgear authorised by the body or institution designated by the Director in terms of Part 149.

(2) Each student parachutist making a parachute descent shall wear serviceable rigid, protective headgear authorised by such designated body or institution.

Parachute descent near water

105.02.8 Each student parachutist making a parachute descent within one nautical mile of a coastline, harbour, lake or major river, and each holder of a parachuting licence or certificate issued by the body or organisation designated by the Director in terms of Part 149, shall, on his

or her initial parachute descent into water, wear a serviceable, self-righting flotation jacket capable of supporting the person and equipment.

Tandem harness

105.02.9 Each tandem passenger making a tandem descent shall wear a harness which is -

(a) authorised by the body or institution designated by the Director in terms of Part 149; and

(b) properly secured to the matching tandem master harness approved by such designated body or institution.

SUBPART 3
PARACHUTE MAINTENANCE

Rigger

105.03.1 Each rigger shall -

(a) be a current *bona fide* member of an aviation recreation organisation approved by the Director in terms of Part 149;

(b) be at least 18 years old;

(c) be the holder of the appropriate rating issued by the body or institution designated by the Director in terms of Part 149;

(d) comply with the competency requirements determined by such designated body or institution;

(e) comply with the privileges and limitations of his or her rating; and

(f) comply with the operational standards and procedures determined by such designated body or institution.

Safety directives

105.03.2 A person shall not make a parachute descent unless the parachute assembly complies with -

(a) any applicable safety directive issued by the body or institution designated by the Director in terms of Part 149; and

(b) all mandatory modifications or instructions issued by the manufacturer.

Parachute serviceability

105.03.3 (1) Any person who finds a parachute assembly to be unserviceable or not airworthy, shall have the assembly -

(a) re-inspected and returned to a serviceable and airworthy state; or

(b) withdrawn from service.

(2) Each owner of a parachute assembly shall ensure that the parachute assembly is in a serviceable and airworthy condition before use.

Modification and repair

105.03.4 A person shall not make a parachute descent with an emergency or reserve parachute, or harness and container system, which has been modified or repaired, in a manner that may affect the airworthiness of the parachute assembly, unless such emergency or reserve parachute has been re-inspected and re-assessed by a rigger authorised by the body or institution designated by the Director in terms of Part 149.

Parachute assemblies

105.03.5 (1) Subject to the provisions of subregulations (2) and (3), no person shall make a parachute descent unless he or she has checked the state of serviceability of the parachute assembly by -

(a) reference to the assembly packing record with the equipment;

(b) a comprehensive external check; and

(c) checking the correct setting of the applicable equipment.

(2) A student parachutist shall not make a parachute descent unless his or her parachute assembly has been checked in accordance with the provisions of subregulation (1), by a person authorised by the body or institution designated by the Director in terms of Part 149, to supervise the descent.

(3) A tandem passenger shall not make a parachute descent unless the parachute assembly has been checked in accordance with the provisions of subregulation (1), by the tandem master.

Parachute records

105.03.6 (1) Each owner of an emergency or reserve parachute assembly, a student parachutist parachute assembly or a tandem parachute assembly, shall maintain a permanent record of the assembly in -

(a) a logbook; or

(b) a separable log page, approved by the body or institution designated by the Director in terms of Part 149.

(2) The owner referred to in subregulation (1) shall make the record available for inspection when required by an authorised officer, inspector or authorised person.

PART 106
RULES OF THE AIR AND GENERAL OPERATING RULES: OPERATION OF HANG GLIDERS AND PARAGLIDERS

LIST OF REGULATIONS

SUBPART 1: GENERAL

106.01.1 Applicability
106.01.2 Pilot qualifications

SUBPART 2: OPERATING RULES

106.02.1 Airworthiness
106.02.2 Flight manual
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106.02.4 Maintenance and inspection requirements

SUBPART 3: FLIGHT RULES

106.03.1 Right of way
106.03.2 Flight plan
106.03.3 Clearance from cloud and maximum altitude
106.03.4 Minimum altitude
106.03.5 Launch sites
106.03.6 Flight criteria

SUBPART 4: EQUIPMENT AND INSTRUMENTS

106.04.1 Equipment
106.04.2 Protective headgear

SUBPART 1
GENERAL

Applicability

106.01.1 This Part shall apply to the operation of hang gliders and paragliders and contains -

(a) in addition to the provisions of the regulations in Part 91, the operating and flight rules relating to such operations; and

(b) the exceptions to the general operating and flight rules prescribed in Part 91.

Pilot qualifications

106.01.2 Any person operating a hang glider shall -

(a) be the holder of a valid hang glider or paraglider pilot licence or certificate, as the case may be, issued by the body or institution designated by the Director in terms of Part 149;

(b) be medically fit;

(c) comply with the competency requirements prescribed by such designated body or institution for the holder of a hang glider or a paraglider pilot licence or certificate, as the case may be;

(d) comply with the privileges and limitations of a hang glider or paraglider pilot licence or certificate, as the case may be, issued by such designated body or institution;

(e) be a *bona fide* member of an aviation recreation organisation approved by the Director in terms of Part 149; and

(f) comply with the standards and procedures determined by such approved aviation recreation organisation.

SUBPART 2
OPERATING RULES

Airworthiness

106.02.1 No person shall operate a hang glider unless such hang glider and its suspension system -

(a) comply with the airworthiness requirements determined by the body or institution designated by the Director in terms of Part 149; and

(b) are in an airworthy condition.

Flight manual

106.02.2 Notwithstanding the provisions of regulation 91.03.2, a person may operate a hang glider without carrying a current approved flight manual.

Certificate of fitness

106.02.3 Notwithstanding the provisions of regulation 91.03.7, a person may operate a hang glider if the hang glider has a certificate of fitness issued by a person who is authorised by the body or institution designated by the Director in terms of Part 149.

Maintenance and inspection requirements

106.02.4 (1) The pilot of a hang glider shall ensure that the hang glider is in an airworthy condition before the commencement of each flight.

(2) The owner of the hang glider shall -

(a) take such action as is necessary to ensure the continued airworthiness of the hang glider concerned; and

(b) maintain the hang glider as may be necessary.

SUBPART 3
FLIGHT RULES

Right of way

106.03.1 Notwithstanding the provisions of regulation 91.06.7(5), a pilot of a hang glider overtaking another hang glider soaring on a ridge, shall pass on the ridge side of the overtaken hang glider.

Flight plan

106.03.2 Notwithstanding the provisions of regulation 91.03.4, the pilot of a hang glider may fly under VFR without submitting a flight plan.

Clearance from cloud and maximum altitude

106.03.3 Notwithstanding the provisions of regulation 91.06.21, a pilot may fly a hang glider -

(a) to 500 feet vertically below cloud up to a maximum altitude of 19 500 feet above MSL in Class G airpace; or

[The word "airspace" is misspelt in the *Government Gazette*, as reproduced above.]

(b) to 500 feet vertically below cloud up to a maximum altitude of 19 500 feet above MSL in Class E airspace other than transponder-mandatory airspace.

Minimum altitude

106.03.4 The pilot of a hang glider may fly the hang glider below 500 feet AGL, for the purpose of ridge soaring, if such hang glider is flown in a manner that does not endanger persons or property on the ground.

Launch sites

106.03.5 No pilot of a hang glider shall launch the hang glider from a launch site other than an approved launch site.

Flight criteria

106.03.6 All hang glider operations shall be conducted -

(a) by day;

(b) in meteorological conditions equal to, or better than, those prescribed as suitable for VFR flight, unless otherwise approved by the Director; and

(c) at least 500 feet beneath any ceiling.

SUBPART 4
EQUIPMENT AND INSTRUMENTS

Equipment

106.04.1 Notwithstanding the provisions of the regulations in Subpart 4 of Part 91, a person may operate a hang glider if the hang glider is equipped with the equipment as prescribed in Document NAM-CATS-OPS 106.

Protective headgear

106.04.2 Each pilot and passenger of a hang glider shall wear serviceable rigid protective headgear authorised by the body or institution designated by the Director in terms of Part 149.

PART 107
RULES OF THE AIR AND GENERAL OPERATING RULES: OPERATION OF AMATEUR-BUILT AIRCRAFT

LIST OF REGULATIONS

SUBPART 1: GENERAL

107.01.1 Applicability
107.01.2 Pilot qualifications

SUBPART 2: OPERATING RULES

107.02.1 Airworthiness
107.02.2 Registration
107.02.3 Flight manual
107.02.4 Maintenance and inspection requirements

SUBPART 3: FLIGHT RULES

107.03.1 Hazardous operations
107.03.2 Practice for and participation in competition and display flying
107.03.3 Flight criteria

SUBPART 1
GENERAL

Applicability

107.01.1 This Part shall apply to the operation of amateur-built aircraft and contains -

(a) in addition to the provisions of the regulations in Part 91, the operating and flight rules relating to such operations; and

(b) the exceptions to the general operating and flight rules prescribed in Part 91.

Pilot qualifications

107.01.2 No person shall act as pilot-in-command of an amateur-built aircraft unless such person -

(a) is the holder of at least a valid private pilot licence issued in terms of Part 61;

(b) is the holder of at least a valid Class 2 medical certificate issued in terms of Part 67;

(c) complies with the privileges and limitations of a private pilot licence;

(d) complies with the competency requirements prescribed for the holder of a private pilot licence; and

(e) is a *bona fide* member of an aviation recreation organisation approved by the Director in terms of Part 149.

SUBPART 2
OPERATING RULES

Airworthiness

107.02.1 No person shall operate an amateur-built aircraft unless such amateur-built aircraft -

(a) has been issued with an appropriate authority to fly.

[The full stop at the end of paragraph (a) should be a semicolon.]

(b) is in an airworthy condition.

Registration

107.02.2 No person shall operate an amateur-built aircraft unless it is registered and marked in accordance with, and complies with, the provisions of the regulations in Part 47.

Flight manual

107.02.3 Notwithstanding the provisions of regulation 91.03.2, a person may operate an amateur-built aircraft without carrying a current approved flight manual on board.

Maintenance and inspection requirements

107.02.4 (1) The pilot-in-command of an amateur-built aircraft shall ensure that the amateur-built aircraft is in an airworthy condition before the commencement of each flight.

(2) The owner of an amateur-built aircraft shall -

(a) take such action as is necessary to ensure the continued airworthiness of the amateur-built aircraft concerned; and

(b) maintain the amateur-built aircraft in accordance with the provisions of the regulations in Part 43.

SUBPART 3
FLIGHT RULES

Hazardous operations

107.03.1 No person shall operate any amateur-built aircraft in a manner that creates, or is likely to create, a hazard to other persons or property.

Practice for and participation in competition and display flying

107.03.2 The pilot-in-command of an amateur-built aircraft may carry out low flying for the purpose of practice for, and participation in, amateur-built aircraft competition and display flying: Provided that such operations are -

(a) authorised by the body or institution designated by the Director in terms of Part 149;

(b) carried out in accordance with any conditions imposed by such designated body or institution; and

(c) carried out not lower than 200 feet above the ground and not over any densely inhabited area of a city, town or settlement.

Flight criteria

107.03.3 All amateur-built aircraft operations shall be conducted -

(a) by day, unless the amateur-built aircraft is certificated for night flying in terms of Part 21, and the pilot-in-command is the holder of a night rating issued in terms of Part 61;

(b) in meteorological conditions equal to, or better than, those prescribed as suitable for VFR flight, unless otherwise approved by the Director; and

(c) at least 500 feet beneath any ceiling.

AVIATION SECURITY

PART 108
ACCEPTANCE, FORWARDING, STORAGE AND CARRIAGE OF CARGO, MAIL AND IN-FLIGHT SUPPLIES

[Part 108 is inserted by GN 293/2018.]

LIST OF REGULATIONS

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[The word "IN-FLIGHT" is misspelt in the *Government Gazette* in its second usage in the heading of Subpart 4, as reproduced above.]

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[The word "CARGO" is misspelt in the *Government Gazette*, as reproduced above.]

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SUBPART 1
GENERAL PROVISIONS

Applicability

108.01.1 (1) This Part applies to all persons engaged in acceptance, forwarding, storage and carriage by air of cargo, mail and in-flight supplies and regulates -

(a) aviation security in respect of all cargo, mail and in-flight supplies entering security controlled or security restricted areas of an aerodrome;

(b) security measures required for the storage and carriage of cargo, mail and in-flight supplies by an air carrier or aircraft operator;

(c) training requirements for personnel involved in handling air cargo, mail and in-flight supplies; and

(d) any other aspect incidental to air cargo security or the security of mail or in-flight supplies.

(2) The operator of security designated aerodrome, an air carrier or aircraft operator, a regulated agent, a known consignor and a regulated supplier of in-flight supplies or airports supplies are each respectively responsible, according to the applicable requirements of this Part, for the implementation of the measures set out in this Part.

(3) A person may not act as -

(a) a regulated agent to provide a consignment of cargo or mail to an air carrier or aircraft operator for carriage by air except under the authority of a regulated agent certificate granted in accordance with this Part and any disclosed elements of the NCASP;

(b) a certificated known consignor to provide a consignment of cargo or mail to an air carrier or aircraft operator for carriage by air except under the authority of a known consignor certificate granted in accordance with this Part and any disclosed elements of the NCASP; or

(c) a regulated supplier of in-flight supplies, except under the authority of a regulated supplier certificate granted in accordance with this Part and any disclosed elements of the NCASP.

General restrictions on carriage by air of cargo, mail and in-flight supplies

108.01.2 (1) An air carrier or aircraft operator may not carry unknown cargo.

(2) An air carrier must treat all unaccompanied baggage as unknown cargo.

(3) Assembled explosive and incendiary devices that are not carried in accordance with the applicable authorisations and safety standards and requirements are prohibited articles in consignments of cargo.

(4) Explosive and incendiary devices, whether assembled or not, and their component parts are prohibited articles in consignments of mail.

(5) Any air carrier or aircraft operator or regulated agent has the right -

(a) to examine or cause to be examined by his or her handling agent, the packaging and contents of all cargo tendered for carriage by air, and to inquire into the correctness or sufficiency of information or documentation submitted in respect of any cargo; and

(b) without assuming any liability, to refuse, delay or return any cargo, if there is a reasonable belief that the cargo may contain explosives or dangerous devices.

(6) A regulated agent, an air carrier or aircraft operator or any other entity approved by the Authority must screen all cargo and mail before being loaded on to an aircraft, unless the -

(a) required security controls have been applied to the consignment by a regulated agent and the consignment has been protected from unauthorised interference from the time that those security controls were applied and until loading;

(b) required security controls have been applied to the consignment by a known consignor and the consignment has been protected from unauthorised interference from the time that those security controls were applied and until loading; or

(c) consignment is exempt from screening and has been protected from unauthorised interference from the time that it became identifiable air cargo or identifiable air mail and until loading.

(7) A regulated agent engaged in the acceptance or storage or the forwarding or handling of cargo or in-flight supplies to be carried by air must hold a regulated agent's certificate which is an aviation document and is issued by the Executive Director.

(8) Any person in the employ of a regulated agent and involved with known cargo or in-flight supplies must complete the relevant training prescribed by this Part and must hold a certificate of proficiency for such training.

(9) A regulated agent must draw up a security programme containing all information stipulated in Appendix P to the NCASP, and setting out the manner in which such regulated agent will operate and that security programme must be submitted to the Executive Director for approval.

(10) Each regulated agent must have a designated official responsible for the implementation, application and supervision of the security controls as prescribed by this Part and the NCASP, and such designated official must undergo the training as prescribed by this Part and the NCASTP.

(11) Any person applying for certification as a regulated agent or as a certificated known consignor, must permit an inspector, authorised officer or authorised person designated by the Executive Director pursuant to section 37(1) of the Act to carry out inspections and audits which may be necessary to verify whether the security measures regarding the handling, transportation and storage of known cargo comply with the requirements of this Part and with any disclosed elements of the NCASP.

(12) The holder of a regulated agent's certificate, a known consignor's certificate or a regulated supplier's certificate must permit an authorised officer, inspector or authorised person

referred to in subregulation (11) to carry out such inspections and audits for the purposes of determining compliance with the appropriate requirements prescribed in this Part or in any disclosed elements of the NCASP.

(13) The holder of a regulated agent's certificate, a known consignor's certificate or a regulated supplier's certificate must permit an authorised officer, inspector or authorised person referred to in subregulation (11) to conduct random checks of cargo, emanating from and through regulated agents, to ensure compliance with this Part and with any disclosed elements of the NCASP.

SUBPART 2
DUTIES AND FUNCTIONS OF REGULATED AGENTS, KNOWN CONSIGNORS AND AIR CARRIERS OR AIRCRAFT OPERATORS

General duties of regulated agents

108.02.1 Any person certificated by the Executive Director as a regulated agent must -

(a) maintain records of all shipping documents documenting the transport and handling history of all cargo submitted for carriage in accordance with the requirements of this Part or of any disclosed elements of the NCASP, and, unless otherwise required by the Executive Director or the NCASP, the period of retention of such records must be not less than seven years;

(b) ensure that, after the receipt of known cargo, and while such cargo is under his or her or its control, such cargo is safeguarded from unlawful interference in accordance with the security measures stipulated in the security programme referred to in regulation 108.01.2(9);

(c) ensure that the acceptance and handling of cargo and shipping documentation is carried out by trained personnel, who have received job-specific cargo security training, as stipulated in the security programme, required in terms of this Part;

(d) complete any physical checks or screening in the manner prescribed in this Part and in any disclosed elements of the NCASP, for the purpose of determining whether consignments of cargo contain any explosives, incendiary devices or any other prohibited or harmful articles which may be used to commit acts of unlawful interference;

(e) ensure that known cargo is sealed with tamper-evident seals and that such seals are intact;

(f) conduct security background checks on all personnel recruited for accepting all cargo and processing shipping documentation and storing, forwarding or handling of known cargo intended for carriage by air; and

(g) ensure that each consignment of known cargo is accompanied by a consignment security declaration in the manner stipulated in any disclosed elements of the NCASP.

Duties of regulated agents regarding known consignors

108.02.2 All regulated agents who conduct business with, and receive, known cargo from known consignors must -

(a) verify whether the known consignor is a holder of a known consignor certificate issued in terms of this Part;

(b) document the identity and address of the known consignors and advise the Executive Director of the details of these known consignors;

(c) have on record a declaration from the known consignor stating that -

(i) consignments of known cargo are prepared in secured premises;

(ii) all personnel employed to handle known cargo and shipping documentation have been subjected to background checks and have received job-specific cargo security training as stipulated in the NCASTP;

(iii) consignments of known cargo are protected from unlawful interference during preparation, storage and transportation;

(iv) consignments do not contain any explosives or other dangerous goods or devices or substances, unless declared as such; and

(v) air waybills, dispatch notes or other valid transportation documents have been signed by authorised personnel; and

(d) conduct random inspection of the premises and cargo of known consignors to ensure that the requirements of this Part and of any disclosed elements of the NCASP are adhered to and, where a substantial non-compliance is identified in the course of such inspection, must forthwith notify the Executive Director in writing providing particulars of every identified noncompliance.

Duties of air carriers or aircraft operators

108.02.3 (1) An air carrier or aircraft operator is responsible for ensuring that appropriate security controls have been carried out, and in so doing, the air carrier or aircraft operator must -

(a) not accept cargo or mail for carriage on an aircraft engaged in commercial air transport operations, unless the application of screening or other security controls is confirmed and accounted for by a regulated agent or an entity that is approved the Authority;

(b) ensure that cargo and mail which cannot be confirmed and accounted for by a regulated agent or an entity that is approved by the Authority is subjected to screening;

(c) carry out appropriate security controls to be applied to any given consignment to the required level;

(d) protect the consignment from unlawful interference while it is in the custody of the airline;

(e) ensure that where screening of cargo and mail is conducted, screening is carried out using an appropriate method or methods, taking into account the nature of the consignment;

(f) ensure that all consignments have been secured to an appropriate level before being placed in the aircraft;

(g) ensure that all consignments placed on board the aircraft are recorded on the aircraft manifest;

(h) ensure that cargo and mail that has been confirmed and accounted for must then be issued with a security status which must accompany, either in an electronic format or in writing, the cargo and mail throughout the secure supply chain;

(i) ensure that transfer cargo and mail has been subjected to appropriate security controls prior to being loaded on an aircraft engaged in commercial air transport operations departing from Namibia;

(j) ensure that cargo and mail to be carried on a commercial aircraft are protected from unauthorised interference from the point screening or other security controls are applied until departure of the aircraft;

(k) ensure that enhanced security measures apply to high-risk cargo or mail to appropriately mitigate the threats associated with it;

(l) ensure that appropriate security controls, including screening where practicable, are applied to cargo and mail, prior to their being loaded onto an aircraft engaged in commercial air transport operations;

(m) ensure that catering, stores and in-flight supplies intended for carriage on passenger commercial flights are subjected to appropriate security controls and thereafter protected until loaded into the aircraft; and

(n) ensure that merchandise and supplies introduced into security restricted areas are subject to appropriate security controls, which may include screening.

Requirements for certification of known consignors

108.02.4 Any person who has a known consignor relationship with a regulated agent and wishes to be certificated by the Executive Director as a known consignor must apply to Executive Director for certification as a known consignor in accordance with Subpart 5.

SUBPART 3
SECURITY CONTROLS

General

108.03.1 (1) An air carrier or aircraft operator may not transport cargo by air unless a valid air waybill or other valid transport documentation recognised by the Executive Director accompanies the cargo.

(2) Any person tendering a diplomatic bag for carriage by air must ensure that it is properly sealed and marked and may only be carried by air, without an airway bill, when accompanied by an employee of the respective embassy holding -

(a) a valid passport issued to the respective embassy employee; and

(b) a letter from the official in charge of the embassy from which the diplomatic bag originates, authorising the specific employee to accompany the diplomatic bag.

(3) Diplomatic cargo accompanied by an air waybill must comply with the following requirements:

(a) the status and number of packages must be clearly indicated on the air waybill;

(b) the cargo must be properly sealed and marked and bear visible external marks of its character; and

(c) the person tendering the cargo must be duly authorised in writing by the sending state or originating embassy and must carry official identification.

Regulated agents: acceptance and delivery of consignments

108.03.2 (1) When accepting any consignment, a regulated agent must establish whether the entity from which it receives the consignment is a regulated agent, a known consignor or neither of these.

(2) The person delivering the consignment to the regulated agent or air carrier or aircraft operator must present an identity card, passport, driving licence or other document, which includes his or her photograph and which has been issued by or is recognised by the Executive Director.

(3) The identity card, passport, licence or other document referred to in subregulation (2) must be used to establish the identity of the person delivering the consignment.

(4) When accepting a consignment to which not all required security controls have previously been applied, the regulated agent must ensure that it is screened pursuant to regulation 108.03.6, and that it complies with any disclosed elements of the NCASP.

(5) After the security controls pursuant to subregulations (1) to (3) have been applied, the regulated agent must ensure that -

(a) access to the consignment is controlled; and

(b) the consignment is protected from unauthorised interference until it is handed over to another regulated agent or air carrier or aircraft operator.

(6) After the security controls pursuant to subregulations (1) to (5) have been applied, the regulated agent must ensure that any consignment tendered to an air carrier or aircraft operator or another regulated agent is accompanied by appropriate recognised documentation, either in the form of an air waybill or a separate declaration and either in an electronic format or in writing.

(7) The documentation must be available for inspection by authorised representatives of the Executive Director at any point before the consignment is loaded into an aircraft and must provide the following information:

(a) the site specific name and address of the regulated agent that issued the security status and its unique alphanumeric identifier as received from the Executive Director;

(b) a unique identifier of the consignment, such as the number of the master air waybill;

(c) the content of the consignment;

(d) the security status of the consignment, stating -

(i) "SPX", meaning secure for passenger, all-cargo and all-mail aircraft;

(ii) "SCO", meaning secure for all-cargo and all-mail aircraft only;

(e) the reason that the security status was issued, stating -

(i) "KC", meaning received from known consignor;

(ii) the means or method of screening used;

(iii) the grounds for exempting the consignment from screening;

(f) the name of the person who issued the security status or an equivalent identification, and the date and time of issue; and

(g) the site specific name and address or unique identifier received from the Executive Director, of any regulated agent who has accepted the security status given to a consignment by another regulated agent.

(8) The consolidations pursuant to subregulation (7)(c), (e), (f) and (g) will be satisfied where the regulated agent is able to establish the nature of the contents, the reason that the security status was issued and the name of the person who issued the security status and the date and time of issue, respectively, by a verifiable audit trail at any time before the consignment is loaded on an aircraft and afterwards for the duration of the flight or for 24 hours, whichever is longer.

(9) When accepting a consignment to which not all required security controls have previously been applied, the regulated agent may also elect not to apply the security controls pursuant to this regulation, but to hand the consignment over to another regulated agent to ensure the application of these security controls.

(10) Security controls to be applied by a regulated agent are subject to any additional provisions laid down in a separate aviation directive issued by the Executive Director.

Security controls to be applied by known consignor

108.03.3 A known consignor must ensure that -

(a) there is a level of security on the site or at the premises sufficient to protect identifiable air cargo and identifiable air mail from unauthorised interference;

(b) all personnel with access to identifiable air cargo or identifiable air mail to which the required security controls have been applied have been recruited and trained in accordance with the NCASTP;

(c) during production, packing, storage, despatch or transportation, as appropriate, identifiable air cargo and identifiable air mail is protected from unauthorised interference or tampering;

(d) when, for whatever reason, these security controls have not been applied to a consignment or where the consignment has not been originated by the known consignor for its own account, the known consignor must clearly identify this to the regulated agent so that regulation 108.03.2(4) can be applied; and

(e) consignments to which the appropriate security controls have not been applied are screened in accordance with this Part and with any disclosed elements of the NCASP.

Known cargo

108.03.4 (1) A person may not place cargo on board an air carrier's or aircraft operator's unless the cargo has been -

(a) subjected to security controls prior to loading whereupon it is deemed to be known cargo and must be declared as such; and

(b) packed and made known and secured by a certificated known consignor and handed to a regulated agent in compliance with the provisions of this Part and with any disclosed elements of the NCASP.

(2) Known cargo, after acceptance by a regulated agent, must be kept in a secure area, as stipulated in the security programme, to protect it from unlawful interference while in the custody of the regulated agent.

(3) Where known cargo is forwarded from a known consignor to a regulated agent or from one regulated agent to another regulated agent and is kept secure, such cargo must continue to be treated as known cargo.

(4) The air carrier or aircraft operator must ensure that cargo is at all times safeguarded while on the ramp prior to loading on board an aircraft.

(5) Prior to loading on board a commercial air transport aircraft, the air carrier or aircraft operator must ensure that all cargo consignments are visually inspected to ensure that they have not been tampered with.

Unknown cargo

108.03.5 (1) Cargo originating from a consignor that has not been subjected to the security controls prescribed in this Part and with any disclosed elements of the NCASP must be treated as unknown cargo.

(2) Known cargo that, after acceptance by a regulated agent, has not been stored in a secure area, as stipulated in the security programme, must be treated as unknown cargo.

(3) Known cargo, where the seals on the packaging are broken or where there is evidence that the seals or the cargo have or has been tampered with, except where the cargo has been resealed with tamper proof seals by a regulated agent, must be treated as unknown cargo.

(4) Cargo presented as unknown cargo must be subjected to security controls prescribed in this Part before being loaded into an aircraft.

Screening of cargo and mail

108.03.6 (1) When screening cargo or mail the means or method -

(a) most likely to detect prohibited articles must be employed, taking into consideration the nature of the consignment; and

(b) employed must be of a standard sufficient to reasonably ensure that no prohibited articles are concealed in the consignment.

(2) Where the screener cannot be reasonably sure that no prohibited articles are contained in the consignment, the consignment must be rejected or be rescreened to his or her satisfaction.

Cargo and mail exemptions

108.03.7 (1) The security controls required by this Part are not applicable in respect of -

(a) human remains;

(b) live animals;

(c) *bona fide* consignments of life-saving materials or other essential medical supplies, human organs, blood plasma or similar materials; and

(d) any nuclear materials.

(2) The regulated agent tendering consignments for carriage by air that are exempted from security controls in terms of subregulation (1) must ensure that such consignments are -

(a) clearly declared on shipping documents as such;

(b) physically checked upon receipt for signs of tampering;

(c) subjected to documentary checks to establish on face value the correctness and sufficiency of information on any document; and

(d) protected from unauthorised interference at all times.

(3) The cargo mentioned in subregulation (1) is only exempted from security controls if it is tendered by a regulated agent.

(4) The Executive Director may, where he or she is satisfied that -

(a) the requirement for, or objectives of, screening have been substantially complied with;

(b) in all the particular circumstances screening should not be required; and

(c) there is no risk of compromise to aviation safety or security,

make provision for written exemptions from screening to be specified in the NCASP or by an avaition directive issued pursuant to this Part.

[The word "aviation" in the term "aviation directive" is misspelt in the *Government Gazette*, as reproduced above.]

Protection of cargo and mail during transportation

108.03.8 (1) In order to ensure that consignments to which the required security controls have been applied are protected from unauthorised interference during transportation -

(a) the regulated agent or known consignor must pack and seal the consignment in order to ensure that any tampering would be evident;

(b) the cargo load compartment of the vehicle in which the consignments are to be transported must be locked or sealed or curtain sided vehicles must be secured so as to ensure that any tampering would be evident or the load area of flatbed vehicles must be kept under observation;

(c) the transporter who transports on behalf of the regulated agent or known consignor must sign the declaration as contained in Appendix 1, unless the transporter is itself approved as a regulated agent;

(d) the signed declaration must be retained by the regulated agent, known consignor for whom the transporter provides transport; and

(e) on request, a copy of the signed declaration must also be made available to the regulated agent or air carrier or aircraft operator receiving the consignment or to the Executive Director.

(2) The requirements contained in subregulation (1)(b), (c), (d) and (e) may not apply during airside transportation or in any other security controlled area.

Protection of cargo and mail at airports

108.03.9 (1) Consignments of cargo and mail that are in a sterile area, are considered to be protected from unauthorised interference.

(2) Consignments of cargo and mail that are stored in a lockable store or on the ramp are sufficiently protected from unauthorised interference if -

(a) they are physically protected so as to prevent the introduction of any article which might be used to commit an act of unauthorised interference; or

(b) they are not left unattended and access is limited to persons involved in the protection and loading of cargo and mail into the aircraft.

Air carrier company mail and air carrier company materials to be loaded into aircraft

108.03.10 (1) Before being loaded into the hold of an aircraft, air carrier mail and air carrier materials must either be screened and protected in accordance regulation 108.03.6 or be subjected to security controls and protected in accordance with regulation 108.03.9.

(2) Before being loaded into any part of an aircraft other than the hold of the aircraft, air carrier mail and air carrier materials must be screened and protected in accordance with the provisions relating to cabin baggage.

Air carrier company materials used for passenger and baggage processing

108.03.11 (1) Co-Mat which are used for the purposes of passenger and baggage processing and which could be used to compromise aviation security must be protected or kept under surveillance in order to prevent unauthorised access.

(2) Self-check-in and applicable internet options allowed for use by passengers must be considered to be authorised access to such materials.

(3) Discarded materials which could be used to facilitate unauthorised access or to move baggage either into a security restricted area or into an aircraft must be destroyed or otherwise rendered permanently ineffective for any of the purposes referred to in subregulation (1).

(4) Departure control systems and check-in systems must be managed in such a manner as to prevent unauthorised access.

(5) Self-check-in allowed for use by passengers must be considered to be authorised access to such systems.

SUBPART 4
IN-FLIGHT SUPPLIES, REGULATED SUPPLIER OF IN-FLIGHT SUPPLIES OR AIRPORT SUPPLIES AND KNOWN SUPPLIER OF IN-FLIGHT SUPPLIES OR AIRPORT SUPPLIES

General provisions

108.04.1 (1) Unless otherwise stated, the operator of a security designated aerodrome, an air carrier or aircraft operator, a regulated agent, a known consignor and a regulated supplier of in-flight supplies or airport supplies are each according to the applicable requirements in this Part, responsible for the implementation of the measures set out in this Part.

(2) Supplies are considered to be in-flight supplies from the time that they are identifiable as supplies to be taken on board an aircraft for use, consumption or purchase by passengers or crew members during a flight.

Security controls: in-flight supplies

108.04.2 (1) In-flight supplies must be screened before being taken into a security restricted area, unless -

(a) the required security controls have been applied to the supplies by an air carrier or aircraft operator that delivers the supplies to its own aircraft and the supplies have

been protected from unauthorised interference from the time that those controls were applied until delivery at the aircraft;

(b) the required security controls have been applied to the supplies by a regulated supplier of in-flight supplies and the supplies have been protected from unauthorised interference from the time that those controls were applied until arrival at the security restricted area or, where applicable, until delivery to the air carrier or aircraft operator or another regulated supplier; or

(c) the required security controls have been applied to the supplies by a known supplier of in-flight supplies and the supplies have been protected from unauthorised interference from the time that those controls were applied until delivery to the air carrier or aircraft operator or regulated supplier.

(2) Any in-flight supplies received from a regulated supplier or a known supplier that shows signs of being tampered with, or where there is other reason to believe that it has not been protected from unauthorised interference from the time that controls were applied, must be screened.

Screening of in-flight supplies

108.04.3 When screening in-flight supplies, the means or method employed must take into consideration the nature of the supplies and must be of a standard sufficient to reasonably ensure that no prohibited articles are concealed in the supplies.

Designation of known suppliers of in-flight supplies

108.04.4 (1) Any entity that ensures application of the security controls referred to in this Part and delivers in-flight supplies, but not directly to aircraft, may be designated as a known supplier by the entity to whom it delivers, but this provision does not apply to a regulated supplier of in-flight supplies.

(2) In order to be designated as a known supplier, the entity must submit a 'Declaration of Commitment by Known Suppliers of In-flight Supplies" as contained in Appendix 3, to each entity to whom it delivers.

[The mismatched quote marks are reproduced as they appear in the *Government Gazette*.]

(3) The senior accountable manager of the entity must sign the declaration referred to in subregulation (2), and the signed declaration must be retained by the entity to whom the known supplier delivers and a copy of the signed declaration must forthwith after receipt be delivered by the entity to the Executive Director.

(4) If there are no deliveries within a period of two years, the status of the known supplier expires.

(5) If the Executive Director or the entity to whom the known supplier delivers is no longer satisfied that the known supplier complies with the requirements of this Part, the entity concerned must forthwith withdraw the status of the known supplier and immediately inform the Executive Director of the withdrawal.

Security controls to be applied by air carrier or aircraft operator, regulated supplier of in-flight supplies and known supplier of in-flight supplies

108.04.5 An air carrier or aircraft operator engaged in commercial air transport, a regulated supplier of in-flight supplies and a known supplier of in-flight supplies must -

(a) appoint a person responsible for security in the entity;

(b) ensure that persons with access to in-flight supplies receive security awareness training before being given access to such supplies;

(c) prevent unauthorised access to its premises and in-flight supplies;

(d) reasonably ensure that no prohibited articles are concealed in in-flight supplies; and

(e) apply tamper-evident seals to, or physically protect, all vehicles and containers that transport in-flight supplies at all times, except that this requirement does not apply during airside transportation.

Airport supplies: known supplier of airport supplies

108.04.6 (1) An operator of a security designated aerodrome must ensure the implementation of the measures set out in this Subpart.

(2) Supplies are airport supplies from the time that they are identifiable as supplies to be sold, used or made available in security restricted areas of an airport.

Security controls: airport supplies

108.04.7 (1) Airport supplies must be screened before being allowed into security restricted areas, unless security controls have been applied to the supplies by a known supplier and the supplies have been protected from unauthorised interference from the time that those controls were applied until they are taken into the security restricted area.

(2) Airport supplies which originate in the security restricted area may be exempted from these security controls.

(3) Any airport supply received from a known supplier that shows signs of being tampered with, or where there is reason to believe that it has otherwise not been protected from unauthorised interference from the time that controls were applied, must be screened.

(4) Upon delivery at the outlet in the security restricted area, a visual check of the airport supplies must be carried out by the staff of the outlet in order to ensure that there are no signs of tampering.

Screening of airport supplies

108.04.8 When screening airport supplies, the means or method employed must take into consideration the nature of the supplies and must be of a standard sufficient to reasonably ensure that no prohibited articles are concealed in the supplies.

Designation of known suppliers of airport supplies

108.04.9 (1) The operator of a security designated aerodrome may designate any entity that ensures the security controls as referred to in this Part and delivers airport supplies as a known supplier of airport supplies.

(2) In order to be designated as a known supplier, the entity must submit to the operator of a security designated aerodrome a 'Declaration of Commitment by Suppliers of Airport Supplies' as contained in Appendix 4.

(3) The declaration referred to in subregulation (2) must be signed by the senior accountable manager of the entity and the signed declaration must be retained by the operator of the security designated aerodrome as evidence of its designation of the known supplier.

(4) If there are no deliveries within a period of two years, the status of known supplier expires.

(5) If either the Executive Director or the operator of a security designated aerodrome is no longer satisfied that the known supplier complies with the requirements of this Part, the operator of security designated aerodrome must forthwith withdraw the status of the known supplier and advise the Executive Director in writing of the withdrawal.

Security controls to be applied by known supplier of airport supplies

108.04.10 A known supplier of airport supplies must -

(a) appoint a person responsible for security in the entity;

(b) ensure that persons with access to airport supplies receive security awareness training before being given access to these supplies;

(c) prevent unauthorised access to its premises and airport supplies;

(d) reasonably ensure that no prohibited articles are concealed in airport supplies; and

(e) apply tamper-evident seals to, or physically protect, all vehicles and containers that transport airport supplies.

SUBPART 5
CERTIFICATIONS

Application for certification as regulated agent

108.05.1 (1) An application for a regulated agent's certificate and renewal of such a certificate must -

(a) be made to the Executive Director in the appropriate format as contained in Appendix P to the NCASP;

(b) specify every site or sites in respect of which certification is sought;

(c) include duplicate copies of the security programme of procedures referred to in regulation 108.01.3(9);

(d) include a duly authorised and signed "Declaration of Security" as contained in Appendix P to the NCASP;

(e) be accompanied by the appropriate fee or fees as prescribed in Part 187; and

(f) designate at least one person at each site who has successfully completed a security background check in accordance with the provisions of Part 114 and the NCASP, and who must be responsible for the implementation of the submitted security programme for each site.

(2) An authorised officer, inspector or authorised person must examine the security programme and then make an on-site verification of every specified site in order to assess whether the applicant complies with the requirement of this Part, and with any disclosed elements of the NCASP.

(3) If the Executive Director is not satisfied with the information provided under subregulation (1), then the reason for the dissatisfaction must promptly be notified to the entity seeking certification as a regulated agent.

Regulated agent's certificate

108.05.2 (1) The Executive Director must grant the application, if he or she is satisfied that the applicant complies with the requirements set out in this Part, and with any disclosed elements of the NCASP, and that the grant of such application will not be contrary to the interests of civil aviation safety and security.

(2) Where the application is granted, the Executive Director must issue the regulated agent's certificate and must ensure that the necessary details of the regulated agent are entered into the civil aviation registry.

(3) When making the entry in the civil aviation registry in terms of subregulation (2), the Executive Director must give each approved regulated agent a unique alphanumeric identifier.

(4) The certificate issued under this regulation is an aviation document for the purposes of the Act.

(5) The certificate is, unless otherwise specified by the Executive Director in any case, valid for a period of 12 months from the date of issue.

Duties of certificate holder

108.05.3 The regulated agent must at all times operate in accordance with the approved security programme or an approved amendment thereto.

Renewal of regulated agent's certificate

108.05.4 (1) The holder of a certificate must apply to the Executive Director for the renewal of such certificate not later 60 days before the date on which the certificate expires.

(2) In considering an application for renewal of a certificate, the Executive Director may conduct an investigation that he or she considers necessary to ascertain whether the applicant continues to comply with the requirements of the Act, this Part and with any disclosed elements of the NCASP.

(3) The process of renewal must include an on-site verification in order to assess whether the regulated agent still complies with the requirements of this Part and with any disclosed elements of the NCASP.

(4) An application for renewal must be granted and the certificate issued, if the Executive Director is satisfied that the applicant will comply with the provisions of this Part, and with any disclosed elements of the NCASP, and that the grant of such application will not be contrary to the interests of civil aviation safety and security.

(5) If the Executive Director is not satisfied, he or she must notify the regulated agent, stating the reasons in the notification, and grant the regulated agent the opportunity to rectify or supplement any defect within the period determined by the Executive Director, after which period the Executive Director must grant or refuse the application concerned.

(6) The application for the renewal of a certificate must be made on the form referred to in regulation 108.05.1(1)(a) and must be accompanied by the appropriate fee as prescribed in Part 187.

(7) The provisions of regulation 108.05.01 apply, with necessary changes required by the context, to an application for renewal of a regulated agent's certificate.

Amendments

108.05.5 (1) The regulated agent must submit any amendments to an approved security programme to the Executive Director for approval before implementing any substantial change in any security procedure.

(2) If the Executive Director is satisfied that the amendments will not contravene the provisions of this Part and the NCASP, the Executive Director must certify in writing on both copies of the amendment to the approved security programme that such amendment has been approved, and must return one copy of the approved amendment to the regulated agent.

Application for certification as known consignor

108.05.6 (1) An application for a known consignor's certificate and renewal of such a certificate must -

(a) be made to the Executive Director in the appropriate form as contained in Appendix Q of the NCASP;

(b) specify every site or sites in respect of which certification is sought;

(c) include duplicate copies of the known consignor's security programme;

(d) include a duly authorised and signed "Declaration of Commitments – Known Consignor" as contained in Appendix Q to the NCASP;

(e) be accompanied by the appropriate fee or fees as prescribed in Part 187; and

(f) designate at least one person at each site who has successfully completed a background check in accordance with the provisions of Part 114 and the NCASP,

and who is responsible for the implementation of the submitted security programme for each site.

(2) An authorised officer, inspector or authorised person acting on behalf of the Executive Director, must examine the security programme and then make an on-site verification of every specified site in order to assess whether the applicant complies with the requirement of this Part and with any disclosed elements of the NCASP for the purposes of certification as a known consignor.

(3) If the Executive Director is not satisfied with the information provided under subregulation (1), then the reason for the dissatisfaction must promptly be notified to the entity seeking certification as a known consignor.

(4) The Executive Director may conduct an inspection on the operation of an applicant wishing to be certificated as a known consignor, to ascertain whether the applicant is able to comply with the provisions of this Part.

Designation of inspectors, authorised officers and authorised persons for certification of known consignors

108.05.7 (1) Despite the provisions of section 37 of the Act, the Executive Director may designate inspectors, authorised officer or authorised persons to conduct inspections on known consignors for the purpose of granting known consignor certificates.

(2) The privileges referred to in subregulation (1) must be exercised and performed according to the conditions, requirements, rules, procedures and standards as prescribed in this Part and the Act.

Known consignor certificate

108.05.8 (1) If the Executive Director is satisfied that the -

(a) security measures and handling, transportation and storage of known cargo of the applicant for certification as a known consignor comply with the requirements of this Part;

(b) senior accountable manager of the applicant is a fit and proper person for the purposes of the Act; and

(c) grant of such application will not be contrary to the interests of civil aviation safety and security, the Executive Director must grant the application made in terms of regulation 108.05.6.

(2) A known consignor certificate is valid for a period of 24 months from the date of issue, unless the Executive Director specifies a longer term, and in specific cases for good cause, a shorter term.

(3) The known consignor must submit all amendments to an approved security programme to the Executive Director for approval before implementing any substantial change in any security procedure of the known consignor.

Renewal of known consignor certificate

108.05.9 (1) The holder of a known consignor certificate must apply to the Executive Director for the renewal of such certificate not later than 60 days before the date on which the certificate expires.

(2) In considering an application for renewal of a known consignor certificate, the Executive Director may conduct an investigation that he or she considers necessary to ascertain whether the applicant continues to comply with the requirements of the Act, this Part and any disclosed elements of the NCASP.

(3) The application for the renewal of a certificate must be made on the form referred to in regulation 108.05.6(1)(a) and must be accompanied by the appropriate fee as prescribed in Part 187.

(4) The provisions of regulation 108.05.06 apply with necessary changes required by the context to the application for the renewal of a known consignor certificate.

Certification of regulated suppliers of in-flight supplies and airport supplies

108.05.10 (1) A person may not act as a regulated supplier of -

(a) in-flight supplies to provide a consignment of in-flight supplies to an air operator for carriage by air; or

(b) airport supplies to any airport,

except under the authority of a regulated supplier's certificate granted by the Executive Director in accordance with this Part.

(2) An entity, with the exception of an air carrier or aircraft operator that applies the security controls under regulation 108.04.2 itself and delivers supplies only to its own aircraft, must ensure that the security controls referred to in regulation 108.04.2 will apply at all times to the delivery of in-flight supplies directly to an aircraft as a condition of certification as a regulated supplier of in-flight supplies.

(3) An application for a regulated supplier's certificate and renewal of such a certificate must -

(a) be made to the Executive Director in the form and manner determined by the Executive Director;

(b) specify every site or sites in respect of which certification is sought, and provide details of the location and characteristics of the site including a site map or plan;

(c) include duplicate copies of the regulated supplier air cargo security programme of procedures referred to in regulation 108.01.3(9);

(d) include a duly authorised and signed "Declaration of Commitments-Regulated Suppliers of In-flight Supplies or Airport Supplies" as contained in Appendix 2;

(e) be accompanied by the appropriate fee or fees as prescribed in Part 187;

(f) designate at least one person at each site who has successfully completed a security background check in accordance with the provisions of Part 114 and the NCASP,

and who is responsible for the implementation of the submitted security programme for each site.

(4) An authorised officer, inspector or authorised person acting on behalf of the Executive Director, must examine the security programme and then make an onsite verification of every specified site in order to assess whether the applicant complies with the requirement of this Part.

(6) If the Executive Director is not satisfied with the information provided under subregulation (3), then the reason for the dissatisfaction must promptly be notified to the entity seeking certification as a regulated supplier.

[This subregulation is incorrectly numbered in the *Government Gazette*; it should be subregulation (5).]

Regulated supplier's certificate

108.05.11 (1) The Executive Director must grant the application if he or she is satisfied that the -

(a) applicant complies with the requirements of this Part;

(b) senior accountable manager of the applicant is a fit and proper person for the purposes of the Act; and

(c) grant of such application will not be contrary to the interests of civil aviation safety and security.

(2) Where the application is granted, the Executive Director must issue the regulated suppliers certificate and must ensure that the necessary details of the regulated supplier are entered into the civil aviation registry of regulated agents, known consignors and regulated suppliers not later than the close of business on the next working day.

(3) When making the database entry in terms of subregulation (2), the Executive Director must give each approved site a unique alphanumeric identifier in the standard format.

(4) The certificate issued under this regulation is an aviation document for the purposes of the Act and, unless otherwise specified by the Executive Director in any case, is valid for a period of 24 months from the date of issue.

(5) The applicant must submit a security programme to the Executive Director which must describe the methods and procedures which are to be followed by the supplier in order to comply with the requirements of this Part, and with any disclosed elements of the NCASP.

(6) The security programme must describe how compliance with these methods and procedures is to be monitored by the regulated supplier itself.

(7) The applicant must also submit to the Executive Director a 'Declaration of Commitment - Regulated Supplier of In-flight Supplies or Airport Supplies' as contained in Appendix 2.

(8) The senior accountable manager of the applicant must sign the declaration referred to in subregulation (7), and the Executive Director must retain the signed declaration.

(9) The Executive Director or authorised officer, inspector or authorised person acting on behalf of the Executive Director, must examine the security programme and then make an on-site verification of the sites specified in order to assess whether the applicant complies with the requirements of this Part.

[Government Notice 89/2020 amends the regulations globally to substitute the expression "authorised officer, inspector or authorised person" for the expression "designated inspector, authorised officer or authorised person". This has been interpreted to also require the substitution of the expression "authorised officer, inspector or authorised person" for the expression "designated inspector, authorised officer or person" (which omits the second use of the word "authorised") in subregulation (9).]

(10) If the Executive Director is not satisfied, the reasons for the dissatisfaction must promptly be notified to the entity seeking approval as a regulated supplier.

Renewal of regulated supplier's certificate

108.05.12 (1) The holder of a regulated supplier's certificate must apply to the Executive Director for the renewal of such certificate not later 60 days before the date on which the certificate expires.

(2) In considering an application for renewal of a certificate, the Executive Director may conduct an investigation that he or she considers necessary to ascertain whether the applicant continues to comply with the requirements of the Act and this Part.

(3) The process of renewal must include an on-site verification in order to assess whether the regulated supplier still complies with the requirements of this Part.

(4) An inspection at the premises of the regulated supplier by the Executive Director in accordance with the NCASQCP may be considered as an on-site verification, provided that it covers all the requirements of this Part.

(5) An application for renewal must be granted and the certificate issued if the Executive Director is satisfied that the applicant still complies with the provisions of this Part, and that the grant of such application will not be contrary to the interests of civil aviation safety and security.

(6) If the Executive Director is not satisfied, he or she must notify the regulated supplier, stating the reasons in the notification, and grant the regulated supplier the opportunity to rectify or supplement any defect within the period determined by the Executive Director, after which period the Executive Director must grant or refuse the application concerned.

(7) An application for the renewal of a certificate must be made to the Executive Director in the form and manner determined by the Executive Director and must be accompanied by the appropriate fee as prescribed in Part 187.

(8) The provisions of regulations 108.05.10 apply with necessary changes required by the context to an application for renewal of a regulated supplier's certificate.

Inspection or investigation fees, expenses and fines

108.05.13 Whenever an alleged violation of these regulations necessitating further inspection or investigation is identified, the decision by the Executive Director following on such an inspection or investigation may, in addition to payment of the presribed fees set out in Part 187

or administrative fine as set out in Part 185, as the case maybe, in appropriate cases require additionally the reimbursement of the expenses incurred by the Authority.

[The word "prescribed" is misspelt in the *Government Gazette*, as reproduced above. The word "maybe" should be the two words "may be".]

Duplicate certificate

108.05.14 (1) The holder of a certificate issued or validated by the Executive Director which has been lost destroyed or defaced to such an extent that the particulars thereon are illegible, must apply to the Executive Director for the issuing of a duplicate certificate.

(2) An application for the issuing of a duplicate certificate must be -

(a) made in the form and manner determined by the Executive Director; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

(3) The Executive Director must -

(a) issue a duplicate certificate, if the applicant complies with the requirements referred to in subregulation (2); and

(b) endorse the duplicate certificate with the word "DUPLICATE" thereon.

(4) If, after the issuing of a duplicate certificate, the original certificate is found, the holder of the duplicate certificate must take all reasonable steps to obtain such original certificate and surrender it forthwith to the Executive Director.

Cancellation, suspension and imposition of conditions

108.05.15 (1) Without prejudice to the general powers of the Executive Director under the Act regarding aviation documents, the Executive Director may cancel, suspend or impose conditions on a regulated agent's certificate, a known consignor certificate or a regulated supplier's certificate where -

(a) the Executive Director is no longer satisfied that the holder of the certificate complies with the requirements of this Part;

(b) the holder of the certificate prevents the Executive Director from carrying out a safety inspection or audit in accordance with these regulations; or

(c) the holder of the certificate is under receivership, liquidation or insolvency proceedings.

(2) The holder of a certificate which has been cancelled, suspended or subjected to conditions may appeal against such decision to the High Court in terms of section 225 of the Act.

Register of certificates

108.05.16 (1) The Executive Director must maintain a register of all certificates issued in terms of this Part.

(2) The register of certificates must contain the following particulars:

(a) the full name and, if any, the trade name of the holder of the certificate;

(b) the postal and physical address of the holder of the certificate; and

(c) the date on which the certificate was issued.

(3) The register kept under this regulation must comply with the CAR requirements as set out in section 52 of the Act.

(4) The Executive Director must, on payment of the appropriate fee prescribed in Part 187, furnish an extract from the register to any person who can show good and sufficient reason why he or she should be furnished with such extract.

SUBPART 6
MAIL

General provisions

108.06.1 (1) Any postal and courier entity, may apply for a certification as a regulated agent in terms of this Part and any disclosed elements of the NCASP.

(2) Mail received by the registered postal and courier entity that are to be tendered for carriage by air, must be -

(a) subjected to screening and sealed; and

(b) accompanied by a valid postal manifest listing the numbers of secured bags.

(3) The registered postal or courier entity is responsible for the screening and sealing of mail before submitting the mail for carriage by air.

(4) For the purpose of excluding the introduction of explosives, incendiary devices or other prohibited or harmful articles and dangerous goods on board an air carrier's or aircraft operator's aircraft, the postal or courier entity must, subject to the powers on searches contemplated by sections 149, 152 and 156 of the Act, apply the following measures:

(a) the postal or courier entity must ensure that mail is kept in locked or closed containers and protected against unlawful interference prior to being placed in mail bags; and

(b) prior to loading on-board a commercial air transport aircraft, the air carrier or aircraft operator or his or her or its ground handling agent must ensure that all mail bags are visually inspected to ensure that they have not been tampered with.

(5) At times of high security alert or an emergency situation, the following additional measures must be implemented:

(a) the postal or courier entity must declare that mail has been inspected and searched for explosives, incendiary and other prohibited or harmful articles or dangerous goods, which may be used to commit acts of unlawful interference;

(b) should the security of mail be in doubt, the postal or courier entity is under an obligation not to tender or accept mail for carriage by air; and

(c) in the event of paragraph (a) or (b) being invoked, a declaration to that effect must be submitted to the Executive Director in the manner as required by the Executive Director.

Express cargo and mail

108.06.2 Any regulated agent or postal or courier entity, tendering express cargo and mail for carriage on commercial air transport operators must ensure that such express cargo and mail has been screened in terms of this Part.

Transshipment cargo and mail

108.06.3 (1) Transshipment cargo and mail arriving by air, for onward carriage by air, need not be screened or searched provided that it can be proved that it was subjected to the security controls required in terms of this Part at the point of departure and is protected against unlawful interference en route and at the transit point.

(2) Transshipment cargo or mail arriving by air, road, rail or sea for onward carriage by air that has not been subjected to security controls in the manner required by subregulation (1), must be treated as "unknown cargo" and be screened or searched in the manner prescribed for unknown cargo or mail in this Part.

SUBPART 7
STAFF RECRUITMENT AND TRAINING, HANDLING OF AVIATION CARGO, MAIL AND IN-FLIGHT SUPPLIES

General provisions

108.07.1 (1) The Executive Director must oversee compliance with responsibilities, requisite standards and related measures set out in this Part and in the NCASP, by the operator of a security designated aerodrome, air carrier or aircraft operator or entity deploying persons implementing or responsible for requisite elements.

(2) Persons must have successfully completed the training set out under regulations 108.07.3 and 108.07.4, and where prescribed, other training, before being authorised to implement security controls.

(3) Unsupervised deployment of staff without requisite training constitutes a violation of these regulations.

Recruitment: background checks

108.07.02 (1) Persons being recruited to implement or to be responsible for the implementation of, screening, access control or other security controls in a security restricted area must have successfully completed a background check carried out by the entity deploying the persons.

(2) Any security background check required in terms of this Part is subject to the determinations of the Executive Director as contemplated by sections 133 to 135 of the Act.

(3) In accordance with the NCASP, a background check must at the minimum -

(a) establish the person's identity on the basis of documentary evidence;

(b) cover criminal records in all countries of residence during at least the preceding five years; and

(c) cover employment, education and any gaps during at least the preceding five years.

(3) Background, including pre-employment checks, must be satisfactorily completed before the person undergoes any security training involving access to information which is not publicly available.

(4) The recruitment process for all persons being recruited under subregulation (1) must include at a minimum, a written application and an interview stage designed to provide an initial assessment of the applicant's abilities and aptitudes.

(5) Recruitment records, including results of any assessment tests, must be kept for all persons recruited under subregulation (1) for at least the duration of their contract of employment.

Air cargo security familiarisation training

108.07.3 (1) Any -

(a) air carrier or aircraft operator involved in the transportation of cargo;

(b) person who performs the act of accepting, handling, loading, unloading, transferring, guarding or other processing of cargo, on behalf of an air carrier or aircraft operator;

(c) regulated agent approved by the Executive Director in terms of this Part;

(d) known consignor accredited by the Executive Director in terms of this Part,

must ensure that the following categories of personnel in his, her or its employ or personnel provided by a service provider, successfully complete air cargo security familiarisation training and refresher training every 24 months thereafter:

(i) personnel involved in acceptance, handling, storage, loading and unloading of cargo and shipping documentation to be transported by air; and

(ii) drivers involved in transporting known cargo to be transported by air.

(2) The subject matter of initial air cargo security familiarisation training and refresher air cargo security familiarisation training must be as specified in the syllabi contained in the security training programme as provided for in the NCASTP.

(3) Any person referred to in subregulation (1) must complete refresher air cargo security familiarisation training every 24 months, calculated from the date of the successful completion of the air cargo security familiarisation training or the preceding air cargo security familiarisation training, as the case may be.

(4) Records of such training must be maintained as stipulated in the NCASTP.

Standard air cargo security training

108.07.4 (1) Any -

(a) air carrier or aircraft operator involved in the transportation of cargo;

(b) person who performs the act of accepting, handling, loading, unloading, transferring or other processing of cargo, on behalf of an air carrier or aircraft operator;

(c) regulated agent approved by the Executive Director in terms of this Part;

(d) known consignor accredited by the Executive Director in terms or this Part,

must ensure that the following categories of personnel in his, her or its employ or personnel provided by a service provider, have successfully completed standard air cargo security training and refresher training every 24 months thereafter:

(i) screeners; and

(ii) officials designated by that air carrier or aircraft operator, person, regulated agent or known consignor.

(2) Any level of standard cargo security training, referred to in subregulation (1) must be conducted by an aviation security training organisation certified in terms of Part 109.

(3) The subject matter of the level of aviation security training must be as provided for in the NCASTP.

(4) Any person referred to in subregulation (1) must complete refresher standard cargo security training every 24 months.

(5) Upon the successful completion of the initial aviation security training or the refresher aviation security training referred to in subregulation (2), the aviation security training organisation concerned must issue to the candidate a certificate of competence in standard cargo security training detailing the level of course completed.

Validation of foreign certificates issued for air cargo security training

108.07.5 (1) The Executive Director may upon application in writing by any person, validate any foreign certificate issued for air cargo security training, if the holder of the certificate submits documentary proof that -

(a) such certificate has been obtained from an approved foreign training organisation; and

(b) the holder of the certificate has successfully completed the refresher security training referred to in the NCASTP.

(2) The application referred to in subregulation (1) must be made in the form and manner determined by the Executive Director, and must be accompanied by the appropriate fee as prescribed in Part 187.

(3) The provisions of regulations 108.07.3 and 108.07.4 apply with necessary changes required by the context to the holder of a certificate referred to in subregulation (1).

SUBPART 8
SECURITY SCREENING: EQUIPMENT AND EXPLOSIVES DETECTION DOG TEAMS

General provisions

108.08.1 The operator or entity using equipment for the implementation of measures for which it is responsible in accordance with the national civil aviation security programme must take reasonable steps to ensure that the equipment meets the standards as provided for in the disclosed elements of the NCASP.

Requirements for security screening equipment

108.08.2 (1) Any equipment operated by an air carrier or aircraft operator or a regulated agent to screen cargo, must meet the minimum technical specifications set out in the NCASP.

(2) The equipment referred to in subregulation (1), must be maintained in accordance with the technical specifications set out in the NCASP and must comply with any other requirement that is prescribed by law.

(3) An air carrier or aircraft operator or a regulated agent must keep records of the regular routine testing of each piece of security equipment by the air carrier or aircraft operator or entity responsible for its use.

(4) Any explosive detection dog team utilised by an air carrier or aircraft operator or a regulated agent to screen cargo must meet the minimum competency requirements set out in the NCASTP.

(5) Any assessor wishing to conduct competency assessments of explosive detection dog teams must apply to the Executive Director for approval and be affiliated to an approved aviation security training organisation certified under Part 109 or a recognised State entity.

(6) The certification referred to in subregulation (5) must be renewed every 12 months.

(7) Any assessor wishing to conduct competency assessments of explosive detection dog teams must meet the minimum competency requirements set out in the NCASTP.

(8) Any explosive detection dog team utilised by an air carrier or aircraft operator or a regulated agent to screen cargo must meet the minimum deployment standards set out in the NCASTP.

APPENDICES

APPENDIX 1
TRUCKING/TRANSPORTER SECURITY DECLARATION
(Regulation 108.03.8(1)(c))

In accordance with the Namibian Civil Aviation Regulations, regulation 108.03.8

I ....., ID No. ..... do hereby declare that:

1) The following security procedures must be adhered to:

(a) all staff who transport this air cargo/mail have received the security awareness training;

(b) the integrity of all staff being recruited with access to this air cargo/mail has be verified. This verification must include at least a check of the identity (if possible by photographic identity card, driving licence or passport) and a check of the curriculum vitae and/or provided references;

[The verb "has be" should be "has been".]

(c) load compartments in vehicles must be sealed or locked. The load areas of flat bed trucks must be kept under observation when air cargo is being transported;

(d) immediately prior to loading, the load compartment must be searched and the integrity of this search maintained until loading is completed;

(e) each driver must carry an identity card, passport, driving licence or other document, containing a photograph of the person, which has been issued or recognised by the national authorities;

(f) drivers may not make unscheduled stops between collection and delivery. Where this is unavoidable, the driver must check the security of the load and the integrity of locks and/or seals on his return. If the driver discovers any evidence of interference, he/she must notify his/her supervisor and the air cargo/mail must not be delivered without notification at delivery;

(g) transport may not be sub-contracted to a third party, unless the third party also has a transporter agreement with [same name as above of regulated agent/known consignor, or Executive Director of Civil Aviation has approved or certified the transporter]; and

(h) no other services (e.g. storage) shall be sub-contracted to any other party other than a regulated agent or an entity that has been certified or approved and listed for the provision of these services by the Executive Director.

2) The **[name of company**] will take all practicable steps to at all times control and keep secure and confidential all elements of the NCASP as may have been disclosed to authorised personnel for the purposes of compliance with the Act. It wil immediately report to the Authority any loss of documentation disclosing elements of the NCASP.

[The word "will" is misspelt in the last sentence of paragraph 2, as reproduced above.]

I accept full responsibility for this declaration.

Name: ..... Position in company: .....

Date: ..... Signature: .....

APPENDIX 2
DECLARATION OF COMMITMENTS BY REGULATED SUPPLIER OF INFLIGHT SUPPLIES/AIRPORT SUPPLIES

(Regulations 108.05.10(3)(d) and 108.05.11(7))

In accordance with Namibian Civil Aviation Regulations, regulation 108.05.10 or 108.05.11.

I, ..., ID No. ..... the countable

manager of ..... [company], declare that:

[The word "accountable" is misspelt in the *Government Gazette*, as reproduced above.]

1) To the best of my knowledge, the information contained in the company's security programme is true and accurate;

2) The practices and procedures set out in this security programme will be implemented and maintained at all sites covered by the programme;

3) This security programme will be adjusted and adapted to comply with all future relevant changes to the NCASP, unless [name of company] informs the Executive Director of Civil Aviation that it no longer wishes to deliver in-flight supplies directly to aircraft and thus no longer wishes to trade as a regulated supplier,

4) [**name of company**] will inform the Authority in writing of:

a) minor changes to its security programme, such as company name, person responsible for security or contact details, promptly but at least within 10 working days;

b) major planned changes, such as new screening procedures, major building works which might affect its compliance with relevant Namibian Civil Aviation legislation or change of site/address, at least 15 working days prior to their commencement/the planned change; and

c) in order to ensure compliance with relevant Civil Aviation Act, 2016, [**name of company**] will cooperate fully with all inspections, as required, and provide access to all documents, as requested by inspectors.

5) [**name of company**] will take all practicable steps to at all times control and keep secure and confidential all elements of the NCASP as may have been disclosed to authorised personnel for the purposes of compliance with Civil Aviation Act, 2016. It will immediately report to the Authority any loss of documentation disclosing elements of the NCASP.

6) [**name of company**] will ensure that all relevant staff receive appropriate training and are aware of their security responsibilities under the company's security programme, and [**name of company**] will inform the Executive Directorate of Civil Aviation if:

a) it ceases trading;

b) it no longer delivers in-flight supplies directly to aircraft;

c) it can no longer meet the requirements of the relevant NCASP.

I must accept full responsibility for this declaration.

Name:

Position in company:

Date: ..... Signature: .....

APPENDIX 3
DECLARATION OF COMMITMENTS: KNOWN SUPPLIER OF IN-FLIGHT SUPPLIES
(Regulation 108.04.4(2))

In accordance with Namibian Civil Aviation Regulations, regulation 108.04.4.

I ....., ID No. ..... declare that:

1) [**name of company**] complies with the requirements of applicable Civil Aviation Act, 2016;

2) in order to ensure compliance with relevant requirements of the NCASP as disclosed to me by the Authority, [**name of company**] will cooperate fully with all inspections, as required, and provide access to all documents, as requested by inspectors;

3) [**name of company**] will take all practicable steps to at all times control and keep secure and confidential all elements of the NCASP as may have been disclosed to [**name of company**] or its authorised personnel for the purposes of compliance with the Civil Aviation Act, 2016. It will immediately report to the Authority any loss of documentation which discloses elements of the NCASP;

4) [**name of company]** will immediately inform [the air carrier or regulated supplier to whom it delivers in-flight supplies] of any serious security breaches and of any suspicious circumstances which may be relevant to in-flight supplies, in particular any attempt to conceal prohibited articles in supplies; and

5) [**the company**] will ensure that all relevant staff receive appropriate training and are aware of their security responsibilities, and [**name of company**] will inform [the air carrier or regulated supplier to whom it delivers in-flight supplies] if:

a) it ceases trading;

b) it can no longer meet the requirements of the relevant NCASP.

I must accept full responsibility for this declaration.

Name:

Position in company:

Date: ..... Signature: .....

APPENDIX 4
DECLARATION OF COMMITMENTS: KNOWN SUPPLIER OF AIRPORT SUPPLIES
(Regulation 108.04.9(2))

In accordance with Namibian Civil Aviation Regulations, regulation 108.04.9

I ....., ID No. ..... declare that:

1) [**name of company**] complies with the requirements of the Civil Aviation Act, 2016;

2) in order to ensure compliance with relevant legislation, [**name of company**] will cooperate fully with all inspections, as required, and provide access to all documents, as requested by inspectors;

3) [**name of company**] will immediately inform the Executive Director and operator of security designated aerodrome of any serious security breaches and of any suspicious circumstances which may be relevant to airport supplies, in particular any attempt to conceal prohibited articles in supplies; and

4) [**the company**] will ensure that all relevant staff receive appropriate training and are aware of their security responsibilities, and [**name of company**] will inform [the operator of security designated aerodrome] if:

a) it ceases trading;

b) it can no longer meet the requirements of the NCASP.

5) [**name of company**] will take all practicable steps to at all times control and keep secure and confidential all elements of the NCASP as may have been disclosed to authorised personnel for the purposes of compliance with Namibian Civil Aviation legislation. It will immediately report to the Authority any loss of documentation which discloses elements of the NCASP.

I must accept full responsibility for this declaration.

Name: ..... Position in company: .....

Date: ..... Signature: .....

PART 109
AVIATION SECURITY TRAINING ORGANISATIONS

[Part 109 is inserted by GN 293/2018.]

LIST OF REGULATIONS

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SUBPART 1
GENERAL

Applicability

109.01.1 (1) This Part applies to the certification and operation of organisations conducting aviation security training, including aviation security awareness training.

(2) For the purpose of this Part, aviation security training means the training referred to in the NCASTP.

Certification of body or institution

109.01.2 (1) The Executive Director may issue a certificate to an organisation or institution in order that it may -

(a) exercise control over the aviation security training provided for in the NCASTP, and over the persons conducting such training;

(b) develop materials for the aviation security training and for the training of such persons in accordance with training standards provided for in the NCASTP; and

(c) advise the Executive Director on any matter connected with the delivery of aviation security training or aviation participants.

(2) The powers and duties referred to in subregulation (1) must be exercised and performed according to the conditions, rules, requirements, procedures or standards as prescribed in this Part, and provided for in the NCASTP.

(3) Any certificate issued by the Executive Director pursuant to subregulation (1) is an aviation document.

Display of aviation security training organisation certificate

109.01.3 The holder of an aviation security training organisation certificate must display the certificate in a prominent place, generally accessible to the public at that holder's principal place of business and, if a copy of the certificate is displayed, must produce the original certificate upon request by an authorised officer, inspector or authorised person.

Advertisements

109.01.4 Any advertisement by an organisation indicating that it is an aviation security training organisation must -

(a) display the number of the aviation security training organisation certificate issued by the Executive Director; and

(b) contain a reference to the type of aviation security training for which such certificate was issued.

Security inspections and audits

109.01.5 (1) An applicant for the issuing of an aviation security training organisation certificate must permit an authorised officer, inspector or authorised person to carry out such inspections and audits which may be necessary to verify the validity of any application made in terms of regulation 109.02.6.

(2) The holder of an aviation security training organisation certificate must permit an authorised officer, inspector or authorised person to carry out such inspections and audits which may from time to time be necessary to determine compliance with the appropriate requirements prescribed in this Part and provided for in the NCASTP.

Register of certificates

109.01.6 (1) The Executive Director must maintain a register of all aviation security training organisation certificates issued in terms of this Part.

(2) The register must contain the following particulars:

(a) full names of the holder of the certificate;

(b) the postal address and electronic mail address of the holder of the certificate;

(c) the date on which the certificate was issued or renewed;

(d) particulars of the scope of the certificate issued to the holder thereof;

(e) the nationality of the holder of the certificate;

(f) the principal place of business of the holder of certificate;

(g) the telephone and telefax numbers of the holder of the certificate;

(h) the number of the certificate issued; and

(i) the date on which the certificate was cancelled, if applicable.

(3) The particulars referred to in subregulation (2) must be recorded in the register within seven days from the date on which the certificate is issued, renewed or cancelled, as the case may be.

(4) The register is kept at the office of the Executive Director as part of the Civil Aviation Registry established under section 52 of the Act and is accessible to the public in terms of section 52(3) of the Act.

Cancellation, suspension and imposition of conditions

109.01.7 (1) Without prejudice to the powers of the Executive Director under Part 5 of the Act to cancel, suspend or impose conditions upon aviation documents, the Executive Director may suspend for a period not exceeding 30 days, an aviation security training organisation certificate issued under this Part, if -

(a) after an inspection and audit carried out in terms of regulation 109.01.5, it is evident that the holder of the certificate does not comply with the requirements provided for

in the NCASTP and such holder has failed to remedy the non-compliance after receiving notice in writing to do so within the period specified in the notice;

(b) the authorised officer, inspector or authorised person is prevented by the holder of the certificate to carry out a security inspection and audit in terms of regulation 109.01.5; or

(c) the suspension is necessary in the interests of aviation security.

(2) The authorised officer, inspector or authorised person who has carried out security inspections and audit in terms of regulation 109.01.5, must deliver a report in writing to the Executive Director, stating the reasons why, in the inspector's, authorised officer's or authorised person's opinion, an aviation security training organisation certificate should be suspended.

(3) The Executive Director must submit a copy of the report referred to in subregulation (2), to the holder of the certificate which has been suspended.

(4) The holder of a certificate which has been suspended may appeal against such suspension to the High Court in terms of section 225 of the Act.

SUBPART 2
CERTIFICATION OF ORGANISATIONS (AVIATION SECURITY TRAINING)

Requirement for certificate

109.02.1 A person or an organisation may not conduct aviation security training except under the authority of, and in accordance with the provisions of, an aviation security training organisation certificate issued under this Subpart.

Manual of procedure

109.02.2 An applicant for the issuing of an aviation security training organisation certificate must provide the Executive Director with its manual of procedure which -

(a) complies with the requirements prescribed in this Subpart; and

(b) contains the information as provided for in the NCASTP.

Quality assurance system

109.02.3 (1) An applicant for an aviation security training organisation certificate must establish a quality assurance system, to be included in its manual of procedure, for the control and supervision of the aviation security training covered by the application.

(2) The minimum standards for a quality assurance system are as provided for in the NCASTP.

Personnel requirements

109.02.4 (1) The applicant for an aviation security training organisation certificate must employ, contract or otherwise engage -

(a) a senior person to whom contractual authority has been granted to ensure that all activities undertaken by the organisation are carried out in accordance with the applicable requirements provided for in the NCASTP, and who must in addition, be vested with the following powers and duties in respect of the compliance with such requirements:

(i) unrestricted access to work performed or activities undertaken by all other persons as employees of, and other persons rendering service under contract with, the organisation;

(ii) full rights of consultation with any such person in respect of compliance by that person;

(iii) powers to order cessation of any activity where there is not effective compliance with the requirements;

(iv) a duty to establish liaison mechanisms with the Executive Director with a view to ascertain correct manners of compliance with the said requirements and interpretations of such requirements by the Executive Director, and to facilitate liaison between the Executive Director and the organisation concerned; and

(v) powers to report directly to the management of the organisation on his or her investigations and consultations generally, and in cases contemplated in subparagraph (iii), and with regard to the results of the liaison contemplated in subparagraph (iv);

(b) a competent person who is responsible for quality control, and who has direct access to the senior person referred to in paragraph (a) on matters affecting aviation security; and

(c) adequate personnel to plan, conduct and supervise the aviation security training covered by the application.

(2) The applicant for an aviation security training organisation certificate must establish a procedure for initially assessing and a procedure for maintaining, the competence of those personnel involved in planning, conducting or supervising the aviation security training covered by the application.

(3) The applicant for an aviation security training organisation certificate must have personnel responsible for training or assessing students, who have competence and experience adequate for the level of competence required for such training or assessment.

Facilities and equipment

109.02.5 The applicant for an aviation security training organisation certificate must provide adequate facilities and equipment to enable the personnel to conduct the aviation security training covered by the application.

Application for certificate or amendment thereof

109.02.6 An application for the issuing of an aviation security training organisation certificate or an amendment thereof, must be -

(a) made to the Executive Director in the form and manner determined by the Executive Director; and

(b) accompanied by -

(i) the appropriate fee as prescribed in Part 187;

(ii) the manual of procedure referred to in regulation 109.02.2; and

(iii) copies of training material to be used in such training.

Issuing of certificate

109.02.7 (1) The Executive Director must issue an aviation security training organisation certificate and number the certificate accordingly, if he or she is satisfied that -

(a) the applicant complies with the requirements prescribed in regulations 109.02.2 to 109.02.6 and provided for in the NCASTP;

(b) the applicant and any senior personnel required by regulation 109.02.4 are fit and proper persons; and

(c) the granting of the certificate is not contrary to the interests of aviation safety or security.

(2) The Executive Director must issue the certificate in the form determined by him or her.

Scope of certificate

109.02.8 An aviation security training organisation certificate must specify the aviation security training which the holder of the certificate is entitled to conduct as provided for in the NCASTP.

Period of validity

109.02.9 (1) An aviation security training organisation certificate is valid for the period determined by the Executive Director, which period may not exceed 24 months, calculated from the date of issuing or renewal thereof.

(2) The certificate remains in force until it expires or is suspended or cancelled by the Executive Director.

(3) The holder of a certificate which has expired or has been cancelled, must, within five working days of the expiry or cancellation, surrender the certificate to the Executive Director.

(4) The holder of a certificate which is suspended must, within 48 hours of the suspension, produce the certificate upon suspension thereof, to the inspector, authorised officer or authorised person concerned for the appropriate endorsement.

Transferability

109.02.10 An aviation security training organisation certificate is not transferable.

Changes in quality assurance system

109.02.11 (1) If the holder of an aviation security training organisation certificate desires to make a material change in the quality assurance system referred to in regulation 109.02.6, such holder must apply to the Executive Director for the approval of such change.

(2) The provisions of regulation 109.02.6 apply with the necessary changes required by the context to an application for the approval of a change in the quality assurance system.

(3) An application for the approval of a change in the quality assurance system must be granted if the Executive Director is satisfied, upon submission of appropriate proposed changes to its manual of procedure that the applicant will continue to comply with the provisions of regulation 109.02.2, after the implementation of such approved change.

Renewal of certificate

109.02.12 (1) An application for the renewal of an aviation security training organisation certificate must be -

(a) made to the Executive Director in the form and manner determined by the Executive Director; and

(b) accompanied by -

(i) the appropriate fee as prescribed in Part 187;

(ii) the manual of procedure referred to in regulation 109.02.2; and

(iii) copies of training material to be used in such training.

(2) The holder of the certificate must at least 30 days immediately preceding the date on which such certificate expires, apply for the renewal of such certificate.

Duties of holder of certificate

109.02.13 The holder of an aviation security training organisation certificate must -

(a) hold at least one complete and current copy of its manual of procedure referred to in regulation 109.02.2, at each training facility specified in the manual of procedure;

(b) comply with all procedures detailed in the manual of procedure;

(c) make each applicable part of the manual of procedure available to the personnel who require those parts to carry out their duties; and

(d) continue to comply with the appropriate requirements provided for in the NCASTP.

Documents and records

109.02.14 (1) The holder of an aviation security training organisation certificate must -

(a) keep copies of all relevant documents which may be necessary -

(i) for the specified aviation security training conducted by such holder; and

(ii) to determine compliance with the appropriate requirements prescribed in this Subpart;

(b) establish procedures to control the documents referred to in paragraph (a) to ensure that -

(i) all documents are reviewed and authorised by the appropriate personnel before the issuing thereof;

(ii) current issues of all relevant documents are available to those personnel involved in planning, conducting or supervising the specified aviation security training undertaken by the holder of the certificate;

(iii) all obsolete documents are promptly removed from all points of issue or use; and

(iv) changes to documents are reviewed and authorised by the appropriate personnel.

(2) The holder of the certificate must establish procedures to identify, collect, index, store and maintain all records which may be necessary for the specified aviation security training conducted by that holder and to determine compliance with the appropriate requirements prescribed in this Subpart, and to ensure that -

(a) a record is kept of each quality control review of the holder of the certificate;

(b) a record is kept of each person who conducts the specified aviation security training, including particulars of the competence assessments and experience of each such person;

(c) a record is kept of each student being trained or assessed by the holder of the certificate, including particulars of enrolment, attendance, modules, instructor comments and practical sessions and assessments of each such student;

(d) all records are legible; and

(e) all records are kept for a period of at least five years calculated from the date of the last entry made in such records.

Validation or accreditation of foreign certificate

109.02.15 (1) Any organisation that has been approved as an aviation security training organisation by any other recognised foreign civil aviation authority may apply to the Executive Director in the form and manner determined by the Executive Director, for a validation or accreditation of such certificate, in accordance with the procedures and requirements prescribed in this Part.

(2) The application for a validation referred to in subregulation (1) -

(a) must be accompanied by -

(i) a certified copy of the certificate to which the validation refers;

(ii) the appropriate fee as prescribed in Part 187;

(iii) the manual of procedure referred to in regulation 109.02.2;

(iv) copies of training material to be used in such training; and

(v) credentials of the aviation security instructor; and

(b) is subject to the inspection of the facility where the aviation security training will be conducted.

(3) The validation issued by the Executive Director is -

(a) valid for 24 months calculated from the date of issue of such a validation and

[The word "is" should be part of paragraph (a) instead of the introductory phrase, as it does not fit paragraph (b). There should be a semicolon before the word "and".]

(b) may be renewed for a further period or periods upon application to the Executive Director.

(4) The holder of certificate validated by the Executive Director, may apply to the Executive Director for the renewal of the certificate within 30 days before the date of expiry of such certificate or validation.

(5) The holder of a certificate validated by the Executive Director must comply with the requirements prescribed in this regulation.

(6) The provisions of regulation 109.02.9 do, with necessary changes required by the context, apply in relation to suspension and cancellation of the validation of a certificate validated by the Executive Director.

Duplicate certificate

109.02.16 (1) The holder of a certificate issued or validated by the Executive Director which has been lost destroyed or defaced to such an extent that the particulars thereon are illegible, must apply to the Executive Director for the issuing of a duplicate certificate.

(2) An application for the issuing of a duplicate certificate must be -

(a) made in the form and manner determined by the Executive Director; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

(3) The Executive Director must -

(a) issue a duplicate certificate, if the applicant complies with the requirements referred to in subregulation (2); and

(b) endorse the duplicate certificate with the word "DUPLICATE" thereon.

(4) If, after the issuing of a duplicate certificate, the original certificate is found, the holder of the duplicate certificate must take all reasonable steps to obtain such original certificate and surrender it forthwith to the Executive Director.

PART 110
AVIATION SECURITY SCREENERS AND INSTRUCTORS CERTIFICATION

[Part 110 is inserted by GN 293/2018.]

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SUBPART 1
GENERAL

Applicability

110.01.1 This Part applies to the certification of screeners and aviation security instructors, the functions and limitations of such certification and related matters.

Authority to act

110.01.2 (1) A person may not act as a screener at a security designated aerodrome within Namibia, unless such person has been certified or validated in terms of this Part.

(2) A screener may not perform functions other than the functions authorised by such certification.

(3) A screener certificate issued by the Executive Director and the validation of a foreign screener certificate by the Executive Director are both aviation documents for the purposes of the Act.

Competency

110.01.3 (1) A screener may not exercise the privileges granted by a screener certificate unless such screener maintains and demonstrates fitness and competency through compliance with the requirements provided for in the NCASTP.

(2) The holder of a screener certificate must submit copies of all documentation demonstrating continued maintenance of competency to the Executive Director within seven days of receiving a request for such documentation from the Executive Director.

Documentation

110.01.4 The Executive Director must ensure that any screener certificate issued contains information sufficient to enable the currency and validity of the certificate to readily be determined by any appropriate authority.

Logbooks

110.01.5 (1) A screener certified to operate technical screening equipment at any security designated airport must maintain and have available for inspection in the workplace, a logbook recording therein all the time spent on duty as a screener.

(2) The form of, and information to be contained in, a logbook referred to in subregulation (1) and the manner in which such logbook must be maintained must be as provided for in the NCASTP.

Register of certificates

110.01.6 (1) The Executive Director must maintain a register of all screener certificates issued or validated in terms of this Part.

(2) The register must be identified as the "Register of Certificated Screeners" and must contain the following particulars:

(a) full names of the holder of the certificate;

(b) the physical, electronic mail and postal address of the holder of the certificate;

(c) the date on which the certificate was issued or validated;

(d) the nationality of the holder of the certificate; and

(e) the organisation in which the holder thereof is employed.

(3) The particulars referred to in subregulation (2) must be recorded in the register within seven days from the date on which the certificate is issued or validated, as the case may be, by the Executive Director.

(4) The register is to be kept at the office of the Executive Director as part of the Civil Aviation Registry established under section 52 of the Act and must be accessible by the public in terms of section 52(3) of the Act.

Language

110.01.7 The holder of a screener certificate issued or validated in terms of this Part must be able to demonstrate sufficient ability in reading, speaking and understanding the English language to enable the holder to adequately carry out his or her responsibilities as a certified screener.

Cancellation of certificate

110.01.8 (1) Without prejudice to the powers of the Executive Director to suspend, revoke or impose conditions on any aviation document under the Act, the Executive Director may cancel a screener certificate issued under this Part if -

(a) the holder of the certification does not comply with the requirements prescribed in this Part, and provided for in the NCASTP; or

(b) the privileges or duties for which the document was granted are not being carried out by the holder or are not able to be carried out by the holder; and

(c) the cancellation is necessary in the interests of civil aviation safety and security.

(2) Unless there is a compelling safety or security reason, before taking any action under subregulation (1), the Executive Director must notify the holder in writing of the proposed action and give the holder a reasonable opportunity to comment or make submissions on the proposed action.

SUBPART 2
SCREENER CERTIFICATION

Requirements for screener certification

110.02.1 The requirements for the issuing of a screener certification are as follows:

(a) the applicant must be 18 years of age or older;

(b) the applicant must hold a valid medical certificate issued as provided for in the NCASTP;

(c) the applicant must have successfully completed the training referred to in regulation 110.02.2; and

(d) the applicant must have a minimum qualification as provided for in the NCASTP.

Training

110.02.2 (1) An applicant for the issuing of a screener certificate must have successfully completed the appropriate training as provided for in the NCASTP.

(2) The training contemplated in subregulation (1) must be conducted by a certificate holder of an aviation security training organisation certificate issued under Part 109.

Application for screener certification

110.02.3 An application for the issuing of a screener certificate must be -

(a) made to the Executive Director in the appropriate form as provided for in the Namibia Civil Aviation Screener Certification Programme (NCASCP) or otherwise provided for by the Executive Director; and

(b) accompanied by -

(i) a certified copy of the identity document of the applicant;

(ii) certified evidence that the applicant has successfully completed the required training provided for in the NCASTP and the NCASCP;

(iii) the appropriate fee as provided for in Part 187; and

(iv) one passport size photograph of the applicant certified as having been taken within the last six months of the date of the application.

Issuing of screener certificate

110.02.4 (1) The Executive Director must issue a screener certificate if -

(a) the applicant complies with the requirements referred to in regulation 110.02.1, and is a fit and proper person; and

(b) the issue of the certificate is not contrary to the interests of civil aviation safety and security.

(2) The screener certificate must be completed and issued in the format as determined by the Executive Director.

Validation of certificate not issued by Authority

110.02.5 (1) The holder of a screener certificate issued by a foreign appropriate authority who desires to act as a screener at a Namibian security designated aerodrome or for an air carrier or aircraft operator or a regulated agent, may apply to the Executive Director, in the appropriate form as provided for in the NCASCP for the validation of such certification.

(2) The application for the validation referred to in subregulation (1) must be accompanied by -

(a) a certified copy of the certificate; and

(b) the appropriate fee as provided for in Part 187.

(3) The Executive Director may validate a certificate issued by a foreign appropriate authority -

(a) subject to the same restrictions which apply to such certificate; and

(b) in accordance with and subject to the requirements and conditions as provided for in the NCASTP.

(4) The holder of a validation issued by the Executive Director, may apply to the Executive Director for revalidation of the certificate at least 21 days before the date of expiry of such validation.

(5) The holder of a validation issued by the Executive Director must comply with the provisions provided for in this Part and the requirements and conditions as provided for in the NCASTP.

Period of validity

110.02.6 A screener certification is valid for a period stipulated in the certificate, subject to recertification or revalidation as provided for in the NCASCP and provided that the holder of the certificate -

(a) complies with the requirements of a screener as prescribed in this Part, and provided for in the NCASTP and NCASCP; and

(b) is still employed to perform the functions of a screener.

Functions

110.02.7 (1) The holder of a valid screener certification is entitled to perform screening duties for which the holder received his or her training referred to in the NCASTP and the NCASCP and which is specified on the certificate.

(2) The functions afforded to the holder of screener certification may not be exercised by such holder unless he or she -

(a) is the holder of a valid medical certificate issued as provided for in the NCASCP; and

(b) undergoes the refresher or recurrent training every 12 months.

Duplicate screener certificate

110.02.8 (1) The holder of screener certificate which has been lost, destroyed or defaced to such an extent that the particulars thereon are ineligible, must apply to the Executive Director for the issuing of a duplicate screener certificate.

(2) An application for the issuing of a duplicate screener certificate must be -

(a) made in the appropriate form as provided for in the NCASCP; and

(b) accompanied by the appropriate fee as provided for in Part 187.

(3) The Executive Director must -

(a) issue a duplicate screener certification if the applicant complies with the requirements referred to in subregulation (2); and

(b) endorse the duplicate screener certification with the word "DUPLICATE" on the certificate.

(4) If, after the issuing of a duplicate screener certificate, the original screener certificate is found, the holder of the duplicate screener certificate must take all reasonable steps to provide such original screener certificate and surrender it forthwith to the Executive Director.

SUBPART 3
AVIATION SECURITY INSTRUCTOR CERTIFICATION

Application for certification as aviation security instructor

110.03.1 (1) A person may not conduct aviation security training in Namibia unless that person is certified or validated in terms of this Part.

(2) Any person who wishes to be certified as an aviation security instructor must complete and submit an application for aviation security instructor certification in terms of this Part.

(3) The application referred to in subregulation (2) must be -

(a) made to the Executive Director in the appropriate form provided for in the NCASTP; and

(b) accompanied by -

(i) a certified copy of the identity document of the applicant;

(ii) a certified copy of the certificate issued for successful completion of the required training in terms of the NCASTP;

(iii) the appropriate fee as provided for in Part 187;

(iv) training material or syllabus of the aviation security instructor's course attended; and

(v) a copy of a detailed curriculum vitae and certified copies of relevant qualifications.

Requirements for certification

110.03.2 The applicant for aviation security instructor certification must meet the requirements provided for in the NCASTP.

Issuing of aviation security instructor certificate

110.03.3 (1) The Executive Director must issue an aviation security instructor certificate if the -

(a) applicant complies with the requirements of the NCASTP;

(b) applicant is a fit and proper person to exercise the privileges of the certificate; and

(c) issue of the certificate is not contrary to the interests of civil aviation safety and security.

(2) An aviation security instructor certificate is an aviation document and is valid for a period of 24 months, as long as the holder complies with the requirements as prescribed in this Part and provided for in the NCASTP.

Validation of certificate not issued by Authority

110.03.4 (1) Any person who has been certified as an aviation security instructor by a recognised foreign institution or body other than the Authority, may apply to the Executive Director in the form and manner determined by the Executive Director for a validation of such certification in accordance with the procedures and requirements prescribed in this Part.

(2) The application for validation referred to in subregulation (1) must be accompanied by -

(a) a certified true copy of the certification to which the validation refers;

(b) training material for the aviation security instructor course so attended;

(c) the appropriate fee as provided for in Part 187.

(3) The validation issued by the Executive Director is an aviation document and, subject to the provisions of the Act, is valid for such period as is stipulated in the NCASTP.

(4) The holder of a validation issued by the Executive Director may apply to the Executive Director for the revalidation at least 21 days before the date of expiry of such validation.

(5) The holder of a validation issued by the Executive Director must comply with the provisions and the requirements and conditions as provided for in the NCASTP.

Duplicate instructor certificate

110.03.5 (1) The holder of instructor certificate issued by the Executive Director, which has been lost destroyed or defaced to such an extent that the particulars thereon are ineligible must apply to the Executive Director for the issuing of a duplicate instructor certificate.

(2) An application for the issuing of a duplicate instructor certificate must be -

(a) made in the appropriate form as provided for in the NCASTP; and

(b) accompanied by the appropriate fee as provided for in Part 187.

(3) The Executive Director must -

(a) issue a duplicate instructor certificate, if the applicant complies with the requirements referred to in subregulation (2); and

(b) endorse the duplicate instructor certification with the word "DUPLICATE" on the certificate.

(4) If, after the issuing of a duplicate certificate, the original certificate is found the holder of the duplicate certificate must take all reasonable steps to obtain such original certificate and surrender it forthwith to the Executive Director.

PART 111
AVIATION SECURITY PROGRAMMES AND SECURITY MEASURES

[Part 111 is inserted by GN 293/2018.]

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SUBPART 1
GENERAL PROVISIONS ON AVIATION SECURITY

General

111.01.1 (1) This Part must be read in accordance with the provisions of the Act regarding the aviation security functions of the Authority, and in particular Part 12 of the Act regarding the execution of functions on civil aviation security.

(2) The Executive Director may issue orders, circulars or directives regarding any aviation security matter.

(3) The security measures provided for in the NCASP apply equally to both international and domestic operations at security designated aerodromes.

(4) Despite subregulation (3), any aircraft, passenger, baggage, cargo mail and express parcel arriving at a security designated aerodrome from a non-security designated aerodrome must be subjected to the same security controls applicable at the destination airport upon arrival, whether or not the said destination airport is engaged in international or domestic operations.

National Civil Aviation Security Programme

111.01.2 (1) Pursuant to section 118(1)(a) of the Act, the Authority must draw up the National Civil Aviation Security Programme (NCASP), providing for -

(a) the specific civil aviation security responsibilities of the Authority in accordance with the Act, this Part and any other relevant law;

(b) the functions to be exercised by the aerodrome management of a security designated aerodrome and security designated navigation installation in respect of the establishment and implementation of security measures to prevent the occurrence of acts of unlawful interference;

(c) the functions to be exercised by the Air Navigation Services contemplated in section 49 of the Act, in respect of the establishment and implementation of security measures to prevent the occurrence of acts of unlawful interference;

(d) the responsibility regarding the control of access of airport tenants at security designated aerodromes whose concession or facility forms part of the landside or airside boundary or through which access can be gained from landside to airside;

(e) the specific responsibilities, in the context of aviation security, of the policing authority at security designated aerodromes;

(f) the establishment of an airport security committee for the co-ordination of the development and implementation of security measures and procedures at security designated aerodromes;

(g) the co-operation and communication between States in the development and implementation of aviation security practices and procedures;

(h) steps to ensure the co-ordination of aviation security measures among stakeholders responsible for implementation of the NCASP;

(i) the protection of airports, aircraft and air navigation facilities with specific reference to the designation and protection of security restricted areas, access control and the listing of both on and off-airport navigational and aviation-related facilities which are vital to the continued safe operation of civil aviation;

(j) the security control of persons boarding an aircraft and items being placed on board aircraft, including -

(i) screening and searching of the passengers and carry-on baggage;

(ii) the control of transit and transfer passengers;

(iii) the screening of aircraft crew, airport staff, permit holders, and other non-passengers;

(iv) the provision of special screening procedures;

(v) the procedure for authorised carriage of weapons;

(vi) procedures for the proper control and screening of checked baggage;

(vii) control of cargo, courier and express parcels and mail;

(vii) procedures to prevent the introduction of weapons, explosives and other dangerous devices into in-flight supplies intended for carriage on aircraft;

[There are two subparagraphs labelled (vii) in the *Government Gazette*; this subparagraph should be labelled as (viii).]

(ix) the procurement, calibration, operation, details, including minimum criteria, and maintenance of security equipment;

(x) the selection, security background check and recruitment criteria for persons charged with the execution of aviation security-related duties;

(xi) the background check of persons who, in the execution of their duties, are required to gain access to restricted areas;

(xii) the management of response to acts of unlawful interference;

(xiii) measures for the evaluation of the programme;

(k) the NCASQCP, to determine compliance with and validate the effectiveness of the NCASP;

(l) the NCASTP in order to determine that persons applying and monitoring the NCASP are in a position to comply with the laid-down requirements;

(m) the development of measures in order to protect critical information and communications technology systems;

(n) the establishment of a centralised security reporting system for analysing security information which must focus on the following types of reports:

(i) mandatory incident reports: incident reports that are required to be made as a result of the NCASP with the exception of an accident or serious incident that is reported to the Directorate of Aircraft Accident and Incident Investigations;

(ii) voluntary reports: reporting of a hazard or incident without any legal or administrative requirement to do so at the reporter's own will and initiative;

(iii) confidential reports: voluntary incident or hazard reports where the reporter's identity is protected by providing a means by which individuals are able to raise issues of concern without being identified to their peer group, management or respective organisations;

(n) development, review and approval of contingency plans; and

(o) any other matter or international standards that are deemed necessary in the interests of civil aviation safety and security.

[The last two paragraphs in this list are mislabelled in the *Government Gazette*; they should be paragraphs (o) and (p).]

(2) The Authority may incorporate into the NCASP any international Standard and Recommended Practice contained in Annex 17 to the Chicago Convention and any other international aviation standard in the manner described in section 227 of the Act.

Security programme for security designated aerodrome

111.01.3 (1) A person may not operate a security designated aerodrome unless that person has in place a security programme approved by the Executive Director.

(2) Pursuant to section 126(1)(a) of the Act, every operator of a security designated aerodrome serving civil aviation in Namibia must establish and implement a written security programme (also referred to as "airport security programme") that meets the requirements of this Part and the NCASP, for the security designated aerodrome concerned.

(3) The operator must review the security programme on an annual basis and submit the programme to the Executive Director for approval.

(4) Where the Executive Director approves a security programme, the Executive Director must issue the security designated aerodrome operator with a certificate of approval of the security programme on Form AVSEC 1 set out in the Appendix.

(5) Every operator of a security designated aerodrome in Namibia must establish an airport security committee (ASC).

(6) The functions of the ASC must be as provided for in the NCASP and the airport security programme.

(7) The airport security committee must refer any matter relating to aviation security and which is within its functions but which cannot be resolved at the airport level to the National Aviation Security Committee (NASC).

(8) The manager of the security designated aerodrome or the person in charge must be the chairperson of the airport security committee.

(9) The chairperson must appoint other members of the airport security committee.

(10) The composition of the airport security committee must be as provided for in the NCASP.

(11) The airport security committee may invite any person to attend and take part in the proceedings of the committee and that person may participate in any discussion at the meeting but does not have a right to vote at that meeting.

(12) The chairperson must convene every meeting of the airport security committee, and the committee must meet once every month to ensure that the security programme is up to date and effective and that its provisions are being properly applied.

Air carrier security programme

111.01.4 (1) A person may not operate an aircraft serving civil aviation for commercial purposes from or within Namibia unless that person has in place an air carrier security programme (also known as the aircraft operator security programme) approved by the Executive Director.

(2) Pursuant to section 126(1)(c) of the Act, an air carrier or aircraft operator engaged in commercial air transport must establish and implement an aircraft operator security programme that meets the requirements of this Part and the NCASP, for flights undertaken as a scheduled public air transport service or undertaken as a scheduled international public air transport service by that air carrier or aircraft operator.

(3) The an air carrier or aircraft operator must review the air carrier or aircraft operator security programme on an annual basis and submit the programme to the Executive Director for approval.

(4) Where the Executive Director approves an aircraft operator security programme, the Executive Director must issue the aircraft operator with a certificate of approval of the aircraft operator security programme on Form AVSEC 2 set out in the Appendix.

Air Navigation Services security programme

111.01.5 (1) The Air Navigation Services **(**ANS) must establish and implement a security programme that meets the requirements of this Part and the NCASP.

(2) The ANS must review the ANS security programme on an annual basis and submit the programme to the Executive Director for approval.

(3) Where the Executive Director approves an ANS security programme, the Executive Director must issue the air navigation service provider with a certificate of approval of the air navigation services security programme on Form AVSEC 4 set out in the Appendix.

General security programme pertaining to other aviation participants

111.01.6 (1) Any other aviation participant as designated by the Minister by notice in the *Gazette* or designated in the NCASP or this Part must establish a security programme providing for -

(a) the compliance with the requirements contained in the NCASP; and

(b) compliance with the provisions of the security designated aerodrome, air carrier or aircraft operator and the Air Navigation Services security programmes.

(2) An aviation participant referred to in subregulation (1) must review the said security programme on an annual basis and submit it to the Executive Director for approval.

(3) The following aviation participants are required to have a security programme -

(a) private or contracted security companies providing aviation security services;

(b) catering companies;

(c) aircraft cleaning companies; and

(d) regulated agents and known consignors referred to in Part 108.

Application for approval of security programme

111.01.7 (1) Where a security programme is required to be approved by the Executive Director under this Part, the applicant must -

(a) submit the programme to the Executive Director, ensuring that it meets the requirements of the NCASP, this Part and any other relevant law and security programmes; and

(b) be accompanied by the appropriate fee or fees as prescribed in Part 187.

(2) A security programme submitted to the Executive Director under this Part must be in duplicate and signed by the applicant or on behalf of the applicant by a duly authorised person.

Approval of security programme

111.01.8 (1) Where the Executive Director is satisfied that the security programme submitted under regulation 111.01.7 meets the requirements of the Act, this Part, the NCASP and any other relevant law and other security programmes referred to in this Part, the Executive Director must within 30 days after receipt of the programme, approve the security programme.

(2) Where the Executive Director determines that a security programme submitted under regulations 111.01.7 or 111.01.10(5) does not meet the requirements of this Part, and the NCASP, the Executive Director must within 14 days after receipt of the programme, direct the applicant to modify and re-submit the security programme within 14 days after receipt of the programme by the applicant.

(3) Where the Executive Director is satisfied that a security programme resubmitted meets the requirements of this Part, and the NCASP, the Executive Director must, within 14 days after receipt of the programme, approve the security programme, and the Executive Director must issue the applicant with a certificate of approval of the airport security programme on Form

AVSEC 1 or air carrier or aircraft operator security programme on Form AVSEC 2 set out in the Appendix.

(4) Upon a proposed security programme submitted under regulation 111.01.7 being approved by the Executive Director under this Part, the applicant must within 30 days of such approval ensure that such approved security programme is implemented and in full operation.

(5) Any non-compliance with the requirement on a security programme in this Part by a participant is subject to the application of the enforcement procedures set out in Part 13 read with Part 185.

Power of Executive Director to require amendment of security programme or training programme

111.01.9 (1) Where the Executive Director is of the opinion that the operator of a security designated aerodrome's, air carrier's or aircraft operator's or any other aviation participant's security or training programme requires amendment, the Executive Director may direct the respective entity to amend the security programme and submit it to the Executive Director for approval.

(2) The Executive Director must, where an amended security or training programme is submitted to him or her under subregulation (1), approve the security or security training programme in accordance with the procedure prescribed by regulation 111.01.8.

National civil aviation security training programme

111.01.10 (1) The Authority must develop a National civil aviation security training programme (NCASTP) for personnel of all entities involved in, or responsible for, the implementation of various aspects of the NCASP which must be submitted to the Executive Director for approval.

[The word "national" should not be capitalised.]

(2) The entities referred to in subregulation (1) must comply with the training requirements stipulated in the NCASTP.

(3) The Executive Director must ensure the development of training and certification procedures for screeners, supervisors, instructors and inspectors is in accordance with this Part, the NCASTP and the NCASCP.

(4) Every operator of security designated aerodrome, air carrier or aircraft operator, air traffic service provider or organisation responsible for the implementation of various aspects of the NCASP must develop and implement an aviation security training programme and the training programme must conform to the requirements of the NCASTP.

(5) A training programme referred to in subregulation (4) must be submitted to the Executive Director for approval in accordance with the procedure prescribed in regulation 111.01.8.

(6) The Executive Director must issue the applicant with a certificate of approval of a security training programme on Form AVSEC 3 set out in the Appendix.

(7) The operator of a security designated aerodrome, air carrier or aircraft operator, air traffic service provider or organisation responsible for the implementation of various aspects of the NCASP must review the security training programme referred to in subregulation (4) on an annual basis and submit the programme to the Executive Director for approval.

Changed conditions affecting security

111.01.11 (1) Where a security or training programme has been approved, the operator of a security designated aerodrome, air carrier or aircraft operator or any person or his or her agent, where applicable, must comply with the procedure provided for under subregulation (2) whenever the person concerned determines that -

(a) any description of the area set out in the security or training programme is no longer accurate; or

(b) any description of the operations set out in the security or training programme is no longer accurate or that the procedures included and the facilities and equipment described in the security programme are no longer adequate.

(2) Whenever a situation described in subregulation (1) occurs, the person concerned, where applicable must -

(a) immediately notify the Executive Director of the changed conditions and identify each interim measure being taken to maintain adequate security until approval is granted for an appropriate amendment of the security or training programme; and

(b) within 30 days after notifying the Executive Director in accordance with paragraph (a), submit for approval in accordance with the procedure set out under regulation 111.01.7, an amendment to the security programme to bring it into compliance with this Part and the NCASP or the NCASTP.

(3) The Executive Director must, where an amendment to a security or training programme is submitted to it under subregulation (2)(b), approve the amendment in accordance with the procedure set out under regulation 111.01.8.

National Civil Aviation Security Quality Control Programme

111.01.12 (1) Pursuant to section 118(o) of the Act, the Authority must develop, implement and maintain a National Civil Aviation Security Quality Control Programme (NCASQCP), which meets the requirements provided for in the NCASP and submit it to the Executive Director for approval.

(2) The Authority must ensure that the implementation of security measures is regularly subjected to verification of compliance with the NCASP.

(3) The Authority must -

(a) ensure that personnel carrying out security audits, test, surveys and inspections are trained to appropriate standards;

(b) ensure that personnel carrying out security audits, test, surveys and inspections are afforded the necessary authority to obtain information to carry out these tasks and to enforce corrective actions;

(c) supplement the NCASQCP by establishing a confidential reporting system for analysing security information provided by sources such as passengers, crew members and ground personnel; and

(d) establish a process to record and analyse the results of the NCASQCP, to contribute to the effective development and implementation of the national civil aviation security programme, including identifying the causes and patterns of non-compliance and verifying that corrective actions have been implemented and sustained.

(4) Every operator of a security designated aerodrome, air carrier or aircraft operator or organisation responsible for the implementation of various aspects of the NCASP must develop internal quality control measures that conform to the NCASP and the NCASQCP.

(5) Every entity that is responsible for the implementation of various aspects of the NCASP, which requests internal quality control activities to be conducted by any person or entity other than the Authority, must notify the Executive Director within 21 days before such internal quality control activity is conducted.

(6) The entity being monitored must specify the areas to be covered in the internal quality control process as provided for in the NCASP

[There is no full stop at the end of subregulation (6); there are no additional words in the *Government Gazette*.]

(7) The entity concerned must submit proof of certification or accreditation of the person or entity that conducts quality control to the Executive Director.

(8) The person or entity that is conducting quality control must consult with the Executive Director before the quality control process begins.

(9) A schedule must be provided to the Executive Director, to allow the Authority to participate in the quality control process, if the Authority considers it necessary.

(10) The person or entity conducting quality control must consult with the Executive Director at the conclusion of the quality control process and provide the Authority with a copy of the preliminary report and final report.

Failure to implement security programmes

111.01.13 A person who fails to comply with a security programme referred to in section 126 of the Act and this Part commits an offence and is liable to a fine or to imprisonment specified in that section or to any administrative penalty prescribed in Part 185.

Security aspects of facilitation

111.01.14 (1) An air carrier or aircraft operator must take necessary precautions at the point of embarkation to ensure that passengers are in possession of valid documents issued by the relevant authorities in Namibia or in a State other than Namibia for control purposes.

(2) The Authority must establish a National Air Transport Facilitation Programme (NATFP) based on the facilitation requirements of the Act, these regulations, and Annex 9 to the Chicago Convention and the facilitation provisions of Annex 17 to the Chicago Convention.

(3) The NATFP referred to in subregulation (9) must contain the following:

(a) the allocation of responsibilities;

(b) the facilitation of aircraft;

(c) the facilitation of passports and immigration;

(d) the facilitation relating to customs;

(e) the facilitation of international airports;

(f) the facilitation of aircraft;

(g) the facilitation of security; and

(h) the facilitation of public health and veterinary and agricultural quarantine.

(4) The Executive Director must establish the National Aviation Facilitation Committee (NAFC) consisting of representatives from the following institutions:

(a) the Authority;

(b) the Permanent Secretary of the Ministry or a person designated by him or her;

(c) the Namibia Revenue Agency established by the Namibia Revenue Agency Act, 2017 (Act No. 12 of 2017);

(d) the Ministry responsible for home affairs and immigration;

(e) the Ministry responsible for health;

(f) the Ministry responsible for agriculture, water and forestry;

(g) an association representing aircraft operators; and

(h) Namibia Airports Company established by the Airports Company Act, 1998 (Act No. 25 of 1998).

(5) The NAFC is responsible for the following:

(a) coordinating facilitation activities between departments, agencies and other organisations of Namibia concerned with, or responsible for various the aspects of international civil aviation; and

(b) implementation of the NATFP.

(6) Every operator of a security designated aerodrome must establish an airport facilitation programme that meets the requirements provided for in the NATFP.

(7) The airport facilitation programme referred in subregulation (6) must be implemented by an airport facilitation committee established in terms of the requirements provided for in the NATFP.

Aircraft passenger identification

111.01.5 (1) Any person, including a minor, who is either -

(a) departing as a passenger from a security designated aerodrome in Namibia on a scheduled public air transport flight to a destination either within Namibia or outside the territory of Namibia;

(b) arriving as a passenger at a security designated aerodrome in Namibia on a scheduled public air transport flight to a destination within Namibia or to a destination outside the territory of Namibia,

must be required to produce a valid identification document in accordance with the Departure from Namibia Regulation Act, 1955 (Act No. 34 of 1955) and the Immigration Control Act, 1993 (Act No. 7 of 1993), satisfactory to the boarding officer of a relevant air carrier or aircraft operator, at the boarding gates, before boarding the aircraft concerned.

(2) The details on the personal identification document, including the name, date of birth and gender of the person concerned, must correspond to the details in the air carrier's or aircraft operator's possession in respect of the intended passenger.

(3) The name of the person appearing on the identification document or passport must correspond to the name of the person appearing on the issued boarding pass.

(4) The air carrier must, through its boarding officers, confirm that any person checking in baggage at the baggage check-in-point in the airport is the same as the person who intends to be a passenger on the flight and who has been issued with a boarding pass or is to be issued with a boarding pass.

(5) A person whose identity cannot be verified in terms of subregulation (2), (3) or (4) must be refused carriage, without recourse to the air carrier or aircraft operator concerned, unless some other form of personal identification that is acceptable to the air carrier or aircraft operator concerned is provided.

(6) A person whose form of personal identification as referred to in subregulation (2) is not acceptable to the air carrier or aircraft operator concerned, may be required to undergo additional security screening.

(7) An authorised officer, inspector or authorised person appointed in terms of section 37(1) of the Act, is authorised to request a person referred to in subregulation (2) for his or her personal identification documentation for verification purposes.

SUBPART 2
PREVENTATIVE SECURITY MEASURES

Airport security: access control

111.02.1 (1) Every operator of a security designated aerodrome or navigation installation, must control access to airside areas at an airport serving civil aviation in order to prevent unauthorised entry.

(2) Every operator of a security designated aerodrome or navigation installation or a person employed or contracted by such to provide aviation security services must ensure that the access to airside areas at an airport serving civil aviation in Namibia is controlled in order to prevent unauthorised entry as provided for in the NCASP.

(3) Every operator of a security designated aerodrome or navigation installation or a person employed or contracted by such to provide aviation security services must establish identity verification systems in respect of persons and vehicles in order to prevent unauthorised access to airside areas and security areas or security restricted areas as provided for in the NCASP.

(4) Every operator of a security designated aerodrome or navigation installation or a person employed or contracted by that operator to provide aviation security services must verify identity at designated checkpoints before access is allowed to airside areas and security areas or security restricted areas.

(5) Every operator of a security designated aerodrome in Namibia must conduct security background checks, in accordance with Part 114, on persons, other than passengers, granted unescorted access to security restricted areas of the airport prior to granting access to security restricted areas.

(6) Every operator of a security designated aerodrome or a security designated navigation installation must supervise the movement of persons and vehicles to and from the aircraft in security areas or security restricted areas in order to prevent unauthorised access to aircraft in accordance with the procedures, requirements provided for in the NCASP.

(7) Every operator of a security designated aerodrome or a security designated navigation installation must apply screening or other appropriate security controls, in accordance with procedures provided for in the NCASP, to persons other than passengers, together with items carried, prior to entry into security restricted areas at security designated aerodromes serving international civil aviation operations.

(8) Every operator of a security designated aerodrome must apply screening or other appropriate security controls to vehicles being granted access to security areas or security restricted areas, together with items contained within them, in accordance with a risk assessment carried out by the Authority.

(9) The Authority must ensure that identity documents issued to aircraft crew members provide a harmonised and reliable international basis for recognition and validation of documentation to permit authorised access to airside and security restricted areas.

(10) Every operator of a security designated aerodrome must re-apply checks specified in subregulation (5) on a regular basis to all persons granted unescorted access into security restricted areas.

(11) Every operator of a non-security designated aerodrome or navigation installation, must comply with specific security measures applicable to non-security designated aerodromes or navigation installation provided for in the NCASP.

Security restricted areas

111.02.2 (1) Pursuant to section 131(1) of the Act, the Executive Director must declare security restricted areas at each security designated aerodrome, in accordance with the procedure, requirements provided for in the NCASP.

(2) Security restricted areas must be protected through the measures provided for in the NCASP.

Carriage and use of weapons, firearms, ammunition and other explosives onto aircraft or into security restricted areas

111.02.3 Pursuant to sections 157 and 204 of the Act, the carriage and use of weapons, firearms, ammunition and other explosives into aircraft or into security restricted areas must be in accordance with the requirements and conditions prescribed in the Act and the NCASP.

Passengers and their cabin baggage

111.02.4 (1) Every operator of a security designated aerodrome or a person employed or contracted by that operator to provide aviation security services must establish measures, in accordance with the Act and the NCASP, to ensure that originating passengers and their cabin baggage are screened prior to boarding an aircraft departing from a security restricted area.

(2) `Every operator of a security designated aerodrome must screen transfer passengers of commercial air transport operations and their cabin baggage prior to boarding an aircraft in accordance with measures provided for in the NCASP.

(3) Every operator of security designated aerodrome must protect passengers and their cabin baggage which have been screened from unauthorised interference from the point of screening until they board the aircraft.

(4) Where mixing of screened and unscreened passengers takes place, the passengers concerned and their cabin baggage must be re-screened before boarding an aircraft.

(5) An operator of a security designated aerodrome must establish measures for transit operations to protect transit passengers' cabin baggage from unauthorised interference and protect the integrity of the security of the airport of transit.

(6) An operator of a non-security designated aerodromes must comply with the measures provided for in the NCASP in respect of the application of security controls for passengers and their cabin baggage originating from non-security designated aerodromes.

Hold baggage

111.02.5 (1) Every operator of a security designated aerodrome or a person employed or contracted by that operator to provide aviation security services must establish measures to ensure that originating hold baggage is screened prior to being loaded onto an aircraft engaged in commercial air transport operations departing from a security restricted area, in accordance with procedure provided for in the NCASP.

(2) Every operator of a security designated aerodrome or a person employed or contracted by that operator to provide aviation security services must protect, in accordance with procedure provided for in the NCASP, all hold baggage to be carried on a commercial aircraft

from unauthorised interference from the point it is screened or accepted into the care of the air carrier or aircraft operator.

(3) If the integrity of hold baggage is jeopardised, the hold baggage must be rescreened before being placed on board an aircraft.

(4) Every operator of a security designated aerodrome or a person employed or contracted by that operator to provide aviation security services must ensure that commercial air transport operators do not transport the baggage of persons who are not on board the aircraft unless that baggage is identified as unaccompanied and subjected to appropriate screening.

(5) Every operator of a security designated aerodrome or contracted aviation security service provider must apply screening or other security controls as provided for in the NCASP, to transfer hold baggage prior to being loaded into an aircraft engaged in commercial air transport operations, unless it has established a validation process and continuously implements procedures, in collaboration with the other airport operator from another contracting State to the Chicago Convention where appropriate, to ensure that such hold baggage has been screened at the point of origin and subsequently protected from unauthorised interference from the originating airport to the departing aircraft at the transfer airport.

(6) Every operator of a security designated aerodrome or a person employed or contracted by that operator to provide aviation security services must ensure that commercial air transport operators transport only items of hold baggage which have been individually identified as accompanied or unaccompanied, screened to the appropriate standard and accepted for carriage on that flight by the air carrier or aircraft operator.

(7) Baggage referred to in subregulation (6) must be recorded as meeting these criteria and authorised for carriage on the flight concerned.

(8) Every operator of a security designated aerodrome must establish procedures to deal with unidentified baggage in accordance with a security risk assessment carried out in accordance with the NCASP.

(9) Every operator of a security designated aerodrome serving civil aviation in Namibia must establish storage areas where mishandled baggage may be held after screening until forwarded, claimed or disposed of.

(10) Every operator of a security designated aerodrome must establish bomb disposal areas where detected explosives may be disposed of.

(11) Every operator of a security designated aerodrome must identify or establish an isolated parking area for aircraft that has been subjected to an act of unlawful interference or a bomb threat.

(12) Specific security measures applicable to hold baggage originating from non-security designated aerodromes must be provided for in the NCASP.

Landside

111.02.6 (1) Every operator of a security designated aerodrome must establish security measures in landside areas to mitigate the risk and to prevent possible acts of unlawful interference in accordance with national and local risk assessments carried out.

(2) The operator of a security designated aerodrome must coordinate landside security measures between the relevant departments, agencies and other entities, and identify appropriate responsibilities in the NCASP.

Security responsibilities of air carrier or aircraft operator

111.02.7 (1) Every air carrier or aircraft operator must take security measures, as provided for in the NCASP.

(2) Every air carrier or aircraft operator must ensure that during flight unauthorised persons are prevented from entering the flight crew compartment.

(3) Every air carrier or aircraft operator must establish security controls, in accordance with the NCASP and the applicable air carrier or aircraft operator security programme, to prevent acts of unlawful interference on aircraft when they are not in security restricted areas.

(4) An air carrier or aircraft operator must ensure that aircraft security checks of originating aircraft engaged in commercial air transport movements are performed or an aircraft security search is carried out.

(5) The determination of whether it is an aircraft security check or a search that is appropriate must be based upon a security risk assessment carried out by the Authority.

(6) An air carrier or aircraft operator must ensure that measures are taken to ensure that any items left behind by passengers disembarking from transit flights are removed from the aircraft or otherwise dealt with appropriately before departure of an aircraft engaged in commercial flights.

(7) An air carrier or aircraft operator must ensure that an aircraft is protected from unauthorised interference from the time the aircraft search or check has commenced until the aircraft departs.

(8) An air carrier or aircraft operator, in consultation with operators of security designated aerodromes, must ensure that appropriate measures on the ground or operational procedures are established to mitigate possible attacks against aircraft using Man-Portable Air Defence Systems (MANPADS) and other weapons representing a similar threat to aircraft at or near an airport, in accordance with the risk assessment carried out by competent authorities.

Special categories of passengers

111.02.8 Every air carrier or aircraft operator must ensure that the carriage of potentially disruptive passengers is in accordance with the requirements provided for in the NCASP.

Cargo, mail and other goods

111.02.9 The provisions of Part 108 apply, with changes required by the context, in relation to the security controls applied to cargo and mail, prior to their being loaded into an aircraft engaged in commercial air transport operations.

Cyber security in civil aviation

111.02.10 (1) The Authority must, in accordance with the risk assessment carried out by the Namibian intelligence services, and levels of threat identified by the Namibian police, develop measures, in accordance with the NCASP, in order to protect critical information and communications technology systems used for civil aviation purposes from interference that may jeopardise the safety and security of civil aviation.

(2) Every entity involved in, or responsible for, the implementation of the various aspects of the NCASP must identify its critical information and communications technology systems, including threats and vulnerabilities thereto, and develop protective measures as provided for in the NCASP.

SUBPART 3
MANAGEMENT AND RESPONSE TO ACTS OF UNLAWFUL INTERFERENCE

Prevention of acts of unlawful interference

111.03.1 (1) The Authority must take adequate measures, in accordance with the NCASP, when reliable information exists that an aircraft may be subjected to an act of unlawful interference -

(a) to safeguard the aircraft if it is still on the ground; or

(b) if the aircraft is in flight, to provide as much prior notification as possible of the arrival of such aircraft to relevant airport authorities and air traffic services of the States concerned, if the aircraft has already departed.

(2) The Namibian police in consultation with the operator of a security designated aerodrome must investigate, render safe and dispose of, if necessary, suspected dangerous devices or other potential hazards at an airport in accordance with the procedure provided for in the NCASP or the relevant security programme.

(3) The operator of a security designated aerodrome must develop contingency plans and make resources available to safeguard civil aviation against acts of unlawful interference.

(4) The operator of a security designated aerodrome, in consultation with the Namibian police, must ensure that authorised and suitably trained personnel are readily available for deployment at its airports serving civil aviation to assist in dealing with suspected or actual cases of unlawful interference with civil aviation.

(5) The Namibian police must search an aircraft for concealed weapons, explosives or other dangerous devices, articles or substances when reliable information exists that an aircraft may be subjected to an act of unlawful interference, but prior notification of the search must be provided to the operator concerned.

Response to acts of unlawful interference

111.03.2 The Authority must -

(a) take appropriate measures, in accordance with the NCASP, for the safety of passengers and crew members of an aircraft, which is subjected to an act of unlawful interference, while on the ground in Namibia, until their journey can be continued;

(b) collect all pertinent information on the flight of that aircraft through the air navigation services provider and transmit that information to all other States responsible for the air traffic services units concerned, including those at the airport of known or presumed destination, so that timely and appropriate safeguarding action may be taken en route and at the aircraft's known, likely or possible destination;

(c) provide assistance to an aircraft subjected to an act of unlawful seizure, including the provision of navigation aids, air traffic services and permission to land as may be necessitated by the circumstances;

(d) ensure that an aircraft subjected to an act of unlawful seizure which has landed in the territory of Namibia is detained on the ground, unless its departure is necessitated by the overriding duty to protect human life, in consultation with the Namibian police;

(e) notify by the most expeditious means the State of registry of the aircraft, and the State of the air carrier or aircraft operator, of the landing and must similarly transmit by the most expeditious means all other relevant information to -

(i) the two States concerned;

(ii) each State whose citizens suffered fatalities or injuries;

(iii) each State whose citizens were detained as hostages;

(iv) each State whose citizens are known to be on board the aircraft; and

(v) the International Civil Aviation Organisation.

Exchange of information and reporting

111.03.3 (1) The exchange of information and reporting must be done in accordance with the procedure provided for in the NCASP.

(2) Every aircraft carrier or aircraft operator must, where an act of unlawful interference occurs, immediately notify the Authority.

(3) Every pilot-in-command and air navigation service provider must submit to the Authority -

(a) a preliminary written report, within 15 days after the occurrence of an act of unlawful interference, including sabotage, threats, hijacks, incidents and disruptive passengers; and

(b) a final written report, upon completion of investigations, but within 30 days after the occurrence of an act of unlawful interference, including sabotage, threats, hijacks, incidents and disruptive passengers.

(4) The Authority must, where an act of unlawful interference has occurred, provide the International Civil Aviation Organisation with a report on each incident, whether successful or unsuccessful as follows:

(a) a preliminary report, within 30 days after the occurrence of the act, containing all pertinent information concerning the security aspects of the occurrence; and

(b) a final report, within 60 days after resolution of the incident.

(5) The Authority must provide copies of reports submitted to the International Civil Aviation Organisation under this regulation and to -

(a) the State of registry of the aircraft and the State of the operator;

(b) each State whose citizens suffered fatalities or injuries;

(c) each State whose citizens are, or were, detained as hostages; and

(d) each State whose citizens are, or were, known to be on board the aircraft.

SUBPART 4
AVIATION SECURITY ENFORCEMENT MEASURES

Enforcement powers of aviation security inspectors

111.04.1 Without limiting the powers of authorised officers, inspectors and authorised persons and under the Act or any Part of these regulations, an aviation security inspector may -

[The word "and" which precedes the phrase "under the Act" is superfluous.]

(a) carry out quality control activities, such as periodic and random inspections, audits and testing of the effectiveness of security measures and procedures;

(b) inspect any part of any airport in Namibia or any land or area outside the airport used by businesses that operate at the airport or that is in a security restricted area;

(c) inspect any aircraft registered or operating in Namibia for the purpose of evaluating any security procedure;

(d) inspect and test the effectiveness of security measures and procedures and performance of security equipment;

(e) take into an airport, airside area or any designated security restricted area, and use any equipment necessary to carry out his or her duties, including radios, cameras, recording devices (both audio and video) and specially authorised restricted or prohibited articles, such as replica weapons or simulated explosive devices;

(f) issue notices of deficiencies or recommendations, as appropriate;

(g) enforce corrective actions, including immediate rectification of any deficiencies or apply enforcement measures; and

(h) enforce all relevant national aviation security requirements.

APPENDIX

NAMIBIA CIVIL AVIATION AUTHORITY

FORM AVSEC 1 CERTIFICATE OF APPROVAL OF AIRPORT SECURITY PROGRAMME (Regulations 111.01.3(4) and 111.01.8(3))	
1. Certificate Number:	
2. Expiry date:	
3. Name of aerodrome operator:	
4. Physical address of aerodrome operator:	5. Postal address:
6. Conditions and restrictions: I, hereby certify that the holder of this certificate has been duly approved in accordance with Part 111 of the Namibia Civil Aviation Regulations. Name: ..... Designation: ..... Date: ..... **Executive Director/On behalf of Executive Director**	

NAMIBIA CIVIL AVIATION AUTHORITY

FORM AVSEC 2 CERTIFICATE OF APPROVAL OF AIRCRAFT OPERATOR SECURITY PROGRAMME (Regulations 111.01.4(4) and 111.01.8(3))	
1. Certificate Number:	
2. Expiry date:	
3. Name of air carrier operator:	
5. Physical address: 6. Postal address:	
7. Conditions and restrictions: I, hereby certify that the holder of this certificate has been duly approved in accordance with Part 111 of the Namibia Civil Aviation Regulations. Name: ..... Designation: ..... Date: ..... **Executive Director/On behalf of Executive Director**	

NAMIBIA CIVIL AVIATION AUTHORITY

FORM AVSEC 3 CERTIFICATE OF APPROVAL OF SECURITY TRAINING PROGRAMME (Regulation 111.01.10(6))	
1. Certificate Number:	
2. Expiry date:	
3. Name of operator:	
4. Physical address of operator: 5. Postal address:	
6. Conditions and restrictions I, hereby certify that the holder of this certificate has been duly approved in accordance with Part 111 of the Namibia Civil Aviation Regulations. Name: ..... Designation: ..... Date: ..... **Executive Director/On behalf of Executive Director**	

FORM AVSEC 4 CERTFICATE OF APPROVAL OF AIR NAVIGATION SERVICES SECURITY PROGRAMME (Regulation 111.01.5(3))	
1. Certificate Number:	
2. Expiry date:	
3. Name of air navigation operator:	
5. Physical address operator: 6. Postal address:	
7. Conditions and restrictions I, hereby certify that the holder of this certificate has been duly approved in accordance with Part 111 of the Namibia Civil Aviation Regulations. Name: ..... Designation: ..... Date: ..... **Executive Director/On behalf of Executive Director**	

PART 113
AVIATION SECURITY SERVICE PROVIDERS: CERTIFICATION

[Part 113 is inserted by GN 293/2018.]

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SUBPART 1
GENERAL

Applicability

113.01.1 This Part prescribes procedures governing the certification of an operator of an aerodrome or navigation installation or a person employed or contracted by that operator to provide civil aviation security services in accordance with the Act at a security designated aerodrome or security designated navigation installation.

Authority to provide aviation security services

113.01.2 A person may not provide civil aviation security services at a security designated aerodrome or security designated navigation installation, except under the authority of, and in accordance with the provisions of, a civil aviation security service certificate issued under this Part.

Application for certificate

113.01.3 An application for the issuing of an aviation security service certificate or an amendment thereof, must be -

(a) made to the Executive Director in the form and manner determined by the Executive Director; and

(b) accompanied by -

(i) the security programme required under regulation 113.02.6; and

(ii) payment of the appropriate application fee prescribed in Part 187.

Issue of certificate

113.01.4 The Executive Director must issue a civil aviation security service certificate if -

(a) the applicant's senior personnel required under regulation 113.02.1 are fit and proper persons;

(b) the Executive Director is satisfied that the applicant is an operator of a security designated aerodrome or security designated navigation installation or a person employed or contracted by that operator to provide civil aviation security services at that aerodrome or navigation installation;

(c) the applicant's civil aviation security programme meets the requirements of Subpart 2; and

(d) the granting of the certificate is not contrary to the interests of civil aviation safety and security.

Functions and duties of certificate holder

113.01.5 Each holder of a civil aviation security service certificate has, at each location specified in its security programme, the following functions and duties:

(a) where the certificate holder is the operator of a security designated aerodrome, to carry out -

(i) passenger, crew and baggage screening of all international aircraft passenger services and of any domestic aircraft passenger service or other service required to be screened by the Minister or the Executive Director;

(ii) where necessary, searches of aircraft;

(iii) aerodrome security patrols; and

(iv) screening and searching of any person, item, substance or vehicle that is present in, or about to enter, a security restricted area as required by the Minister or Executive Director, subject to the requirement that the specific manner or methodology in which screening will be applied must be approved by the Executive Director;

(b) where the certificate holder is the operator of a security designated navigation installation, to carry out -

(i) patrols of that designated navigation installation; and

(ii) reviews, inquiries and keep itself informed on security techniques, systems, devices, practices and procedures related to the protection of civil aviation and persons employed in or using it; and

(c) to co-operate with the police, Government departments or entities, airport authorities, operators and authorities administering the airport security services of other countries and with any appropriate international organisation.

Duration of certificate

113.01.6 (1) A civil aviation security service certificate may be granted for a period of up to five years.

(2) A civil aviation security service certificate remains in force until it expires or is suspended or cancelled.

(3) The holder of a civil aviation security service certificate that has expired or has been cancelled must within five working days surrender the certificate to the Executive Director.

(4) The holder of a certificate which is suspended must, within 48 hours of the suspension, produce the certificate upon suspension thereof, to an authorised officer, inspector or authorised person concerned for the appropriate endorsement.

Renewal of certificate

113.01.7 (1) An application for the renewal of a civil aviation security service certificate must be made to the Executive Director in the form and manner determined by the Executive Director.

(2) The application for the renewal must be made before the application renewal date specified on the certificate or, if no such renewal date is specified, not less than 30 days before the certificate expires.

SUBPART 2
CERTIFICATION REQUIREMENTS

Personnel requirements

113.02.1 (1) Each applicant for a civil aviation security service certificate must employ -

(a) a senior person identified as the senior accountable manager who has the authority within the applicant's organisation to ensure that all activities undertaken by the organisation can be financed and carried out in accordance with the requirements prescribed by this Part; and

(b) a senior person or group of senior persons -

(i) responsible for ensuring that the applicant's organisation complies with the requirements of this Part, and reporting directly to the senior accountable manager; and

(ii) sufficient personnel to plan, inspect, supervise and carry out the aviation security services detailed under regulation 113.02.6(1)(g).

(2) An applicant must establish a procedure to assess the ability of each employee or prospective employee to perform the duties and requirements of the position of a civil aviation security officer, taking into account the employee's -

(a) education;

(b) communication skills;

(c) character;

(d) experience; and

(e) health.

(3) After the assessment an applicant must then designate aviation security officers and establish a procedure similar in the manner set out under Part 109 to train and maintain the competence of its aviation security officers.

(4) An applicant must provide personnel who are authorised to plan, inspect, supervise and carry out the civil aviation security services prescribed under regulation 113.02.6(1)(g) with written evidence of the scope of their authorisation.

Establishment of operations procedures

113.02.2 (1) Where the applicant for a civil aviation security service certificate is the operator of a security designated aerodrome, it must establish procedures necessary to enable the

requirements in the NCASP and any other aviation security regulations, to be complied with in a manner not inconsistent with the NCASP.

(2) Where the applicant for a civil aviation security service certificate is the operator of a security designated navigation installation, it must establish procedures necessary to enable the requirements in the NCASP to be complied with.

Documentation

113.02.3 (1) Each applicant for a civil aviation security service certificate must establish a procedure to ensure all documentation that is necessary to support the aviation security services that it provides is available to all personnel who need access to the documentation to carry out their duties.

(2) The documentation referred to in subregulation (1) must include -

(a) all relevant legislation;

(b) all relevant international standards and technical standards released by the ICAO;

(c) all relevant international technical manuals and notices on aviation security;

(d) documentation issued to the certificate holder by the Executive Director; and

(e) the applicants's security programme.

[The word "applicant's" is misspelt in the *Government Gazette*, as reproduced above.]

(3) The applicant must establish a procedure to control all documents referred to in subregulation (2) to ensure that -

(a) the documents are reviewed and approved by appropriate personnel prior to issue;

(b) outdated documents are promptly removed from all points of issue or use;

(c) changes to documents are reviewed and approved by appropriate personnel;

(d) the current issue of each document can be identified; and

(e) the applicant's operations and security programme is amended so as to remain a current description of the service provider, its services, procedures and facilities.

(4) The applicant must establish a procedure to provide and maintain a copy of its civil aviation security programme at each location stipulated in regulation 113.02.6(1)(e).

Records

113.02.4 (1) Each applicant for a civil aviation security service certificate must establish a procedure to identify, collect, index, store and maintain the records that are necessary to ensure compliance with this Part.

(2) The applicant must establish a procedure to -

(a) maintain a register of its civil aviation security officers, including details of their experience, qualifications, competence, training, medical assessment, and current authorisations; and

(b) ensure that -

(i) all records are of a legible and permanent nature;

(ii) the records required by paragraph (a) are retained for 24 months from the date the person ceases to be employed or contracted by the certificate holder; and

(iii) the records required other than by paragraph (a) are retained for 24 months.

Internal quality assurance

113.02.5 (1) Each applicant for a civil aviation security service certificate must establish an internal quality assurance system to ensure compliance with, and the adequacy of, the procedures required by this Part.

(2) The internal quality assurance system must include -

(a) a civil aviation security policy and security policy procedures that are relevant to the applicant's organisational goals and the expectations and needs of its customers;

(b) a procedure to ensure quality indicators, including defect and incident reports and personnel and customer feedback, are monitored to identify existing problems or potential causes of problems within the system;

(c) a procedure for corrective action to ensure existing problems that have been identified within the civil aviation system are corrected;

(d) a procedure for preventive action to ensure that potential causes of problems that have been identified within the system are remedied;

(e) an internal quality audit programme to audit the applicant's organisation for conformity with the procedures in its civil aviation security programme and achievement of the goals set in its security policy;

(f) management review procedures that may, where appropriate, include the use of statistical analysis, to ensure the continuing suitability and effectiveness of the internal quality assurance system in satisfying the requirements of this Part; and

(g) a procedure to ensure that the senior person who has the responsibility for internal quality assurance has direct access to the chief executive officer or senior accountable manager of the applicant on matters affecting civil aviation security.

(3) The security policy procedure must ensure that the civil aviation security policy is understood, implemented, and maintained at all levels of the organisation.

(4) The procedure for corrective action must specify how -

(a) to correct an existing problem;

(b) to follow up a corrective action to ensure the action is effective; and

(c) management must measure the effectiveness of any corrective action taken.

(5) The procedure for preventive action must specify how -

(a) to correct a potential problem;

(b) to follow up a preventive action to ensure the action is effective;

(c) to amend any procedure required by this Part as a result of a preventive action; and

(d) management must measure the effectiveness of any preventive action taken.

(6) The internal quality audit programme must -

(a) specify the frequency and location of the audits taking into account the nature of the activity to be audited;

(b) ensure audits are carried out by trained auditing personnel who are independent of those having direct responsibility for the activity being audited;

(c) ensure the results of audits are reported to the personnel responsible for the activity being audited and the manager responsible for internal audits;

(d) require preventive or corrective action to be taken by the personnel responsible for the activity being audited, if problems are found by the audit; and

(e) ensure follow up audits to review the effectiveness of any preventive or corrective action taken.

(7) The procedure for management review must -

(a) specify the frequency of management reviews of the quality assurance system taking into account the need for the continuing effectiveness of the system;

(b) identify the responsible manager who must review the quality assurance system; and

(c) ensure the results of the review are evaluated and recorded.

Organisation security programme

113.02.6 (1) An applicant for the grant of a civil aviation security service certificate must provide the Executive Director together with the security programme -

(a) a statement signed by the senior accountable manager, on behalf of the organisation, confirming that the civil aviation security programme -

(i) defines the organisation and demonstrates its means and methods for ensuring ongoing compliance with this Part; and

(ii) is to be complied with by its personnel at all times;

(b) the titles and names of the persons required under regulation 113.02.1(1) and (2);

(c) the duties and responsibilities of the persons specified in paragraph (b), including matters in respect of which they deal directly with the Executive Director on behalf of the organisation;

(d) an organisation chart showing associated lines of responsibility of the persons and supervisory persons specified in paragraph (b);

(e) details of each location where the organisation intends to provide aviation security services and the facilities at each location;

(f) a summary of the organisation's staffing structure to be used at each location listed under paragraph (e);

(g) details of the civil aviation security services to be provided at each location;

(h) details of the scope of the medical examination report and the method of assessment of fitness required;

(i) details of the applicant's procedures required under -

(i) regulation 113.02.2 regarding the operating procedures;

(ii) regulation 113.02.3 regarding control and distribution of civil aviation security documentation;

(iii) regulation 113.02.4 regarding the identification, collection, indexing, storage and maintenance of records; and

(iv) regulation 113.02.5 regarding internal quality assurance of the applicant's organisation;

(j) procedures for controlling, amending and distributing the civil aviation security programme;

(k) procedures for notifying, investigating and reporting any security incident to the Executive Director in accordance with the Act or these regulations; and

(l) procedures for reporting the detection of dangerous goods to the Executive Director.

(2) An applicant's civil aviation security programme must be acceptable to the Executive Director.

SUBPART 3
OPERATING REQUIREMENTS

Continued compliance

113.03.7 Every holder of a civil aviation security service certificate must continue to -

(a) hold at least one complete and current copy of its civil aviation security programme at each location specified in its security programme;

(b) comply with all the procedures and systems detailed in its civil aviation security programme;

(c) make each applicable part of its civil aviation security programme available to personnel who are required to comply with those parts in the performance of their duties; and

(d) meet the standards and comply with the requirements of Subpart 2.

Changes to aviation security programme

113.03.8 (1) Every holder of a civil aviation security service certificate must -

(a) ensure that its civil security programme is amended so as to remain as the current description of its organisation;

(b) ensure any amendment to its civil aviation security programme manual meets the applicable requirements of this Part;

(c) comply with the amendment procedure contained in its civil aviation security programme;

(d) provide the Executive Director with a copy of each amendment to its civil aviation security programme as soon as practicable after the amendment is incorporated into its civil aviation security programme; and

(e) make such amendments to its civil aviation security programme as the Executive Director may consider necessary in the interests of aviation security.

(2) Where the civil aviation certificate holder proposes to make a change to any of the following, prior application to, and approval by, the Executive Director is required:

(a) the chief executive or senior accountable manager;

(b) the listed senior persons or key post holders;

(c) the location at which aviation security services may be provided;

(d) the scope for which the certificate is granted; or

(e) the organisation's internal quality assurance system.

(3) An application to make any of the changes specified in subregulation (2) must be made to the Executive Director in the form and manner determined by the Executive Director.

(4) The Executive Director may impose conditions during or following any of the changes specified in subregulation (2).

(5) The civil aviation certificate holder must comply with any conditions imposed under subregulation (4).

(6) Where any of the changes specified in subregulation (2) requires an amendment to the certificate, the civil aviation certificate holder must forward the certificate to the Executive Director as soon as practicable.

PART 114
AVIATION SECURITY BACKGROUND CHECKS

[Part 114 is inserted by GN 293/2018.]

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SUBPART 1
GENERAL

Applicability

114.01.1 (1) Subject to the provisions of sections 134 and 135 of the Act, this Part applies to -

(a) persons employed at an airport, including persons who are responsible for -

(i) implementing security controls with regard to cargo and aircraft inflight supplies, whether at an airport or any other location;

(ii) implementing screening of baggage and cargo at the airport or any other location;

(iii) access controls at an aviation installation; and

(iv) transportation of air cargo and mail;

(b) pilots and cabin crew attendants;

(c) aircraft maintenance engineers;

(d) regulated agents, approved known consignors and suppliers of in-flight supplies;

(e) at the discretion of the Executive Director, staff members and authorised persons of the Authority; and

(f) any other person or category of persons who may be required by the Executive Director to undergo security background checks pursuant to section 134 of the Act.

(2) In order to carry a security background check the Executive Director may seek assistance from competent authorities in Namibia and, where necessary, in other States.

(3) A security background check is carried out for purposes of establishing whether a person is a threat to civil aviation security.

SUBPART 2
PROCEDURES FOR SECURITY BACKGROUND CHECKS FOR PURPOSES OF CIVIL AVIATION

Procedure for security background check

114.02.1 (1) A security background check must be conducted in a reasonable manner to protect the privacy and integrity of all persons.

(2) A person in respect of whom a security background check is conducted will be informed of such action verbally and in writing, and his or her consent must be obtained and recorded and counter-signed by that person.

(3) A person in respect of whom a security background check is to be conducted must be informed of the consequences of refusing to consent to the background check.

Authority to act as participant or holder

114.02.2 (1) A person referred to in regulation 114.01.1 may not act as a participant or holder unless a security background check has been performed on such person or entity and granted approval, to be a participant or holder by the Executive Director.

(2) Without prejudice to section 134 of the Act, employers of participants referred to in regulation 114.01.1 must cause a security background check to be conducted by competent authorities in Namibia.

(3) The Executive Director must make known, in an Aeronautical Information Circular, to potential civil aviation participants referred to in regulation 114.01.1 the competent authorities of the State or other entities which may be authorised to conduct security background checks for the purposes of this Part.

Recording of security background checks

114.02.3 (1) Employers of participants referred to in regulation 114.01.1 must maintain a register including written proof that a security background check was conducted on its employees or entities.

(2) A register referred to in subregulation (1) must be kept in a safe place by the employer and, where so required, be provided to the Authority for inspection.

Period of validity of security background checks

114.02.4 (1) A security background check for the purposes of this Part is valid for a period not exceeding 24 months.

(2) Security background checks must be conducted after every 24 months.

Proof of identity of persons

114.02.5 Subject to regulation 114.02.6, a person's identity must, for the purposes of a civil aviation security background check, be established on production of one of the following original documents:

(a) in the case of Namibian citizens or permanent residents, either a Namibian identification card, a valid passport or a valid Namibian driver's licence; and

(b) in the case of non-Namibian citizens or non-permanent residents, a valid passport together with an original immigration office document confirming the individual's right to work, study or reside in Namibia.

Alternative method of identification

114.02.6 (1) Where a person conducting a security background check is satisfied that the person whose identity is to be established cannot reasonably provide the documentation required under regulation 114.02.5, that person is required to provide the following original documents:

(a) a birth or adoption certificate;

(b) a registration or naturalisation document;

(c) proof of residence in Namibia;

(d) a passport-sized photograph endorsed on its back with the signature of a commissioner of oaths; and

(f) the testimony of two persons aged 18 years or above who have known the person, either personally or professionally, for a minimum period of three years and a signed statement under oath or affirmation confirming that the signatory knows the person identified.

[This paragraph is mislabelled in the *Government Gazette*; it should be paragraph (e).]

(2) The statement referred to in subregulation (1)(f) must contain the signatory's full name, identification number or passport number, occupation, residential address and telephone number.

Criminal records

114.02.7 (1) Criminal records must be produced in the form of an official police criminal record certificate (CRC), known as a "certificate of conduct", and in the case of non-Nambian citizens or non-permanent residents, a document equivalent to the certificate of conduct.

[The word "non-Namibian" is misspelt in the *Government Gazette*, as reproduced above.]

(2) A certificate of conduct remains valid for a period of six months from the date of issue.

Unfavourable certificate of determination

114.02.8 (1) Where it has been determined in the course of security background check that an applicant or employee has been convicted of a criminal offence listed in the Appendix, that applicant or employee cannot be allowed to become or continue to be an participant or holder, unless the Executive Director has issued a certificate of favourable determination relating to such conviction.

[The word "an" before "participant or holder" should be "a".]

(2) Despite subregulation (1), where a period of 20 years has lapsed from the date of conviction for the offences referred to in the Appendix, that convicted person may be allowed to become a participant or holder.

Procedure for issuing certificate of favourable determination

114.02.9 (1) Before issuing a certificate of favourable determination the Executive Director must cause the person who was convicted of an offence in the Appendix to undergo a fit and proper person test in the manner contemplated by section 69 of the Act, and the following additional information, if not already provided for the purposes of this Part, must be considered:

(a) whether the person so convicted showed any remorse for the crime committed;

(b) whether there is a likelihood that the person will repeat the same offence;

(c) the aviation document applied for;

(d) the person's propensity to committing crimes; and

(e) any other relevant factor.

(2) A person who was convicted of an offence listed in the Appendix may apply in writing to the Executive Director for a certificate of favourable determination, and -

(a) the Executive Director must, within 14 days of receipt of the application, inform the applicant of the date, time and place where a fit and proper person test may be conducted; and

(b) the applicant must pay the fee prescribed under Part 187.

Verification of education or employment

114.02.10 A person who is conducting a security background on another person must obtain written confirmation from employers, educational establishments or other sources capable of verifying the information provided by the person for the purpose of the security background check.

Self-employment

114.02.11 Where a security background check reveals that the person was self-employed, either wholly or in part, during any of the period covered by the check, written confirmation of the dates of the periods of self-employment must be obtained from any relevant third parties.

Security background check features

114.02.12 The minimum security background checks must include the following features:

(a) establish the person's identity on the basis of documentary evidence;

(b) cover criminal records, where relevant, of at least the preceding five years from the date of enquiry;

(c) cover employment, education and any gaps in records during at least the preceding five years; and

(d) establish that relevant institutions provided credible information on the person's profile regarding his or her involvement with terrorist activities.

Security background check on prospective employees

114.02.13 A security background check must be completed before any prospective employee referred to in regulation 114.01.1 undergoes any security training involving access to information which is not publicly available.

Filing of recruitment records

114.02.14 Recruitment records, including results of any assessment tests, must be kept for all persons recruited for at least the duration of their employment.

Foreign criminal record checks

114.02.15 (1) Where a person has been resident outside the territory of Namibia, criminal record certificates are required for each country that the person has been continuously resident in for six months or more, preceding a period of five years from the date of enquiry.

(2) Where a person has served abroad in the service of the State for a period of five years preceding the enquiry, he or she must provide an extract from his or her service records.

(3) The extract referred to in subreulation (1) must expressly disclose any convictions the person may have, and must cover periods spent overseas of six months or more.

[The word "subregulation" is misspelt in the *Government Gazette*, as reproduced above.]

Applicants who cannot obtain foreign criminal record check

114.02.16 In exceptional cases including, but not limited to a situation where official sources do not exist or officials are unable to supply the individual with a certificate, the individual must provide -

(a) a statement under oath or affirmation;

(b) a character reference from a referee; and

(c) reasons as to why it is not possible to obtain the criminal record certificate.

Suitable referees

114.02.17 A person conducting a security background check of an employee or a prospective employee and considering references provided by the applicant must in addition to any other relevant factors take into account the following factors:

(a) whether the referee has known the applicant for a period of three years or more;

(b) whether the referee is resident in Namibia;

(c) whether the referee holds a Namibian passport or a Namibian identity document;

(d) whether the applicant and the referee are related to each other by birth, adoption, marriage or other conjugal relationship akin to that of husband and wife;

(e) whether the applicant and the referee live at the same address; and

(f) whether there is any specific reason why the referee offered to testify to the character of the individual.

APPENDIX

Convictions disqualifying a person from participating in the Namibian civil aviation system

Any person convicted of offences and acts below is disqualified from becoming an aviation participant or holder, unless a period of 20 years has lapsed from the date of conviction or the Executive Director has issued a certificate of favourable consideration.

(a) terrorism;
(b) unlawful possession, use, sale, distribution, or manufacture of an explosive or weapon;
(c) interference with air navigation installation;
(d) espionage or cybercrime;
(e) commission of certain crimes aboard aircraft in-flight;
(f) treason;
(g) carrying a weapon or explosive aboard aircraft;
(h) kidnapping or hostage taking;
(i) human trafficking;
(j) crimes involving dishonesty;
(k) aircraft piracy and any other piracy;
(l) unlawful entry into an aircraft or airport area;
(m) any offence connected with bomb threats and or hoaxes, to the detriment of airport security;
(n) armed robbery;
(o) destruction of an aircraft or aircraft facility;
(p) smuggling of specially protected game products and drugs or dependence producing substance; and
(q) conspiracy or attempt to commit any of the aforementioned criminal acts.

CERTIFICATED AIRCRAFT OPERATORS AND OTHER FLIGHT OPERATIONS

PART 121
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[There is a numbering error which continues from this point until the end of Subpart 11. The regulation number 121.11.19 is repeated, which throws off the numbering of all subsequent regulations in the subpart. The same error appears in the text of the regulations below.]

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SUBPART 1
GENERAL

Applicability

121.01.1 (1) This Part shall apply to -

(a) large aeroplanes engaged in commercial air transport operations within Namibia;

(b) large aeroplanes registered in Namibia and engaged in international commercial air transport operations;

(c) the issue of air operator certificates for Namibian operators, and matters related thereto;

(d) the issue of foreign air operator permits for foreign operators, and matters related thereto;

(e) persons acting as crew members of large aeroplanes registered in Namibia; and

(f) persons who are on board a large aeroplane operated under this Part.

(2) For the purposes of this Part, a large aeroplane registered in another State and operated by the holder of an air operator certificate issued in Namibia, shall be deemed to be registered in Namibia.

(3) The provisions of Part 91 shall *mutatis mutandis* apply to any large aeroplane operated in terms of this Part.

Authority of pilot-in-command

121.01.2 All persons on board a large aeroplane shall obey all lawful commands given by the pilot-in-command of the aeroplane for the purpose of securing the safety of such aeroplane and of persons or property carried therein.

Authority of personnel to taxi large aeroplanes

121.01.3 No operator or pilot-in-command, as the case may be, of a large aeroplane, shall permit the taxiing of, and no person shall taxi, the aeroplane on the movement area of an aerodrome unless the person at the controls of such aeroplane -

(a) is the holder of a valid pilot licence; or

(b) has received instruction in the taxiing of such aeroplane from, and has been declared competent to taxi such aeroplane by, the holder of a flight instructor rating or, in the case of a foreign registered aeroplane, a person authorised by an appropriate authority;

(c) such person is authorised to use the radio apparatus; and

[The phrase “such person” is redundant in light of the wording of the introductory phrase.]

(d) is conversant with the aerodrome layout, routes, signs, markings, lighting, air traffic service signals and instructions, phraseology and procedures, if required, and is able to conform to the standards required for safe aeroplane movements at such aerodrome.

Search and rescue information

121.01.4 The operator or pilot-in-command, as the case may be, of a large aeroplane, shall ensure that all essential information concerning the search and rescue services in the area over which it is intended that the aeroplane will be flown, is available on board such aeroplane.

Information on emergency and survival equipment carried

121.01.5 (1) The operator of a large aeroplane shall have available for immediate communication to rescue co-ordination centres, a list containing information regarding the emergency and survival equipment carried on board the aeroplane.

(2) The minimum information to be contained in the list referred to in subregulation (1) shall be as prescribed in Document NAM-CATS-OPS 121.

Method of carriage of persons

121.01.6 No person shall be in any part of a large aeroplane in flight, which is not a part designed for the accommodation of persons, unless temporary permission has been granted by the pilot-in-command to access such part of the aeroplane -

(a) for the purpose of taking action necessary for the safety of such aeroplane or of any person, animal or goods therein; and

(b) in which cargo or stores are carried, being a part which is designed to enable a person to have access thereto while such aeroplane is in flight.

Admission to flight deck

121.01.7 (1) The operator of a large aeroplane shall ensure that no person is admitted to, or carried on the flight deck of the aeroplane unless such person is -

(a) a flight crew member assigned to the flight;

(b) an authorised officer, inspector or authorised person; or

(c) permitted by, and carried in accordance with, the instructions contained in the operations manual referred to in regulation 121.04.3.

(2) The final decision regarding the admission of any person to the flight deck shall be the responsibility of the pilot-in-command: Provided that in the case of an authorised officer, inspector or authorised person on an official inspection, such admission shall not be unreasonably withheld.

(3) The admission of any person to the flight deck shall not interfere with the operation of the aeroplane.

(4) Any person carried on the flight deck, shall be made familiar with the applicable safety procedures.

Unauthorised carriage

121.01.8 No person shall conceal himself, herself, animals or cargo on board a large aeroplane.

Electronic devices

121.01.9 (1) Subject to the provisions of subregulation (2), no operator or pilot-in-command, as the case may be, of a large aeroplane, shall permit the operation of, and no person shall operate on board the aeroplane during flight time, any electronic device which may adversely affect the performance of the systems or equipment of such aeroplane.

(2) The Director may, in Document NAM-CATS-OPS 121, identify an electronic device as a device which will not adversely affect the performance of the systems or equipment of the aeroplane in which the systems or equipment are to be used, and the provisions of subregulation (1) shall not apply to an electronic device so identified.

Endangering safety

121.01.10 No person shall, through any act or omission -

(a) endanger the safety of a large aeroplane or person therein; or

(b) cause or permit the aeroplane to endanger the safety of any person or property.

Intoxication

121.01.11 (1) The operator of a large aeroplane shall not permit, and no person shall enter or be in, the aeroplane while under the influence of any alcohol or psychoactive substance, to the extent where the safety of such aeroplane or its occupants is, or is likely to be, endangered.

(2) The operator shall establish procedures to ensure that any person referred to in subregulation (1) -

(a) is refused embarkation; or

(b) if such person is on board, is restrained or disembarked.

Dry lease of large aeroplane

121.01.12 (1) A Namibian operator who intends to dry lease a foreign registered large aeroplane for operations under this Part, shall -

(a) ensure that the aeroplane can be operated and is operated in accordance with the requirements prescribed in this Part;

(b) obtain prior approval from the Director to operate such aeroplane.

(2) The approval referred to in subregulation (1)(b) shall, subject to such conditions as the Director may determine, be granted if such aeroplane is -

(a) type certificated in accordance with the requirements prescribed in Part 21;

(b) maintained in accordance with the operator's maintenance system referred to in regulation 121.10.2;

(c) operated under the air operator certificate held by the operator referred to in subregulation (1).

(3) The conditions of approval referred to in subregulation (2) shall be part of the lease agreement between the operator referred to in subregulation (1) and the operator from whom the foreign registered large aeroplane is leased.

(4) Subject to the provisions of subregulation (5), the operator of a Namibian registered large aeroplane may dry lease the aeroplane to any operator of another Contracting State.

(5) On request of the operator of a Namibian registered large aeroplane, the Director may remove the aeroplane from the air operator certificate held by such operator: Provided that -

(a) the appropriate authority of the State of the Operator has accepted in writing, the responsibility for surveillance of the maintenance and operation of such aeroplane; and

(b) such aeroplane is maintained according to an approved operator's maintenance system.

Wet lease of large aeroplane

121.01.13 (1) A Namibian operator who intends to wet lease a foreign registered large aeroplane for operations under this Part, shall obtain prior approval from the Director to operate such aeroplane.

(2) The approval referred to in subregulation (1) shall, subject to such conditions as the Director may determine, be granted if such aeroplane -

(a) is wet leased from an operator who is the holder of an air operator certificate or equivalent authorisation issued by an appropriate authority;

(b) has been type certificated by the appropriate authority;

(c) holds a valid certificate of airworthiness or similar document issued by such appropriate authority;

(d) is maintained and operated in accordance with safety standards at least equivalent to the safety standards prescribed in this Part; and

(e) will be operated in terms of the air operator certificate held by the operator referred to in subregulation (1).

(3) The operator referred to in subregulation (1) shall -

(a) satisfy the Director that the safety standards of the lessor are not less than the safety standards prescribed in this Part;

(b) ensure that any law applicable to the maintenance and operation of the aeroplane to be wet leased, is complied with.

(4) The operator of a Namibian registered large aeroplane who intends to wet lease the aeroplane to any operator, other than an operator of another Contracting State, shall remain the operator of the aeroplane for the purposes of Subpart 6, and the responsibility for surveillance of the maintenance and operation of such aeroplane shall not be transferred to the appropriate authority of the State of the Operator.

Leasing of large aeroplane between two Namibian operators

121.01.14 (1) A Namibian operator who intends to lease a large aeroplane and complete crew from another Namibian operator, shall become the operator of the aeroplane and shall assume the functions and responsibilities prescribed in Subpart 6.

(2) A Namibian operator, intending to utilise a large aeroplane leased from, or to lease it to, another Namibian operator shall obtain prior approval from the Director for the operation, and the conditions of approval shall be part of the lease agreement between the operators.

(3) The terms of an approved lease agreement, other than an agreement in terms of which an aeroplane together with crew is leased, and where no transfer of functions and responsibilities is intended, shall include -

(a) the arrangement concerning the air operator certificate under which the flights with the leased aeroplane shall be operated; and

(b) any deviation from the air operator certificate under which the flights with the leased aeroplane shall be operated.

Subchartering

121.01.15 (1) In the exceptional circumstances as prescribed in Document NAM-CATS-OPS 121, an operator may subcharter a large aeroplane and crew from any operator who holds a valid air operator certificate, or similar document, for the aeroplane, issued by an appropriate authority: Provided that -

(a) the subcharter period does not exceed five consecutive days; and

(b) the operator of the aeroplane so subchartered, informs the Director, within 24 hours, of such subcharter.

(2) The provisions of regulations 121.01.12(1)(a) and (2), 121.01.13(3) and (4)(c) and 121.01.14(1) and (3) shall apply *mutatis mutandis* to any subcharter referred to in this regulation.

Preservation of documents

121.01.16 The operator of a large aeroplane, who is required to retain any of the documents for the specified period referred to in Subpart 4, shall retain such documents for such specified period irrespective of the fact that such operator, before the expiry of such specified period, ceases to be the operator of the aeroplane concerned.

Minimum equipment lists – operator's responsibilities

121.01.17 (1) An operator shall establish, for each aeroplane, a Minimum Equipment List (MEL) approved by the Director. This shall be based upon, but no less restrictive than, the relevant Master Minimum Equipment List (MMEL) (if this exists) accepted by the Director.

(2) An operator shall not operate an aeroplane other than in accordance with the MEL unless permitted by the Director. Any such permission will in no circumstances permit operation outside the constraints of the MMEL.

Operational Directives

121.01.18

(a) The Director may direct by means of an Operational Directive that an operation shall be prohibited, limited or subject to certain conditions, in the interests of safe operations.

(b) Operational Directives state:

(1) The reason for issue;

(2) Applicability and duration; and

(3) Action required by the operator(s).

(c) Operational Directives are supplementary to the provisions of Part 121

**[There is no full stop at the end of paragraph (c);
there are no additional words in the *Government Gazette*.]**

Power to inspect

121.01.19 An operator shall ensure that any person authorised by the Director is permitted at any time to board and fly in any aeroplane operated in accordance with an AOC issued by that Director and to enter and remain on the flight deck provided that the commander may refuse access to the flight deck if, in his opinion, the safety of the aeroplane would thereby be endangered.

SUBPART 2
CREW MEMBERS

Composition of crew

121.02.1 (1) The minimum number and composition of the crew shall not be less than the minimum number and composition specified in the aeroplane flight manual referred to in regulation 121.04.5.

(2) The operator of a large aeroplane shall allocate additional crew members when it is required by the type of operation, and the number of such additional crew members shall not be less than the number specified in the operations manual referred to in regulation 121.04.3.

(3) The operator shall ensure that the crew members -

(a) are competent to perform the duties assigned to them; and

(b) hold the appropriate valid licences and ratings.

(4) Any flight crew member operating the radio installation in the aeroplane shall be the holder of a valid radiotelephony operator certificate or similar document, authorising such member to operate the type of radio transmitting equipment to be used.

(5) When deemed necessary for the safe conduct of a flight, the flight crew shall include at least one member who is proficient in navigating over the route to be flown.

(6) For operations under IFR or at night in a large aeroplane, the operator shall ensure that the minimum flight crew is two pilots.

(7) The operator shall designate one pilot among the flight crew as pilot-in-command of the large aeroplane and the pilot-in-command may delegate the conduct of the flight to another suitably qualified pilot.

Crew member responsibilities

121.02.2 (1) No person shall act as a crew member of a large aeroplane -

(a) while under the influence of any psychoactive substance;

(b) within 24 hours, following scuba diving by such crew member;

(c) within 48 hours, following blood donation by such crew member;

(d) if the crew member knows or suspects that he or she is suffering from or, having due regard to the circumstances of the flight to be undertaken, is likely to suffer from fatigue to such an extent that it may endanger the safety of the aeroplane or its occupants; or

(e) if the crew member is in any doubt of being able to accomplish his or her assigned duties on board such aeroplane.

(2) No crew member shall -

(a) engage in any kind of problematic use of substances;

(b) use any alcohol or psychoactive substance less than eight hours prior to commencing standby for flight duty or flight duty, which flight duty shall be deemed to commence at the specified reporting time, if applicable;

(c) commence flight duty with a blood alcohol level exceeding 0,02 gram per 100 millilitres; or

(d) use any alcohol or psychoactive substance during flight duty or whilst on standby, or within eight hours after an accident or incident involving the aeroplane, unless the accident or incident was not related to his or her duties.

(3) No person shall act as a flight crew member of a large aeroplane if, prior to each flight, the planned flight time exceeds, or is likely to exceed, the permissible flight time and duty period as specified in the flight time and duty scheme referred to in regulation 121.02.15.

(4) If a flight crew member expects his or her cumulative flight hours projected for a particular operation, to exceed the appropriate limit specified in such flight time and duty scheme, the flight crew member shall inform the operator accordingly.

In-flight relief of flight crew members

121.02.3 (1) The operator of a large aeroplane shall establish procedures in accordance with the provisions of this regulation, to prevent inexperienced flight crew members from doing duty together on the same flight.

(2) A flight crew member may be relieved in flight of his or her duties at the controls of a large aeroplane, by another suitably qualified flight crew member.

(3) A pilot assigned to the pilot-in-command station may be relieved by a relief pilot-in-command who -

(a) is the holder of the appropriate valid pilot licence (aeroplane) and ratings;

(b) has completed -

(i) the conversion training and checking, including type rating training, prescribed in Subpart 3;

(ii) the recurrent training and checking prescribed in Subpart 3; and

(iii) in the case of scheduled commercial air transport operations, recency, route and aerodrome qualifications referred to in regulation 121.02.9; and

(c) may not operate below FL 200 unless he or she is the holder of the appropriate type rating and has been assigned to the pilot-in-command station.

(4) The co-pilot of a large aeroplane may be relieved by -

(a) another suitably qualified pilot; or

(b) a relief co-pilot who holds a valid commercial pilot licence (aeroplane) and instrument rating and who has completed -

(i) the conversion training and checking, including type rating training other than take-off and landing training, prescribed in Subpart 3;

(ii) the recurrent training and checking, other than take-off and landing training, prescribed in Subpart 3.

(5) A relief co-pilot referred to in subregulation (4) shall -

(a) not operate as co-pilot below FL 200; and

(b) shall simulate recency and refresher flying skill training at intervals not exceeding six months.

(6) A flight engineer may be relieved in flight by a flight crew member who holds a valid flight engineer licence, or by a suitably qualified flight crew member.

(7) When any additional crew member is carried to provide in-flight relief for the purpose of extending a flight time and duty period, such crew member shall hold qualifications which comply with the requirements of the operational duty which he or she is required to carry out during such in-flight relief period.

Crew member emergency duties

121.02.4 (1) The operator and, where appropriate, the pilot-in-command of a large aeroplane shall assign to each crew member concerned, the necessary functions to be performed in an emergency or a situation requiring emergency evacuation.

(2) The functions referred to in subregulation (1) shall be such as to ensure that any reasonably anticipated emergency can be adequately dealt with and shall take into consideration the possible incapacitation of individual crew members.

(3) The operator shall prove to the satisfaction of the Director, that the crew members are competent to perform such functions, by means of an emergency evacuation demonstration carried out in accordance with the requirements as prescribed in Document NAM-CATS-OPS 121.

(4) The operator shall carry out an emergency evacuation demonstration referred to in subregulation (3) when a new type or variant of aeroplane or new configuration of an existing aeroplane is introduced for use.

(5) A crew member shall not accept an assignment of emergency functions unless such crew member has been trained to perform emergency functions in accordance with the requirements prescribed in Subpart 3.

Crew members at duty stations

121.02.5 (1) In the case of a multi-crew large aeroplane -

(a) each crew member shall be at his or her assigned station or seat, properly secured by all seat belts and shoulder harnesses provided, during take-off and landing and whenever deemed necessary by the pilot-in-command in the interests of aviation safety;

(b) each flight crew member shall keep his or her seat belt fastened while at his or her assigned station, during phases of the flight other than the phases referred to in paragraph (a);

(c) each flight crew member required to be on flight deck duty, shall be at his or her assigned station, during take-off and landing;

(d) all flight crew members on flight deck duty shall remain at their assigned stations during all phases of the flight other than the phases referred to in paragraph (c): Provided that -

(i) a flight crew member may leave his or her assigned station, in the course of the performance of his or her duties with regard to the operation of the aeroplane or for physiological needs; and

(ii) at least one suitably qualified pilot remains at the controls of such aeroplane at all times;

(e) the pilot-in-command or, where applicable, the operator shall ensure that crew members do not perform any activities during critical phases of the flight other than those required for the safe operation of such aeroplane.

(2) In the case of a single-pilot large aeroplane, the pilot-in-command shall, during all phases of the flight, remain at the controls of the aeroplane.

Laws, regulations and procedures

121.02.6 (1) In an emergency situation which endangers a large aeroplane, crew members or passengers, the pilot-in-command may, in the interests of aviation safety -

(a) take any action which he or she considers necessary under the circumstances; and

(b) deviate from any law, regulation and operational procedure.

(2) If a pilot-in-command deviates from any law, regulation or operational procedure in an emergency situation referred to in subregulation (1), he or she shall forthwith notify the Director of such deviation.

(3) If the Director requests the pilot-in-command to submit a report on such deviation, the pilot-in-command shall submit the report to the Director within the period specified by the Director.

Duties of pilot-in-command regarding flight preparation

121.02.7 (1) The pilot-in-command of a large aeroplane shall not commence a flight unless he or she is satisfied that -

(a) the aeroplane is airworthy;

(b) the instruments and equipment required for the particular type of operation to be undertaken, are installed and are serviceable, except as provided for in the MEL, if any;

(c) the aeroplane has been released to service in accordance with the provisions of Part 43;

(d) the mass of the aeroplane does not exceed the maximum certificated mass calculated from the performance information provided in the aeroplane flight manual referred to in regulation 121.04.5, in terms of which the performance operating limitations referred to in Subpart 9, are complied with;

(e) the load carried by the aeroplane is properly secured, fit to be conveyed in accordance with the provisions of Part 92 and is so distributed that the centre of gravity is within the limits prescribed in such aeroplane flight manual;

(f) an operational flight plan which complies with the criteria in the operations manual, is completed for each intended flight;

(g) a flight plan referred to in regulation 121.04.7, has been properly completed and filed with the appropriate air traffic service unit;

(h) all the documents and forms required to be carried on board, current maps, charts and associated documents, are carried;

(i) a check has been completed indicating that the performance operating limitations referred to in Subpart 9 will not be exceeded;

(j) the search and rescue information, referred to in regulation 121.01.4, is available on board;

(k) the requirements in respect of fuel, oil, oxygen, minimum safe altitudes, aerodrome operating minima and availability of alternate aerodromes, are complied with;

(l) the aerodrome operating minima are not less than the operating minima of the aerodrome being operated to or from, established by the appropriate authority of the State in which the aerodrome is located, unless such appropriate authority approves lower aerodrome operating minima;

(m) the status of the aeroplane and the relevant airborne systems are appropriate for the specific flight to be undertaken;

(n) the external surfaces are clear of any deposit which might adversely affect the performance or controllability of the aeroplane, unless otherwise permitted in the aeroplane flight manual referred to in paragraph (d);

(o) according to the information available to him or her, the weather at the aerodromes concerned and the condition of the runway intended to be used, will not prevent a safe take-off and departure or a safe landing at the destination aerodrome or alternate aerodrome, as applicable;

(p) the RVR or visibility in the take-off direction of the aeroplane is equal to, or better than, the applicable minimum;

(q) the crew members are properly qualified for the specific operation to be undertaken;

(r) the status of the visual and non-visual facilities is sufficient prior to commencing a low visibility take-off, or a Category II or III approach as specified in Document NAM-CATS-OPS 121, if such approaches are planned;

(s) an adequate and suitable aerodrome as specified in Document NAM-CATS-OPS 121, is available for take-off, en route and destination, should it become inadvisable to continue to or land at the destination aerodrome; and

(t) the crew members are not apparently incapacitated as a result of injury, sickness, fatigue, the use of any psychoactive substance or any other cause.

(2) The pilot-in-command of a large aeroplane shall -

(a) not commence a flight unless he or she has ascertained through the relevant NOTAM, AIC, AIP or AIP SUP or other relevant sources that the aerodromes, navigation aids and communication facilities are adequate for the manner in which the flight is to be conducted;

(b) prior to take-off from an aerodrome at which an air traffic service unit is in operation, determine through the aeronautical information services available from the unit, or any other reliable source, that the unserviceability of any aerodrome, navigation aids or communication facilities required for such flight, will not prejudice the safe conduct of the flight; and

(c) advise an air traffic service unit, as soon as it is practical to do so, of any inadequate facilities encountered in the course of operations.

(3) Where mass and balance documentation is required in terms of these Regulations, the mass and balance documentation shall be acceptable to and countersigned by the pilot-in-command before a flight commences: Provided that if the mass and balance documentation is submitted to the pilot-in-command by electronic data transfer, commencement of the flight shall be deemed to be the acceptance thereof by such pilot-in-command.

(4) Before take-off and landing, and whenever deemed necessary in the interests of aviation safety, the pilot-in-command shall ensure that all crew, passengers, equipment and baggage are properly secured and all exit and escape paths are unobstructed.

Duties of pilot-in-command regarding flight operations

121.02.8 (1) The pilot-in-command of a large aeroplane shall be responsible for -

(a) the operation and safety of the aeroplane;

(b) the conduct and safety of crew members and passengers carried; and

(c) the maintenance of discipline by all persons on board.

(2) The pilot-in-command shall have the authority -

(a) to give such commands he or she deems necessary in the interest of the safety of the aeroplane, persons or property; and

(b) to restrain any person, using only reasonable or sufficient force, if necessary, or disembark any person or cargo which in his or her opinion, represents a potential hazard to the safety of the aeroplane, persons or property.

(3) The pilot-in-command shall -

(a) ensure that the pre-flight inspection has been carried out, and that the checklists, and where applicable, the flight deck procedures and other instructions regarding the operation of the aeroplane, the limitations contained in the aeroplane flight manual

referred to in regulation 121.04.5, or equivalent certification document, are fully complied with at the appropriate times during a flight;

(b) decide whether or not to accept an aeroplane with unservice abilities allowed by the COL or MEL, where applicable;

[The term "unservice abilities" appears as two words in the *Government Gazette*, but may have been intended to be the one word "unserviceabilities"; compare regulation 121.02.7(2)(b) above.]

(c) before take-off, ensure that the passengers are briefed on the location and general manner of use of the relevant emergency equipment carried for collective or individual use and, when an emergency arises, instruct the passengers to take such emergency action as may be appropriate;

(d) ensure that during take-off and landing and whenever, by reason of turbulence or any emergency occurring during a flight, the precaution is considered necessary, all persons on board the aeroplane are secured in their seats by means of the seat belts or shoulder harnesses provided;

(e) when replanning, whilst in flight, to proceed along a route or to a destination other than the route or destination originally planned, shall amend the operational flight plan, if such plan was required in terms of regulation 121.02.7(1)(1);

(f) report any accident or incident involving the aeroplane in accordance with the provisions of the Regulations Regarding the Investigation of Aircraft Accidents, 2000;

[This refers to the Regulations regarding the Investigation of Aircraft Accidents contained in GN 82/2000 (GG 2298).]

(g) report any dangerous goods accident or incident involving the aeroplane in accordance with the provisions of Part 92;

(h) if the aeroplane is endangered in flight by a near collision with any other aircraft or object, faulty air traffic procedure or lack of compliance with applicable procedures by an air traffic service unit or a crew member, or a failure of air traffic service facilities, submit an air traffic service incident report in accordance with the Regulations Regarding the Investigation of the Aircraft Accidents, 2000;

[This refers to the Regulations regarding the Investigation of Aircraft Accidents contained in GN 82/2000 (GG 2298); the word "the" before the term "Aircraft Accidents" does not appear in the title of the regulations.]

(i) record any technical defect and the exceeding of any technical limitation which occurred while he or she was responsible for the flight, in the flight folio; and

(j) if a potentially hazardous condition such as bird accumulation, an irregularity in a ground or navigation facility, meteorological phenomena, a volcanic ash cloud or a greater than normal radiation level is observed during flight, notify an air traffic service unit as soon as possible.

(4) The pilot-in-command shall ensure that -

(a) oxygen is available to crew members and passengers if flights in a non-pressurised aeroplane are contemplated above 10 000 feet up to 12 000 feet in excess of 60 minutes, or above 12 000 feet; and

(b) oxygen is carried in sufficient quantities for all flights at such altitudes where a lack of oxygen might result in impairment of faculties of crew members, or harmfully affect passengers.

(5) The pilot-in-command shall not -

(a) require a crew member to perform any duties during a critical phase of the flight, except those duties required for the safe operation of the aeroplane;

(b) permit any activity during a critical phase of the flight which could distract any crew member from the performance of his or her duties or which could interfere in any way with the proper conduct of those duties; and

(c) continue a flight beyond the nearest suitable aerodrome, in the event of a crew member becoming unable to perform any essential duties as a result of fatigue, sickness, lack of oxygen or any other reason.

(d) permit a flight data recorder or cockpit voice recorder to be disabled during flight.

(6) The pilot-in-command or, in his or her absence, the operator of the aeroplane, shall report any act of unlawful interference with the operation of such aeroplane, or the authority of the pilot-in-command -

(a) if the act of unlawful interference occurs within Namibia; or

(b) if the act of unlawful interference occurs in a Namibian registered aeroplane within or over the territory of a foreign State,

to the Director.

Recency, route and aerodrome qualifications

121.02.9 (1) A pilot shall not act as pilot-in-command of a large aeroplane engaged in scheduled commercial air transport operations, unless the pilot has within the preceding 12 months demonstrated to the operator of the aeroplane an adequate knowledge of -

(a) the route to be flown;

(b) the aerodromes to be used;

(c) the procedures applicable to flight paths over densely inhabited areas and areas of higher traffic density; and

(d) obstructions, physical layout, lighting, approach aids and arrival, departure, holding and instrument approach procedures including operating minima.

(2) If a route requires a specific type of navigation qualification, the pilot-in-command shall within the 12 months immediately preceding a flight on such route, demonstrate his or her ability to the operator by -

(a) flying over a route or area as pilot-in-command using the applicable special type of navigation system; or

(b) flying over a route or area under the supervision of a suitably qualified pilot using the applicable special type of navigation system.

Cabin crew member complement

121.02.10 (1) If the certificate of airworthiness of a large aeroplane requires the carrying of one or more cabin crew members, the operator of the aeroplane shall not, when carrying one or more passengers, operate such aeroplane without carrying the minimum number of cabin crew as prescribed in Document NAM-CATS-OPS 121.

(2) Cabin crew members are carried for the purposes of performing duties relating to the safety of passengers and other duties assigned by the operator or the pilot-in-command.

(3) In unforeseen circumstances, the operator may reduce the required minimum number of cabin crew members; Provided that -

(a) the number of passengers has been reduced in accordance with the procedures specified in the operations manual referred to in regulation 121.04.3; and

(b) a report is submitted to the Director after completion of the flight.

Operation on more than one type or variant by cabin crew member

121.02.11 (1) A cabin crew member shall not operate on more than three aeroplane types or variants: Provided that the Director may approve the operation on four aeroplane types or variants if the emergency and safety equipment and procedures for at least two of the aeroplane types or variants are similar.

(2) The types or variants of aeroplanes which are deemed to be similar in respect of emergency and safety equipment and procedures, are those listed in Document NAM-CATS-OPS 121.

Senior cabin crew member

121.02.12 (1) The operator of a large aeroplane shall appoint a senior cabin crew member whenever more than one cabin crew member is carried on board the aeroplane.

(2) The senior cabin crew member shall be responsible to the pilot-in-command for the conduct of cabin operations and the coordination and performance of safety duties.

(3) The operator shall establish procedures to select the next most suitably qualified cabin crew member to operate as senior cabin crew member in the event of the nominated senior cabin crew member being unable to operate.

Cabin crew member emergency evacuation stations

121.02.13 A cabin crew member assigned to perform evacuation duties in a large aeroplane, shall occupy the seat provided therefor during take-off and landing, or when so directed by the pilot-in-command for safety purposes.

Seating of cabin crew members during flight

121.02.14 During take-off and landing, and whenever deemed necessary by the pilot-in-command in the interests of aviation safety, cabin crew members shall be seated at their assigned stations or seats, on all decks which are occupied by passengers.

Flight time and duty scheme

121.02.15 (1) The operator of a large aeroplane shall -

(a) establish a scheme for the regulation of flight time and duty periods for each crew member;

(b) include the scheme in the operations manual referred to in regulation 121.04.3;

(c) ensure that each crew member complies with the provisions of such scheme;

(d) not cause or permit any crew member to be on flight duty in the aeroplane if such operator knows or has been made aware that such crew member -

(i) will exceed the flight time and duty periods referred to in subregulation (1)(a) while on flight duty; or

(ii) is suffering from or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from fatigue which may endanger the safety of the aeroplane or its crew members and passengers; and

(e) not schedule a crew member for active flight duty for a period exceeding eight consecutive hours during any given flight time and duty period unless authorised in the scheme referred to in paragraph (a).

(2) The provisions to be included in a flight time and duty scheme referred to in subregulation (1), shall be as prescribed in Document NAM-CATS-OPS 121.

Operation on more than one type or variant by flight crew

121.02.16 (1) An operator shall ensure that a flight crew member does not operate on more than one type or variant, unless: the flight crew member is competent to do so.

(2) When considering operations of more than one type or variant, an operator shall ensure that the differences and/or similarities of the aeroplanes concerned justify such operations, taking account of the following:

(a) The level of technology;

(b) Operational procedures;

(c) Handling characteristics.

(3) An Operator shall ensure that a flight crew member operating more than one type or variant complies with all of the requirements prescribed in Subpart 3 for each type or variant

unless the Director has approved the use of credit(s) related to the training, checking and recent experience requirements.

(4) An operator shall specify appropriate procedures and/or operational restrictions, approved by the Director, in the Operations Manual, for any operation on more than one type or variant covering:

(a) The flight level crew members' minimum experience level;

(b) The minimum experience level on one type or variant before beginning training for and operation of another type or variant;

(c) The process whereby flight crew qualified on one type or variant will be trained and qualified on another type or variant; and

(d) All applicable recent experience requirements for each type or variant.

Operation of helicopters and aeroplanes

121.02.17 (1) When a flight crew member operates both helicopters and aeroplanes,:

(a) An operator shall ensure that operations of helicopter and aeroplane are limited to one type of each.

(b) The operator shall specify appropriate procedures and/or operational restrictions, approved by the Director, in the Operations Manual.

SUBPART 3
TRAINING AND CHECKING

DIVISION ONE: GENERAL

Training of crew members

121.03.1 (1) The operator of a large aeroplane shall establish and maintain a ground and flight training programme for crew members employed by such operator.

(2) The operator shall ensure that -

(a) each crew member receives training in accordance with this Subpart and the appropriate syllabus as prescribed in Document NAM-CATS-OPS 121;

(b) the training shall only be provided by an aviation training organisation approved in terms of Part 141, or a foreign aviation training organisation approved, by the Director; and

(c) each crew member passes a written examination with regard to all the subjects of the training syllabi referred to in paragraph (a).

(3) The provisions of this Subpart shall apply in respect of fulltime and part-time employed crew members.

Initial training of crew members

121.03.2 A crew member employed by the operator of a large aeroplane shall have successfully completed the initial training and appropriate skill test as prescribed in Part 61, 63 or 64, as the case may be.

DIVISION TWO: PILOT AND FLIGHT ENGINEER TRAINING

Conversion training

121.03.3 (1) The operator of a large aeroplane shall ensure that -

(a) a flight crew member completes a type conversion course in accordance with the applicable requirements prescribed in Part 61 or 63, as the case may be, when changing from one type of aeroplane to another, for which a new type rating is required;

(b) a flight crew member completes the operator's type conversion course before commencing unsupervised line flying -

(i) when changing to an aeroplane for which a new type rating is required; or

(ii) when employed by such operator;

(c) type conversion training is conducted by a competent person in accordance with the detailed course syllabus included in the operations manual referred to in regulation 121.04.3, and as prescribed in Document NAM-CATS-OPS 121;

(d) the amount of training required by the operator's type conversion course is determined after due note has been taken of the flight crew member's previous training as recorded in the training records referred to in regulation 121.04.15;

(e) the minimum standards of qualification and experience required of flight crew members before undertaking type conversion training, are specified in the operations manual;

(f) each flight crew member undergoes the checks referred to in regulation 121.03.6(2) and the training and checks referred to in regulation 121.03.6(6) before commencing line flying under supervision;

(g) upon completion of line flying under supervision, the check referred to in regulation 121.03.6(4) is undertaken; and

(h) crew resource management training as prescribed in Document NAM-CATS-OPS 121, is included in the conversion course.

(2) In the case of changing from one type of aeroplane to another, the check referred to in regulation 121.03.6(2) may be combined with the type rating skill test prescribed in Part 61 or 63, as the case may be.

(3) The operator's type conversion course and the type rating course prescribed in Part 61 or 63, as the case may be, may be combined.

(4) The operator's type conversion course shall include the items, and shall be conducted in the order, as prescribed in Document NAM-CATS-OPS 121.

(5) When a flight crew member has not previously completed the operator's type conversion course, the operator shall ensure that, in addition to the provisions of subregulation (4), the flight crew member undergoes general first aid training and, if applicable, ditching procedures training using the appropriate equipment in water.

Differences training and familiarisation training

121.03.4 (1) The operator of a large aeroplane shall ensure that a flight crew member completes differences training when -

(a) operating a variant of the type of aeroplane currently operated; or

(b) a change of equipment or procedures on types or variants currently operated, requires the acquisition of additional knowledge and training on an appropriate training device.

(2) The operator shall ensure that a flight crew member completes familiarisation training when -

(a) operating another aeroplane of the same type or variant; or

(b) a change of equipment or procedures on types or variants currently operated, requires the acquisition of additional knowledge.

(3) The operator shall specify in the operations manual referred to in regulation 121.04.3, when differences training or familiarisation training is required.

Upgrading to pilot-in-command

121.03.5 (1) The operator of a large aeroplane shall ensure that, for an upgrade to pilot-in-command from co-pilot, and for a pilot joining as pilot-in-command -

(a) a minimum level of experience is specified in the operations manual referred to in regulation 121.04.3; and

(b) the co-pilot or pilot, as the case may be, completes an appropriate command course.

(2) The command course referred to in subregulation (1)(b) shall be specified in the operations manual referred to in subregulation (1)(a), and shall include -

(a) training in a simulator, including line orientated flying training, or flying training in the aeroplane;

(b) an operator proficiency check operating as pilot-in-command;

(c) pilot-in-command responsibilities;

(d) line training in command under supervision: Provided that a minimum of 10 sectors is required for pilots already qualified on the aeroplane type;

(e) completion of a pilot-in-command line check referred to in regulation 121.03.6(4) and the recency, route and aerodrome qualifications referred to in regulation 121.02.9; and

(f) the crew resource management training referred to in regulation 121.03.3(1)(h).

Recurrent training and checking

121.03.6 (1) The operator of a large aeroplane shall ensure that -

(a) each flight crew member undergoes recurrent training and checking and that all such training and checking is relevant to the operation and the type or variant of aeroplane for which the flight crew member is licensed and rated;

(b) a recurrent training and checking programme is included in the operations manual referred to in regulation 121.04.3;

(c) recurrent training is conducted by -

(i) a competent person, in the case of ground and refresher training;

(ii) an appropriately type rated simulator aeroplane flight instructor, in the case of simulator training;

(iii) competent personnel, in the case of emergency and safety equipment training and checking; and

(iv) competent personnel, in the case of crew resource management training;

(d) recurrent checking is conducted by -

(i) a designated examiner, in the case of operator proficiency checks; and

(ii) an appropriately type rated flight instructor qualified as pilot-in-command, designated by the operator, in the case of line checks; and

(e) each flight crew member undergoes operator proficiency checks every six calendar months as part of a normal flight crew complement.

(2) The operator shall ensure that, in the case of the operator proficiency checks referred to in subregulation (1)(e) -

(a) each flight crew member undergoes such checks to demonstrate his or her competency in carrying out normal, abnormal and emergency procedures; and

(b) such checks are conducted without external visual reference when the flight crew member will be required to operate under IFR.

(3) Upon successful completion of each operator proficiency check referred to in subregulation (1)(e), the operator shall issue a certificate of competency to the flight crew member concerned, which certificate shall be valid for a period of six calendar months calculated from the date on which such certificate was issued.

(4) The operator shall ensure that, in the case of a line check, each flight crew member undergoes the line check in the aeroplane to demonstrate his or her competency in carrying out normal line operations specified in the operations manual referred to in regulation 121.04.3.

(5) Upon successful completion of a line check referred to in subregulation (4), the operator shall issue a certificate of competency to the flight crew member concerned, which certificate shall be valid for a period of 12 calendar months calculated from the date on which such certificate was issued.

(6) The operator shall ensure that, in the case of emergency and safety equipment training and checking, each flight crew member undergoes training and checking on the location and use of all emergency and safety equipment carried.

(7) Upon successful completion of the emergency and safety equipment check referred to in subregulation (6), the operator shall issue a certificate of competency to the flight crew member concerned, which certificate shall be valid for a period of 12 calendar months calculated from the date on which such certificate was issued.

(8) The operator shall ensure that, in the case of crew resource management training, each flight crew member undergoes such training as part of the recurrent training.

(9) The operator shall ensure that, in the case of ground and refresher training, each flight crew member undergoes such training every 12 calendar months.

Pilot qualification to operate in either pilot's seat

121.03.7 The operator of a large aeroplane shall ensure that -

(a) a pilot to be assigned to operate in either pilot's seat, completes the appropriate training and checking; and

(b) the training and checking programme is -

(i) specified in the operations manual referred to in regulation 121.04.3; and

(ii) is undertaken in accordance with the appropriate syllabus as prescribed in Document NAM-CATS-OPS 121.

Advanced qualification programme

121.03.8 (1) The period of validity of the training referred to in regulation 121.03.6 may be extended, if the Director has approved an advanced qualification programme established by the operator.

(2) The advanced qualification programme shall contain training and checking which establishes and maintains a proficiency which is not less than the proficiency referred to in regulations 121.03.3 to 121.03.6 inclusive.

Commanders holding a commercial pilot licence

121.03.9 (1) An operator shall ensure that:

(a) A Commercial Pilot Licence (CPL) holder does not operate as a commander of an aeroplane certificated in the Aeroplane Flight Manual for single pilot operations unless:

(i) When conducting passenger carrying operations under Visual Flight Rules (VFR) outside a radius of 50 nm from an aerodrome of departure, the pilot has a minimum of 500 hours total flight time on aeroplanes or holds a valid Instrument Rating; or

(ii) When operating on a multi-engine type under Instrument Flight Rules (IFR), the pilot has a minimum of 700 hours total flight time on aeroplanes which includes 400 hours as pilot-in-command of which 100 hours have been under IFR including 40 hours multi-engine operation. The 400 hours as pilot-in-command may be substituted by hours operating as co-pilot on the basis of two hours co-pilot is equivalent to one hour as pilot-in-command provided those hours were gained within an established multi-pilot crew system prescribed in the Operations Manual;

(2) In addition to sub-paragraph 1(a)(ii) above, when operating under IFR as a single pilot, the requirements prescribed in regulation 121.02.1 are satisfied; and

[The cross-reference should be written as "sub-paragraph (1)(a)(ii)".]

(3) In multi-pilot crew operations, in addition to sub-paragraph (1)(a) above, and prior to the pilot operating as commander, the command course prescribed in 121.03.5 is completed.

DIVISION THREE: TRAINING OF CABIN CREW MEMBERS

Initial training

121.03.10 The operator of a large aeroplane shall ensure that each cabin crew member employed by such operator, successfully completes the initial training prescribed in Part 64 before undertaking aeroplane type and differences training.

Type and differences training

121.03.11 (1) The operator of a large aeroplane shall ensure that each cabin crew member has completed the type training or differences training, specified in the operations manual referred to in regulation 121.04.3, before undertaking the duties assigned to them.

(2) A cabin crew member shall complete a type training course when assigned to act as a cabin crew member on a type of aeroplane other than the type for which the cabin crew member is rated.

(3) A cabin crew member shall complete a differences training course when acting as a cabin crew member -

(a) in a variant of the current type of aeroplane; or

(b) in an aeroplane type with equipment, equipment location, or safety procedures which differ from the current aeroplane type or variant.

(4) The operator shall determine the content of the type and differences training course taking into account the cabin crew member's previous training as recorded in the cabin crew member's training records prescribed in regulation 121.04.15.

(5) The operator shall ensure that -

(a) type training is conducted in a structured manner, in accordance with the requirements as prescribed in Document NAM-CATS-OPS 121;

(b) differences training is conducted in a structured manner; and

(c) type and differences training includes -

(i) the use of all emergency and survival equipment and all emergency procedures applicable to the aeroplane type or variant and involves training and practice in either a representative training device or in the actual aeroplane; and

(ii) crew resource management training as prescribed in Document NAM-CATS-OPS 121.

Familiarisation flights

121.03.12 The operator of a large aeroplane shall ensure that, upon completion of type training or differences training, each cabin crew member undertakes familiarisation flights for 20 hours before acting as one of the minimum number of cabin crew referred to in regulation 121.02.10.

Recurrent training

121.03.13 (1) The operator of a large aeroplane shall ensure that each cabin crew member undergoes recurrent training and checking, covering the actions assigned to a cabin crew member in evacuation and other appropriate normal and emergency procedures and drills relevant to the aeroplane type or variant, in accordance with the requirements as prescribed in Document NAM-CATS-OPS 121.

(2) The operator shall ensure that the recurrent training and checking programme includes the theoretical and practical instruction, as well as individual practice, as prescribed in Document NAM-CATS-OPS 121.

(3) Upon successful completion of the recurrent training and checking, the operator shall issue a certificate of competency to the cabin crew member concerned, which certificate shall be valid for a period of 12 calendar months calculated from the date on which such certificate was issued.

Refresher training

121.03.14 (1) The operator of a large aeroplane shall ensure that each cabin crew member who has been absent from all flying duties for a period exceeding six months, completes the refresher training specified in the operations manual referred to in regulation 121.04.3, as prescribed in Document NAM-CATS-OPS 121.

(2) The operator shall ensure that a cabin crew member who has not been absent from all flying duties, but has not acted as a cabin crew member on a particular aeroplane type or variant for a period of six months, completes -

(a) refresher training in the aeroplane type or variant; or

(b) two familiarisation sectors during commercial air transport operations in the aeroplane type or variant, before undertaking duties in such aeroplane type or variant.

Checking

121.03.15 (1) The operator of a large aeroplane shall ensure that, during or following completion of the training referred to in regulations 121.03.10, 121.03.11 and 121.03.13, each cabin crew member undergoes a check covering the training received in order to verify his or her proficiency in carrying out safety and emergency duties.

(2) The checks referred to in subregulation (1) shall be performed by competent personnel.

(3) The operator shall ensure that each cabin crew member undergoes checks of the items for initial, aeroplane type and differences, and recurrent training, as prescribed in Document NAM-CATS-OPS 121.

DIVISION FOUR: TRAINING OF OTHER PERSONNEL

Training

121.03.16 (1) The operator of a large aeroplane shall provide, where applicable, an initial, recurrent and refresher training course for -

(a) a load master;

(b) a parachute dispatcher;

(c) a navigator; or

(d) any other crew member essential to safe operations,

if such operations personnel are employed by such operator.

(2) The training course referred to in subregulation (1) shall be specified in the operations manual referred to in regulation 121.04.3.

Training of flight dispatchers

121.03.17 (1) A flight dispatcher employed by the operator of a large aeroplane shall have successfully completed the initial training and demonstrated the appropriate skill as prescribed in Document NAM-CATS-OPS 121.

(2) The operator shall provide, where applicable, recurrent and refresher training for a flight dispatcher, which training shall be specified in the operations manual referred to in regulation 121.04.3.

SUBPART 4
DOCUMENTATION AND RECORDS

Documents to be carried on board

121.04.1 The operator or pilot-in-command, as the case may be, of a large aeroplane, shall ensure that the following documents, or certified true copies thereof, are carried on board the aeroplane on each individual flight:

(a) If the aeroplane is engaged in an international flight -

(i) the certificate of registration;

(ii) the certificate of airworthiness;

(iii) the appropriate licences, ratings and medical certificate of each crew member;

(iv) the journey logbook or general declaration;

(v) the aeroplane radio station licence;

(vi) if passengers are carried, the passenger manifest, unless the information is included in the general declaration referred to in subparagraph (iv);

(vii) if cargo is carried, a manifest and detailed declaration of the cargo;

(viii) the certificate of release to service;

(ix) the aeroplane flight manual referred to in regulation 121.04.5, or similar document;

(x) the mass and balance documentation referred to in regulation 121.08.14(9);

(xi) the technical log, or similar document;

(xii) the MEL, if applicable;

(xiii) proof of third party liability insurance;

(xiv) the air operator certificate;

(xv) those parts of the operations manual which are required for the conduct of a flight; and which must be accessible to the crew during flight.

[The full stop at the end of paragraph (xv) should be a semicolon.]

(xvi) the noise certificate, if such certificate has been issued for the type of aeroplane; and

(xvii) a list of visual signals for use by intercepting and intercepted aircraft referred to in regulation 91.06.29;

(xviii) operational Flight Plan

[There is no semicolon at the end of subparagraph (xviii); there are no additional words in the *Government Gazette*.]

(xix) details of the filed ATS flight plan;

(xx) appropriate NOTAM/AIS briefing documentation;

(xxi) appropriate meteorological information;

(xxii) notification of special categories of passenger such as security personnel, if not considered as crew, handicapped persons, inadmissible passengers, deportees and persons in custody;

(xxiii) notification of special loads including dangerous goods including when written information to the commander as prescribed in Part 92.

(b) if the aeroplane is engaged in a domestic flight -

(i) the certificate of registration;

(ii) the certificate of airworthiness;

(iii) the appropriate licences, ratings and medical certificate of each crew member;

(iv) the aeroplane radio station licence;

(v) the certificate of release to service;

(vi) the aeroplane flight manual referred to in regulation 121.04.5, or similar document;

(vii) the mass and balance documentation referred to in regulation 121.08.14(9);

(viii) the technical log, or similar document;

(ix) the MEL, if applicable;

(x) the noise certificate, if such certificate has been issued for the type of aeroplane; and

(xi) the list of visual signals for use by intercepting and intercepted aircraft referred to in regulation 91.06.29.

Documents to be retained on ground

121.04.2 (1) The operator of a large aeroplane shall ensure that, at least for the duration of each flight or series of flights -

(a) information relevant to the flight or series of flights, and appropriate to the type of operation, is preserved on the ground and is retained until it has been duplicated at the place at which it will be stored in accordance with regulation 121.01.16; or

(b) if the preservation and retention of such information contemplated in paragraph (a) is not practicable, such information is carried in a fire proof container in the aeroplane.

(2) The information referred to in subregulation (1) shall include -

(a) a copy of the operational flight plan;

(b) copies of the relevant parts of the technical log;

(c) the mass and balance documentation referred to in regulation 121.08.14(9);

(d) the special loads notification, if applicable; and

(e) route specific NOTAM documentation, if specifically edited by the operator.

Operations manual

121.04.3 (1) The operator of a large aeroplane shall draw up an operations manual containing all information required under this Part and setting out the manner in which such operator will operate the commercial air transport operation to be authorised by the air operator certificate.

(2) If the Director is satisfied that -

(a) the operations manual complies with the provisions of subregulation (7);

(b) the operator will comply with the provisions of regulation 121.06.10; and

(c) the operator will not operate the commercial air transport operation concerned contrary to any provision of any law,

the Director shall certify in writing on such operations manual that it has been approved, and shall return the approved operations manual to the operator.

(3) If the Director is satisfied that the amendment and the operator comply with the provisions of subregulation (2), the Director shall certify in writing on such amendment that it has been approved, and shall return the approved amendment to the operator.

(4) The operator shall at all times operate the large aeroplane in accordance with the approved operations manual and any approved amendment thereto.

(5) The operator shall -

(a) ensure that all operations personnel are able to understand the technical language used in those sections of the operations manual which pertain to their duties;

(b) ensure that every flight is conducted in accordance with the operations manual and that those parts of the operations manual which are required for the conduct of a flight, are easily accessible to the crew members on board;

(c) make the operations manual available for the use and guidance of operations personnel;

(d) provide the crew members with their own personal copy of the sections of the operations manual which are relevant to the duties assigned to them;

(e) keep the operations manual up to date; and

(f) keep the operations manual in a safe place.

(6) The contents of the operations manual shall not contravene the conditions contained in the air operator certificate issued to the operator in terms of regulation 121.06.6.

(7) The structure and content of the operations manual shall be as prescribed in Document NAM-CATS-OPS 121.

(8) The operator shall, upon receipt of the approved operations manual, or an approved amendment thereto, from the Director, furnish the Director with a copy thereof.

Aeroplane operating manual

121.04.4 (1) The operator of a large aeroplane shall compile and make available an aeroplane operating manual for use by the crew members employed by such operator.

(2) The aeroplane operating manual shall contain -

(a) the normal, abnormal and emergency procedures relating to the aeroplane;

(b) details of the aeroplane system; and

(c) the checklists to be used by the crew members.

(3) The operator shall provide each crew member with a copy of those parts of the aeroplane operating manual which are relevant to the operational duties assigned to such crew member.

(4) The operator shall ensure that the aeroplane operating manual is provided in a hard copy or in an approved electronic format.

(5) The aeroplane operating manual may be included in the operations manual referred to in regulation 121.04.3.

Aeroplane flight manual

121.04.5 (1) The operator of a large aeroplane shall keep an approved and current aeroplane flight manual for each large aeroplane of which he or she is the operator.

(2) The crew members of the aeroplane shall, on each flight, operate such aeroplane in accordance with the aeroplane flight manual, unless an emergency dictates otherwise.

(3) The aeroplane flight manual may be included in the aeroplane operating manual referred to in regulation 121.04.4.

Operational flight plan

121.04.6 (1) The operator of a large aeroplane shall ensure that an operational flight plan is completed for each flight undertaken by the aeroplane.

(2) The operational flight plan and its use shall be included in the operations manual referred to in regulation 121.04.3.

(3) All entries in the operational flight plan shall be current.

(4) The items to be contained in the operational flight plan shall be as prescribed in Document NAM-CATS-OPS 121.

(5) Each operational flight plan shall be retained by the operator for a period of at least 90 days.

Flight plan

121.04.7 (1) The operator or pilot-in-command, as the case may be, of a large aeroplane, shall ensure that a flight plan is completed, if so required in terms of regulation 91.03.4(4)

(2) The items to be contained in the flight plan referred to in subregulation (1), shall be as prescribed in Document NAM-CATS-OPS 121.

(3) The flight plan shall be filed with the appropriate air traffic service unit and such unit shall be responsible for transmitting such flight plan to all air traffic service units concerned with the flight.

(4) An air traffic service unit may instruct a flight for which a flight plan is required and for which a flight plan has not been filed, to clear or to remain clear of controlled airspace, and not to cross any border of Namibia or to enter its airspace until such time as the required flight plan has been filed.

(5) Unless otherwise authorised by the responsible air traffic service unit, a flight plan for a flight to be conducted in controlled or advisory airspace, shall be filed at least 30 minutes before departure or, if filed during flight while outside controlled or advisory airspace for a flight to be conducted in such airspace, it shall be filed with the responsible air traffic service unit at least 10 minutes before the aeroplane is estimated to reach the intended point of entry into the controlled or advisory airspace.

(6) The pilot-in-command of the aeroplane shall ensure that all changes which become applicable to a flight plan before departure or in flight, are reported, as soon as practicable, to the responsible air traffic service unit.

(7) If a flight plan has been filed with an air traffic service unit prior to departure, and is not activated with an air traffic service unit within one hour of original estimated time of departure or amended estimated time of departure, the flight plan shall be regarded as cancelled and a new flight plan shall be filed.

(8) Where an air traffic service unit is not in operation at the aerodrome of intended landing, a report shall be submitted to an air traffic service unit, by the quickest means of

communication available, immediately before or after landing, in respect of a flight for which a flight plan was submitted and not as yet closed.

(9) Subject to the provisions of subregulation (10), the pilot-in-command shall ensure that the current flight plan filed for a controlled flight, is adhered to, unless a request for a change has been made and accepted by the air traffic service unit responsible for the controlled airspace in which such aeroplane is operated, or unless an emergency situation arises which necessitates immediate action, in which event the responsible air traffic service unit shall, as soon as circumstances permit, be notified of the action taken and that such action was taken under emergency authority.

(10) In the event of a controlled flight inadvertently deviating from its current flight plan, the following action shall be taken:

(a) If the aeroplane is off track, action shall be taken forthwith to adjust the heading of such aeroplane to regain track as soon as practicable;

(b) if the average true airspeed at cruising level between reporting points varies, or is expected to vary, from that given in a flight plan, in excess of five per cent of the true airspeed, the responsible air traffic service unit shall be so informed;

(c) if the estimated time at the next applicable reporting point, flight information regional boundary, or aerodrome of intended landing, whichever comes first, is found to be in error in excess of three minutes from that notified to the responsible air traffic service unit, a revised estimated time shall be notified to such air traffic service unit as soon as possible; or

(d) if the aeroplane deviates from its altitude, action shall be taken forthwith to correct the altitude of such aeroplane.

Technical log

121.04.8 (1) The operator or pilot-in-command, as the case may be, of a Namibian registered large aeroplane, shall ensure that the aeroplane carries a technical log, or any other similar document, which contains the information as prescribed in Document NAM-CATS-OPS 121, at all times.

(2) The technical log shall be kept up-to-date and maintained in a legible manner.

(3) All entries shall be made immediately upon completion of the occurrence to which they refer.

(4) In the case of rectification of defects being undertaken on the aeroplane, the entry shall be certified by the person taking responsibility for the maintenance performed.

(5) The operator shall retain the technical log for a period of five years calculated from the date of the last entry therein.

Aeroplane checklist

121.04.9 (1) The operator or pilot-in-command, as the case may be, of a large aeroplane, shall, where applicable, establish and make available to the crew and other personnel needing the information, a checklist system for the aeroplane, which shall be used by such crew

and other personnel for all phases of the operation under normal, abnormal and emergency conditions.

(2) The operator shall, in addition to the checklist referred to in subregulation (1), compile and make available to such crew and other personnel, a checklist of the procedures to be followed by such crew and personnel when searching for concealed weapons, explosives or other dangerous devices.

Fuel and oil record

121.04.10 (1) The operator of a large aeroplane shall maintain fuel and oil records for each flight undertaken by the aeroplane under the control of such operator for 3 months.

(2) The pilot-in-command of the aeroplane shall enter the fuel and oil records referred to in subregulation (1), in the technical log, or similar document.

Certificate of release to service

121.04.11 (1) No operator or pilot-in-command, as the case may be, of a large aeroplane, shall operate -

(a) a Namibian registered aeroplane without holding a valid certificate of release to service signed by an appropriately rated aircraft maintenance engineer or an approved aircraft maintenance organisation; or

(b) a foreign registered aeroplane without holding a valid certificate, equivalent to the certificate referred to in paragraph (a), issued by an appropriate authority.

(2) The operator or pilot-in-command shall -

(a) ensure that one copy of the certificate of release to service, or equivalent certificate, is carried on board the aeroplane to which it relates and, in the case of a Namibian registered aeroplane, a second copy shall be filed at the normal station of such aeroplane; and

(b) retain a copy of the certificate for a period of 12 months calculated from the date of issue of such certificate.

Flight recorder records

121.04.12 (1) The operator of a large aeroplane on which a flight recorder is carried, shall preserve the original recording as retained by the flight recorder -

(a) in the case of an accident or incident involving such aeroplane -

(i) for a period of not less than 60 days calculated from the date of the accident or incident; or

(ii) until permission for disposal of such recording has been given by the investigator-in-charge or an appropriate authority,

whichever is the latter date, unless the preservation of the original recording is required under any other law;

(b) when the Director so directs, for a period of not less than 60 days calculated from the date of such direction, or until permission for disposal of such recording has been given by the Director, unless the preservation of the original recording is required under any other law

[There is no full stop at the end of paragraph (b); there are no additional words in the *Government Gazette*.]

(2) If the aeroplane is required under this Part to be fitted with a flight data recorder, the operator shall -

(a) save the recording for the period of operating time as required by subregulation (1)(a) and (b): Provided that for the purpose of testing and maintaining a flight data recorder, one hour of the oldest recorded material at the time of testing may be erased;

(b) keep a recording of at least one representative flight made within the preceding 12 months which includes a take-off, climb, cruise, descent, approach and landing, together with a means of identifying the recording with the flight to which it relates; and

(c) keep a document which represents the information necessary to retrieve and convert the stored data into engineering units.

(3) The operator of the aeroplane on which a flight recorder is carried, shall, within a reasonable time after being requested to do so by the Director or an appropriate authority, produce any recording made by such flight recorder which is available or has been preserved.

(4) A cockpit voice recorder recording may be used for purposes other than the investigation of an accident or incident only with the consent of all the flight crew members concerned.

(5) The flight data recorder recordings may be used for purposes other than the investigation of an accident or incident which is subject to mandatory reporting, only when such recordings are -

(a) used by the operator for airworthiness or maintenance purposes;

(b) de-identified; or

(c) disclosed under secure procedures.

Flight time and duty period records

121.04.13 (1) The operator of a large aeroplane shall -

(a) maintain current flight time and duty period records of all crew members employed by such operator; and

(b) retain the flight time and duty period records for a period of 15 calendar months calculated from the date of the last flight of each crew member.

(2) A crew member in the part-time employ of an operator shall maintain his or her own flight time and duty period records and shall provide copies thereof to the operator to enable such operator to ensure that the crew member does not exceed the limits prescribed in the flight time and duty scheme referred to in regulation 121.02.15.

Records of emergency and survival equipment

121.04.14 (1) The operator of a large aeroplane shall compile a list of all the survival and emergency equipment to be carried in the aeroplane and shall have such list available at all times for immediate communication to rescue co-ordination centres.

(2) The survival and emergency equipment list shall be included in the operations manual referred to in regulation 121.04.3.

(3) The format and minimum information to be included in the survival and emergency equipment list, shall be as prescribed in Document NAM-CATS-OPS 121.

Crew member training records

121.04.15 (1) The operator of a large aeroplane shall maintain the records of all training and proficiency checks undertaken by the crew members employed by such operator, and such records shall incorporate certificates indicating the successful completion of such training and proficiency checks.

(2) The operator shall retain the record of each flight crew member for a period of at least three years and the record of each cabin crew member for a period of at least 12 months from the date on which the crew member concerned has left the employ of such operator.

(3) The certificates referred to in subregulation (1) shall be made available by the operator to the crew member concerned on request.

Journey log

121.04.16 (1) An operator shall retain the following information for each flight in the form of a Journey Log:

(a) Aeroplane registration;

(b) Date;

(c) Name(s) of crew member(s);

(d) Duty assignment of crew member(s);

(e) Place of departure;

(f) Place of arrival;

(g) Time of departure (off-block time);

(h) Time of arrival (on-block time);

(i) Hours of flight;

(j) Nature of flight;

(k) Incidents, observations (if any); and

(l) Commander's signature (or equivalent).

(2) An operator may be permitted not to keep an aeroplane journey log, or parts thereof, by the Director if the relevant information is available in other documentation.

(3) An operator shall ensure that all entries are made concurrently and that they are permanent in nature.

Document storage periods

121.04.17 An operator shall ensure that all records and all relevant operational and technical information for each individual flight, are stored for the periods prescribed in NAM-CATS-OPS 121.

Production of documentation and records

121.04.18 (1) An operator shall:

(a) Give any person authorised by the Director access to any documents and records which are related to flight operations or maintenance; and

(b) Produce all such documents and records, when requested to do so by the Director, within a reasonable period of time.

(2) The commander shall, within a reasonable time of being requested to do so by a person authorised by the Director, produce to that person the documentation required to be carried on board.

SUBPART 5
INSTRUMENTS AND EQUIPMENT

Approval of instruments and equipment

121.05.1 (1) The operator of a large aeroplane shall ensure that a flight does not commence unless the instruments and equipment required under this Subpart, or otherwise installed in the aeroplane, are -

(a) subject to the provisions of subregulation (2), approved and installed in accordance with the requirements, including operational and airworthiness requirements applicable to such instruments and equipment; and

(b) in a condition for safe operation of the kind being conducted, except as provided for in the MEL.

(2) The operator shall not be required to obtain approval for -

(a) the fuses referred to in regulation 121.05.3;

(b) the electric torches referred to in regulation 121.05.4(2)(d);

(c) an accurate time-piece referred to in regulation 121.05.5(1)(b) or 121.05.6(1)(b);

(d) the first aid equipment referred to in regulation 121.05.24;

(e) the megaphones referred to in regulation 121.05.33;

(f) the survival equipment referred to in regulation 121.05.38;

(g) the sea anchors and equipment for the mooring, anchoring or manoeuvring of seaplanes and amphibious aeroplanes on water, referred to regulation 121.05.39; or

(h) the medical equipment referred to in regulation 121.05.25.

Use of instruments and equipment by pilot

121.05.2 (1) Instruments in a large aeroplane, which are used by a pilot, shall be arranged in such manner that the pilot can see their indications readily from his or her station, with the minimum practicable deviation from the position and line of vision which he or she normally assumes when looking forward along the flight path.

(2) If a single instrument or item of equipment in the aeroplane is required to be seen or operated by more than one pilot, such single instrument or item of equipment shall be installed in such manner that it can be readily seen or operated from each pilot station.

(3) The aeroplane shall be equipped with means for indicating the adequacy of the power being supplied to the required flight instruments.

Circuit protection devices

121.05.3 (1) No operator or pilot-in-command, as the case may be, of a large aeroplane, in which fuses are used, shall operate the aeroplane unless spare fuses are available for use in flight equal to at least ten per cent or three, whichever is the greater, of the number of fuses of each rating required for complete circuit protection, which spare fuses shall be accessible to the flight crew during flight.

(2) If the ability to reset a circuit breaker or replace a fuse is essential to safety in flight, such circuit breaker or fuse shall be located and identified in such manner that it can be readily reset or replaced in flight.

(3) No person shall deactivate a circuit breaker in flight other than in accordance with the aeroplane flight manual referred to in regulation 121.04.5.

Aeroplane operating lights

121.05.4 (1) No operator or pilot-in-command, as the case may be, of a large aeroplane, shall operate the aeroplane by day unless such aeroplane is equipped with an anti-collision light system.

(2) No operator or pilot-in-command shall operate the aeroplane by night unless such aeroplane is equipped with -

(a) an anti-collision light system;

(b) lighting supplied from the electrical system of the aeroplane to provide adequate illumination for all instruments and equipment used by the flight crew essential for the safe operation of such aeroplane;

(c) lighting supplied from the electrical system of the aeroplane to provide illumination in all passenger compartments, if any; and

(d) an electric torch for each required crew member readily accessible to such crew member when seated at his or her designated seat;

(e) navigation or position lights; and

(f) two landing lights or a single light having two separately energised filaments.

(3) No operator or pilot-in-command of a large seaplane or amphibious aeroplane, shall operate the seaplane or amphibious aeroplane unless it is equipped with -

(a) the instruments and equipment referred to in subregulation (1) or (2), as the case may be; and

(b) when operating on water by night, display lights to conform with the International Regulations for Preventing Collisions at Sea.

(4) The navigation lights to be displayed by a large aeroplane by night, on the water or on the manoeuvring area of an aerodrome, are those referred to in regulation 121.11.5.

Flight, navigation and associated equipment for aeroplanes operated under VFR

121.05.5 (1) The operator of a large aeroplane shall not operate the aeroplane in accordance with VFR, unless such aeroplane is equipped with -

(a) a magnetic compass;

(b) an accurate time-piece showing the time in hours, minutes, and seconds;

(c) a sensitive pressure altimeter with a subscale setting, calibrated in hectopascals, millibars or inches of mercury, adjustable for any barometric pressure setting likely to be encountered during flight;

(d) an airspeed indicator system with heated pitot tube or equivalent means for preventing malfunctioning due to either condensation or icing, including a warning indicator of pitot heater failure;

(e) a vertical-speed indicator;

(f) a turn-and-slip indicator or a turn coordinator, incorporating a slip indicator;

(g) an attitude indicator;

[The word "altitude" is misspelt in the *Government Gazette*, as reproduced above.]

(h) a stabilised direction indicator; and

(i) a means of indicating on the flight deck the outside air temperature in degrees Celsius.

(2) The second pilot's station of the aeroplane shall be equipped with -

(a) a sensitive pressure altimeter with a subscale setting calibrated in hectopascals, millibars or inches of mercury, adjustable for any barometric pressure setting likely to be encountered during flight;

(b) an airspeed indicator system with heated pitot tube or equivalent means for preventing malfunctioning due to either condensation or icing, including a warning indicator of pitot heater failure;

(c) a vertical-speed indicator;

(d) a turn-and-slip indicator or a turn coordinator, incorporating a slip indicator;

(e) an attitude indicator; and

[The word "altitude" is misspelt in the *Government Gazette*, as reproduced above.]

(f) a stabilised direction indicator.

(3) A large aeroplane which is operated by night, shall be equipped in accordance with the flight and navigation instruments referred to in regulation 121.05.6.

Flight, navigation and associated equipment for aeroplanes operated under IFR

121.05.6 (1) The operator of a large aeroplane shall not operate the aeroplane in accordance with IFR, unless such aeroplane is equipped with -

(a) a magnetic compass;

(b) an accurate time-piece showing the time in hours, minutes and seconds;

(c) two sensitive pressure altimeters with subscale settings, calibrated in hectopascals, millibars or inches of mercury, adjustable for any barometric pressure setting likely to be encountered during flight;

(d) an airspeed indicator system with heated pitot tube or equivalent means for preventing malfunctioning due to either condensation or icing, including a warning indicator of pitot heater failure;

(e) a vertical-speed indicator;

(f) a turn-and-slip indicator or a turn coordinator, incorporating a slip indicator;

(g) an attitude indicator;

[The word "altitude" is misspelt in the *Government Gazette*, as reproduced above.]

(h) a stabilised direction indicator;

(i) a means of indicating on the night deck the outside air temperature in degrees Celsius; and

(j) an alternate source of static pressure for the altimeter and the airspeed and vertical-speed indicators.

(2) The second pilot's station of the aeroplane shall be equipped with -

(a) a sensitive pressure altimeter with a subscale setting, calibrated in hectopascals, millibars or inches of mercury, adjustable for any barometric pressure setting likely to be encountered during flight, which may be one of the two altimeters required under subregulation (1)(c);

(b) an airspeed indicator system with heated pitot tube or equivalent means for preventing malfunction due to either condensation or icing including a warning indicator of pitot heater failure;

(c) a vertical-speed indicator;

(d) a turn-and-slip indicator *or* a turn coordinator, incorporating a slip indicator;

(e) an attitude indicator; and

[The word "altitude" is misspelt in the *Government Gazette*, as reproduced above.]

(f) a stabilised direction indicator.

(3) In addition to the flight and navigation equipment referred to in subregulations (1) and (2), the aeroplane shall be equipped with a single standby attitude indicator, capable of being seen from either pilot's station which -

[The word "altitude" is misspelt in the *Government Gazette*, as reproduced above.]

(a) is powered continuously during normal operation and, after a total failure of the normal electrical generating system is powered from a source independent of the normal electrical generating system;

(b) provides reliable operation for a minimum of 30 minutes after total failure of the normal electrical generating system, taking into account other loads on the emergency power supply and operational procedures;

(c) operates independently of any other attitude indicating system;

[The word "altitude" is misspelt in the *Government Gazette*, as reproduced above.]

(d) operates automatically after total failure of the normal electrical generating system; and

(e) is appropriately illuminated during all phases of operation:

Provided that if the standby attitude instrument system is capable of being used through flight attitudes of 360 degrees of pitch and roll, the turn-and-slip indicators may be replaced by slip indicators.

[The words "altitude" and "altitudes" are misspelt in the *Government Gazette*, as reproduced above.]

(4) In complying with the provisions of subregulation (3), it shall be evident to the flight crew members when such standby attitude indicator is being operated by emergency power.

[The word "altitude" is misspelt in the *Government Gazette*, as reproduced above.]

(5) Where the standby attitude indicator referred to in subregulation (3), has its own dedicated power supply, there shall be an associated indicator, either on the instrument or instrument panel, when such power supply is in use.

[The word "altitude" is misspelt in the *Government Gazette*, as reproduced above.]

Mach number indicator

121.05.7 No operator or pilot-in-command, as the case may be, of a large aeroplane with speed limitations expressed in terms of Mach number, shall operate the aeroplane unless such aeroplane is equipped with a Mach number indicator.

Equipment for operations in icing conditions

121.05.8 (1) No pilot-in-command of a large aeroplane shall operate the aeroplane in forecast or actual icing conditions unless such aeroplane is certificated and equipped to operate in icing conditions.

(2) The pilot-in-command shall not operate the aeroplane in forecast or actual icing conditions by night unless such aeroplane is equipped with a means to illuminate or detect the formation of ice.

(3) The means of illumination referred to in subregulation (2), shall be of a type which does not cause glare or reflection which may handicap flight crew members in the performance of their duties.

Flight recorder

121.05.9 (1) The operator of a Namibian registered large aeroplane, which is required to be equipped with a flight recorder in terms of regulation 121.05.11 or 121.05.12, shall ensure that the flight recorder complies with the specifications as prescribed in Document NAM-CATS-OPS 121.

(2) There shall be an aural or visual means for preflight checking to determine that the flight recorder is operating properly.

(3) The flight recorder shall not be switched off during flight.

(4) Each flight recorder installed in the aeroplane shall be located in such manner that maximum practicable protection is provided, in order that, in the event of an accident or incident, the recorded data may be recovered in a preserved and intelligible state.

(5) Where a flight recorder is installed, it shall not -

(a) be a source of danger in itself;

(b) prejudice the proper functioning of any essential service; and

(c) in any way reduce the serviceability or airworthiness of the aeroplane in which it is installed,

even if the flight recorder fails to function.

(6) The operator shall ensure that retrieving the recorded data from the storage medium shall be readily possible.

(7) The parameters of the flight recorder shall be determined within the ranges, accuracies and recording intervals referred to in regulation 121.05.11 or 121.05.12, as the case may be.

(8) Each flight recorder container installed in the aeroplane shall -

(a) be bright orange or bright yellow;

(b) have reflective tape affixed to the external surface to facilitate its location under water; and

(c) have an approved underwater location device on, or adjacent to, each container which is secured in such manner that the device is not likely to be separated from the container during crash impact: Provided that only one such device shall be required when the cockpit voice recorder and the flight data recorder required under this Part are installed adjacent to each other in such manner that they are not likely to be separated during crash impact.

(9) The operator shall -

(a) copy and check the data on the flight recorder every six months, for the purpose of ensuring that such flight recorder is serviceable; and

(b) record and retain the results of such check for a period of five years calculated from the date of such check.

Foil data recorder

121.05.10 The operator of a Namibian registered large aeroplane, which is required to be equipped with a flight recorder in terms of regulation 121.05.11 or 121.05.12, shall, if the flight recorder is a foil data recorder, replace the foil data recorder with a digital flight recorder before or on 1 July 2001.

Cockpit voice recorder

121.05.11 (1) No operator or pilot-in-command, as the case may be, of a large aeroplane specified in Document NAM-CATS-OPS 121, shall operate the aeroplane unless such aeroplane is equipped with a cockpit voice recorder which complies with the specifications referred to in regulation 121.05.9(1).

(2) The cockpit voice recorder shall record, with reference to a time scale -

(a) voice communications transmitted from, or received on, the flight deck by radio;

(b) the aural environment of the flight deck, including without interruption, the audio signals received from each microphone in use;

(c) voice communications of flight crew members on the flight deck using the interphone system of the aeroplane, if installed;

(d) voice or audio signals identifying navigation or approach aids introduced into a headset or speaker; and

(e) voice communications of night crew members on the flight deck using the public address system of the aeroplane, if installed.

(3) The cockpit voice recorder shall -

(a) be capable of retaining information recorded during at least the last 30 minutes of the aeroplane's operation;

(b) start automatically to record prior to the aeroplane moving under its own power, and continue to record until the termination of the flight when such aeroplane is no longer capable of moving under its own power; and

(c) if possible, start to record the flight deck checks prior to engine start at the beginning of the flight, until the flight deck checks, immediately following engine shutdown, at the end of the flight.

(4) The cockpit voice recorder may be combined with a flight data recorder referred to in regulation 121.05.12.

(5) The pilot-in-command of the aeroplane may commence a flight with the cockpit voice recorder inoperative: Provided that -

(a) the pilot-in-command of the aeroplane shall not take-off from an aerodrome where repairs or replacements to such cockpit voice recorder can be made;

(b) the aeroplane is not used in excess of six further consecutive flights with the cockpit voice recorder unserviceable;

(c) not more than 48 hours have elapsed since the cockpit voice recorder became unserviceable; and

(d) any flight data recorder required to be carried, is operative, unless the flight data recorder is combined with a cockpit voice recorder.

Flight data recorder

121.05.12 (1) No operator or pilot-in-command, as the case may be, of a large aeroplane specified in Document NAM-CATS-OPS 121, shall operate the aeroplane unless such

aeroplane is equipped with the appropriate flight data recorder as prescribed in Document NAM-CATS-OPS 121

[There is no full stop at the end of subregulation (1); there are no additional words in the *Government Gazette*.]

(2) The flight data recorder shall be capable of retaining the data recorded during at least the last 25 hours of its operation.

(3) The data obtained from a flight data recorder shall be obtained from aeroplane sources which enable accurate correlation with information displayed to the flight crew.

(4) The flight data recorder shall start automatically to record the data prior to the aeroplane being capable of moving under its own power and shall stop automatically after such aeroplane is incapable of moving under its own power.

(5) The pilot-in-command of the aeroplane may commence a flight with the flight data recorder inoperative: Provided that -

(a) the pilot-in-command of the aeroplane shall not depart from an aerodrome where repairs or replacements to such flight data recorder can be made;

(b) the aeroplane is not used in excess of six further consecutive flights with the flight data recorder unserviceable;

(c) not more than 48 hours have elapsed since the flight data recorder became unserviceable; and

(d) any cockpit voice recorder required to be carried, is operative, unless the cockpit voice recorder is combined with the flight data recorder.

Altitude alerting system

121.05.13 The operator of a turbine propeller or turbojet large aeroplane shall not operate the aeroplane unless such aeroplane is equipped with an altitude alerting system capable of alerting the flight crew -

(a) upon approaching preselected altitude in either climb or descent in sufficient time to establish level flight at such preselected altitude; and

(b) when deviating above or below a preselected altitude by at least an aural signal.

Ground proximity warning system

121.05.14 (1) The operator of a turbine-powered large aeroplane with a maximum certificated mass exceeding 15 000 kilograms or authorised to carry more than 30 passengers, of which the certificate of airworthiness was first issued on or after 1 July 1979, shall not operate the aeroplane unless such aeroplane is equipped with a ground proximity warning system.

(2) The ground proximity warning system shall automatically provide, by means of aural signals, which may be supplemented by visual signals, timely and distinctive warnings to the flight crew members of sink rate, ground proximity, altitude loss after take-off or go-around, incorrect landing configuration and downward glide slope deviation.

Airborne weather radar equipment

121.05.15 The operator of a large aeroplane shall not operate the aeroplane unless such aeroplane is equipped with airborne weather radar equipment whenever such aeroplane is being operated by night or in IMC in areas where thunderstorms or other potentially hazardous weather conditions, regarded as detectable with airborne weather radar, may be expected to exist along the route.

Cosmic radiation detection equipment

121.05.16 The operator of a large aeroplane which is intended to be operated above 49 000 feet, shall ensure that the aeroplane is equipped with an instrument to measure and indicate continuously the dose rate of total cosmic radiation being received and the cumulative dose on each flight.

Flight crew interphone system

121.05.17 The operator of a large aeroplane shall not operate the aeroplane unless such aeroplane is equipped with a flight crew interphone system, including headsets and microphones, not of a hand-held type, for use by all flight crew members.

Crew member interphone system

121.05.18 (1) The operator of a large aeroplane with a maximum certificated mass exceeding 15 000 kilograms and a maximum approved passenger seating configuration of more than 19 seats, shall not operate the aeroplane unless such aeroplane is equipped with a crew member interphone system.

(2) The crew member interphone system shall -

(a) operate independently of the public address system except for handsets, microphones, selector switches and signalling devices;

(b) provide a means of two-way communication between the flight crew compartment and -

(i) each passenger compartment;

(ii) each galley located on another level than on a passenger deck level; and

(iii) each isolated crew compartment;

(c) be readily accessible for use from each of the required flight crew stations on the flight deck;

(d) be readily accessible for use at the required cabin crew stations close to each separate or pair of floor-level emergency exits;

(e) have an alerting system incorporating aural or visual signals for use by flight crew members to alert the cabin crew and for use by cabin crew members to alert the flight crew;

(f) have a means for the recipient of a call to determine whether it is a normal call or an emergency call; and

(g) provide on the ground a means of two-way communication between ground personnel and at least two flight crew members.

Public address system

121.05.19 (1) The operator of a large aeroplane with a maximum approved passenger seating configuration of more than 19 seats, shall not operate the aeroplane unless such aeroplane is equipped with a public address system.

(2) The public address system shall -

(a) operate independently of the interphone systems referred to in regulations 121.05.17 and 121.05.18, except for handsets, microphones, selector switches and signalling devices;

(b) be readily accessible for immediate use from each required flight crew member station;

(c) be readily accessible for use from at least one cabin crewmember station in the cabin;

(d) in the case of a public address system microphone intended for cabin crew member use, be positioned adjacent to a cabin crew member seat located near each required floor-level emergency exit in the passenger compartment;

(e) be capable of operation within 10 seconds by a cabin crew member at each of those stations in the compartment from which the use of such public address system is accessible;

(f) be audible and intelligible in all phases of flight at all passenger seats, toilets and cabin crew member seats and stations; and

(g) be powered continuously during normal operation.

Windshield wipers

121.05.20 The operator of a large aeroplane shall not operate the aeroplane unless such aeroplane is equipped with a windshield wiper or equivalent system for each required pilot station.

Seats, seat safety belts, harnesses and restraint devices

121.05.21 (1) No operator or pilot-in-command, as the case may be, of a large aeroplane, shall operate the aeroplane unless such aeroplane is equipped, as applicable, with -

(a) a seat or berth for each person who is aged two years or more;

(b) a safety belt with or without a diagonal shoulder strap, or a safety harness, for use in each passenger seat, for each passenger who is a child;

(c) a restraining belt for use in each passenger berth;

(d) a restraint device for each passenger who is an infant;

(e) a safety harness for each flight crew member seat, incorporating a device which will automatically restrain the occupant's torso in the event of rapid deceleration; and

(f) a safety harness for each cabin crew member seat:

Provided that a safety belt with one diagonal shoulder strap is permitted if the fitting of a safety harness is not reasonably practical.

(2) Seats for cabin crew members shall, where possible, be located near a floor-level emergency exit: Provided that if the number of required cabin crew members exceeds the number of floor-level emergency exits, the additional cabin crew member seats required shall be so located that a cabin crew member may best be able to assist passengers in the event of an emergency evacuation: Provided further that such seats shall be forward or rearward facing within 15 degrees of the longitudinal axis of the aeroplane.

(3) If the pilot-in-command cannot see all the passenger seats in the aeroplane from his or her own seat, a means of indicating to all passengers and cabin crew members that seat belts should be fastened, shall be installed.

(4) All safety harnesses and safety belts shall have a single point release.

Stowage and security of articles, baggage and cargo

121.05.22 No operator or pilot-in-command, as the case may be, of a large aeroplane, shall operate the aeroplane unless all articles, baggage and cargo carried on board, except those items in use by either the crew or by passengers, if such use is not prohibited by the pilot-in-command in the interest of the safety of such aeroplane or its occupants, are secured -

(a) in a manner which prevents movement likely to cause injury, damage or death and does not obstruct aisles and exits; or

(b) in stowages designed to prevent movement likely to cause injury, damage or death.

Internal doors and curtains

121.05.23 The operator of a large aeroplane shall not operate the aeroplane unless such aeroplane is equipped with -

(a) in the case of an aeroplane with a maximum approved passenger seating configuration of more than 19 seats, a door between the passenger compartments and the flight crew compartment with a locking device to prevent passengers from opening it without the permission of a flight crew member;

(b) a readily accessible device for opening each door which separates a passenger compartment from another compartment that has emergency exit provisions;

(c) if it is necessary to pass through a doorway or curtain separating the passenger cabin from other areas to reach any required emergency exit from each passenger seat, a device to secure such door or curtain in the open position;

(d) a placard on each internal door or adjacent to a curtain which provides access to an emergency exit, to indicate that the door or curtain shall be secured open during take-off and landing; and

(c) a device for any crew member to unlock any door which is normally accessible to passengers and which can be locked by passengers.

Standard first aid kit

121.05.24 (1) No operator or pilot-in-command, as the case may be, of a large aeroplane, shall operate the aeroplane unless such aeroplane is equipped with an appropriate first aid kit as prescribed in Document NAM-CATS-OPS 121.

(2) The operator or pilot-in-command shall ensure that the content of the first aid kit is in a condition necessary for its intended use.

Emergency medical kit

121.05.25 (1) The operator of a large aeroplane with a maximum approved passenger seating configuration of more than 30 seats, shall not operate the aeroplane unless such aeroplane is equipped with the appropriate emergency medical kit as prescribed in Document NAM-CATS-OPS 121, if any point on the planned route is more than 60 minutes of flight time, at normal cruising speed, from an aerodrome at which qualified medical assistance is available.

(2) The drugs contained in the emergency medical kit shall only be dispensed by a qualified doctor, nurse or similarly qualified person acting under the authority of the pilot-in-command of the aeroplane.

(3) The emergency medical kit shall be dust and moisture proof and shall be carried under security conditions, where practicable, on the flight deck.

(4) Personnel authorised by the operator shall carry out periodical inspections of all emergency medical kits to ensure that, as far as is practicable, the contents thereof are in a condition necessary for their intended use.

(5) The supplies in the emergency medical kit shall be replenished at regular intervals, in accordance with instructions contained on their labels, or as circumstances require.

First aid oxygen

121.05.26 (1) No operator or pilot-in-command, as the case may be, of a large aeroplane, in respect of which the carriage of a cabin crew member is required in terms of this Part, shall operate the aeroplane unless such aeroplane is equipped with the appropriate supply of first aid oxygen as prescribed in Document NAM-CATS-OPS 121.

(2) The conditions, rules, requirements, procedures or standards for first aid oxygen shall be as prescribed in Document NAM-CATS-OPS 121.

Supplemental oxygen in case of pressurised aeroplanes

121.05.27 (1) No operator or pilot-in-command, as the case may be, of a pressurised large aeroplane, shall operate the aeroplane unless such aeroplane is equipped with the supplemental oxygen as prescribed in Document NAM-CATS-OPS 121.

(2) The conditions, rules, requirements, procedures or standards for supplemental oxygen shall be as prescribed in Document NAM-CATS-OPS 121.

Supplemental oxygen in case of non-pressurised aeroplanes

121.05.28 (1) No operator or pilot-in-command, as the case may be, of a non-pressurised large aeroplane, shall operate the aeroplane at altitudes between 10 000 feet and 12 000 feet for longer than 60 minutes, or above 12 000 feet, unless such aeroplane is equipped with the supplemental oxygen as prescribed in Document NAM-CATS-OPS 121.

(2) The conditions, rules, requirements, procedures or standards for supplemental oxygen shall be as prescribed in Document NAM-CATS-OPS 121.

Crew protective breathing equipment

121.05.29 (1) No operator or pilot-in-command, as the case may be, of a large aeroplane, shall, when carrying passengers in a pressurised aeroplane on or after 1 July 2002, or in an unpressurised aeroplane with a maximum approved passenger seating configuration of more than 19 seats, at altitudes above 12 000 feet, operate the aeroplane unless such aeroplane -

(a) is equipped with smoke goggles for the pilot and equipment to protect the eyes, nose and mouth of each flight crew member while on flight deck duty, and to provide oxygen for a period of at least 15 minutes;

(b) has sufficient portable protective breathing equipment to protect the eyes, nose and mouth of all cabin crew members required to be carried in terms of this Part, and to provide breathing gas for a period of at least 15 minutes; and

(c) if no cabin crew member is carried, is equipped with portable protective breathing equipment to protect the eyes, nose and mouth of one member of the flight crew, and to provide breathing gas for a period of at least 15 minutes.

(2) The supply for protective breathing equipment may be provided by the supplemental oxygen referred to in regulation 121.05.27 or 121.05.28.

(3) Protective breathing equipment intended for use by flight crew, shall be conveniently located on the flight deck and be easily accessible for immediate use by each required flight crew member at his or her assigned duty station.

(4) Protective breathing equipment intended for use by cabin crew, shall be installed adjacent to each required cabin crew member duty station.

(5) In addition, easily accessible portable protective breathing equipment shall be provided and located at, or adjacent to, the hand fire extinguishers referred to in regulation 121.05.30: Provided that where the fire extinguisher is located inside a cargo compartment, the protective breathing equipment shall be stowed outside, but adjacent to, the entrance to such compartment.

(6) Protective breathing equipment, while in use, shall not prevent communication where required.

Hand held fire extinguishers

121.05.30 No operator or pilot-in-command, as the case may be, of a large aeroplane, shall operate the aeroplane unless such aeroplane is equipped with the appropriate hand fire extinguishers as prescribed in Document NAM-CATS-OPS 121.

Crash axes and crowbars

121.05.31 (1) No operator or pilot-in-command, as the case may be, of a large aeroplane, shall operate the aeroplane unless such aeroplane is equipped with at least one crash axe or crowbar located on the flight deck.

(2) If the maximum approved passenger seating configuration is more than 200 seats, an additional crash axe or crowbar shall be carried in the aeroplane and located in, or near, the most rearward galley area.

Marking of break-in points

121.05.32 The operator of a large aeroplane shall ensure that, if areas of the fuselage suitable for break-in by rescue crews in emergency, are marked on the aeroplane, such areas shall be marked in accordance with the requirements prescribed in Part 47.

Megaphones

121.05.33 (1) No operator or pilot-in-command, as the case may be, of a large aeroplane with a maximum approved passenger seating configuration of more than 60 seats, and which is carrying one or more passengers, shall operate the aeroplane unless such aeroplane is equipped with the appropriate portable battery-powered megaphones as prescribed in Document NAM-CATS-OPS 121.

(2) The conditions, rules, requirements, procedures or standards for battery-powered megaphones shall be as prescribed in Document NAM-CATS-OPS 121.

Emergency lighting

121.05.34 (1) No operator or pilot-in-command, as the case may be, of a large aeroplane with a maximum approved passenger seating configuration of more than 19 seats, shall operate the aeroplane unless such aeroplane is equipped with the appropriate emergency lighting system as prescribed in Document NAM-CATS-OPS 121.

(2) The conditions, rules, requirements, procedures or standards for emergency lighting shall be as prescribed in Document NAM-CATS-OPS 121.

Automatic emergency locator transmitter

121.05.35 (1) No operator or pilot-in-command, as the case may be, of a large aeroplane, shall operate the aeroplane unless such aeroplane is equipped with an automatic emergency locator transmitter.

(2) The operator or pilot-in-command shall ensure that the automatic emergency locator transmitter -

(a) is attached to the aeroplane in such manner that, in the event of a crash, the probability of such automatic emergency locator transmitter transmitting a

detectable signal, is maximised, and the probability of such automatic emergency locator transmitter being damaged, is minimised; and

(b) complies with the specifications, and is capable of transmitting on the frequencies, as prescribed in Document NAM-CATS-OPS 121.

Life jackets and other flotation devices

121.05.36 No operator or pilot-in-command, as the case may be, of -

(a) a large aeroplane other than a large aeroplane referred to in paragraph (b), shall operate the aeroplane -

(i) when flying over water and at a distance of more than 10 nautical miles from the shore, in the case of such aeroplane not capable of continuing the flight to an aerodrome with the critical power-unit becoming inoperative at any point along the route or any planned diversion; or

(ii) when taking off, or landing at, an aerodrome where the take-off or approach path is over water that in the event of an incident, there would be a likelihood of a ditching,

unless such aeroplane is equipped with a life jacket containing a survivor locator light, for each person on board, stowed in a position easily accessible, with safety belt fastened, from the seat or berth of the person for whose use it is provided, and an individual infant flotation device, containing a locator survival light for use by each infant on board; or

(b) a large seaplane or amphibious aeroplane, shall operate the seaplane or amphibious aeroplane unless such seaplane or amphibious aeroplane is equipped with -

(i) a life jacket containing a survivor locator light, for each person on board, stowed in a position easily accessible, with safety belt fastened, from the seat or berth of the person for whose use it is provided, and an individual infant flotation device, containing a survivor locator light, for use by each infant on board; and

(ii) life jackets, other than the life jackets referred to in subparagraph (i), for 20 per cent of the number of persons on board such seaplane or amphibious aeroplane, located in the passenger compartment near the emergency exits and readily accessible.

Life rafts and survival radio equipment for extended over-water flights

121.05.37 (1) No operator or pilot-in-command, as the case may be, of a large aeroplane, shall operate the aeroplane over water at a distance equivalent to -

(a) 120 minutes at normal cruising speed or 400 miles, whichever is the lesser, away from land, if such aeroplane has four engines;

(b) 90 minutes at normal cruising speed or 300 miles, whichever is the lesser, away from land, if such aeroplane has three turbine engines; or

(c) 30 minutes at normal cruising speed or 100 miles, whichever is the lesser, away from land, in the case of an aeroplane other than the aeroplane referred to in paragraphs (a) and (b),

unless such aeroplane is equipped with life rafts sufficient to accommodate all persons on board.

(2) The conditions, rules, requirements, procedures or standards for the life rafts and survival radio equipment for such extended over-water flights, shall be as prescribed in Document NAM-CATS-OPS 121.

Survival equipment

121.05.38 (1) No operator or pilot-in-command, as the case may be, of a large aeroplane, shall operate the aeroplane over areas where search and rescue would be especially difficult, unless such aeroplane is equipped with the appropriate survival equipment as prescribed in Document NAM-CATS-OPS 121.

(2) The conditions, rules, requirements, procedures or standards for the survival equipment shall be as prescribed in Document NAM-CATS-OPS 121.

Seaplanes and amphibious aeroplanes

121.05.39 No operator or pilot-in-command, as the case may be, of a large seaplane or amphibious aeroplane, shall operate the seaplane or amphibious aeroplane on water, unless such seaplane or amphibious aeroplane is equipped with -

(a) a sea anchor and other equipment necessary to facilitate mooring, anchoring or manoeuvring such seaplane or amphibious aeroplane on water, appropriate to its size, mass and handling characteristics; and

(b) equipment for making the sound signals prescribed in the International Regulations for Preventing Collisions at Sea, where applicable.

Communication equipment

121.05.40 (1) Except with the prior approval of the Director, no operator or pilot-in-command, as the case may be, of a large aeroplane, shall operate the aeroplane, unless such aeroplane is equipped with radio communication equipment capable of maintaining two-way communication with an air traffic service unit.

(2) The radio communication equipment referred to in subregulation (1) shall be capable of providing communication on the aeronautical emergency frequency 121,5 MHz.

(3) The radio communication equipment installed in the aeroplane shall be of a type as prescribed in Document NAM-CATS-OPS 121.

(4) The installation, bonding and screening of the radio communication equipment, shall be in accordance with the requirements as prescribed in Document NAM-CATS-OPS 121.

Navigation equipment

121.05.41 (1) No operator or pilot-in-command, as the case may be, of a large aeroplane, shall operate the aeroplane unless such aeroplane is equipped with navigation

equipment enabling it to proceed in accordance with its flight plan, the prescribed RNP types and the appropriate air traffic service requirements: Provided that the provisions of this regulation shall not apply to flights operated in accordance with VFR, if such flights can be accomplished by visual reference to landmarks.

(2) The aeroplane shall be equipped with sufficient navigation equipment to ensure that, in the event of the failure of one item of equipment at any stage of the flight, the remaining equipment enables such aeroplane to proceed with such flight.

(3) No person shall operate a large aeroplane in airspace where minimum navigation performance specifications apply, unless the aeroplane is equipped with navigation equipment which complies with the minimum navigation performance specifications as prescribed in Document NAM-CATS-OPS 121, in the form of regional supplementary procedures.

(4) In a large aeroplane required to be operated by two pilots, the navigation equipment referred to in subregulation (3) shall be visible and usable by each pilot seated at his or her duty station.

(5) For unrestricted operation in airspace where minimum navigation performance specifications apply, the aeroplane shall be equipped with two approved independent long-range navigation systems.

(6) For operation in airspace where minimum navigation performance specifications apply along notified special routes, the aeroplane shall be equipped with one approved long-range navigation system, unless otherwise specified.

Means for emergency evacuation

121.05.42 (1) The operator of a large aeroplane with passenger emergency exit sill heights -

(a) which are more than 1,83 metres above the ground with the aeroplane on the ground and the landing gear extended; or

(b) which will be more than 1,83 metres a hove the ground after the collapse of, or failure to extend one or more legs of the landing gear and for which a type certificate was first applied for on or after 1 March 1998,

shall not operate the aeroplane unless such aeroplane has equipment or devices available at each exit to enable passengers and crew members to reach the ground safely in an emergency.

(2) The equipment or devices referred to in subregulation (1) need not be provided at overwing exits if the designated place on the aeroplane structure at which the escape route terminates, is less than 1,83 metres from the ground with the aeroplane on the ground, the landing gear extended and the flaps in the take-off or landing position, whichever flap position is higher from the ground.

(3) In a large aeroplane required to have a separate emergency exit for the flight crew and -

(a) for which the lowest point of the emergency exit is more than 1,83 metres above the ground with the landing gear extended; or

(b) for which a type certificate was first applied for on or after 1 March 1998, and for which the lowest point of the emergency exit will be more than 1,83 metres above the ground after the collapse of, or failure to extend one or more legs of the landing gear,

there shall be a device to assist the flight crew members in reaching the ground safely in an emergency.

Traffic alert and collision avoidance system

121.05.43 From 1 January 2003, the operator of a large aeroplane shall not operate the aeroplane unless such aeroplane is equipped with a traffic alert and collision avoidance system referred to in regulation 91.04.32.

Lavatory fire protection

121.05.44 (1) No person may operate a passenger-carrying airplane unless each lavatory in the airplane is equipped with a smoke detector system or equivalent that provides a warning light in the cockpit or provides a warning light or audio warning in the passenger cabin which would be readily detected by a flight attendant, taking into consideration the positioning of flight attendants throughout the passenger compartment during various phases of flight.

(2) No person may operate a passenger-carrying airplane unless each lavatory in the airplane is equipped with a built-in fire extinguisher for each disposal receptacle for towels, paper, or waste located within the lavatory. The built-in fire extinguisher must be designed to discharge automatically into each disposal receptacle upon occurrence of a fire in the receptacle.

[This regulation uses the term “airplane” in contrast to the term “aeroplane” used elsewhere.]

Fasten seat belt and no smoking signs

121.05.45 An operator shall not operate an aeroplane in which all passenger seats are not visible from the flight deck, unless it is equipped with a means of indicating to all passengers and cabin crew when seat belts shall be fastened and when smoking is not allowed.

Additional equipment for single pilot operation under IFR

121.05.46 An operator shall not conduct single pilot IFR operations unless the aeroplane is equipped with an autopilot with at least altitude hold and heading mode.

Pressure-altitude reporting transponder

121.05.47 The operator of a large aeroplane shall not operate the aeroplane unless such aeroplane is equipped with a Pressure-altitude reporting transponder.

Microphones

121.05.48 All flight crew members required to be on flight deck duty shall communicate through boom or throat microphones below transition level/altitude.

SUBPART 6
AIR OPERATOR CERTIFICATE

Requirement for air operator certificate

121.06.1 A Namibian operator shall not operate a large aeroplane except under the authority of, and in accordance with the conditions of, an air operator certificate issued under this Subpart.

Quality assurance system

121.06.2 (1) An operator shall establish one Quality Assurance System and designate one Quality Manager to monitor compliance with, and the adequacy of, procedures required to ensure safe operational practices and airworthy aeroplanes. Compliance monitoring must include a feed-back system to the Accountable Manager to ensure corrective action as necessary.

(2) The Quality Assurance System must include a Quality Assurance Programme that contains procedures designed to verify that all operations are being conducted in accordance with all applicable requirements, standards and procedures.

(3) The Quality Assurance System and the Quality Manager must be acceptable to the Director.

(4) The minimum standards for a quality assurance system shall be as prescribed in Document NAM-CATS-OPS 121.

(5) Notwithstanding sub-regulation (1) above, the Director may accept the nomination of two Quality Managers, one for operations and one for maintenance, provided that the operator has designated one Quality Management Unit to ensure that the Quality Assurance System is applied uniformly throughout the entire operation.

(6) If the applicant is an aircraft maintenance organisation approved in terms of Part 145, the quality assurance system may be combined with the quality assurance system referred to in regulation 145.02.2.

Personnel requirements

121.06.3 (1) The applicant shall engage, employ or contract -

(a) a senior person identified as the accountable manager and compliance officer of the operator concerned, to whom contractual authority has been granted to ensure that all activities undertaken by the operator are carried out in accordance with the applicable requirements prescribed in this Subpart, and who shall in addition be vested with the following powers and duties in respect of the compliance with such requirements:

(i) Unrestricted access to work performed or activities undertaken by all other persons as employees of, and other persons rendering service under contract with, the operator;

(ii) full rights of consultation with any such person in respect of such compliance by him or her;

(iii) powers to order cessation of any activity where such compliance is not effected;

(iv) a duty to establish liaison mechanisms with the Director with a view to ascertain correct manners of compliance with the said requirements, and interpretations of such requirements by the Director, and to facilitate liaison between the Director and the operator concerned; and

(v) powers to report directly to the management of the operator on his or her investigations and consultations generally, and in cases contemplated in subparagraph (iii), and with regard to the results of the liaison contemplated in subparagraph (iv);

(b) competent persons who are responsible for -

(i) quality assurance, and who has direct access to the accountable manager and compliance officer referred to in paragraph (a) on matters affecting airworthiness, aeroplane maintenance and aviation safety;

[The verb "has" should be "have" to fit the plural noun "persons".]

(ii) flight operations;

(iii) the maintenance system;

(iv) crew training; and

(v) ground operations; and

(c) adequate personnel to plan, perform, supervise and inspect the type of operation, and the maintenance of the type of aeroplane, covered by the application.

(2) The applicant shall establish a procedure for initially assessing, and a procedure for maintaining, the competency of those personnel involved in planning, performing or supervising the type of operation, and the maintenance of the type of aeroplane, covered by the application.

Accommodation

121.06.4 The applicant shall ensure that -

(a) working space available at each operating base is sufficient for personnel pertaining to the safety of flight operations, taking into account the needs of ground personnel, personnel concerned with operational control, the storage and display of essential records and flight planning by crew;

(b) office services are capable, without delay, of distributing operational instructions and other information to all concerned; and

(c) suitable office accommodation are available at appropriate locations for the personnel referred to in regulation 121.06.3(1)(b)(iii) and (c).

[The verb "are" should be "is" to be grammatically correct.]

Application for air operator certificate or amendment thereof

121.06.5 (1) An application for the issue of an air operator certificate, or an amendment thereof, shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-OPS 121; and

(b) accompanied by -

(i) the appropriate fee prescribed in Part 187;

(ii) the operations manual referred to in regulation 121.04.3;

(iii) proof that the applicant is financially capable of conducting the type of operation, and the maintenance of the type of aeroplane, covered by the application; and

(iv) in respect of the operator's maintenance system, and for each type of aeroplane to be operated -

(aa) the maintenance management manual referred to in regulation 121.10.6;

(bb) the operator's aeroplane maintenance programme referred to in regulation 121.10.5;

(cc) the aeroplane technical log referred to in regulation 121.10.7;

(dd) the technical specifications of the maintenance arrangements between the applicant and an aircraft maintenance organisation approved in terms of Part 145, if applicable; and

(ee) the number of aeroplanes.

(3) An application for the issue of an air operator certificate, shall be submitted to the Director at least 90 days before the date of commencement of the intended operation.

(4) An application for the amendment of an air operator certificate, shall be submitted to the Director at least 30 days before the date of commencement of the intended amendment.

Assessment of application and issue of certificate

121.06.6 (1) In considering an applicat10n for the issue of an air operator certificate, or an amendment thereof, the Director may conduct the investigation he or she deems necessary.

(2) An applicant will not be granted on air operator certificate unless:

[The word "an" is misspelt as "on" in the *Government Gazette*, as reproduced above.]

(a) the aeroplanes operated have valid Certificates of Airworthiness issued in terms of Part 21;

(b) the maintenance system referred in subpart 10 has been approved by the Director;

(c) the applicant has satisfied the Director that he or she has the ability to

(i) establish and maintain an adequate organisation;

(ii) establish and maintain the quality system referred to in regulation 121.06.2;

(iii) comply with training programmes required in terms of subpart 3;

(iv) comply with maintenance requirements, consistent with the nature and extent of the operations specified;

(v) comply with requirements of regulation 121.06.3 and 121.06.4

[There is no semicolon at the end of paragraph (v); there are no additional words in the *Government Gazette*.]

(d) the applicant has the financial capability of conducting a safe operation;

(e) the applicant will not conduct the operation concerned contrary to any provision of the Aviation Act, 1962 (Act 74 of 1962) or the Civil Aviation Offences Act, 1972 (Act 10 of 1972).

[The Aviation Act 74 of 1962 and the Civil Aviation Offences Act 10 of 1972 were both repealed by the Civil Aviation Act 6 of 2016.]

(3) If the Director is not satisfied that the requirements of subregulation (2) have been met, the Director may require the conduct of one or more demonstration flights operated as if they were commercial air transport flights.

(4) An air operator certificate shall be issued on the appropriate form as prescribed in Document NAM-CATS-OPS 121, under such conditions which the Director may determine.

(5) An air operator certificate shall specify -

(a) the name and principal place of business of the operator;

(b) the date on which the certificate was issued and its period of validity;

(c) a description of the type of operation authorised;

(d) the type of aeroplane authorised for operation;

(e) the nationality and registration marks of each aeroplane authorised for operation;

(f) the authorised area of operation; and

(g) the conditions of the certificate.

Period of validity

121.06.7 (1) An air operator certificate shall be valid for the period determined by the Director, which period shall not exceed 12 months, calculated from the date of issue or renewal thereof.

(2) If the holder of an air operating certificate applies at least 30 days prior to the expiry thereof, for the renewal of the certificate, such certificate shall, notwithstanding the provisions of subregulation (1), remain valid until such holder is notified by the Director of the result of the application for the renewal of such certificate.

(3) The certificate shall remain in force until it expires or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Director, in terms of regulation 121.06.17.

(4) The holder of a certificate which expires, shall forthwith surrender the certificate to the Director.

(5) The holder of a certificate which is suspended, shall forthwith produce the certificate upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(6) The holder of a certificate which is cancelled, shall, within 30 days from the date on which the certificate is cancelled, surrender such certificate to the Director.

Transferability

121.06.8 (1) Subject to the provisions of subregulation (2), an air operator certificate shall not be transferable.

(2) A change in ownership of the holder of a certificate shall be deemed to be a change of significance referred to in regulation 121.06.9.

Changes in quality assurance system

121.06.9 (1) If the holder of an air operator certificate desires to make any change in the quality assurance system referred to in regulation 121.06.2, which is significant to the showing of compliance with the appropriate requirements prescribed in this Part, including -

(a) any particulars on the certificate;

(b) the identity of the accountable manager and compliance officer;

(c) the identities of the persons referred to in regulation 121.06.3(1)(b); and

(d) the conditions of the certificate,

such holder shall apply to the Director for the approval of such change.

(2) The provisions of regulation 121.06.5 shall apply *mutatis mutandis* to an application for the approval of a change in the quality assurance system.

(3) An application for the approval of a change in the quality assurance system shall be granted by the Director if the applicant satisfies the Director, upon submission of appropriate proposed changes to its operations manual, that it will continue to comply with the provisions of regulations 121.06.2 to 121.06.4 inclusive, after the implementation of such approved change.

Duties of holder of certificate

121.06.10 The holder of an air operator certificate shall -

(1) (a) engage, employ or contract -

(i) adequate flight crew and cabin crew for the type of operation authorised, who are trained and cheeked in accordance with the regulations in Subpart 3;

(ii) adequate ground personnel for the nature and scale of the type of operation authorised, who have a thorough understanding of their responsibilities within the organisation of the operator;

(iii) adequate supervisors for the structure of the operator and the number of personnel engaged, employed or contracted, who possess experience and personal qualities sufficient to ensure the attainment of the standards specified in its approved operations manual;

(2) ensure that -

(a) each flight is conducted in accordance with its approved operations manual;

(b) the type of aeroplane authorised for use, is equipped, and its crew qualified, as required for the area and type of operation authorised;

(c) arrange appropriate ground handling facilities to ensure the safe handling of its flight;

(d) if the provision of certain of its services is contracted to another organisation, retain responsibility for the maintenance of the standards for such services, specified in its approved operations manual; and

(e) maintain operational support facilities at the main operating base, appropriate for the area and type of operation authorised.

(f) maintain each aircraft in accordance with the requirements of subpart 10.

[The unusual format of this regulation is reproduced as it appears in the *Government Gazette*, including the full stop at the end of paragraph (e).]

Statistical information

121.06.11 The holder of an air operator certificate shall furnish the Director with the statistical information, within the appropriate period, as prescribed in Document NAM-CATS-OPS 12.

Documentation

121.06.12 The holder of an air operator certificate shall make the necessary arrangements for the production of manuals, amendments and other documents.

Display of certificate

121.06.13 The holder of an air operator certificate shall display the certificate in a prominent place, generally accessible to the public at such holder's principal place of business and, if a copy of the certificate is displayed, shall produce the original certificate to an authorised officer, inspector or authorised person if so requested by such officer, inspector or person.

Advertisements

121.06.14 Any advertisement by an organisation indicating that it is the operator of a large aeroplane, shall reflect the number of the air operator certificate issued by the Director.

Renewal of certificate

121.06.15 (1) The holder of an air operator certificate shall at least 30 days immediately preceding the date on which the certificate expires, apply for the renewal of such certificate.

(2) The provisions of regulations 121.06.5(1) and 121.06.6 shall apply *mutatis mutandis* to an application for renewal of a certificate made in terms of this regulation.

Safety inspections and audits

121.06.16 (1) An applicant for the issue of an air operator certificate shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits which may be necessary to verify the validity of any application made in terms of regulation 121.06.5.

(2) The holder of an air operator certificate shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits, including safety inspections and audits of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

Suspension and cancellation of certificate and appeal

121.06.17 (1) An air operator certificate may be varied, suspended or revoked if the Director is no longer satisfied that the operator can maintain an adequate organisation to ensure safe operations.

(2) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, an air operator certificate issued under this Subpart, if -

(a) after a safety inspection and audit carried out in terms of regulation 121.06.16, it is evident that the holder of the approval does not comply with the requirements prescribed in this Part, and such holder fails to remedy such non-compliance within 30 days after receiving notice in writing from the authorised officer, inspector or authorised person to do so; or

(b) the authorised officer, inspector or authorised person is prevented by the holder of the certificate, or any of its partners or subcontractors, to carry out a safety inspection and audit in terms of regulation 121.06.16; or

(c) the suspension is necessary in the interests of aviation safety.

(3) The authorised officer, inspector or authorised person who has suspended a certificate in terms of subregulation (1), shall, within one workday of such suspension, deliver a report in writing to the Director.

(4) The authorised officer, inspector or authorised person concerned shall submit a copy of the report referred to in subregulation (3), to the holder of the certificate which has been suspended.

(5) The holder of a certificate whose certificate has been suspended may appeal against such suspension to the Director, within 30 days after such holder becomes aware of such suspension.

(6) An appellant shall deliver an appeal in writing, stating the reasons why, in the opinion of the appellant, the suspension should be varied or set aside, and the appeal shall include, if applicable, full particulars of any remedial action which may have been taken by the appellant to rectify the circumstances which resulted in such suspension.

(7) The Director shall acknowledge receipt of an appeal.

(8) The Director may, within 14 days, subject to such conditions which the Director may determine, confirm, vary or set aside the suspension referred to in subregulation (2), or cancel the certificate.

Register of certificates

121.06.18 (1) The Director shall maintain a register of all air operator certificates issued, amended or renewed in terms of the regulations in this Subpart.

(2) The register shall contain the following particulars:

(a) The full name of the holder of the certificate;

(b) the postal address of the holder of the certificate;

(c) the telephone and telefax numbers of the holder of the certificate;

(d) the date on which the certificate was issued, amended or renewed;

(e) the number of the certificate issued, amended or renewed;

(f) the conditions of the certificate;

(g) the nationality of the holder of the certificate; and

(h) the date on which the certificate was cancelled, if applicable.

(3) The particulars referred to in subregulation (2) shall be recorded by the Director in the register within seven days from the date on which the certificate was issued, amended, renewed or cancelled, as the case may be.

(4) The register shall be kept in a safe place at the office of the Director.

(5) A copy of the register shall be furnished by the Director, on payment of the appropriate fee as prescribed in Part 187, to any person who requests the copy.

SUBPART 7
FOREIGN AIR OPERATOR PERMIT

Requirement for foreign air operator permit

121.07.1 A foreign operator shall not operate a foreign registered large aeroplane engaged in international commercial air transport operations to, from or within Namibia, except under the authority of, and in accordance with the conditions of, a foreign air operator permit issued under this Subpart.

Application for foreign air operator permit or amendment thereof

121.07.2 (1) An application for the issue of a foreign air operator permit shall be-

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-OPS 121; and

(b) accompanied by -

(i) a declaration of competency issued in respect of each aeroplane concerned;

(ii) a copy of the valid air operator certificate or equivalent authorisation held by the applicant, which pertains to the operation covered by the application;

(iii) the appropriate fee prescribed in Part 187; and

(iv) a statement certifying the availability of insurance in respect of the obligations and liabilities of the applicant which may arise from the operation covered by the application.

(2) Subject to the provisions of subregulation (5), an application for the issue of a foreign air operator permit shall be submitted to the Director at least 90 days before the date of commencement of the intended operation.

(3) If the holder of a foreign air operator permit wishes to amend -

(a) its name or principal place of business;

(b) the description of the type of operation;

(c) the type of aeroplane;

(d) the nationality and registration marks of the aeroplanes;

(e) the area of operation; or

(f) any condition,

specified on the permit, such operator shall apply to the Director for such amendment.

(4) An application for the amendment of a foreign air operator permit shall be -

(a) made in the appropriate form as prescribed in Document NAM-CATS-OPS 121; and

(b) accompanied by -

(i) a declaration of competency issued in respect of each aeroplane concerned;

(ii) a copy of the valid air operator certificate or equivalent authorisation held by the applicant, which pertains to the operation covered by the application;

(iii) the appropriate fee prescribed in Part 187; and

(iv) a statement certifying the availability of insurance in respect of the obligations and liabilities of the applicant which may arise from the operation covered by the application.

(5) Subject to the provisions of subregulation (5), an application for the amendment of a foreign air operator permit shall be submitted to the Director at least 30 days before the date of commencement of the intended amended operation.

(6) The Director may condone a shorter period within which an application referred to in subregulation (1) or (3), as the case may be, is received, if the Director is satisfied that the object of the operation or amended operation will be defeated if such application is not assessed within the shorter period.

Assessment of application and issue of permit

121.07.3 (1) In considering the application for the issue of a foreign air operator permit, or an amendment thereof, the Director may conduct the investigation which he or she deems necessary.

(2) The application shall be granted and the permit issued the Director is satisfied that -

(a) the applicant has the financial capability of conducting a safe operation within Namibia; and

(b) the applicant will not conduct the operation concerned contrary to any provision of the Act or the Civil Aviation Offences Act, 1972.

[The Civil Aviation Offences Act 10 of 1972 was repealed by the Civil Aviation Act 6 of 2016.]

(3) If the Director is not so satisfied, he or she shall notify the applicant thereof, stating the reasons in the notification, and grant the applicant the opportunity the rectify or supplement the defect within the period determined by the Director, after which period the Director shall grant or refuse the application concerned.

(4) A foreign air operator permit shall be issued on the appropriate form as prescribed in Document NAM-CATS-OPS 121, under such conditions which the Director may determine.

(5) A foreign air operator permit shall specify -

(a) the name, nationality and principal place of business of the operator;

(b) the date on which the permit was issued and its period of validity;

(c) a description of the type of operation authorised;

(d) the type of aeroplane authorised for operation;

(e) the nationality and registration marks of each aeroplane authorised for operation;

(f) the authorised area of operation; and

(g) the conditions of the permit.

Period of validity

121.07.4 (1) A foreign air operator permit shall be valid -

(a) for the period determined by the Director, which period shall not exceed 12 months, calculated from the date of issue thereof;

(b) for the number of flights determined by the Director; or

(c) for the number of flights, which have to be undertaken within the period, determined by the Director.

(2) If the holder of a foreign air operator permit applies at least 30 days prior to the expiry thereof, for the renewal of the permit, such permit shall, notwithstanding the provisions of subregulation (1), remain valid until such holder is notified by the Director of the result of the application for the renewal of such permit.

(3) The permit shall remain in force until it expires or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Director, in terms of regulation 121.07.9.

(4) The holder of a permit which expires, shall forthwith surrender the permit to the Director.

(5) The holder of a permit which is suspended, shall forthwith produce the permit upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(6) The holder of a permit which is cancelled, shall, within 30 days from the date on which the permit is cancelled, surrender such permit to the Director.

Transferability

121.07.5 A foreign air operator permit shall not be transferable.

Duties of holder of permit

121.07.6 The holder of a foreign air operator permit shall -

(a) at all times during the operation within Namibia -

(i) comply with -

(aa) the appropriate requirements prescribed in this Part; and

(bb) the conditions of the permit;

(ii) hold a valid air operator certificate or equivalent authorisation; and

(b) produce the permit to an authorised officer, inspector or authorised person for inspection, if so requested by such officer, inspector or person.

Renewal of permit

121.07.7 (1) The holder of a foreign air operator permit shall at least 30 days immediately preceding the date on which the permit expires, apply for the renewal of the permit.

(2) The provisions of regulations 121.07.2(1) and 121.07.3 shall apply *mutatis mutandis* to an application made in terms of this regulation.

Safety inspections and audits

121.07.8 The holder of a foreign air operator permit shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits, including safety inspections and audits of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

Suspension and cancellation of permit and appeal

121.07.9 (1) An air operator certificate may be varied, suspended or revoked if the Director is no longer satisfied that the operator can maintain an adequate organisation to ensure safe operations.

(2) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, an air operator certificate issued under this Subpart, if -

(a) after a safety inspection and audit carried out in terms of regulation 121.06.16, it is evident that the holder of the approval does not comply with the requirements prescribed in this Part, and such holder fails to remedy such non-compliance within 30 days after receiving notice in writing from the authorised officer, inspector or authorised person to do so; or

(b) the authorised officer, inspector or authorised person is prevented by the holder of the certificate, or any of its partners or subcontractors, to carry out a safety inspection and audit in terms of regulation 121.06.16; or

(c) the suspension is necessary in the interests of aviation safety.

(3) The authorised officer, inspector or authorised person who has suspended a certificate in terms of subregulation (1), shall, within one workday of such suspension, deliver a report in writing to the Director.

(4) The authorised officer, inspector or authorised person concerned shall submit a copy of the report referred to in subregulation (3), to the holder of the certificate which has been suspended.

(5) The holder of a certificate whose certificate has been suspended may appeal against such suspension to the Director, within 30 days after such holder becomes aware of such suspension.

(6) An appellant shall deliver an appeal in writing, stating the reasons why, in the opinion of the appellant, the suspension should be varied or set aside, and the appeal shall include, if applicable, full particulars of any remedial action which may have been taken by the appellant to rectify the circumstances which resulted in such suspension.

(7) The Director shall acknowledge receipt of an appeal.

(8) The Director may, within 14 days, subject to such conditions which the Director may determine, confirm, vary or set aside the suspension referred to in subregulation (2), or cancel the certificate.

Register of permits

121.07.10 (1) The Director shall maintain a register of all foreign air operator permits issued, amended or renewed in terms of the regulations in this Subpart.

(2) The register shall contain the following particulars:

(a) The full name of the holder of the permit;

(b) the postal address of the holder of the permit;

(c) the telephone and telefax numbers of the holder of the permit;

(d) the date on which the permit was issued, amended or renewed;

(e) the number of the permit issued, amended or renewed;

(f) the conditions of the permit;

(g) the nationality of the holder of the permit; and

(h) the date on which the permit was suspended, if applicable.

(3) The particulars referred to in subregulation (2) shall be recorded by the Director in the register within seven days from the date on which the permit was issued, amended, renewed or cancelled, as the case may be.

(4) The register shall be kept in a safe place at the office of the Director.

(5) A copy of the register shall be furnished by the Director, on payment of the appropriate fee as prescribed in Part 187, to any person who requests the copy.

Definitions

121.07.11 For the purposes of the regulations in this Subpart -

(a) "air operator certificate" means an air operator certificate issued by the State of the Operator; and

(b) "declaration of competency" means a declaration, issued by the State of the Operator, containing -

(i) the name, nationality and principal place of business of the operator;

(ii) a description of the type of operation authorised;

(iii) a confirmation that the operator complies with the procedures for operations inspection, certification and continued surveillance, prescribed by the International Civil Aviation Organisation;

(iv) a confirmation that the operator's international operations are conducted in accordance with the laws and regulations of the Sate of the Operator;

[The word "State" is misspelt in the *Government Gazette*, as reproduced above.]

(v) the type of aeroplane authorised for operation;

(vi) the nationality and registration marks of each aeroplane authorised for operation;

(vii) the authorised area of operation; and

(viii) the period of validity of the declaration and the air operator certificate.

SUBPART 8
FLIGHT OPERATIONS

Routes and areas of operation

121.08.1 (1) The operator of a large aeroplane shall ensure that operations are only conducted along such routes, or within such areas, for which -

(a) ground facilities and services, including meteorological services, are provided which are adequate for the planned operation;

(b) appropriate maps and charts are available;

(c) approval or authorisation has been obtained, where required, from the appropriate authority concerned;

(d) if a twin-engine aeroplane is used, adequate aerodromes are available within the time or distance limitations as prescribed in Document NAM-CATS-OPS 121; and

(e) if a single-engine aeroplane or a multi-engine aeroplane capable of maintaining flight altitudes, is used, surfaces are available which permit a safe forced landing to be executed.

(2) The operator shall ensure that -

(a) the performance of the aeroplane intended to be used, is adequate to comply with minimum flight altitude requirements; and

(b) the equipment of the aeroplane intended to be used, complies with the minimum requirements for the planned operation.

(3) The operator shall not, unless ETOPS approval in terms of regulation 121.08.42 has been obtained from the Director, operate a twin-engine large aeroplane with a maximum approved passenger seating configuration of more than 19 seats, over a route which contains a point further from an adequate and suitable aerodrome than the distance flown, under standard conditions in still air, in 60 minutes at the one-engine inoperative cruise speed.

Establishment of procedures

121.08.2 The operator of a large aeroplane shall establish -

(a) procedures and instructions, for each aeroplane type, containing ground personnel and crew member duties for all types of operations on the ground and in flight; and

(b) procedures to ensure that crew members do not perform any activities during critical phases of the flight other than those required for the safe operation of the aeroplane.

Operational control and supervision

121.08.3 (1) The operator of a large aeroplane shall exercise operational control and establish and maintain an approved method of supervision of flight operations, which shall be contained in the operations manual referred to in regulation 121.04.3.

(2) When considering the approval referred to in subregulation (1), the Director shall give due consideration to the matters as prescribed in Document NAM-CATS-OPS 121.

Competency of operations personnel

121.08.4 (1) The operator of a large aeroplane shall ensure that all personnel assigned to, or directly involved in, ground and flight operations -

(a) are properly instructed;

(b) have demonstrated their abilities and experience appropriate to their positions and the type of operation conducted by such operator; and

(c) are aware of their responsibilities and the relationship of such responsibilities to the operation as a whole.

(2) The operator shall ensure that all employees, when operating outside Namibia, know that they have to comply with the laws, regulations and procedures of the State in or over which operations are conducted.

Use of aerodromes

121.08.5 (1) No pilot-in-command of a large aeroplane shall use, and no operator of the aeroplane shall authorise the use of, an aerodrome as a destination or alternate destination aerodrome, unless such aerodrome is adequate for the type of aeroplane and operation concerned.

(2) Except in an emergency, no pilot-in-command of a large aeroplane shall take-off or land by night, unless the place of take-off or landing is equipped with night flying facilities.

Use of air traffic services

121.08.6 The operator of a large aeroplane shall ensure that air traffic services are used for all flights whenever available.

Minimum flight altitudes

121.08.7 (1) The operator of a large aeroplane shall establish minimum flight altitudes and the methods to determine such minimum flight altitudes, which methods shall be approved by the Director, for all route segments to be flown which provide for the required terrain clearance, taking into account the appropriate performance operating limitations prescribed in Subpart 9 and the minimum altitudes prescribed in Subpart 11.

(2) The operator shall take into account the following factors when establishing minimum flight altitudes:

(a) The accuracy with which the position of the aeroplane can be determined;

(b) the possible inaccuracies in the indications of the altimeters used;

(c) the characteristics of the terrain along the routes or in the areas where operations are to be conducted;

(d) the probability of encountering unfavourable meteorological conditions; and

(e) possible inaccuracies in aeronautical charts.

(f) airspace restrictions

[The full stop at the end of paragraph (e) should be a semicolon, and the word "and" at the end of paragraph (d) should appear at the end of paragraph (e) instead. There is no full stop at the end of paragraph (f), but it is the last item in the list in the *Government Gazette*.]

(3) In complying with the provisions of subregulation (2), the operator shall give due consideration to -

(a) corrections for temperature and pressure variations from standard values;

(b) the air traffic service requirements;

(c) any contingencies which may reasonably occur along the planned route; and

(d) aeroplane mass and configuration.

Threshold crossing height

121.08.8 (1) The operator or pilot-in-command, as the case may be, of a large aeroplane, shall establish operational procedures designed to ensure that the aeroplane being used to conduct precision approaches, crosses the threshold by a safe margin with such aeroplane in the landing configuration and attitude.

[The word "altitude" is misspelt in the *Government Gazette*, as reproduced above.]

(2) The operational procedures applicable to Category II and Category III approaches, shall be approved by the Director.

Pre-flight selection of aerodromes

121.08.9 (1) The operator or pilot-in-command, as the case may be, of a large aeroplane, shall select destination or alternate aerodromes in accordance with the provisions of regulation 121.08.10 when planning a flight.

(2) The operator or pilot-in-command shall select a departure, destination or alternate aerodrome only when the serviceability status of the aerodrome permits safe operation of the type of aeroplane concerned.

(3) The operator or pilot-in-command shall select and specify in the flight plan referred to in regulation 121.04.7, a take-off alternate aerodrome, if it would not be possible for the aeroplane to return to the aerodrome of departure due to meteorological or performance reasons.

(4) The take-off alternate aerodrome referred to in subregulation (3), shall be located within -

(a) one hour of flight time at one-engine cruising true air speed according to the aeroplane flight manual referred to in regulation 121.04.5, in still air standard conditions based on the actual take-off mass for a twin-engine aeroplane;

(b) two hours of flight time at one-engine inoperative cruising true air speed according to such aeroplane flight manual, in still air standard conditions based on the actual take-off mass for three-engine and four-engine aeroplanes;

(c) if such aeroplane flight manual does not contain a one-engine inoperative cruising true air speed, the speed to be used for calculation, shall be the speed which is achieved with the remaining engine set at maximum continuous power.

(5) The operator or pilot-in-command shall select at least one destination alternate aerodrome for each IFR flight, unless -

(a) two suitable non-intersecting runways are available at the destination aerodrome; and

(b) the meteorological conditions forecast or prevailing are such that, for the period from one hour before, until one hour after, the expected time of arrival at the destination aerodrome, the approach from the minimum sector safe altitude and landing can be made in VMC; or

(c) the destination aerodrome is isolated and no adequate destination alternate aerodrome exists, in which case the provisions of regulation 121.08.17(3)(e)(iii) shall apply.

(6) The operator or pilot-in-command shall select two destination alternate aerodromes when -

(a) the appropriate weather reports or forecasts for the destination aerodrome, or any combination thereof, indicate that during a period commencing one hour before, and ending one hour after, the estimated time of arrival, the weather conditions will be below the applicable planning minima; or

(b) no meteorological information can be obtained.

(7) The operator or pilot-in-command shall specify the destination alternate aerodrome in the flight plan referred to in regulation 121.04.7.

(8) The operator or pilot-in-command shall specify en route alternate aerodromes for extended-range operations with twin-engine aeroplanes and shall specify such en route alternate aerodromes in the flight plan referred to in subregulation (7).

(9) When planning a flight, the operator or pilot-in-command shall only select an aerodrome as a destination or alternate aerodrome, if the appropriate weather reports or forecasts, or a combination thereof, are at or above the applicable planning minima for a period commencing one hour before, and ending one hour after, the estimated time of arrival of the aeroplane at the aerodrome.

Aerodrome operating minima

121.08.10 (1) The operator of a large aeroplane shall establish aerodrome operating minima in accordance with the provisions of subregulations (2), (3) and (4) and in conjunction with the instrument approach and landing charts for each aerodrome intended to be used either as destination or alternate aerodrome.

(2) The operator shall establish aerodrome operating minima for each aerodrome planned to be used, which shall not be lower than the values as prescribed in Document NAM-CATS-OPS 121.

(3) The method of determining aerodrome operating minima which shall be approved by the Director shall take full account of:

(a) the type, performance and handling characteristics of the aeroplane;

(b) the composition of the flight crew, their competence and experience;

(c) the dimensions and characteristics of the runways which may be selected for use;

(d) the adequancy and performance of the available visual and non-visual aids.

[The word "adequacy" is misspelt in the *Government Gazette*, as reproduced above.]

(e) the equipment available on the aeroplane for the purpose of navigation and/or control of the flight path during the approach to landing and the missed approach;

(f) the obstacles in the approach and missed approach areas and the obstacle clearance altitude/height for the instrument approach procedures;

(g) the means used to determine and report meteorological conditions; and

(h) the obstacles in the climb-out areas and necessary clearance margins.

(4) The aerodrome operating minima established by the operator shall not be lower than any aerodrome operating minima established by the appropriate authority of the State in which the aerodrome concerned is located: Provided that if such appropriate authority approves such lower aerodrome operating minima established by the operator, thee lower aerodrome operating minima shall apply.

Planning minima for IFR fights

[The word "flights" is misspelt in the *Government Gazette*, as reproduced above.]

121.08.11 (1) The operator or pilot-in-command, as the case may be, of a large aeroplane, shall not select an aerodrome as a take-off alternate aerodrome for a flight to be conducted, wholly or partly in accordance with IFR under IMC, unless the appropriate weather reports or forecasts, or any combination thereof, indicate that, during a period commencing one hour before, and ending one hour after, the estimated time of arrival at the aerodrome, the weather conditions will be at or above the applicable landing minima referred to in regulation 121.08.10.

(2) The ceiling shall be taken into account when the only approaches available are non-precision or circling approaches.

(3) Any limitation related to one-engine inoperative operations shall be taken into account.

(4) The operator or pilot-in-command shall only select the destination aerodrome or destination alternate aerodrome when the appropriate weather reports or forecasts, or any combination thereof, indicate that, during a period commencing one hour before, and ending one hour after, the estimated time of arrival at the aerodrome, the weather conditions will be at or above the applicable planning minima as follows:

(a) Planning minima for a destination aerodrome -

(i) RVR or visibility specified in accordance with regulation 121.08.10; and

(ii) for a non-precision approach or a circling approach, the ceiling at or above minimum descent altitude/height; and

(b) planning minima for a destination alternate aerodrome as prescribed in Document NAM-CATS-OPS 121.

(5) The operator or pilot-in-command shall not select an aerodrome as an en route alternate aerodrome unless the appropriate weather reports or forecasts, or any combination thereof, indicate that, during a period commencing one hour before, and ending one hour after, the estimated time of arrival at the aerodrome, the weather conditions will be at or above the planning minima as prescribed in Document NAM-CATS-OPS 121.

(6) The operator or pilot-in-command shall not select an aerodrome as an ETOPS en route alternate aerodrome unless the appropriate weather reports or forecasts, or any combination thereof, indicate that, during a period commencing one hour before, and ending one hour after,

the estimated time of arrival at the aerodrome, the weather conditions will be at or above the planning minima as prescribed in Document NAM-CATS-OPS 121, and in accordance with the ETOPS approval obtained by the operator.

Meteorological conditions

121.08.12 (1) On a flight to be conducted in accordance with IFR, the pilot-in-command of a large aeroplane shall not -

(a) commence take-off; or

(b) continue beyond the in-flight decision point,

unless information is available indicating that conditions will, at the estimated time of arrival of such aeroplane, be at or above the applicable aerodrome operating minima -

(i) at the destination aerodrome; or

(ii) where a destination alternate aerodrome is required, at the destination aerodrome and one destination alternate aerodrome, or at two destination alternate aerodromes.

(2) On a flight conducted in accordance with VFR, the pilot-in-command of the aeroplane shall not commence take-off unless current meteorological reports, or a combination of current reports and forecasts, indicate that the meteorological conditions along the route, or that part of the route to be flown under VFR, shall, at the appropriate time, be such as to render compliance with the provisions of the regulations in this Part possible.

VFR operating minima

121.08.13 The operator or pilot-in-command, as the case may be, of a large aeroplane, shall ensure that -

(a) VFR flights are conducted in accordance with the visual flight rules prescribed in Subpart 11; and

(b) special VFR flights ore not commenced when the visibility is less than 3 km, and not otherwise conducted when the visibility is less than the visibility prescribed in regulation 121.11.17(d).

Mass and balance

121.08.14 (1) The operator or pilot-in-command, as the case may be, of a large aeroplane, shall ensure that, during any phase of operation, the loading, mass and the centre of gravity of the aeroplane complies with the limitations specified in the aeroplane flight manual referred to in regulation 121.04.5, or the operations manual referred to in regulation 121.04.3, if the limitations therein are more restrictive.

(2) The operator or pilot-in-command shall establish the mass and the centre of gravity of the aeroplane by actual weighing prior to initial entry into operation and thereafter, at intervals of five years.

(3) The accumulated effects of modifications and repairs on the mass and balance of the aeroplane, shall be accounted for and properly documented by the operator or pilot-in-command.

(4) The aeroplane shall be weighed in accordance with the provisions of subregulation (2), if the effect of modifications on the mass and balance is not accurately known.

(5) The operator or pilot-in-command shall determine the mass of all operating items and crew members included in the dry operating mass of the aeroplane, by weighing or by using the appropriate standard mass as prescribed in Document NAM-CATS-OPS 121.

(6) The influence of the mass of the operating items and crew members referred to in subregulation (5), on the centre of gravity of the aeroplane, shall be determined by the operator or pilot-in-command of such aeroplane.

(7) The operator or pilot-in-command shall establish the mass of the traffic load, including any ballast, by actual weighing, or determine the mass of the traffic load in accordance with the appropriate standard passenger and baggage mass as prescribed in Document NAM-CATS-OPS 121.

(8) The operator or pilot-in-command shall determine the mass of the fuel load by using the actual specific gravity or, if approved by the Director, a standard specific gravity.

(9) The operator or pilot-in-command shall establish mass and balance documentation as prescribed in Document NAM-CATS-OPS 121.

Smoking in large aeroplanes

121.08.15 (1) No person shall smoke in a Namibian registered large aeroplane when carrying passengers.

(2) No person shall smoke in a foreign registered large aeroplane, when carrying passengers, which is operated to or from any aerodrome located in Namibia, while the aeroplane is in Namibian airspace.

Ditching

121.08.16 The operator of a large aeroplane with an approved passenger seating configuration of more than 30 seats on extended over-water flights, shall not operate the aeroplane unless such aeroplane has been certified as having adequate characteristics for ditching or has been approved as adequate for ditching.

Fuel policy

121.08.17 (1) The operator of a large aeroplane shall establish a fuel policy for the purpose of flight planning and in-flight replanning to ensure that every flight carries sufficient fuel for the planned operation and reserve fuel to cover deviations from the planned operation.

(2) The operator shall ensure that the planning of a flight is only based upon -

(a) procedures, tables or graphs which are contained in or derived from the operations manual referred to in regulation 121.04.3, or current aeroplane-specific data;

(b) the operating conditions under which the flight is to be conducted, including -

(i) realistic aeroplane fuel consumption data;

(ii) anticipated masses;

(iii) expected meteorological conditions; and

(iv) air traffic service procedures and restrictions.

(3) The operator shall ensure that the calculation of usable fuel required by such aeroplane for a flight includes -

(a) start up and taxi fuel;

(b) trip fuel;

(c) reserve fuel consisting of -

(i) contingency fuel as prescribed in Document NAM-CATS-OPS 121;

(ii) alternate fuel, if a destination alternate aerodrome is required;

(iii) two-hours isolated aerodrome holding fuel in situations where the destination is remote or no suitable alternate aerodrome exists;

(iv) final reserve fuel;

(v) additional fuel, if required by the type of operation; and

(d) extra fuel, if required by the pilot-in-command.

(4) The operator shall ensure that in-flight replanning procedures for calculating usable fuel required when a flight has to proceed along a route or to a destination other than originally planned, includes -

(a) trip fuel for the remainder of the flight to destination;

(b) reserve fuel consisting of -

(i) contingency fuel;

(ii) alternate fuel, if a destination alternate aerodrome is required, including selection of the departure aerodrome as the destination alternate aerodrome;

(iii) final reserve fuel; and

(iv) additional fuel, if required by the type of operation; and

(c) extra fuel, if required by the pilot-in-command.

Fuel and oil supply

121.08.18 (1) The pilot-in-command of a large aeroplane shall not commence a flight unless he or she is satisfied that the aeroplane carries at least the planned amount of fuel and oil to complete the flight safely, taking into account the following:

(a) meteorological conditions forecast;

(b) expected air traffic control routings and traffic delays

[There should be a semicolon at the end of paragraph (b).]

(c) for IFR flight, one instrument approach at the destination aerodrome, including missed approach;

(d) the procedure prescribed in the operations manual for loss of pressurisation, where applicable, or failure of one power unit while en route; and

(e) any other conditions that may delay the landing of the aeroplane or increase fuel and/or oil consumption.

(2) If the usable fuel on board the aeroplane is less than the final reserve fuel, the pilot-in-command shall declare an emergency.

(3) The amount of fuel to be carried for each flight, shall be calculated according to the method as prescribed in Document NAM-CATS-OPS 121.

(4) The operator shall establish a procedure to ensure that in-flight fuel checks and fuel management are carried out.

Refueling or defueling with passengers on board

121.08.19 (1) The operator or pilot-in-command, as the case may be, of a large aeroplane, shall ensure that the aeroplane is not refueled or defueled with AVGAS or wide-cut type fuel when passengers are embarking, on board or disembarking such aeroplane.

(2) In cases other than the cases referred to in subregulation (1), necessary precautions shall be taken and the aeroplane shall be properly manned by qualified personnel ready to initiate and direct an evacuation of such aeroplane by the most practical and expeditious means available.

(3) When refuelling with passengers embarking, on board, or disembarking, two-way communication shall be maintained by the aeroplanes inter communication system or other suitable means between the ground crew supervising refuelling and the qualified personnel on board the aeroplane.

[The phrase "the aeroplanes inter communication system" should be "the aeroplane's intercommunication system".]

Instrument approach and departure procedures

121.08.20 (1) The operator or pilot-in-command, as the case may be, of a large aeroplane, shall ensure that only instrument approach and departure procedures, established by the appropriate authority of the State in which the aerodrome to be used, is located, are used.

(2) Notwithstanding the provisions of subregulation (1), the pilot-in-command may accept an air traffic control clearance to deviate from a published approach or departure route: Provided that -

(a) obstacle clearance criteria are observed and full account is taken of the operating conditions; and

(b) the final approach is flown visually or in accordance with the established instrument approach procedure.

(3) The operator may implement instrument approach and departure procedures, other than instrument approach and departure procedures referred to in subregulation (1), if required: Provided that such instrument approach and departure procedures have been approved by -

(a) the appropriate authority of the State in which the aerodrome to be used, is located; and

(b) the Director.

Noise abatement procedures

121.08.21 (1) The operator of a large aeroplane shall establish the operating procedures for noise abatement as prescribed in Document NAM-CATS-OPS 121.

(2) Take-off and climb procedures for noise abatement specified by the operator for any one aeroplane type shall be the same for all aerodromes.

(3) The Director may, by notice in an AIP or AIP SUP, identify those aerodromes where noise abatement procedures do not apply.

Submission of flight plan

121.08.22 (1) The operator or pilot-in-command, as the case may be, of a large aeroplane, shall ensure that a flight is not commenced unless a flight plan referred to in regulation 121.04.7, has been filed, or adequate information has been deposited in order to permit alerting services to be activated, if required.

(2) The operator or pilot-in-command of a flight for which search and rescue action has been requested, who fails to comply with the search and rescue requirements, shall be responsible for any costs incurred by the air traffic service unit concerned for such search and rescue action or for the provision of alerting or support services. Such costs shall be no less than five hundred Namibian dollars (N$500).

Seats, safety belts and harnesses

121.08.23 (1) Before take-off and landing, and whenever deemed necessary in the interests of aviation safety, the pilot-in-command of a large aeroplane shall ensure that each person on board the aeroplane, occupies a seat or berth with his or her safety belt or harness, where provided, properly secured.

(2) The pilot-in-command shall ensure that multiple occupancy of aeroplane seats does not occur other than by one adult and one infant, who is properly secured by an approved infant restraint device.

Passenger seating

121.08.24 The operator or pilot-in-command, as the case may be, of a large aeroplane, shall ensure that passengers are seated where, if an emergency evacuation is required, such passengers may best assist, and not hinder, evacuation from the aeroplane.

Passenger briefing

121.08.25 (1) The operator or pilot-in-command, as the case may be, of a large aeroplane, shall ensure that -

(a) passengers are verbally briefed about safety matters, parts or all of which may be given by an audio-visual presentation;

(b) passengers are provided with a safety briefing card on which picture type instructions indicate the operation of emergency equipment and exits likely to be used by passengers; and

(c) in an emergency during flight, passengers are instructed in such emergency action as may be appropriate to the circumstances.

(2) The operator or pilot-in-command shall ensure that, before take-off -

(a) passengers are briefed, to the extent applicable, on -

(i) the prohibition of smoking;

(ii) when the back of the seat is to be in the upright position and the tray table stowed;

(iii) the location and use of floor proximity escape path markings;

(iv) the stowage of carry-on baggage;

(v) any restrictions on the use of electronic devices;

(vi) the location and the contents of the safety briefing card;

(vii) when and how oxygen equipment is to be used, if the carriage of oxygen is required;

(viii) the location and use of life jackets;

(ix) the location and method of opening emergency exits; and

(x) when seat belts are to be fastened; and

(b) passengers receive, to the extent applicable, a demonstration of -

(i) the use of safety belts or safety harnesses, including the manner in which the safety belts or safety harnesses are to be fastened and unfastened;

(ii) the location and use of oxygen equipment and the extinguishing of all smoking materials when oxygen is being used; and

(iii) the location and use of life jackets.

(3) The operator or pilot-in-command shall ensure that, after take-off, passengers are reminded about -

(a) the prohibition of smoking; and

(b) the use of safety belts or safety harnesses.

(4) The operator or pilot-in-command shall ensure that, before landing, passengers are reminded about -

(a) the prohibition of smoking;

(b) the use of safety belts or safety harnesses;

(c) when the back of the seat is to be in the upright position and the tray table stowed, if applicable;

(d) the re-stowage of carry-on baggage; and

(e) any restrictions on the use of electronic devices.

(5) The operator or pilot-in-command shall ensure that, after landing, passengers are reminded about -

(a) the prohibition of smoking; and

(b) the use of safety belts or safety harnesses.

Emergency equipment

121.08.26 (1) The operator or pilot-in-command, as the case may be, of a large aeroplane, shall ensure that emergency equipment, carried or installed in the aeroplane in order to meet the requirements prescribed in this Part and the MEL, is in such condition that it will satisfactorily perform its design function.

(2) The pilot-in-command of the aeroplane shall ensure that the emergency equipment concerned is always easily accessible for immediate use by the crew members.

Illumination of emergency exits

121.08.27 The pilot-in-command of a large aeroplane, which is equipped with an emergency lighting system referred to in regulation 121.05.34, shall ensure that when the aeroplane is in flight and below 1 000 feet above ground or sea level, or on the ground with passengers on board -

(a) the emergency lighting system is switched on; or

(b) the normal cabin lighting system is switched off and the emergency lighting is armed.

Use of supplemental oxygen

121.08.28 (1) The pilot-in-command of a large aeroplane shall ensure that flight crew members engaged in performing duties essential to the safe operation of the aeroplane in flight, use supplemental oxygen continuously when the flight deck pressure altitude exceeds 10 000 feet for more than 60 minutes, and at all times when the flight deck pressure altitude exceeds 12 000 feet.

(2) The pilot-in-command shall ensure that, with the exception of a supersonic aeroplane, when a flight is conducted above FL 410, at least one pilot at the pilot station wears an oxygen mask and is fully strapped in when the other pilot leaves the flight deck for any reason.

Approach and landing conditions

121.08.29 Before commencing an approach to land, the pilot-in-command of a large aeroplane shall be satisfied that, according to the information available to him or her, the weather at the aerodrome and the condition of the runway or touchdown area intended to be used, will not prevent a safe approach, landing or missed approach, having regard for the performance information contained in the aeroplane flight manual referred to in regulation 121.04.5, or a similar document.

Commencement and continuation of approach

121.08.30 (1) When operating in IMC and in accordance with IFR, the pilot-in-command of a large aeroplane may commence an approach regardless of the reported RVR or visibility, but the approach shall not be continued beyond the outer marker or equivalent published position, unless the reported RVR or visibility for the runway or touchdown area is equal to, or better than, the applicable operating minima.

(2) Where RVR is not available, the pilot-in-command may derive the RVR value by converting the reported visibility in accordance with the procedures as prescribed in Document NAM-CATS-OPS 121.

(3) If, after passing the outer marker or equivalent published position in accordance with the provisions of subregulation (1), the reported RVR or visibility falls below the applicable minima, the pilot-in-command may continue the approach to decision altitude/height or minimum descent altitude/height.

(4) The pilot-in-command may continue the approach below decision altitude/height or minimum descent altitude/height and the landing may be completed: Provided that the required visual reference is established at the decision altitude/height or minimum descent altitude/height, and is maintained.

(5) Where no outer marker or equivalent published position exists, the pilot-in-command shall decide whether to continue or abandon the approach before descending below 1 000 feet above the aerodrome on the final approach segment.

In-flight simulation of emergency situations

121.08.31 The operator or pilot-in-command, as the case may be, of a large aeroplane, shall ensure that no person, and no person shall, simulate emergency situations in the aeroplane affecting the flight characteristics of such aeroplane when passengers are on board such aeroplane.

Starting engines

121.08.32 (1) Except when the brakes are serviceable and are fully applied, chocks shall be placed in front of the wheels of a large aeroplane before starting the engine or engines, and a competent person shall be seated at the controls when the engine or engines are running.

(2) Where the pilot of the aeroplane is the only competent person present, he or she shall use brakes when starting the engine or engines.

Carriage of infants and children

121.08.33 (1) The operator of a large aeroplane shall ensure that an infant is only carried when properly secured with a child restraint device, even when in the arms or on the lap of an adult passenger, or in an approved skycot: Provided that, in the case of a skycot, the skycot is -

(a) restrained so as to prevent it from moving under the maximum accelerations or decelerations 10 be expected in flight; and

(b) fitted with a restraining device so as to ensure that the infant will not be thrown from such skycot under the maximum accelerations or decelerations to be expected in flight.

(2) The operator shall ensure that precautions are taken to ensure that, at the times seat belts are required to be worn in flight, the infant carried in the skycot will not be thrown from such skycot under the maximum accelerations or decelerations to be expected in flight.

(3) Infants shall not be seated in front of, or alongside, exits.

(4) Infants shall not be carried behind a bulkhead unless an approved child restraint device is used during critical phases of flight and during turbulence.

(5) Skycots may not be used during critical phases of flight or turbulence.

(6) Skycots shall be positioned in such a way that they do not prevent or hinder the movement of adjacent passengers or block exits.

(7) When an infant is carried in the arms or on the lap of a passenger, the seat belt, when required to be worn, shall be fastened around the passenger carrying or nursing the infant, but not around the infant.

(8) When an infant is carried in the arms or on the lap of a passenger, the name of the infant shall be bracketed on the passenger list with the name of the passenger carrying or nursing the infant.

(9) An infant may be seated in a car-type infant seat, approved for use in an aeroplane, provided it is secured to the aeroplane seat.

(10) A car-type infant seat referred to in subregulation (9) shall not be located in the same row or a row directly forward or aft of an emergency exit.

Carriage of persons with disability

121.08.34 (1) The operator of a large aeroplane shall establish procedures, including identification, seating positions and handling in the event of an emergency, for the carriage of passengers with a disability.

(2) The operator shall ensure that -

(a) the pilot-in-command of the aeroplane is notified when a passenger with a disability is to be carried on board;

(b) a passenger with a disability is not seated in the same row or a row directly forward or aft of an emergency exit;

(c) individual briefings on emergency procedures are given to a passenger with a disability and his or her able-bodied assistant, appropriate to the needs of such passenger; and

(d) the person giving the briefing shall enquire as to the most appropriate manner of assisting the passenger with a disability so as to prevent pain or injury to that passenger.

(3) In the case of the carriage of a stretcher patient in the aeroplane -

(a) the stretcher shall be secured in such aeroplane so as to prevent it from moving under the maximum accelerations or decelerations likely to be experienced in flight and in an emergency alighting such as ditching;

(b) the patient shall be secured by an approved harness to the stretcher or aeroplane structure; and

(c) an able-bodied assistant shall accompany each stretcher patient.

(4) A mentally disturbed person shall not be carried in the aeroplane unless -

(a) accompanied by an able-bodied assistant; and

(b) a medical certificate has been issued by a medical practitioner certifying such mentally disturbed person's suitability for carriage by air, and confirming that there is no risk of violence from such person.

(5) The operator shall undertake the carriage of a mentally disturbed person who, according to his or her medical history, may become violent, only after special permission has been obtained from the Director by such operator.

(6) A passenger with a splinted or artificial limb may travel unaccompanied provided he or she is able to assist himself or herself.

(7) The affected limb or supporting aids of a passenger referred to in subregulation (6) shall not obstruct an aisle or any emergency exit or equipment.

(8) If a passenger with a splinted or artificial limb cannot assist himself or herself, the passenger shall be accompanied by an able-bodied assistant.

Carriage of persons with reduced mobility

121.08.35 (1) The operator of a large aeroplane shall establish procedures for the carriage of persons with reduced mobility.

(2) The operator shall ensure that -

(a) the pilot-in-command of the aeroplane is notified when a passenger with reduced mobility is to be carried on board; and

(b) a passenger with reduced mobility is not seated where he or she could impede the crew members in the exercise of their duties or the emergency evacuation of the aeroplane or obstruct access to emergency equipment.

Limitations on carriage of infants, children and passengers with disability

121.08.36 (1) The maximum number of passengers with a disability, unaccompanied minors, or the combination of such passengers and minors, which may be carried by the operator of a large aeroplane, is limited to one per unit of 20 passenger capacity or part thereof to a maximum of 10 such passengers or minors.

(2) At least one able-bodied assistant shall be carried for every group of five passengers with a disability or unaccompanied minors, or a part or combination thereof, and such assistant shall be assigned with the responsibility of the safety of such passengers or minors: Provided that the passengers with a disability can assist themselves.

(3) In addition to the provisions of subregulation (2), for each single passenger with a disability who cannot assist himself or herself, an able-bodied assistant shall be assigned to solely assist such passenger.

(4) The operator may establish procedures, other than the procedures referred to in subregulations (1), (2) and (3), for the carriage of infants, children, and passengers with a disability: Provided that -

(a) such procedures do not jeopardise aviation safety; and

(b) prior approval has been obtained from the Director.

Carriage of inadmissible passengers, deportees or persons in custody

121.08.37 (1) The operator of a large aeroplane shall establish procedures for the carriage of inadmissible passengers, deportees or persons in custody to ensure the safety of the aeroplane and its occupants.

(2) The pilot-in-command of the aeroplane shall be notified by the operator of such aeroplane prior to departure, of the intended carriage, and the reason for carriage, of any of the persons referred to in subregulation (1).

Carry-on baggage

121.08.38 (1) The operator of a large aeroplane shall establish adequate procedures to ensure that only such baggage is carried onto the aeroplane and taken into the passenger cabin as can be adequately and securely stowed.

(2) The minimum requirements for the procedures referred to in subregulation (1) shall be as prescribed in Document NAM-CATS-OPS 121.

Securing of passenger cabin and galley

121.08.39 (1) Before take-off and landing and whenever deemed necessary in the interests of aviation safety, the pilot-in-command of a large aeroplane shall ensure that -

(a) all equipment, baggage and loose articles in the cabin and galleys of the aeroplane, including passenger service items and crew members' and passengers' personal effects, are properly secured and stowed so as to avoid the possibility of injury to persons or damage to such aeroplane through the movement of such articles caused by in-flight turbulence or by unusual accelerations or manoeuvres; and

(b) all aisles, passage ways, exits and escape paths are kept clear of obstructions.

(2) All solid articles shall be placed in approved stowage areas in the aeroplane, at all times whenever the seat belt lights are illuminated or when so directed by the pilot-in-command of such aeroplane.

(3) For the purposes of subregulation (2), "approved stowage area" means -

(a) the area under a passenger seat except alongside emergency exits; or

(b) a locker, overhead or other, utilised in accordance with the placarded mass limitation of the locker.

(4) No take-off or landing shall be commenced by the pilot-in-command of the aeroplane, unless he or she has been informed of the safe condition of the cabin.

Passenger services

121.08.40 (1) Except when in use, all items provided for passenger services, including food containers, thermos flasks and servicing trays, shall be carried in their respective stowages and secured against movement likely to cause injury to persons or damage to the aeroplane.

(2) All items referred to in subregulation (1) shall be stowed during take-off and landing or during emergency situations, as directed by the pilot-in-command of the aeroplane.

(3) Any item which cannot be accommodated in the stowage referred to in subregulation (1), shall not be permitted in the cabin of the aeroplane.

(4) Securing of the cabin shall be completed by the cabin crew members before the approach for landing of the aeroplane is commenced.

(5) If passenger services are provided while the aeroplane is on the ground, no passenger service equipment shall obstruct the aisles or exits of the aeroplane.

Accident prevention and flight safety programme

121.08.41 (1) The operator of a large aeroplane shall establish and maintain an accident prevention and flight safety programme, which shall provide for adequate inspection and reporting procedures to ensure that defective equipment are reported to the pilot-in-command of the aeroplane before take-off.

[The verb "are" should be "is" to be grammatically correct.]

(2) The procedures referred to in subregulation (1) shall be extended to include the reporting to the operator of all incidents or the exceeding of limitations which may occur while the crew are embarked on the aeroplane and of defective equipment found on board.

(3) Upon receipt of the reports referred to in subregulation (2), the operator shall compile a report and submit such report on a monthly basis to the Director.

Extended Range Operations by Aeroplanes with two turbine power-units (ETOPS)

121.08.42 (1) In approving an Extended Range Operations by aeroplanes with two turbine power units (ETOPS) the Director shall ensure that:

(a) the airworthiness certification of the aeroplane type;

(b) the reliability of the propulsion system; and

(c) the operator's maintenance procedures, operating practices, flight dispatch procedures and crew training programmes

provide the over-all level of safety acceptable to him or her. In making this assessment the Director shall take account the route to be flown, the anticipated operating conditions and the location of adequate en-route alternate aerodromes.

(2) A flight to be conducted in accordance with subregulation 1 shall not be commenced unless, during the possible period of arrival, the required en-route alternate aerodrome(s) will be available and the available information indicates that the conditions at those aerodromes will be at or above the aerodrome operating minima approved for that operation.

[The reference to "subregulation 1" should be written as "subregulation (1)".]

Operation in defined airspace with Reduced Vertical Separation Minima (RVSM)

121.08.43 An operator shall not operate an aeroplane in defined portions of airspace where, based on Regional Air Navigation Agreement, a vertical separation minimum of 300m (1000ft) applies unless approved to do so by the Director (RVSM Approval)

**[There is no full stop at the end of this regulation;
there are no additional words in the *Government Gazette*.]**

Operations in areas with specific navigation performance requirements

121.08.44 An operator shall not operate an aeroplane in defined areas, or a defined portion of specified airspace, based on Regional Air Navigation Agreements where minimum

navigation performance specifications are prescribed unless approved to do so by the Director (MNPS/RNP/RNAV Approval).

Assisting means for emergency evacuation

121.08.45 An operator shall establish procedures to ensure that before taxying, take-off and landing, and when safe and practicable to do so, an assisting means for emergency evacuation that deploys automatically, is armed.

[The word "taxiing" is misspelt in the *Government Gazette*, as reproduced above.]

Ice and other contaminants

121.08.46 An operator shall establish procedures to be followed when ground de-icing and anti-icing and related inspections of the aeroplane(s) are necessary.

Ground proximity detection

121.08.48 When undue proximity to the ground is detected by any flight crew member or by a ground proximity warning system, the commander or the pilot to whom conduct of the flight has been delegated shall ensure that corrective action is initiated immediately to establish safe flight conditions.

Occurrence reporting

121.08.49 (1) Flight Incidents

(a) The operator or commander of an aeroplane shall submit a report to the Director of any incident that has endangered or may have endangered safe operation of a flight.
(b) Reports shall be despatched within 72 hours of the event, unless exceptional circumstances prevent this.

(2) Technical defects and exceedance of technical limitations. A commander shall ensure that all technical defects and exceedances of technical limitations occurring while he was responsible for the flight are recorded in the aeroplane's Technical Log.

(3) Air Traffic Incidents. A commander shall submit an air traffic incident report in accordance with ICAO PANS RAC whenever an aeroplane in flight has been endangered by:

[ICAO Doc 4444 was previously known as "Procedures for Air Navigation Services — Rules of the Air and Air Traffic Services (PANS-RAC)". In 2016, it was re-titled "Procedures for Air Navigation Services - Air Traffic Management (PANS-ATC)".]

(a) A near collision with any other flying device; or

(b) Faulty air traffic procedures or lack of compliance with applicable procedures by Air Traffic Services or by the flight crew; or

(c) A failure of ATS facilities.

(4) Bird hazards and strikes

(a) A commander shall immediately inform the appropriate ground station whenever a potential bird hazard is observed.

(b) A commander shall submit a written bird strike report after landing whenever an aeroplane for which he is responsible suffers a bird strike.

(5) In-flight emergencies with dangerous goods on board. If an in-flight emergency occurs and the situation permits, a commander shall inform the appropriate air traffic services unit of any dangerous goods on board.

(6) Unlawful interference. Following an act of unlawful interference on board an aeroplane, a commander shall submit a report, as soon as practicable, to the director.

(7) Irregularities of ground and navigational facilities and hazardous conditions. a commander shall notify the appropriate ground station as soon as practicable whenever a potentially hazardous condition such as:

[The word "a" in the phrase "a commander" which appears after the full stop should be capitalised.]

(a) An irregularity in a ground or navigational facility; or

(b) A meteorological phenomenon; or

(c) A volcanic ash cloud; or

(d) A high radiation level,

is encountered during flight.

Accident reporting

121.08.50 An operator shall establish procedures to ensure that the nearest appropriate authority is notified by the quickest available means of any accident, involving the aeroplane, resulting in serious injury (as defined in the Regulations Regarding the Investigation of Aircraft Accidents, 2000), or death of any person or substantial damage to the aeroplane or property.

SUBPART 9
AEROPLANE PERFORMANCE OPERATING LIMITATIONS

Aeroplane performance classification

121.09.1 (1) For performance purposes, aeroplanes are classified as follows:

(a) Class A aeroplanes -

(i) multi-engine aeroplanes powered by turbo-propeller engines with a maximum approved passenger seating configuration of more than nine seats or a maximum certificated mass exceeding 5 700 kilograms; and

(ii) multi-engine turbojet-powered aeroplanes;

(b) Class B aeroplanes - propeller-driven aeroplanes with a maximum approved passenger seating configuration of nine seats or less, and a maximum certificated mass of 5 700 kilograms or less;

(c) Class C aeroplanes - aeroplanes powered by two or more reciprocating engines with a maximum approved passenger seating configuration of more than nine seats or a maximum certificated mass exceeding 5 700 kilograms; and

(d) Class D aeroplanes - single-engine aeroplanes.

(2) The Director may, for performance purposes, classify any aeroplane in Document NAM-CATS-OPS 121, as a Class A or Class C aeroplane.

(3) The operator of a large aeroplane shall ensure that -

(a) a Class A aeroplane is operated in accordance with the performance operating limitations prescribed in Division One; and

(b) a Class C aeroplane is operated in accordance with the performance operating limitations prescribed in Division Three: Provided that a Class C aeroplane which does not comply with the requirements prescribed in Division Three for take-off and landing, shall be operated in accordance with the performance operating limitations prescribed in Division Two.

(4) Where specific design characteristics of an aeroplane prevents compliance with the regulations in Division One, Two or Three of this Subpart, the operator shall, notwithstanding the provisions of subregulation (1), ensure that the aeroplane is operated in accordance with such standard that a level of safety equivalent to the level of safety prescribed in the appropriate Division in this Subpart, is maintained and which is specifically approved by the Director.

[The verb "prevents" should be "prevent" to be grammatically correct.]

(5) Notwithstanding the provisions of subregulation (2), the operator of a large aeroplane which does not comply with the performance operating limitations prescribed in Division One on the date of commencement of the Regulations, may until July 2002 operate a Class A aeroplane under performance operating limitations approved by the Director: Provided that such limitations shall not be less restrictive than the performance operating limitations prescribed in Division Two.

Class A and Class C aeroplanes

121.09.2 (1) The operator of a Class A or a Class C aeroplane shall ensure that the mass of the aeroplane, at the start of the take-off, is not greater than the mass at which the requirements prescribed in the appropriate Division can be complied with for the flight to be undertaken, allowing for expected reductions in mass as the flight proceeds, and for such fuel jettisoning as is provided for in the particular provision.

(2) The operator shall ensure that the approved performance data contained in the aeroplane flight manual referred to in regulation 121.04.5, are used to determine compliance with the requirements prescribed in the appropriate Division, supplemented as necessary with other approved data prescribed in such Division.

(3) The operator shall take due cognisance of the different types of runway surfaces, including grass and gravel, from or to which operations are conducted.

DIVISION ONE: CLASS A AEROPLANE

General

121.09.3 (1) The operator of a Class A aeroplane shall ensure that, for determining compliance with the requirements prescribed in this Division, the approved performance data in the aeroplane flight manual referred to in regulation 121.04.5, are supplemented as necessary with other approved data, if the approved performance data in such aeroplane night manual are insufficient in respect of -

(a) accounting for reasonably expected adverse operating conditions such as take-off and landing on contaminated runways; and

(b) consideration of engine failure in all flight phases.

(2) The operator shall ensure that, in the case of a wet or contaminated runway, performance data determined in accordance with an approved method, are used.

Take-off

121.09.4 (1) The operator of a Class A aeroplane shall ensure that the take-off mass of the aeroplane does not exceed the maximum certificated mass for the pressure altitude and the ambient temperature at the aerodrome of departure.

(2) The operator shall comply with the following requirements when determining the maximum permitted take-off mass of the aeroplane at the aerodrome of departure:

(a) The required accelerate-stop distance shall not exceed the accelerate-stop distance available;

(b) the required take-off distance shall not exceed the take-off distance available, with a clearway distance used, not exceeding half of the take-off run available;

(c) the required take-off run shall not exceed the take-off run available;

(d) compliance with the provisions of this subregulation shall be shown using a single value of V, for the rejected and continued take-off; and

(e) on a wet or contaminated runway, these conditions shall be taken into account and the take-off mass shall be appropriately reduced to the take-off mass permitted for a take-off on a dry runway under the same conditions.

(3) When determining the maximum permitted take-off mass referred to in subregulation (2), the operator shall take into account -

(a) the pressure altitude at the aerodrome;

(b) the ambient temperature at the aerodrome;

(c) the runway surface condition and the type of runway surface;

(d) the runway slope in the direction of take-off;

(e) brake energy;

(f) tyre-speed limit;

(g) pilot-reaction time;

(h) not more than 50 per cent of the reported head-wind component or not less than 150 per cent of the reported tail-wind component; and

(i) the loss, if any, of runway length due to alignment of the aeroplane prior to take-off.

Net take-off flight path

121.09.5 (1) The operator of a Class A aeroplane shall ensure that the net take-off flight path clears all obstacles by a vertical distance of at least 35 feet or by a horizontal distance of at least 90 metres plus 0, 125 x D, where D is the horizontal distance which the aeroplane has travelled from the end of the take-off distance available.

(2) When complying with the provisions of subregulation (1), the operator shall take into account -

(a) the mass of the aeroplane at the commencement of the take-off run;

(b) the pressure altitude at the aerodrome;

(c) the ambient temperature at the aerodrome;

(d) not more than 50 per cent of the reported head-wind component or not less than 150 per cent of the reported tail-wind component; and

(e) failure to retract gear.

(3) When complying with the provisions of subregulation (1), track changes shall not be allowed up to the point on the net take-off flight path where a height of 50 feet above the take-off surface has been achieved and thereafter, up to a height of 400 feet, it is assumed that the aeroplane is banked by not more than 15 degrees: Provided that -

(a) above 400 feet, height bank angles greater than 15 degrees, but not more than 25 degrees, may be scheduled; and

(b) adequate allowance is made for the effect of bank angle on operating speeds and flight path, including the distance increments resulting from increased air speed.

(4) When complying with the provisions of subregulation (1) in those cases where the intended flight path does not require track changes of more than 15 degrees, the operator shall not be required to consider those obstacles which have a lateral distance greater than -

(a) 300 metres, if the pilot is able to maintain the required navigation accuracy through the obstacle accountability area; or

(b) 600 metres, for flights under all other conditions.

(5) When complying with the provisions of subregulation (1) in those cases where the intended flight path does require track changes of more than 15 degrees, the operator shall not be required to consider those obstacles which have a lateral distance greater than -

(a) 600 metres, if the pilot is able to maintain the required navigation accuracy through the obstacle accountability area; or

(b) 900 metres for flights under all other conditions.

(6) The operator shall establish contingency procedures to satisfy the requirements prescribed in this regulation in order to provide a safe route, avoiding obstacles, to enable the aeroplane to land safely at the aerodrome of departure or at a take-off alternate aerodrome, if so required.

En route with one engine inoperative

121.09.6 (1) The operator of a Class A aeroplane shall be able to demonstrate that the one-engine inoperative en route net flight path data for the aeroplane, shown in the aeroplane flight manual referred to in regulation 121.04.5, appropriate to the meteorological conditions expected for the flight, comply with the provisions of subregulation (2) or (3) at all points along the planned route.

(2) The net flight path shall have a positive slope at 1 500 feet above the aerodrome, where the landing is assumed to be made after engine failure.

(3) At altitudes and under meteorological conditions where icing protection systems are operated, the effect of the use of such icing protection systems on the net flight path shall be taken into account.

(4) The slope of the net flight path shall be positive at an altitude of at least 1 000 feet above all terrain and obstructions along the route within 10 nautical miles on either side of the intended track.

(5) The net flight path shall permit the aeroplane to continue flight from the cruising altitude to an aerodrome where a landing can be made in accordance with regulation 121.09.9 or 121.09.10, as the case may be, the net flight path clearing vertically, by at least 2 000 feet, all terrain and obstructions along the route within 10 nautical miles on either side of the intended track in accordance with the provisions of subregulations (1) to (4) inclusive: Provided that -

(a) the engine is assumed to fail at the most critical point along the route, and allowance is made for indecision and navigation error;

(b) account is taken of the effects of winds on the flight path;

(c) fuel jettisoning is permitted to an extent consistent with reaching the aerodrome with the required fuel reserves, if a safe procedure is used; and

(d) the aerodrome where the aeroplane is assumed to land after engine failure, complies with the following criteria:

(i) The performance requirements at the expected landing mass are complied with; and

(ii) weather reports and forecasts, or any combination thereof, and field condition reports indicate that a safe landing can be accomplished at the estimated time of arrival.

(6) When complying with the provisions of this regulation, the operator may reduce the width margins referred to in subregulations (4) and (5), to five nautical miles, if the required navigation accuracy can be achieved.

En route with two engines inoperative in case of aeroplanes with three or more engines

121.09.7 (1) The operator of a Class A aeroplane with three or more engines, shall be able to demonstrate that, at all points along the intended track, the aeroplane is not more than 90 minutes, at the all-engines long-range cruising true air speed at standard temperature in still air, away from an aerodrome at which the performance requirements applicable at the expected landing mass are complied with, unless the aeroplane complies with the provisions of subregulations (2) to (6) inclusive.

(2) The two-engines inoperative en route net flight path data shall permit the aeroplane to continue the flight, in the expected meteorological conditions, from the point where two engines are assumed to fail simultaneously, to an aerodrome at which it is possible to land and come to a complete stop when using the prescribed procedure for a landing with two engines inoperative.

(3) The net flight path shall clear vertically, by at least 2 000 feet, all terrain and obstructions along the route within five nautical miles on either side of the intended track.

(4) At altitudes and under meteorological conditions where icing protection systems are operated, the effect of the use of such icing protection systems on the net flight path data shall be taken into account.

(5) The two engines shall be assumed to fail at the most critical point of that portion of the route where the aeroplane is more than 90 minutes, at the all-engines long-range cruising true air speed at standard temperature in still air, away from an aerodrome at which the performance requirements are complied with.

(6) The net flight path shall have a positive slope at an altitude of 1 500 feet above the aerodrome where the landing is assumed to be made after the failure of two engines.

(7) Fuel jettisoning shall be permitted to an extent consistent with reaching the aerodrome with the required fuel reserves, if a safe procedure is used.

(8) The expected mass of the aeroplane at the point where the two engines are assumed to fail, shall not be less than the mass which would include sufficient fuel to proceed to an aerodrome where the landing is assumed to be made, to arrive there at an altitude of at least 1 500 feet directly over the landing area and thereafter, to fly level for 15 minutes.

Landing at destination and alternate aerodromes

121.09.8 (1) The operator of a Class A aeroplane shall ensure that the landing mass of the aeroplane, determined in accordance with the provisions of regulation 121.09.2(1), does

not exceed the maximum landing mass specified for the altitude and the ambient temperature expected for the estimated time of arrival at the destination and alternate aerodrome.

(2) For approaches, the operator shall verify that the approach mass of the aeroplane, taking into account the take-off mass and the fuel expected to be consumed in flight, allows for a missed approach gradient of climb of at least 2,5 per cent in the approach configuration with one engine inoperative, or an approved alternative procedure.

Landing on dry runways

121.09.9 (1) The operator of a Class A aeroplane shall ensure that the landing mass of the aeroplane determined in accordance with the provisions of regulation 121.09.2(1) for the estimated time of arrival, allows for a full stop landing from 50 feet above the threshold within 70 per cent of the landing distance available at the destination aerodrome and at any alternate aerodrome: Provided that the Director may permit the use of a screen height of less than 50 feet, but not less than 35 feet, for steep-approach and short-landing procedures.

(2) When complying with the provisions of subregulation (1), the operator shall take into account -

(a) the altitude at the aerodrome; and

(b) not more than 50 per cent of the reported bead-wind component or not less than 150 per cent of the reported tail-wind component.

(3) For dispatching the aeroplane in accordance with subregulation (1), it shall be assumed that such aeroplane will land -

(a) on the most favourable runway, in still air; and

(b) on the runway most likely to be assigned, considering the probable wind speed and direction and the ground handling characteristics of the aeroplane, and considering other conditions such as landing aids, terrain and obstacle clearance.

(4) If the operator is unable to comply with the provisions of subregulation (3)(b) for the destination aerodrome, the aeroplane may be dispatched if an alternate aerodrome which permits full compliance with the provisions of subregulations (1), (2) and (3), is designated.

Landing on wet and contaminated runways

121.09.10 (1) The operator of a Class A aeroplane shall ensure that, when the appropriate weather reports or forecasts, or a combination thereof, indicate that the runway at the estimated time of arrival may be wet, the landing distance available is at least 115 per cent of the required landing distance determined in accordance with the provisions of regulation 121.09.9.

(2) The operator shall ensure that, when the appropriate weather reports or forecasts, or a combination thereof, indicate that the runway at the estimated time of arrival may be contaminated, the landing distance available must be at least the landing distance determined in accordance with the provisions of subregulation (1), or at least 115 per cent of the landing distance determined in accordance with approved contaminated landing distance data, or an equivalent thereof; whichever is the greater.

(3) A landing distance on a wet runway shorter than the landing distance required by the provisions of subregulation (1), but not less than the landing distance required by the provisions of regulation 121.09.9(1), may be used if the aeroplane flight manual referred to in regulation 121.04.5, includes specific additional information on landing distances on wet runways.

DIVISION TWO: CLASS A AND C AEROPLANE

General

121.09.11 The regulations in this Division shall apply to -

(a) the operator of a Class A aeroplane which does not comply with the performance operating limitations prescribed in Division One, on the date of commencement of the Regulations, and who may, until 1 July 2000, operate the aeroplane under performance operating limitations approved by the Director: Provided that such limitations shall not be less restrictive than the performance operating limitations prescribed in this Division; and

(b) the operator of a Class C aeroplane which does not comply with the requirements prescribed in Division Three for take-off and landing.

Take-off

121.09.12 (1) The operator of a Class A or Class C aeroplane referred to in regulation 121.09.11, shall ensure that the take-off mass of the aeroplane does not exceed the maximum certificated mass for the pressure altitude and the ambient temperature at the aerodrome of departure.

(2) The operator shall ensure that the take-off distance required, as specified in the aeroplane flight manual referred to in regulation 121.04.5, when multiplied by a factor of 1.3, does not exceed the take-off run available.

(3) When complying with the provisions of subregulation (2), the operator shall take into account -

(a) the mass of the aeroplane at the commencement of the take-off run; and

(b) the requirements referred to in regulation 121.09.5(3).

Take-off flight path

121.09.13 (1) The operator of a Class A or Class C aeroplane referred to in regulation 121.09.11, shall ensure that the take-off flight path of the aeroplane clears all obstacles by a vertical margin of at least 295 feet plus 0,125 x D, where D is the horizontal distance which the aeroplane has travelled from the end of the take-off distance available, except as prescribed in subregulations (3) and (4).

(2) When complying with the provisions of subregulation (1), it is assumed that -

(a) the take-off flight path begins at a height of 50 feet above the take-off surface at the end of the take-off distance referred to in regulation 121.09.12(2) and ends at a height of 1 500 feet above the take-off surface;

(b) the aeroplane is not banked before such aeroplane has reached a height of 50 feet above the take-off surface, and that thereafter, the angle of bank does not exceed 15 degrees;

(c) failure of the critical engine occurs at the point of the all-engines take-off flight path, where the loss of visual reference for the purpose of avoiding obstacles is expected to occur;

(d) the gradient of the take-off flight path from 50 feet to the assumed engine-failure height is equal to the average all-engines gradient during climb and transition to the en route configuration, multiplied by a factor of 0,77; and

(e) the gradient of the take-off flight path from the height reached in accordance with the provisions of paragraph (d), to the end of the take-off flight path, is equal to the one-engine-inoperative en route climb gradient shown in the aeroplane flight manual referred to in regulation 121.04.5.

(3) When complying with the provisions of subregulation (1), in those cases where the intended flight path does not require track changes of more than 15 degrees, the operator shall not be required to consider those obstacles which have a lateral distance greater than -

(a) 300 metres, if the flight is conducted under conditions allowing visual course guidance navigation, or if navigation aids are available enabling the pilot to maintain the intended flight path with the same accuracy; and

(b) 600 metres for flights under all other conditions.

(4) When complying with the provisions of subregulation (1), in those cases where the intended flight path requires heading changes of more than 15 degrees, the operator shall not be required to consider those obstacles which have a lateral distance greater than -

(a) 600 metres for flights under conditions allowing visual course guidance navigation; or

(b) 900 metres for flights under all other conditions.

(5) When complying with the provisions of this regulation, the operator shall take into account the requirements referred to in regulation 121.09.5(2).

En route

121.09.14 (1) The operator of a Class A or Class C aeroplane referred to in regulation 121.09.11, shall be able to demonstrate that the aeroplane, in the meteorological conditions expected for the flight, and in the event of the failure of one engine, with the remaining engine or engines operating within the maximum continuous power conditions specified, is capable of continuing flight at or above the relevant minimum altitudes for safe flight stated in the operations manual referred to in regulation 121.04.3, to a point of 1 000 feet above an aerodrome at which the performance requirements can be complied with.

(2) When complying with the provisions of subregulation (1) -

(a) the aeroplane is assumed not to be flying at an altitude exceeding the altitude at which the rate of climb equals 300 feet per minute with all engines operating within the maximum continuous power conditions specified in such operations manual; and

(b) the assumed en route gradient with one-engine-inoperative shall be at least the gross gradient minus 0,5 per cent gradient.

Landing at destination and alternate aerodromes

121.09.15 The operator of a Class A or Class C aeroplane referred to in regulation 121.09.11, shall ensure that the landing mass of the aeroplane does not exceed the maximum landing mass specified for the altitude and the ambient temperature expected for the estimated time of arrival at the destination and alternate aerodrome.

Landing on dry runways

121.09.16 (1) The operator of a Class A or Class C aeroplane referred to in regulation 121.09.11, shall ensure that the landing mass of the aeroplane, for the estimated time of arrival allows a full stop landing from 50 feet above the threshold within 70 per cent of the landing distance available at the destination aerodrome and at any alternate aerodrome: Provided that the Director may permit the use of a screen height of less than 50 feet, but not less than 35 feet, for steep-approach and short-landing procedures.

(2) When complying with the provisions of subregulation (1), the operator shall take into account -

(a) the runway surface condition and the type of runway surface;

(b) the runway slope in the direction of take-off; and

(c) the requirements referred to in regulation 121.09.9(2).

(3) For dispatching the aeroplane in accordance with the provisions of subregulation (1), it is assumed that such aeroplane will land -

(a) on the most favourable runway, in still air; and

(b) on the runway most likely to be assigned, considering the probable wind speed and direction and the ground handling characteristics of the aeroplane, and considering landing aids, terrain and obstacle clearance.

(4) If the operator is unable to comply with the provisions of subregulation (3)(b) for the destination aerodrome, the aeroplane may be dispatched if an alternate aerodrome which permits full compliance with the provisions of subregulations (1), (2) and (3), is designated.

Landing on wet and contaminated runways

121.09.17 (1) The operator of a Class A or Class C aeroplane referred to in regulation 121.09.11, shall ensure that when the appropriate weather reports or forecasts, or a combination thereof, indicate that the runway at the estimated time of arrival may be wet, the landing distance available is at least 115 per cent of the required landing distance determined in accordance with the provisions of regulation 121.09.16.

(2) The operator shall ensure that, when the appropriate weather reports or forecasts, or a combination thereof, indicate that the runway at the estimated time of arrival may be contaminated, the landing distance available is at least the required approved landing distance.

(3) A landing distance on a wet runway shorter than the landing distance required by the provisions of subregulation (1), but not less than the landing distance required by the provisions of regulation 121.09.16(1), may be used if the aeroplane flight manual referred to in regulation 121.04.5, includes specified additional information on landing distances on wet runways.

DIVISION THREE: CLASS C AEROPLANE

General

121.09.18 (1) The operator of a Class C aeroplane shall ensure that, for determining compliance with the requirements prescribed in this Division, the approved performance data in the aeroplane flight manual referred to in regulation 121.04.5 are supplemented, as necessary, with other approved data if the approved performance data in such aeroplane flight manual are insufficient.

(2) A twin-engine Class C aeroplane which does not comply with the requirements prescribed in this Division for take-off and landing, shall be operated in accordance with the operating limitations prescribed in Division Two.

Take-off

121.09.19 (1) The operator of a Class C aeroplane shall ensure that the take-off mass of the aeroplane does not exceed the maximum certificated mass for the pressure altitude and the ambient temperature at the aerodrome at which the take-off is to be made.

(2) The operator shall ensure that, for a Class C aeroplane which has take-off field length data contained in the aeroplane flight manual referred to in regulation 121.04.5, which does not include engine-failure accountability, the distance from the start of the take-off roll required by the aeroplane to reach a height of 50 feet above the take-off surface with all engines operating within the maximum take-off power conditions specified, when multiplied by a factor of -

(a) 1.33 for aeroplanes having two engines;

(b) 1.25 for aeroplanes having three engines; or

(c) 1.18 for aeroplanes having four engines,

does not exceed the take-off run available at the aerodrome of departure.

(3) The provisions of regulation 121.09.4(2) and (3) shall apply *mutatis mutandis* when determining the maximum permitted take-off mass of the aeroplane at the aerodrome of departure.

Take-off flight path

121.09.20 (1) The operator of a Class C aeroplane shall ensure that the take-off flight path with one-engine-inoperative clears all obstacles by a vertical distance of at least 50 feet plus 0,01 x D, or by a horizontal distance of at least 90m plus 0,125 x D, where D is the horizontal distance which the aeroplane has travelled from the end of the take-off distance available.

(2) The take-off flight path referred to in subregulation (1), shall begin at a height of 50 feet above the take-off surface at the end of the take-off distance referred to in regulation 121.09.19(2) or (3), as the case may be, and end at a height of 1 500 feet above the take-off surface.

(3) When complying with the provisions of subregulation (1), the operator shall take into account the requirements referred to in regulation 121.09.5(2) and the provisions of regulation 121.09.5(3), (4) and (5) shall apply *mutatis mutandis.*

(4) The operator shall establish contingency procedures to satisfy the requirements prescribed in this regulation in order to provide a safe route, avoiding obstacles, to enable the aeroplane to land safely at the aerodrome of departure or at a take-off alternate aerodrome, if so required.

En route with all engines operative

121.09.21 The operator of a Class C aeroplane shall be able to demonstrate that the aeroplane will, in the meteorological conditions expected for the flight, at any point en route or on any planned diversion therefrom, be capable of a rate of climb of at least 300 feet per minute with all engines operating within the maximum continuous power conditions specified at -

(a) the minimum altitudes for safe flight on each stage of the route to be flown or of any planned diversion therefrom specified in, or calculated from, the information contained in the operations manual referred to in regulation 121.04.3; and

(b) the minimum altitudes necessary for compliance with the provisions of regulations 121.09.22 and 121.09.23, as the case may be.

En route with one engine inoperative

121.09.22 (1) The operator of a Class C aeroplane shall be able to demonstrate that the aeroplane will, in the meteorological conditions expected for the flight, in the event of any one engine becoming inoperative at any point en route or on any planned diversion therefrom, and with the other engine or engines operating within the maximum continuous power conditions specified, be capable of continuing the flight to an aerodrome at which the aeroplane can comply with the provisions of regulation 121.09.25 or 121.09.26, as the case may be, clearing obstacles within 10 nautical miles either side of the intended track, by a vertical interval of at least -

(a) 1 000 feet, when the rate of climb is zero or greater; or

(b) 2 000 feet, when the rate of climb is less than zero.

(2) The flight path shall have a positive slope at an altitude of 1 500 feet above the aerodrome where the landing is assumed to be made after the failure of one engine.

(3) For the purposes of this regulation the available rate of climb of the aeroplane shall be taken to be 150 feet per minute less than the rate of climb specified.

(4) When complying with the provisions of this regulation, the width margin specified in subregulation (1) may be reduced to 5 nautical miles if the required navigation accuracy can be achieved.

(5) Fuel jettisoning shall be permitted to an extent consistent with reaching the aerodrome with the required fuel reserves, if a safe procedure is used.

En route with two engines inoperative in case of aeroplanes with three or more engines

121.09.23 (1) The operator of a Class C aeroplane with three or more engines, shall be able to demonstrate that, at all points along the intended track, the aeroplane is not more than 90 minutes, at the all-engines long-range cruising true air speed at standard temperature in still air, away from an aerodrome at which the performance requirements applicable at the expected landing mass are complied with, unless the aeroplane complies with the provisions of subregulations (2) to (6) inclusive.

(2) The two-engines inoperative flight path data shall permit the aeroplane to continue the flight, in the expected meteorological conditions, clearing all obstacles within 5 nautical miles either side of the intended track by a vertical interval of at least 2 000 feet, to an aerodrome at which the performance requirements applicable at the expected landing mass, are complied with.

(3) The two engines shall be assumed to fail at the most critical point of that portion of the route where the aeroplane is more than 90 minutes, at the all-engines long-range cruising true air speed at standard temperature in still air, away from an aerodrome at which the performance requirements applicable at the expected landing mass, are complied with.

(4) The expected mass of the aeroplane at the point where the two engines are assumed to fail, shall not be less than the mass which would include sufficient fuel to proceed to an aerodrome where the landing is assumed to be made, to arrive there at an altitude of at least 1 500 feet directly over the lauding area and thereafter, to fly level for 15 minutes

**[There is no full stop at the end of subregulation (4);
there are no additional words in the *Government Gazette*.]**

(5) For the purposes of this regulation, the available rate of climb of the aeroplane shall be taken to be 150 feet per minute less than the rate of climb specified.

(6) Fuel jettisoning shall be permitted to an extent consistent with reaching the aerodrome with the required fuel reserves, if a safe procedure is used.

Landing at destination and alternate aerodromes

121.09.24 The operator of a Class C aeroplane shall ensure that the landing mass of the aeroplane does not exceed the maximum certificated mass for the altitude and, if accounted for in the aeroplane flight manual referred to in regulation 121.04.5, the ambient temperature expected for the estimated time of arrival at the destination and alternate aerodrome.

Landing on dry runways

121.09.25 (1) The operator of a Class C aeroplane shall ensure that the landing mass of the aeroplane for the estimated time of arrival, allows for a full stop landing from 50 feet above the threshold within 70 per cent of the landing distance available at the destination and any alternate aerodrome.

(2) When complying with the provisions of subregulation (1), the operator shall take into account the requirements referred to in regulation 121.09.16(2).

(3) For dispatching the aeroplane in accordance with the provisions of subregulation (1), it shall be assumed that such aeroplane will land -

(a) on the most favourable runway in still air; and

(b) on the runway most likely to be assigned, considering the probable wind speed and direction and the ground handling characteristics of the aeroplane, and considering other conditions such as landing aids, terrain and obstacle clearance.

(4) If the operator is unable to comply with the provisions of subregulation (3)(b) for the destination aerodrome, the aeroplane may be dispatched if an alternate aerodrome which permits compliance with the provisions of subregulations (1), (2) and (3), is designated.

Landing on wet and contaminated runways

121.09.26 (1) The operator of a Class C aeroplane shall ensure that, when the appropriate weather reports or forecasts, or a combination thereof, indicate that the runway at the estimated time of arrival may be wet, the landing distance available is at least 115 per cent of the required landing distance determined in accordance with the provisions of regulation 121.09.25.

(2) The operator shall ensure that, when the appropriate weather reports or forecasts, or a combination thereof, indicate that the runway at the estimated time of arrival may be contaminated, the landing distance available must be at least the required approved landing distance.

SUBPART 10
AEROPLANE MAINTENANCE

General

121.10.1 (1) This Subpart prescribes the aeroplane maintenance requirements for compliance with the air operator certificate requirements prescribed in Subpart 6.

(2) The operator of a large aeroplane shall not operate the aeroplane unless such aeroplane is maintained and released to service by an aircraft maintenance organisation approved in terms of Part 145.

Operator's maintenance system

121.10.2 (1) An applicant for the issue of an air operator certificate, or an amendment or renewal thereof, shall submit an operator's maintenance system to the Director for approval.

(2) The operator's maintenance system shall include -

(a) the maintenance management manual referred to in regulation 121.10.6;

(b) the operator's aeroplane maintenance programme referred to in regulation 121.10.5;

(c) the aeroplane technical log referred to in regulation 121.10.7; and

(d) the technical specifications of the maintenance arrangements referred to in regulation 121.10.4(2), if applicable.

(3) The Director shall approve the maintenance system if the applicant complies with the requirements prescribed in this Subpart, in conjunction with the manual of procedure of an aircraft maintenance organisation approved in terms of Part 145.

Maintenance responsibility

121.10.3 (1) The operator of a large aeroplane shall ensure the airworthiness of the aeroplane and the serviceability of both its operational and emergency equipment by -

(a) the accomplishment of pre-flight inspections;

(b) the rectification to an approved standard, of any defect and damage affecting safe operation, taking into account the MEL and the COL, if available for the aeroplane type;

(c) the accomplishment of all maintenance in accordance with the approved operator's aeroplane maintenance programme referred to in regulation 121.10.7;

(d) the analysis of the effectiveness of such programme;

(e) the accomplishment of any operational directive, airworthiness directive and any other continued airworthiness requirement issued or prescribed in terms of the Regulations; and

(f) the accomplishment of modifications in accordance with an approved standard and, for modifications which are not required in terms of the Regulations, the establishment of an embodiment policy.

(2) The operator shall ensure that the certificate of airworthiness for each aeroplane operated, remains valid in respect of -

(a) the requirements prescribed in paragraph (1); and

(b) any expiry date, or other maintenance condition, specified on such certificate of airworthiness.

(3) The requirements prescribed in paragraph (1) shall be performed in accordance with procedures approved by the Director.

[The references to "paragraph (1)" in subregulation (2)(a) and (3) should refer to "subregulation (1)".]

Maintenance management

121.10.4 (1) The operator of a large aeroplane shall be the holder of an aircraft organisation approval issued in terms of Part 145, in order to perform the requirements prescribed in regulation 121.10.3(1)(b) to (f) inclusive, unless the Director is satisfied that the maintenance can be contracted to an aircraft maintenance organisation approved in terms of Part 145.

(2) If the operator is not an aircraft maintenance organisation approved in terms of Part 145, appropriate arrangements shall be made with such organisation to perform the requirements referred to in subregulation (1).

(3) The operator shall submit a copy of the arrangements referred to in subregulation (2), to the Director for approval.

Operator's maintenance management programme

121.10.5 (1) The operator of a large aeroplane shall establish an aeroplane maintenance programme according to which the aeroplane shall be maintained.

(2) The aeroplane management programme shall include -

(a) details of the frequency of all maintenance required to be carried out; and

(b) a reliability programme

[There is no full stop at the end of paragraph (b); there are no additional words in the *Government Gazette*.]

(3) The aeroplane management programme, and any subsequent amendment thereto, shall be submitted to the Director for approval.

Operator's maintenance management manual

121.10.6 (1) The operator of a large aeroplane shall compile a maintenance management manual which shall -

(a) comply with the requirements prescribed in this Subpart and Subpart 6; and

(b) contain the information as prescribed in Document NAM-CATS-OPS 121.

(2) If the operator is an aircraft maintenance organisation approved in terms of Part 145, the maintenance management manual may be included in the manual of procedure referred to in regulation 145.02.1.

(3) The maintenance management manual, and any subsequent amendment thereto, shall be submitted to the Director for approval.

Operator's aeroplane technical log

121.10.7 (1) The operator of a large aeroplane shall establish an aeroplane technical log system containing the following information for each aeroplane:

(a) Particulars of each flight necessary to ensure continued flight safety;

(b) the current certificate of release to service;

(c) the current maintenance statement giving the aeroplane maintenance status of which maintenance required in terms of Part 43, is next due;

(d) all outstanding deferred defects which affect the operation of the aeroplane; and

(e) any necessary guidance instructions on maintenance support arrangements.

(2) The aeroplane technical log, and any subsequent amendment thereto, shall be submitted to the Director for approval.

Maintenance records

121.10.8 (1) The operator of a large aeroplane shall ensure that the aeroplane technical log referred to in regulation 121.10.7, is retained for a period of 24 months after the date of the last entry.

(2) The operator shall ensure that a system has been established to keep the following records for the following periods:

(a) All detailed maintenance records in respect of the aeroplane, and any aeroplane component fitted thereto, for 24 months after such aeroplane, or aeroplane component, has been released to service;

(b) the total time and flight cycles, as appropriate, of the aeroplane and all life-limited aeroplane components, for 12 months after the aeroplane has been permanently withdrawn from service;

(c) the time and flight cycles, as appropriate, since the last overhaul of the aeroplane, or aeroplane component subjected to an overhaul life, until the aeroplane or aeroplane component overhaul has been superseded by another overhaul of equivalent work scope and detail;

(d) the current aeroplane inspection status to prove compliance with the aeroplane maintenance programme referred to in regulation 121.10.5, until the aeroplane or aeroplane component inspection has been superseded by another inspection of equivalent work scope and detail;

(e) the current status of airworthiness directives applicable to the aeroplane and aeroplane components, for 12 months after the aeroplane has been permanently withdrawn from service; and

(f) details of current modifications and repairs to the aeroplane, or any aeroplane component vital to flight safety, for 12 months after the aeroplane has been permanently withdrawn from service.

(3) The operator shall ensure that, if the aeroplane is permanently transferred to another operator, the records referred to in subregulations (1) and (2) are also transferred to such operator.

Continued validity of air operator certificate in respect of maintenance system

121.10.9 The operator of a large aeroplane shall comply with the requirements prescribed in Subpart 6, to ensure the continued validity of the air operator certificate in respect of the maintenance system.

Quality Assurance System

121.10.10 (1) For maintenance purposes, the operator's Quality Assurance System, as required by regulation 121.06.2, must additionally include at least the following functions:

(a) Monitoring that the activities of regulation 121.10.3 are being performed in accordance with the accepted procedures;

(b) Monitoring that all contracted maintenance is carried out in accordance with the contract; and

(c) Monitoring the continued compliance with the requirements of this Subpart.

(2) Where the operator is approved in accordance with Part 145, the Quality Assurance System may be combined with that required by Part 145.

SUBPART 11
RULES OF THE AIR

DIVISION ONE: FLIGHT RULES

Landing and take-off

121.11.1 No pilot-in-command shall use a place other than an aerodrome as a place of landing or take-off in a large aeroplane except -

(a) in the case of an emergency involving the safety of the aeroplane or its occupants;

(b) for the purpose of saving human lives; or

(c) when involved in civil defence or law enforcement operations:

Provided that at all times reasonable care is taken for the safety of others with due regard to the prevailing circumstances.

Right of way

121.11.2 (1) The pilot-in-command of a large aeroplane which has the right of way, shall maintain heading and speed, but nothing in this Subpart shall relieve the pilot-in-command from the responsibility of taking such action as will best avert collision.

(2) The pilot-in-command of a large aeroplane which is obliged, by the provisions of the regulations in this Subpart, to keep out of the way of another aircraft, shall avoid passing over or under the other aircraft, or crossing ahead of such aircraft, unless passing well clear.

(3) When a large aeroplane and another aircraft are approaching head-on or approximately so and there is danger of collision, the pilot-in-command of each aircraft shall alter its heading to the right.

(4) When a large aeroplane and another aircraft are converging at approximately the same level, the pilot-in-command of the aircraft which has the other aircraft on its right, shall give way, except in the following circumstances:

(a) The pilot-in-command of a large aeroplane shall give way to airships, gliders and balloons;

(b) the pilot-in-command of a large aeroplane shall give way to aircraft which are -

(i) seen to be towing other aircraft or objects;

(ii) carrying an underslung load or are engaged in winching operations; and

(iii) being towed or tethered.

(5) A large aeroplane which is being overtaken has the right of way and the pilot-in-command of the overtaking aircraft, whether climbing, descending or in horizontal flight, shall keep such aircraft out of the way of the overtaken aeroplane by altering its heading to the right, and no subsequent change in the relative positions of the two aircraft shall absolve the pilot-in-command of the overtaking aircraft from his or her obligation until such aircraft is entirely past and clear: Provided that where a right-hand circuit is being followed at an aerodrome, the pilot-in-command of the overtaking aircraft shall alter its heading to the left.

(6) The pilot-in-command of a large aeroplane in flight or operating on the ground or, in the case of a large seaplane or amphibious aeroplane, on water, shall give way to other aircraft landing or on final approach to land.

(7) (a) When a large aeroplane and one or more heavier-than-air aircraft are approaching an aerodrome for the purpose of landing, the pilot-in-command of the aircraft at the higher level, shall give way to the aircraft at the lower level, but the pilot-in-command of the latter aircraft shall not take advantage of this provision to cut in front of another aircraft which is on final approach to land, or to overtake such aircraft.

(b) Notwithstanding the provisions of paragraph (a), the pilot-in-command of a large aeroplane shall give way to gliders.

(8) The pilot-in-command of a large aeroplane about to take-off, shall not attempt to do so until there is no apparent risk of collision with other aircraft.

(9) The pilot-in-command of a large aeroplane who is aware that another aircraft is compelled to land, shall give way to such aircraft.

(10) For the purposes of this regulation, an overtaking aircraft is an aircraft which approaches another aircraft from the rear on a line forming an angle of less than 70 degrees with the plane of symmetry of the latter aircraft, and will therefore be in such a position with reference to the other aircraft, that by night it should be unable to see either of the other aircraft's wingtip navigation lights.

Following line features

121.11.3 The pilot-in-command of a large aeroplane flying at or below 1 500 feet above the surface and following a power line, a road, a railway line, a river, a coastline or any other line feature or within one nautical mile of such line feature, shall fly to the right of such power line, road, railway line, river, coastline or other line feature, except when the pilot-in-command is instructed to do otherwise by an air traffic service unit.

Aeroplane speed

121.11.4 (1) Unless otherwise authorised or required by the Director, no person shall, outside controlled airspace and below flight level 100, fly a large aeroplane at an indicated air speed of more than 250 knots.

(2) Unless otherwise authorised or required by an air traffic service unit, no person shall fly a large aeroplane within a control zone or an aerodrome traffic zone at an indicated air speed of more than -

(a) 160 knots, in the case of a reciprocating-engine aeroplane; or

(b) 200 knots, in the case of a turbine-powered aeroplane:

Provided that if the minimum safe indicated air speed for a particular flight is greater than the maximum indicated air speed prescribed in this regulation, the aeroplane may be flown at the minimum safe indicated air speed.

Lights to be displayed by large aeroplane

121.11.5 The lights which have to be displayed by a large aeroplane by night or on the manoeuvring area of an aerodrome, or, in the case of a large seaplane or amphibious aeroplane, on water, shall be as prescribed in NAM-CATS-OPS 121.

Taxi rules

121.11.6 (1) Large aeroplanes which are landing or taking off, shall be given right of way by other aircraft and by vehicles.

(2) The pilot-in-command of a large aeroplane shall, after landing, unless otherwise authorised or instructed by an air traffic service unit, move clear of the runway in use, as soon as it is possible to safely do so.

(3) A vehicle which is towing a large aeroplane shall be given right of way by the persons in charge of other vehicles and by pilots of and personnel authorised to taxi other aircraft which are not landing or taking off.

(4) A large aeroplane shall be given right of way by the person in charge of a vehicle which is not towing an aircraft.

(5) The pilot-in-command of, or personnel authorised to taxi, a large aeroplane or the person in charge of a vehicle which is obliged by the provisions of this regulation to give right of way to another aircraft, shall, if necessary in the circumstances in order to do so, reduce the speed or stop such aeroplane or vehicle.

(6) If danger of collision exists between a large aeroplane or vehicle and another aircraft or vehicle, such of the following procedures as may be appropriate in the circumstances, shall be applied:

(a) When the two are approaching head-on or nearly head-on, the pilot-in-command of, or personnel authorised to taxi, the aircraft and the person in charge of the vehicle, shall turn to the right;

(b) when one is overtaking the other, the pilot-in-command of, or personnel authorised to taxi, the aircraft or person in charge of the vehicle which is overtaking, shall keep out of the way of the other by turning to the right, and no subsequent change in the relative positions of the two shall absolve the one which is overtaking from this obligation, until it is finally past and clear of the other;

(c) subject to the provisions of subregulation (2), when the two are converging, the pilot-in-command of, or personnel authorised to taxi, the aircraft or person in charge of the vehicle which has the other on its right, shall give way to the other and shall avoid crossing ahead of the other unless passing well clear of it.

(7) The person in charge of a vehicle moving along a runway or taxiway, shall as far as practicable keep to the right side of the runway or taxiway.

(8) When a large aeroplane is being towed, the person in charge of the towing vehicle shall be responsible for compliance with the provisions of this regulation.

(9) Nothing in this regulation shall relieve the pilot-in-command of, or personnel authorised to taxi, a large aeroplane or the person in charge of a vehicle, from the responsibility for taking such action as will best aid to avert collision.

Operation on and in vicinity of aerodrome

121.11.7 (1) The pilot-in-command of a large aeroplane operated on or in the vicinity of an aerodrome, shall comply with the following rules:

(a) Observe other aerodrome traffic for the purpose of avoiding collision;

(b) conform with or avoid the pattern of traffic formed by other aircraft in operation;

(c) make all turns to the left when approaching for a landing and after taking off, unless otherwise instructed by an air traffic service unit, or unless a right hand circuit is in force;

(d) land and take-off into the wind unless safety, the runway configuration or air traffic considerations determine that a different direction is preferable;

(e) when not joining the traffic pattern for landing, fly across the aerodrome or its environs at a height of not less than 2 000 feet above the level of such aerodrome: Provided that if circumstances require such pilot-in-command to fly at a height of less than 2 000 feet above the level of the aerodrome, he or she shall conform with the traffic pattern at such aerodrome; and

(f) taxi in accordance with the ground control procedures which may be in force at the aerodrome.

(2) If an aerodrome control tower is in operation, the pilot-in-command shall also, whilst the aeroplane is within the aerodrome traffic zone -

(a) maintain a continuous radio watch on the frequency of the aerodrome control tower responsible for providing aerodrome control service at the aerodrome, establish two-way radio communication as necessary for aerodrome control purposes and obtain such clearances for his or her movements as may be necessary for the protection of aerodrome traffic; or

(b) if this is not possible, keep a watch for and comply with such clearances and instructions as may be issued by visual means.

(3) If an aerodrome flight information service unit is in operation, the pilot-in-command shall also, whilst the aeroplane is within the aerodrome traffic zone -

(a) maintain a continuous radio watch on the frequency of the aerodrome flight information service unit responsible for providing aerodrome flight information service at the aerodrome, establish two-way radio communication as necessary for aerodrome flight information service purposes and obtain information in respect of the surface wind, runway in use and altimeter setting and in respect of aerodrome traffic on the manoeuvring area and in the aerodrome traffic zone; or

(b) if this is not possible, keep a watch for visual signals which may be displayed or may be issued by the aerodrome flight information service unit.

(4) The pilot-in-command who is unable to communicate by radio, shall, before landing at an aerodrome, make a circuit of the aerodrome for the purpose of observing the traffic, and reading such ground markings and signals as may be displayed thereon, unless he or she has the consent of the appropriate air traffic service unit to do otherwise.

Signals

121.11.8 The pilot-in-command of a large aeroplane in flight shall, upon observing or receiving any of the signals as prescribed in Document NAM-CATS-OPS 121, take such action as may be required by the interpretation of such signal.

Water operations

121.11.9 (1) In areas in which the International Regulations for Preventing Collisions at Sea are in force, the pilot-in-command of a large seaplane or amphibious aeroplane operated on the water, shall comply with the provisions thereof.

(2) The pilot-in-command of a large seaplane or amphibious aeroplane in flight near the surface of the water shall, as far as possible, keep clear of all vessels and avoid impeding their navigation.

(3) When a large seaplane or amphibious aeroplane and another aircraft, or a large seaplane or amphibious aeroplane and a vessel, are approaching one another and there is a risk of collision, the pilot-in-command of each aircraft and vessel shall proceed with careful regard to existing circumstances and conditions including the limitations of the respective craft.

(4) The pilot-in-command of a large seaplane or amphibious aeroplane which has another aircraft or a vessel on its right, shall give way so as to keep well clear.

(5) The pilot-in-command of a large seaplane or amphibious aeroplane approaching another aircraft or a vessel head-on, or nearly head-on, shall alter the heading of the seaplane or amphibious aeroplane to the right to keep well clear.

(6) The aircraft or vessel which is being overtaken has the right of way, and the pilot-in-command of the large seaplane or amphibious aeroplane overtaking shall alter the heading of such seaplane or amphibious aeroplane to keep well clear.

(7) The pilot-in-command of a large seaplane or amphibious aeroplane landing on or taking off from the water shall, as far as practicable, keep well clear of all vessels and avoid impeding their navigation.

Reporting position

121.11.10 The pilot-in-command of a large aeroplane -

(a) flying in controlled airspace;

(b) flying in advisory airspace; or

(c) flying on routes defined by significant and/or compulsory reporting points; or

(d) on a flight for which alerting action is being provided,

shall ensure that reports are made to the responsible air traffic service unit, as soon as possible, of the time and level of passing each compulsory reporting point, together with meteorological and any other required information, and he or she shall further ensure that position reports are similarly made in relation to additional reporting points, if so requested by the responsible air traffic service unit and that, in the absence of designated reporting points, position reports are made at the intervals specified by the responsible air traffic service unit or published by the Director in terms of Part 175, for that area.

Mandatory radio communication in controlled airspace

121.11.11 The pilot-in-command of a large aeroplane to be operated in or crossing a controlled airspace shall ensure that, before the aeroplane enters such airspace, two-way radio communication is established with the responsible air traffic service unit on the designated radio frequency, and shall ensure, while the aeroplane is within, and until it leaves, the controlled airspace, that continuous radio watch is maintained and that such further two-way radio communication as such air traffic service unit may require, is established: Provided that -

(a) the air traffic service unit may permit an aeroplane not capable of maintaining continuous two-way radio communication, to fly in the control area, terminal control area, control zone or aerodrome traffic zone for which it is responsible, if traffic conditions permit, in which case the flight shall be subject to such conditions as such air traffic service unit deems necessary to ensure the safety of other air traffic; and

(b) in the case of radio failure, a flight for which a flight plan was filed and activated by the air traffic service unit on receipt of a departure time, may continue in controlled airspace if the communication failure procedures as prescribed in Document NAM-CATS-OPS 121, are complied with.

Mandatory radio communication in advisory airspace

121.11.12 The pilot-in-command of a large aeroplane to be operated in advisory airspace shall ensure that, before the aeroplane approaches or enters such airspace -

(a) two-way radio communication with the responsible air traffic service unit is established on the designated radio frequency; or

(b) if such communication is not possible, two-way radio communication is established with any air traffic service unit which is capable of relaying messages to and from the responsible air traffic service unit; or

(c) if such communication is not possible, broadcasts are made on the designated radio frequency giving information on the intention of the pilot-in-command of the aeroplane to enter the airspace, and such pilot-in-command shall ensure that, while the aeroplane is within the advisory airspace and until it departs therefrom, a continuous radio watch is maintained on the designated radio frequency and that -

(i) such further two-way radio communication as the responsible air traffic service unit may require, is established with any other air traffic service unit which is capable of relaying messages to and from such responsible air traffic service unit;

(ii) if such communication is not possible, such further two-way radio communication is established with any other air traffic service unit which is capable of relaying messages to and from the responsible air traffic service unit, as such responsible air traffic service unit may require; or

(iii) if such communication is not possible, broadcasts are made on the designated radio frequency giving information on passing reporting points and when leaving the airspace concerned:

Provided that in the case of a radio failure, a flight for which a flight plan was filed and activated by an air traffic service unit on receipt of a departure time, may continue in advisory airspace if the communication failure procedures as prescribed in Document NAM-CATS-OPS 121, are complied with.

Compliance with air traffic control clearance and instructions

121.11.13 The pilot-in-command of a large aeroplane shall -

(a) comply with any air traffic control clearance which is obtained, unless the pilot-in-command obtains an amended clearance;

(b) not operate the aeroplane contrary to an air traffic control instruction in an area in which an air traffic control service is provided; and

(c) when deviating from an air traffic control clearance or instruction, notify the air traffic control unit of the deviation, as soon as practicable.

Prohibited areas

121.11.14 (1) The Director may, by notice in an AIP, AIP SUP, AIC or a NOTAM, declare any area to be a prohibited area and shall, for the purposes of the prohibition contained in subregulation (2), when so declaring an area to be a prohibited area -

(a) specify a height above the ground surface of such area; or

(b) specify an altitude in respect of such area, as the Director may deem expedient, in the notice in question.

(2) No person shall fly any large aeroplane in the airspace above a prohibited area -

(a) below the height specified in terms of subregulation (1)(a); or

(b) below the altitude specified in terms of subregulation (1)(b), as the case may be, in respect of the prohibited area in question.

Restricted areas

121.11.15 (1) The Director may, by notice in an AIP, AIP SUP, AIC or a NOTAM, declare any area to be a restricted area and shall, when so declaring an area to be a restricted area, specify in the notice in question -

(a) the nature and extent of the restriction applicable in respect of the area in question; and

(b) the authorisation under which flights in such a restricted area shall be permitted.

(2) No person shall, in contravention of a restriction contemplated in subregulation (1)(a), fly any large aeroplane to which the said restriction applies, in any restricted area, unless the flight in question has been permitted by virtue of an authorisation contemplated in subregulation (1)(b).

Danger areas

121.11.16 (1) The Director may, by notice in an AIP, AIP SUP, AIC or a NOTAM, declare any area to be a danger area and shall, when so declaring an area to be a danger area, specify in the notice in question

(a) the nature and extent of the dangerous activity or activities in respect of the area.

[There are no paragraphs additional to paragraph (a) in subregulation (1).]

(2) No person shall fly any large aeroplane in the airspace above any danger area.

DIVISION TWO: VISUAL FLIGHT RULES

Visibility and distance from cloud

121.11.17 (1) Every VFR flight shall be so conducted by the pilot-in-command of a large aeroplane that the aeroplane is flown -

(a) with visual reference to identifiable objects on the surface by day;

(b) by night, with less than three eighths of cloud -

(i) seven days prior to full moon until seven days after full moon expressed in Namibian Standard Time, 15 minutes after moonrise to 15 minutes before moonset; or

[Section 1 of the Namibian Time Act 9 of 2017 provides that the standard time of Namibia is two hours in advance of Greenwich Mean Time.]

(ii) with visual reference to identifiable objects on the surface;

(c) at no time above more than three eighths of cloud within a radius of five nautical miles of such aeroplane; and

(d) under conditions of visibility and distance from cloud equal to, or greater than, the conditions as prescribed in Document NAM-CATS-OPS 121: Provided that when the height of the transition altitude is lower than 3 050 m (10 000 ft) above MSL, FL 100 shall be used in lieu of 10 000 ft.

(2) When authorised by an air traffic service unit, lower flight visibilities than 1 500 m may be permitted for flights operating in Class G airspace -

(a) at speeds that, in the prevailing visibility, will give adequate opportunity to observe other traffic or any obstacles in time to avoid collision; or

(b) in circumstances in which the probability of encounters with other traffic would normally be low, such as in areas of low volume traffic and aerial work at low levels.

Special VFR weather minima

121.11.18 The pilot-in-command of a large aeroplane may conduct special VFR operations in weather conditions below the conditions prescribed in regulation 121.11.16, within a control zone -

(a) under the terms of an air traffic control clearance;

(b) by day only;

(c) clear of clouds;

(d) with a ceiling of at least 600 feet and visibility of at least 1 500 m;

(e) in a large aeroplane equipped with two-way radio equipment capable of communicating with an air traffic service unit on the appropriate frequency; and

(f) if leaving the control zone, in accordance with instructions issued by an air traffic service unit prior to departure.

Responsibility to ascertain whether VFR flight is permitted

121.11.19 Outside a control zone, an aerodrome traffic zone or an aerodrome traffic area, the pilot-in-command of a large aeroplane shall ascertain whether or not weather conditions permit flight in accordance with VFR, and whenever weather conditions do not permit a pilot to maintain the minimum distance from cloud and the minimum visibility required by VFR, the pilot-in-command shall comply with IFR.

DIVISION THREE: INSTRUMENT FLIGHT RULES

Compliance with IFR

121.11.19 If the pilot-in-command of a large aeroplane conducts a flight above FL 200, he or she shall fly the aeroplane in compliance with IFR as prescribed in this Subpart.

Aeroplane equipment

121.11.20 No operator or pilot-in-command, as the case may be, of a large aeroplane, which is required to operate in compliance with IFR, shall operate the aeroplane unless such aeroplane is equipped with suitable instruments and radio navigation apparatus appropriate to the route to be flown and in accordance with the regulations in Subpart 5.

Change from IFR flight to VFR flight

121.11.21 (1) The pilot-in-command of a large aeroplane, who elects to change the conduct of flight of the aeroplane from compliance with IFR to compliance with VFR, shall, if a flight plan was submitted for the flight, notify the air traffic service unit concerned that the IFR flight is cancelled and communicate to such air traffic service unit the intended changes to be made to the current flight plan.

(2) When a large aeroplane operating under IFR is flown in or encounters visual meteorological conditions, the pilot-in-command shall not cancel its IFR flight unless it is anticipated, and intended, that the flight will be continued for a reasonable period in uninterrupted visual meteorological conditions.

IFR procedures

121.11.22 (1) Unless otherwise authorised by the responsible air traffic service unit, the pilot-in-command of a large aeroplane flown in compliance with the rules contained in this Division, shall comply with IFR procedures applicable in the relevant airspace.

(2) Subject to the provisions of regulation 121.11.21, the pilot-in-command may execute, or endeavour to execute, a cloud break or let-down procedure at an aerodrome, or nominate an aerodrome as an alternate aerodrome: Provided that the requirements relating to cloud break or let-down procedures and to flights under IMC, as published by the Director in a NOTAM, can be complied with.

DIVISION FOUR: AIR TRAFFIC RULES

Air traffic service procedures

121.11.23 The pilot-in-command of a large aeroplane to be operated in controlled airspace shall -

(a) ensure that a flight plan is submitted, and changes thereto are notified, in accordance with the provisions of regulation 121.04.7;

(b) ensure that radio communication is established with the responsible air traffic service unit and that radio communication is maintained in accordance with the provisions of in regulation 121.11.11; and

(c) comply with air traffic control clearances and instructions:

Provided that -

(i) the pilot-in-command of a large aeroplane may deviate from an air traffic control clearance in exceptional circumstances, but such deviation shall be reported to the responsible air traffic service unit as soon as possible; and

(ii) the pilot-in-command of a large aeroplane may propose an amendment to an air traffic control clearance, but such amendment shall not be applied until authorised by the responsible air traffic service unit.

Priority

121.11.24 An air traffic service unit may, with regard to arrivals and departures, give priority to a large aeroplane operating in accordance with flight plan clearance over aircraft not so engaged.

DIVISION FIVE: HEIGHTS AND INSTRUMENT APPROACH AND DEPARTURE PROCEDURES

Minimum heights

121.11.25 (1) Except when necessary for take-off or landing, or except with the prior approval of the Director, no pilot-in-command of a large aeroplane -

(a) shall fly the aeroplane over built-up areas or over an open-air assembly of persons at a height less than 1 000 feet above the highest obstacle, within a radius of 2 000 feet from such aeroplane;

(b) when flown elsewhere than specified in paragraph (a), shall fly the aeroplane at a height less than 500 feet above the ground or water; and

(c) shall circle over or do repeated overflights over an open-air assembly of persons at a height less than 3 000 feet above the surface.

(2) Except when necessary for take-off or landing, the pilot-in-command of a large aeroplane shall by night, in IMC, or when operated in accordance with IFR, fly the aeroplane -

(a) if within an area determined by the Director, at a height of at least 1 000 feet above the highest obstacle within that area and in accordance with such procedures as the Director may determine; or

(b) if elsewhere than in an area contemplated in paragraph (a), at a height of at least 1 500 feet above the highest obstacle located within five nautical miles of the aeroplane in flight.

Semi-circular rule

121.11.26 (1) Unless otherwise directed by an air traffic service unit, the pilot-in-command of a large aeroplane in level flight, shall fly at an appropriate flight level selected according to the magnetic track as prescribed in Document NAM-CATS-OPS 121.

(2) Large aeroplanes flown in accordance with VFR at a height of less than 1 500 feet above the surface, shall not be required to comply with the provisions of subregulation (1), unless otherwise directed by an air traffic service unit.

Standard instrument approach to and departure from aerodrome

121.11.27 When an instrument approach to, or instrument departure from, an aerodrome is necessary, the pilot-in-command of a large aeroplane shall use the standard instrument approach and departure procedure as published by the Director in an AIC, AIP, AIP SUP or a NOTAM.

SUBPART 12
ALL WEATHER OPERATIONS

Aerodrome operating minima

121.12.1 The aerodrome operating minima are the minima referred to in regulation 121.08.10.

General operating rules for low-visibility operations

121.12.2 (1) An operator shall not conduct Category II or III operations unless:

(a) Each aeroplane concerned is certificated for operations with decision heights below 200 ft, or no decision height, and equipped in accordance with NAM-CATS-OPS 121.

(b) A suitable system for recording approach and/or automatic landing success and failure is established and maintained to monitor the overall safety of the operation;

(c) The operations are approved by the Director;

(d) The flight crew consists of at least 2 pilots; and

(e) Decision Height is determined by means of a radio altimeter.

(2) An operator shall not conduct low visibility take-offs in less than 150 m RVR (Category A, B and C aeroplanes) or 200 m RVR (Category D aeroplanes) unless approved by the Director.

Aerodrome considerations for low-visibility operations

121.12.3 (1) An operator shall not use an aerodrome for Category II or III operations unless the aerodrome is approved for such operations by the State in which the aerodrome is located.

(2) An operator shall verify that Low Visibility Procedures (LVP) have been established, and will be enforced, at those aerodromes where low visibility operations are to be conducted.

Training and qualifications for low-visibility operations

121.12.4 An operator shall ensure that, prior to conducting Low Visibility Take-Off, Category II and III operations:

(1) Each flight crew member:

(a) Completes the training and checking requirements prescribed in NAM-CATS-OPS 121 including simulator training in operating to the limiting values of RVR and Decision Height appropriate to the operator's Category II/III approval; an

[The word "and" at the end of paragraph (a) is misspelt in the *Government Gazette*, as reproduced above.]

(b) Is qualified in accordance with NAM-CATS -OPS 121;

[A missing hyphen has been inserted in the term "NAM-CATS-OPS" in paragraphs (a) and (b) to facilitate searches for that term.]

(2) The training and checking is conducted in accordance with a detailed syllabus approved by the Director and included in the Operations Manual. This training is in addition to that prescribed in Subpart 3; and

[The verb "is" after "training and checking" should be "are" to be grammatically correct.]

(3) The flight crew qualification is specific to the operation and the aeroplane type.

Operating procedures for low visibility operations

121.12.5 (1) An operator must establish procedures and instructions to be used for Low Visibility Take-Off and Category II and III operations. These procedures must be included in the Operations Manual and contain the duties of flight crew members during taxying, take-off, approach, flare, landing, roll-out and missed approach as appropriate.

[The word "taxiing" is misspelt in the *Government Gazette*, as reproduced above.]

(2) The commander shall satisfy himself that:

(a) The status of the visual and non-visual facilities is sufficient prior to commencing a Low Visibility Take-Off or a Category II or III approach;

(b) Appropriate LVPs are in force according to information received from Air Traffic Services, before commencing a Low Visibility Take-off or a Category II or III approach; and

(c) The flight crew members are properly qualified prior to commencing a Low Visibility Take-off in an RVR of less than 150 m (Category A, B and C aeroplanes) or 200 m (Cat D aeroplanes) or a Category II or III approach.

Minimum equipment for low-visibility operations

121.12.6 (1) An operator must include in the Operations Manual the minimum equipment that has to be serviceable at the commencement of a Low Visibility Take-off or a Category II or III approach in accordance with the AFM or other approved document.

(2) The commander shall satisfy himself that the status of the aeroplane and of the relevant airborne systems is appropriate for the specific operation to be conducted.

SUBPART 13: SECURITY

Security requirements

121.13.1 An operator shall ensure that all appropriate personnel are familiar, and comply, with the relevant requirements of the national security programmes.

Flight crew compartment security

121.13.2 If installed, the flight crew compartment door on all aeroplanes operated for the purpose of carrying passengers shall be capable of being locked from within the compartment in order to prevent unauthorised access.

Training programmes

121.13.3 An operator shall establish, maintain and conduct approved training programmes which enable the operator's personnel to take appropriate action to prevent acts of unlawful interference such as sabotage or unlawful seizure of aeroplanes and to minimise the consequences of such events should they occur.

Aeroplane search procedure checklist

121.13.4 An operator shall ensure that all aeroplanes carry a checklist of the procedures to be followed for that type in searching for concealed weapons, explosives, or other dangerous devices.

Reporting acts of unlawful interference

121.13.5 Following an act of unlawful interference on board an aeroplane the commander or, in his absence the operator, shall submit, without delay, a report of such an act to the designated local authority and the Director in the State of the operator.

PART 127
CERTIFICATED AIRCRAFT OPERATORS AND OTHER FLIGHT OPERATIONS: AIR TRANSPORT OPERATIONS - HELICOPTERS

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SUBPART 1
GENERAL

Applicability

127.01.1 (1) This Part shall apply to -

(a) helicopters engaged in commercial air transport operations within Namibia;

(b) helicopters registered in Namibia and engaged in international commercial air transport operations;

(c) the issuing of air operator certificates for Namibian operators, and matters related thereto;

(d) the issuing of foreign air operator permits for foreign operators, and matters related thereto;

(e) persons acting as crew members of helicopters registered in Namibia; and

(f) persons who are on board a helicopter operated under this Part.

(2) For the purposes of this Part, a helicopter registered in another State and operated by the holder of an air operator certificate issued in Namibia, shall be deemed to be registered in Namibia.

(3) The provisions of Part 91 shall apply *mutatis mutandis* to any helicopter operated in terms of this Part.

Authority of pilot-in-command

127.01.2 All persons on board a helicopter shall obey all lawful commands given by the pilot-in-command of the helicopter for the purpose of securing the safety of such helicopter and of persons or property carried therein.

Turning helicopter rotors

127.01.3 The operator of a helicopter shall not permit helicopter rotors to be turned under power without -

(a) a qualified pilot; or

(b) if the helicopter is stationary on the ground, a person who has received the relevant instruction and has been declared competent to control the helicopter while stationary on the ground, by a Category B flight instructor, at the controls of such helicopter.

Search and rescue information

127.01.4 The operator or pilot-in-command, as the case may be, of a helicopter, shall ensure that all essential information concerning the search and rescue services in the area over which it is intended that the helicopter will be flown, is available on board such helicopter.

Information on emergency and survival equipment carried

127.01.5 (1) The operator of a helicopter shall have available for immediate communication to rescue co-ordination centres, a list containing information regarding the emergency and survival equipment carried on board the helicopter.

(2) The minimum information to be contained in the list referred to in subregulation (1) shall be as prescribed in Document NAM-CATS-OPS 127.

Method of carriage of persons

127.01.6 No person shall be in any part of a helicopter in flight, which is not a part designed for the accommodation of persons, unless temporary permission has been granted by the pilot-in-command to access such part of the helicopter -

(a) for the purpose of taking action necessary for the safety of such helicopter or of any person, animal or goods therein; and

(b) in which cargo or stores are carried, being a part which is designed to enable a person to have access thereto while such helicopter is in flight.

Admission to cockpit

127.01.7 (1) The operator of a helicopter shall ensure that no person is admitted to, or carried in the cockpit of the helicopter unless such person is -

(a) a flight crew member assigned to the flight;

(b) an authorised officer, inspector or authorised person; or

(c) permitted by, and carried in accordance with, the instructions contained in the operations manual referred to in regulation 127.04.3.

(2) The final decision regarding the admission of any person to the cockpit shall be the responsibility of the pilot-in-command: Provided that in the case of an authorised officer, inspector or authorised person on an official inspection, such admission shall not be unreasonably withheld.

(3) The admission of any person to the cockpit shall not interfere with the operation of the helicopter.

(4) Any person carried in the cockpit, shall be made familiar with the applicable safety procedures.

Unauthorised carriage

127.01.8 No person shall conceal himself, herself, animals or cargo on board a helicopter.

Electronic devices

127.01.9 (1) Subject to the provisions of subregulation (2), no operator or pilot-in-command, as the case may be, of a helicopter, shall permit the operation of, and no person shall

operate on board the helicopter during flight time, any electronic device which may adversely affect the performance of the systems or equipment of such helicopter.

(2) The Director may, in Document NAM-CATS-OPS 127, identify an electronic device as a device which will not adversely affect the performance of the systems or equipment of the helicopter in which the systems or equipment are to be used, and the provisions of subregulation (1) shall not apply to an electronic device so identified.

Endangering safety

127.01.10 No person shall, through any act or omission -

(a) endanger the safety of a helicopter or person therein; or

(b) cause or permit the helicopter to endanger the safety of any person or property.

Intoxication

127.01.11 (1) The operator of a helicopter shall not permit, and no person shall enter or be in, the helicopter while under the influence of any alcohol or psychoactive substance, to the extent where the safety of such helicopter or its occupants is, or is likely to be, endangered.

(2) The operator shall establish procedures to ensure that any person referred to in subregulation (1) -

(a) is refused embarkation; or

(b) if such person is already on board, is restrained or disembarked.

Dry lease of helicopter

127.01.12 (1) A Namibian operator who intends to dry lease a foreign registered helicopter for operations under this Part, shall -

(a) ensure that the helicopter can be operated and is operated in accordance with the requirements prescribed in this Part;

(b) obtain prior approval from the Director to operate such helicopter.

(2) The approval referred to in subregulation (1)(b) shall, subject to such conditions as the Director may determine, be granted if such helicopter is -

(a) type certificated in accordance with the requirements prescribed in Part 21;

(b) maintained in accordance with the operator's maintenance system referred to in regulation 127.10.2;

(c) operated under the air operator certificate held by the operator referred to in subregulation (1).

(3) The conditions of approval referred to in subregulation (2) shall be part of the lease agreement between the operator referred to in subregulation (1) and the operator from which the foreign registered helicopter is leased.

(4) Subject to the provisions of subregulation (5), the operator of a Namibian registered helicopter may dry lease the helicopter to any operator of another Contracting State.

(5) On request of the operator of a Namibian registered helicopter, the Director may remove the helicopter from the air operator certificate held by such operator: Provided that -

(a) the appropriate authority of the State of the Operator has accepted in writing, the responsibility for surveillance of the maintenance and operation of such helicopter; and

(b) such helicopter is maintained according to an approved operator's maintenance system.

Wet lease of helicopter

127.01.13 (1) A Namibian operator who intends to wet lease a foreign registered helicopter for operations under this Part, shall obtain prior approval from the Director to operate such helicopter.

(2) The approval referred to in subregulation (1) shall, subject to such conditions as the Director may determine, be granted if such helicopter -

(a) is wet leased from an operator who is the holder of an air operator certificate or equivalent authorisation issued by an appropriate authority;

(b) has been type certificated by the appropriate authority;

(c) holds a valid certificate of airworthiness or similar document issued by such appropriate authority;

(d) is maintained and operated in accordance with safety standards at least equivalent to the safety standards prescribed in this Part; and

(e) will be operated in terms of the air operator certificate held by the operator referred to in subregulation (1).

(3) The operator referred to in subregulation (1) shall -

(a) satisfy the Director that the safety standards of the lessor are not less than the safety standards prescribed in this Part;

(b) ensure that any law applicable to the maintenance and operation of the helicopter to be wet leased, is complied with.

(4) The operator of a Namibian registered helicopter who intends to wet lease the helicopter to any operator, other than an operator of another Contracting State, shall remain the operator of the helicopter for the purposes of Subpart 6, and the responsibility for surveillance of the maintenance and operation of such helicopter shall not be transferred to the appropriate authority of the State of the Operator.

Leasing of helicopter between two Namibian operators

127.01.14 (1) A Namibian operator who intends to lease a helicopter and complete crew from another Namibian operator, shall become the operator of the helicopter and shall assume the functions and responsibilities prescribed in Subpart 6.

(2) A Namibian operator, intending to utilise a helicopter leased from, or to lease it to, another Namibian operator shall obtain prior approval from the Director for the operation, and the conditions of approval shall be part of the lease agreement between the operators.

(3) The terms of an approved lease agreement, other than an agreement in terms of which a helicopter together with crew is leased, and where no transfer of functions and responsibilities is intended, shall include -

(a) the arrangement concerning the air operator certificate under which the flights with the leased helicopter shall be operated; and

(b) any deviation from the air operator certificate under which the flights with the leased helicopter shall be operated.

Subchartering

127.01.15 (1) In the exceptional circumstances as prescribed in Document NAM-CATS-OPS 127, an operator may subcharter a helicopter and crew from any operator who holds a valid air operator certificate, or similar document, for the helicopter, issued by an appropriate authority: Provided that -

(a) the subcharter period does not exceed five consecutive days; and

(b) the operator of the helicopter so subchartered, informs the Director, within 24 hours, of such subcharter.

(2) The provisions of regulations 127.01.12(1)(a) and (2), 127.01.13(3) and (4) and 127.01.14(1) and (3) shall apply *mutatis mutandis* to any subcharter referred to in this regulation.

Preservation of documents

127.01.16 The operator of a helicopter, who is required to retain any of the documents for a specified period referred to in Subpart 4, shall retain such documents for such specified period irrespective of the fact that such operator, before the expiry of such specified period, ceases to be the operator of the helicopter concerned.

Minimum equipment lists - operators responsibilities

**[The word "operators" should be "operator's", as in the List of Regulations.
The capitalisation in this heading also differs here from what appears in the List of Regulations.]**

127.01.17 (1) An operator shall establish, for each helicopter, a Minimum Equipment List (MEL) approved by the Director. This shall be based upon, but no less restrictive than, the relevant Master Minimum Equipment List (MMEL) (if this exists) accepted by the Director.

(2) An operator shall not operate an helicopter other than in accordance with the MEL unless permitted by the Director. Any such permission will in no circumstances permit operation outside the constraints of the MMEL.

[The phrase "an helicopter" should be "a helicopter".]

Operational Directives

127.01.18 (1) The Director may direct by means of an Operational Directive that an operation shall be prohibited, limited or subject to certain conditions, in the interests of safe operations.

(2) Operational Directives state:

(a) The reason for issue;

(b) Applicability and duration; and

(c) Action required by the operator(s).

(3) Operational Directives are supplementary to the provisions of Part 127.

Power to inspect

127.01.19 An operator shall ensure that any person authorised by the Director is permitted at any time to board and fly in any helicopter operated in accordance with an AOC issued by that Director and to enter and remain on the flight deck provided that the commander may refuse access to the flight deck, if in his opinion, the safety of the helicopter would thereby be endangered.

SUBPART 2
CREW MEMBERS

Composition of crew

127.02.1 (1) The minimum number and composition of the crew shall not be less than the minimum number and composition specified in the helicopter flight manual referred to in regulation 127.04.5.

(2) The operator of a helicopter shall allocate additional crew members when it is required by the type of operation, and the number of such additional crew members shall not be less than the number specified in the operations manual referred to in regulation 127.04.3.

(3) The operator shall ensure that the crew members -

(a) are competent to perform the duties assigned to them; and

(b) hold the appropriate valid licences and ratings.

(4) Any flight crew member operating the radio installation in the helicopter shall be the holder of a valid radiotelephony operator certificate or similar document, authorising such member to operate the type of radio transmitting equipment to be used.

(5) When deemed necessary for the safe conduct of a flight, the flight crew shall include at least one member who is proficient in navigating over the route to be flown.

(6) The operator shall ensure that -

(a) in the case of operations under IFR or by night, when more than nine passengers are carried; or

(b) in the case of any operation when more than 19 passengers are carried, the minimum flight crew is two pilots.

(7) Subject to the provisions of subregulation (6), a helicopter may be operated by a single pilot under IFR or by night, if the following requirements are complied with:

(a) The helicopter shall be certificated for single-pilot IFR or night operations;

(b) the operator shall include, in the operations manual referred to in regulation 127.04.3, a conversion and recurrent training programme for pilots which includes the additional requirements for a single-pilot operation;

(c) the cockpit procedures shall include -

(i) engine management and emergency handling;

(ii) use of normal, abnormal and emergency checklists;

(iii) air traffic service communication;

(iv) departure and approach procedures;

(v) stability augmentation or automatic flight control management; and

(vi) simplified in-flight documentation;

(d) the recurrent checks prescribed in Subpart 3, shall be performed in the single-pilot role in the type of helicopter in an environment representative of the operation;

(e) the pilot concerned shall have a minimum of 50 hours of flight time on the specific type of helicopter under IFR, of which 10 hours shall be as pilot-in-command; and

(f) the minimum required recent experience for a pilot engaged in a single-pilot operation under IFR or by night, shall be -

(i) under IFR:

(aa) Executed at least two actual approaches with reference to flight instruments only;

(bb) executed at least two approaches either under actual or simulated conditions with reference to flight instruments only;

(ii) at night when passengers are to be carried: Executed at least five circuits, including take-off and landing, by night in a helicopter of the same type as that in which such passenger-carrying flight is to be undertaken; or

(iii) the successful completion of the appropriate skill test prescribed in Part 61.

(8) If the requirements referred to in subregulation (7) are not complied with, the minimum flight crew of the helicopter shall be two pilots.

(9) The operator shall designate one pilot among the flight crew as pilot-in-command of the helicopter and the pilot-in-command may delegate the conduct of the flight to another suitably qualified pilot.

Crew member responsibilities

127.02.2 (1) No person shall act as a crew member of a helicopter -

(a) while under the influence of any psychoactive substance;

(b) within 24 hours, following scuba diving by such crew member;

(c) within 48 hours, following blood donation by such crew member;

(d) if the crew member knows or suspects that he or she is suffering from or, having due regard to the circumstances of the flight to be undertaken, is likely to suffer from fatigue to such an extent that it may endanger the safety of the helicopter or its occupants; or

(e) if the crew member is in any doubt of being able to accomplish his or her assigned duties on board such helicopter.

(2) No crew member shall -

(a) engage in any kind of problematic use of substances;

(b) use any alcohol psychoactive substance less than eight hours prior to commencing standby for flight duty or flight duty, which flight duty shall be deemed to commence at the specified reporting time, if applicable;

(c) commence flight duty with a blood alcohol level exceeding 0,02 gram per 100 millilitres; or

(d) use any alcohol psychoactive substance during flight duty or whilst on standby, or within eight hours after an accident or incident involving the helicopter, unless the accident or incident was not related to his or her duties.

(3) No person shall act as a flight crew member of a helicopter if, prior to each flight, the planned flight time exceeds, or is likely to exceed, the permissible flight time and duty period as specified in the flight time and duty scheme referred to in regulation 127.02.14.

(4) If a flight crew member expects his or her cumulative flight hours projected for a particular operation, to exceed the appropriate limit specified in such flight time and duty scheme, the flight crew member shall inform the operator accordingly.

Crew member emergency duties

127.02.3 (1) The operator and, where appropriate, the pilot-in-command of a helicopter, operated by multi-crew, shall assign to each crew member concerned, the necessary functions to be performed in an emergency or a situation requiring emergency evacuation.

(2) The functions referred to in subregulation (1) shall be such as to ensure that any reasonably anticipated emergency can be adequately dealt with and shall take into consideration the possible incapacitation of individual crew members.

(3) The operator shall prove to the satisfaction of the Director, that the crew members are competent to perform such functions, by means of an emergency evacuation demonstration carried out in accordance with the requirements as prescribed in Document NAM-CATS-OPS 127.

(4) The operator shall carry out an emergency evacuation demonstration referred to in subregulation (3) when a new type or variant of helicopter or new configuration of an existing helicopter is introduced for use.

(5) A crew member shall not accept an assignment of emergency functions unless such crew member has been trained to perform emergency functions in accordance with the requirements prescribed in Subpart 3.

Crew members at duty stations

127.02.4 (1) In the case of a multi-crew helicopter -

(a) each crew member shall be at his or her assigned station or seat, properly secured by all seat belts and shoulder harnesses provided, during take-off and landing and whenever deemed necessary by the pilot-in-command in the interests of aviation safety;

(b) each flight crew member shall keep his or her seat belt fastened while at his or her assigned station, during phases of the flight other than the phases referred to in paragraph (a);

(c) each flight crew member required to be on flight deck duty, shall be at his or her assigned station, during take-off and landing;

(d) all flight crew members on flight deck duty shall remain at their assigned stations during all phases of the flight other than the phases referred to in paragraph (c): Provided that -

(i) a flight crew member may leave his or her assigned station, in the course of the performance of his or her duties with regard to the operation of the helicopter or for physiological needs; and

(ii) at least one suitably qualified pilot remains at the controls of the helicopter at all times;

(e) the pilot-in-command or, where applicable, the operator shall ensure that crew members do not perform any activities during critical phases of the flight other than those required for the safe operation of such helicopter.

(2) In the case of a single-pilot helicopter, the pilot-in-command shall, during all phases of the flight, remain at the controls of the helicopter.

Laws, regulations and procedures

127.02.5 (1) In an emergency situation which endangers a helicopter, crew members or passengers, the pilot-in-command may, in the interests of aviation safety -

(a) take any action which he or she considers necessary under the circumstances; and

(b) deviate from any law, regulation and operational procedure.

(2) If a pilot-in-command deviates from any law, regulation or operational procedure in an emergency situation referred to in subregulation (1), he or she shall forthwith notify the Director of such deviation.

(3) If the Director requests the pilot-in-command to submit a report on such deviation, the pilot-in-command shall submit the report to the Director within the period specified by the Director.

Duties of pilot-in-command regarding flight preparation

127.02.6 (1) The pilot-in-command of a helicopter shall not commence a flight unless he or she is satisfied that -

(a) the helicopter is airworthy;

(b) the instruments and equipment required for the particular type of operation to be undertaken, are installed and are serviceable, except as provided for in the MEL, if any;

(c) the helicopter has been released to service in accordance with the provisions of Part 43;

(d) the mass of the helicopter does not exceed the maximum certificated mass calculated from the performance information provided in the helicopter flight manual referred to in regulation 127.04.5, in terms of which the performance operating limitations referred to in Subpart 9, are complied with;

(e) the load carried by the helicopter is properly secured, fit to be conveyed in accordance with the provisions of Part 92 and is so distributed that the centre of gravity is within the limits prescribed in such helicopter flight manual;

(f) an operational flight plan which complies with the criteria in the operations manual, is completed for each intended flight;

(g) a flight plan referred to in regulation 127.04.7, has been properly completed and filed with the appropriate air traffic service unit;

(h) all the documents and forms required to be carried on board, current maps, charts and associated documents, are carried;

(i) a check has been completed indicating that the performance operating limitations referred to in Subpart 9 will not be exceeded;

(j) the search and rescue information, referred to in regulation 127.01.4, is available on board;

(k) the requirements in respect of fuel, oil, oxygen, minimum safe altitudes, aerodrome operating minima and availability of alternate aerodromes, are complied with;

(l) the aerodrome operating minima are not less than the operating minima of the aerodrome being operated to or from, established by the appropriate authority of the State in which the aerodrome is located, unless such appropriate authority approves lower aerodrome operating minima;

(m) the status of the helicopter and the relevant airborne systems are appropriate for the specific flight to be undertaken;

(n) the external surfaces are clear of any deposit which might adversely affect the performance or controllability of the helicopter, unless otherwise permitted in the helicopter flight manual referred to in paragraph (d);

(o) according to the information available to him or her, the weather at the aerodromes concerned and the condition of the touchdown and lift-off area intended to be used, will not prevent a safe take-off and departure or a safe landing at the destination aerodrome or alternate aerodrome, as applicable;

(p) the RVR or visibility in the take-off direction of the helicopter is equal to, or better than, the applicable minimum;

(q) the crew members are properly qualified for the specific operation to be undertaken;

(r) the status of the visual and non-visual facilities is sufficient prior to commencing a low visibility take-off, or a Category II or III approach as specified in Document NAM-CATS-OPS 127, if such approaches are planned;

(s) an adequate and suitable aerodrome as specified in Document NAM-CATS-OPS 127, is available for take-off, en route and destination, should it become inadvisable to continue to or land at the destination aerodrome; and

(t) the crew members are not apparently incapacitated as a result of injury, sickness, fatigue, the use of any psychoactive substance or any other cause.

(2) The pilot-in-command shall -

(a) not commence a flight unless he or she has ascertained through the relevant NOTAM, AIC, AIP or AIP SUP or other relevant sources that the aerodromes, navigation aids and communication facilities are adequate for the manner in which the flight is to be conducted;

(b) prior to take-off from an aerodrome at which an air traffic service unit is in operation, determine through the aeronautical information services available from the unit, or any other reliable source, that the unserviceability of any aerodrome, navigation aids or communication facilities required for such flight, will not prejudice the safe conduct of the flight; and

(c) advise an air traffic service unit, as soon as it is practical to do so, of any inadequate facilities encountered in the course of operations.

(3) Where mass and balance documentation is required in terms of these Regulations, the mass and balance documentation shall be acceptable to and countersigned by the pilot-in-command before a flight commences: Provided that if the mass and balance documentation is submitted to the pilot-in-command by electronic data transfer, commencement of the flight shall be deemed to be the acceptance thereof by such pilot-in-command.

(4) Before take-off and landing, and whenever deemed necessary in the interests of aviation safety, the pilot-in-command shall ensure that all crew, passengers, equipment and baggage are properly secured and all exit and escape paths are unobstructed.

Duties of pilot-in-command regarding flight operations

127.02.7 (1) The pilot-in-command of a helicopter shall be responsible for -

(a) the operation and safety of the helicopter;

(b) the conduct and safety of crew members and passengers carried; and

(c) the maintenance of discipline by all persons on board.

(2) The pilot-in-command shall have the authority -

(a) to give such commands he or she deems necessary in the interest of the safety of the helicopter, persons or property; and

(b) to restrain any person, using only reasonable or sufficient force, if necessary, or disembark any person or cargo which in his or her opinion, represents a potential hazard to the safety of the helicopter, persons or property.

(3) The pilot-in-command shall ensure that all passengers are informed as to -

(a) when and how oxygen equipment is to be used, if the carriage of oxygen is required;

(b) the location and use of life jackets or equivalent individual flotation devices, where the carriage thereof is required;

(c) the location and method of opening emergency exits;

(d) when seat belts are to be fastened;

(e) when smoking is prohibited; and

(f) when electronic devices may be used.

(4) The pilot-in-command shall -

(a) ensure that the pre-flight inspection has been carried out, and that the checklists, and where applicable, the flight deck procedures and other instructions regarding the operation of the helicopter, the limitations contained in the helicopter flight manual referred to in regulation 127.04.5, or similar document, are fully complied with at the appropriate times during a flight;

(b) decide whether or not to accept a helicopter with unserviceabilities allowed by the CDL or MEL, where applicable;

(c) before take-off, ensure that the passengers are briefed on the location and general manner of use of the relevant emergency equipment carried for collective or individual use and, when an emergency arises, instruct the passengers to take such emergency action as may be appropriate;

(d) ensure that during take-off and landing and whenever, by reason of turbulence or any emergency occurring during a flight, the precaution is considered necessary, all persons on board the helicopter are secured in their seats by means of the seat belts or shoulder harnesses provided;

(e) when replanning, whilst in flight, to proceed along a route or to a destination other than the route or destination originally planned, shall amend the operational flight plan, if such plan was required in terms of regulation 127.02.7(1)(f);

(f) report any accident or incident involving the helicopter in accordance with the provisions of Part 12;

(g) report any dangerous goods accident or incident involving the helicopter in accordance with the provisions of Part 92;

(h) if the helicopter is endangered in flight by a near collision with any other aircraft or object, faulty air traffic procedure or lack of compliance with applicable procedures by an air traffic service unit or a crew member, or a failure of air traffic service facilities, submit an air traffic service incident report in accordance with regulation 12.02.2;

(i) record any technical defect and the exceeding of any technical limitation which occurred while he or she was responsible for the flight, in the flight folio; and

(j) if a potentially hazardous condition such as bird accumulation, an irregularity in a ground or navigation facility, meteorological phenomena, a volcanic ash cloud or a greater than normal radiation level is observed during flight, notify an air traffic service unit as soon as possible

**[There is no full stop at the end of paragraph (j);
no additional words appear in the *Government Gazette*.]**

(5) The pilot-in-command shall ensure that -

(a) oxygen is available to crew members and passengers if flights in a non-pressurised helicopter are contemplated above 10 000 feet up to 12 000 feet in excess of 60 minutes, or above 12 000 feet; and

(b) oxygen is carried in sufficient quantities for all flights at such altitudes where a lack of oxygen might result in impairment of faculties of crew members, or harmfully affect passengers.

(6) The pilot-in-command shall not -

(a) require a crew member to perform any duties during a critical phase of the flight, except those duties required for the safe operation of the helicopter;

(b) permit any activity during a critical phase of the flight which could distract any crew member from the performance of his or her duties or which could interfere in any way with the proper conduct of those duties; and

(c) continue a flight beyond the nearest suitable aerodrome, in the event of a crew member becoming unable to perform any essential duties as a result of fatigue, sickness, lack of oxygen or any other reason.

[The full stop at the end of paragraph (c) should be a semicolon, and the word "and" at the end a of paragraph (b) should appear at the end of paragraph (c) instead.]

(d) permit a flight data recorder or cockpit voice recorder to be disabled during flight.

(7) The pilot-in-command, or, in his or her absence, the operator of the helicopter, shall report any act of unlawful interference with the operation of such helicopter, or the authority of the pilot-in-command -

(a) if the act of unlawful interference occurs within Namibia; or

(b) if the act of unlawful interference occurs in a Namibian registered helicopter within or over the territory of a foreign State,

to the Director.

Recency, route and aerodrome qualifications

127.02.8 (1) A pilot shall not act as pilot-in-command of a helicopter engaged in scheduled commercial air transport operations, unless the pilot has within the preceding 12 months demonstrated to the operator of the helicopter an adequate knowledge of -

(a) the route to be flown,

[The comma at the end of paragraph (a) should be a semicolon.]

(b) the aerodromes to be used;

(c) the procedures applicable to flight paths over densely inhabited areas and areas of higher traffic density; and

(d) obstructions, physical layout, lighting, approach aids and arrival, departure, holding and instrument approach procedures including operating minima.

(2) If a route requires a specific type of navigation qualification, the pilot-in-command shall within the 12 months immediately preceding a flight on such route, demonstrate his or her ability to the operator by -

(a) flying over a route or area as pilot-in-command using the applicable special type of navigation system; or

(b) flying over a route or area under the supervision of a suitably qualified pilot using the applicable special type of navigation system.

Cabin crew member complement

127.02.9 (1) If the certificate of airworthiness of a helicopter requires the carrying of one or more cabin crew members, the operator of the helicopter shall not, when carrying one or more passengers, operate such helicopter without carrying the minimum number of cabin crew as prescribed in Document NAM-CATS-OPS 127.

(2) Cabin crew members are carried for the purposes of performing duties relating to the safety of passengers and other duties assigned by the operator or the pilot-in-command.

(3) In unforeseen circumstances, the operator may reduce the required minimum number of cabin crew members: Provided that·-

(a) the number of passengers are reduced in accordance with the procedures specified in the operations manual referred to in regulation 127.04.3; and

[The verb "are" should be "is" to be grammatically correct: "number…is"**.]**

(b) a report is submitted to the Director after completion of the flight.

Operation on more than one type or variant by cabin crew member

127.02.10 (1) A cabin crew member shall not operate on more than three helicopter types or variants: Provided that the Director may approve the operation on four helicopter types or variants if the emergency and safety equipment and procedures for at least two of the helicopter types or variants are similar.

(2) The types or variants of helicopters which are deemed to be similar in respect of emergency and safety equipment and procedures, are those listed in Document NAM-CATS-OPS 127.

Senior cabin crew member

127.02.11 (1) The operator of a helicopter shall appoint a senior cabin crew member whenever more than one cabin crew member is carried on board the helicopter.

(2) The senior cabin crew member shall be responsible to the pilot-in- command for the conduct of cabin operations and the co-ordination and performance of safety duties.

(3) The operator shall establish procedures to select the next most suitably qualified cabin crew member to operate as senior cabin crew member in the event of the nominated senior cabin crew member being unable to operate.

Cabin crew member emergency evacuation stations

127.02.12 A cabin crew member assigned to perform evacuation duties in a helicopter, shall occupy the seat provided therefor during take-off and landing, or when so directed by the pilot-in-command for safety purposes.

Seating of cabin crew members during flight

127.02.13 During take-off and landing, and whenever deemed necessary by the pilot-in-command in the interests of aviation safety, cabin crew members shall be seated at their assigned stations or seats.

Flight time and duty scheme

127.02.14 (1) The operator of a helicopter shall -

(a) establish a scheme for the regulation of flight time and duty periods for each crew member;

(b) include the scheme in the operations manual referred to in regulation 127.04.3;

(c) ensure that each crew member complies with the provisions of such scheme;

(d) not cause or permit any crew member to be on flight duty in the helicopter if such operator knows or has been made aware that such crew member

(i) will exceed the flight time and duty periods referred to in subregulation (1)(a) while on flight duty; or

(ii) is suffering from or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from fatigue which may endanger the safety of the helicopter or its crew members and passengers; and

(e) not schedule a crew member for active flight duty for a period exceeding eight consecutive hours during any given flight time and duty period unless authorised in the scheme referred to in paragraph (a).

(2) The provisions to be included in a flight and duty scheme referred to in subregulation (1), shall be as prescribed in Document NAM-CATS-OPS 127.

Operation on more than one type or variant by flight crew

127.02.15 (1) An operator shall ensure that a flight crew member does not operate on more than one type or variant, unless: the flight crew member is competent to do so.

(2) When considering operations of more than one type or variant, an operator shall ensure that the differences and/or similarities of the helicopter concerned justify such operations, taking account of the following:

(a) The level of technology;

(b) Operational procedures;

(c) Handling characteristics.

(3) An Operator shall ensure that a flight crew member operating more than one type or variant complies with all of the requirements prescribed in Subpart 3 for each type or variant unless the Director has approved the use of credit(s) related to the training, checking and recent experience requirements.

(4) An Operator shall specify appropriate procedures and/or operational restrictions, approved by the Director, in the Operations Manual, for any operation on more than one type of variant covering:

(a) The flight level crew member's minimum experience level;

(b) The minimum experience level on one type or variant before beginning training for and operation of another type or variant;

(c) The process whereby flight crew qualified on one type or variant will be trained and qualified on another type or variant; and

(d) All applicable recent experience requirements for each type or variant.

Operation on helicopters and aeroplanes

127.02.16 (1) When a flight crew member operates both helicopters and aeroplanes;

[The semicolon at the end of the introductory phrase should be a colon.]

(a) An operator shall ensure that operations of helicopter and aeroplane are limited to one type of each.

(b) The operator shall specify appropriate procedures and/or operational restrictions, approved by the Director, in the Operations Manual.

[There are no subregulations additional to subregulation (1) in the *Government Gazette*.]

SUBPART 3
TRAINING AND CHECKING

DIVISION ONE: GENERAL

Training of crew members

127.03.1 (1) The operator of a helicopter shall establish and maintain a ground and flight training programme for crew members employed by such operator.

(2) The operator shall ensure that -

(a) each crew member receives training in accordance with this Subpart and the appropriate syllabus as prescribed in Document NAM-CATS-OPS 127;

(b) the training shall only be provided by an aviation training organisation approved in terms of Part 141, or a foreign aviation training organisation recognised, by the Director; and

(c) each crew member passes a written examination with regard to all the subjects of the training syllabi referred to in paragraph (a).

(3) The provisions of this Subpart shall apply in respect of full-time as well as part-time employed crew members.

Initial training of crew members

127.03.2 A crew member employed by the operator of a helicopter shall have successfully completed the initial training and appropriate skill test as prescribed in Part 61 or 64, as the case may be.

DIVISION TWO: PILOT TRAINING

Conversion training

127.03.3 (1) The operator of a helicopter shall ensure that -

(a) a flight crew member completes a type conversion course in accordance with the applicable requirements prescribed in Part 61 when changing from one type of helicopter to another, for which a new type rating is required;

(b) a flight crew member completes the operator's type conversion course before commencing unsupervised operational flying -

(i) when changing to a helicopter for which a new type rating is required; or

(ii) when employed by such operator;

(c) type conversion training is conducted by a competent person in accordance with the detailed course syllabus included in the operations manual referred to in regulation 127.04.3, and as prescribed in Document NAM-CATS-OPS 127;

(d) the amount of training required by the operator's type conversion course is determined after due note has been taken of the flight crew member's previous training as recorded in the training records referred to in regulation 127.04.15;

(e) the minimum standards of qualification and experience required of flight crew members before undertaking type conversion training, are specified in the operations manual;

(f) each flight crew member undergoes the checks referred to in regulation 127.03.6(2) and the training and checks referred to in regulation 127.03.6(6) before commencing operational flying under supervision;

(g) upon completion of operational flying under supervision, the check referred to in regulation 127.03.6(4) is undertaken; and

(h) in the case of multi-crew operations, crew resource management training as prescribed in Document NAM-CATS-OPS 127, is included in the conversion course.

(2) In the case of changing from one type of helicopter to another, the check referred to in regulation 127.03.6(2) may be combined with the type rating skill test prescribed in Part 61.

(3) The operator's type conversion course and the type rating course prescribed in Part 61, may be combined.

(4) The operator's type conversion course shall include the items, and shall be conducted in the order, as prescribed in Document NAM-CATS-OPS 127.

(5) When a flight crew member has not previously completed the operator's type conversion course, the operator shall ensure that, in addition to the provisions of subregulation (4), the flight crew member undergoes general first aid training and, if applicable, ditching procedures training using the appropriate equipment in water.

Differences training and familiarisation training

127.03.4 (1) The operator of a helicopter shall ensure that a flight crew member completes differences training when -

(a) operating a variant of the type of helicopter currently operated; or

(b) a change of equipment or procedures on types or variants currently operated, requires the acquisition of additional knowledge.

(2) The operator shall ensure that a flight crew member completes familiarisation training when -

(a) operating another helicopter of the same type or variant; or

(b) a change of equipment or procedures on types or variants currently operated, requires the acquisition of additional knowledge.

(3) The operator shall specify in the operations manual referred to in regulation 127.04.3, when differences training or familiarisation training is required.

Upgrading to pilot-in-command

127.03.5 (1) The operator of a helicopter shall ensure that, for an upgrade to pilot-in-command from co-pilot, and for a pilot joining as pilot-in-command -

(a) a minimum level of experience is specified in the operations manual referred to in regulation 127.04.3; and

(b) for multi-crew operations, the co-pilot or pilot, as the case may be, completes an appropriate command course.

(2) The command course referred to in subregulation (1)(b) shall be specified in the operations manual referred to in subregulation (1)(a), and shall include -

(a) if a for the purpose approved simulator is available, training in such simulator, including operational flying training, or flying training in the helicopter;

(b) an operator proficiency check operating as pilot-in-command;

(c) pilot-in-command responsibilities;

(d) operational training in command under supervision: Provided that a minimum of 10 sectors is required for pilots already qualified on the helicopter type;

(e) completion of a pilot-in-command operational check referred to in regulation 127.03.6(4);

(f) in the case of scheduled commercial air transport operations, the recency, route and aerodrome qualifications prescribed in regulation 127.02.8; and

(g) in the case of multi-crew operations, the crew resource management training referred to in regulation 127.03.3(1)(h).

Recurrent training and checking

127.03.6 (1) The operator of a helicopter shall ensure that -

(a) each flight crew member undergoes recurrent training and checking and that all such training and checking is relevant to the operation and the type or variant of helicopter for which the flight crew member is licensed and rated;

(b) a recurrent training and checking programme is included in the operations manual referred to in regulation 127.04.3;

(c) recurrent training is conducted by -

(i) a competent person, in the case of ground and refresher training;

(ii) an appropriately type rated helicopter simulator flight instructor, in the case of simulator training;

(iii) competent personnel, in the case of emergency and safety equipment training and checking; and

(iv) competent personnel, in the case of crew resource management training;

(d) recurrent checking is conducted by -

(i) a designated examiner, in the case of operator proficiency checks; and

(ii) an appropriately type rated night instructor qualified as pilot-in-command, designated by the operator, in the case of operational checks; and

(e) each flight crew member undergoes operator proficiency checks every six calendar months as part of a normal flight crew complement

(2) The operator shall ensure that, in the case of the operator proficiency checks referred to in subregulation (1)(e) -

(a) each flight crew member undergoes such checks to demonstrate his or her competency in carrying out normal, abnormal and emergency procedures; and

(b) such checks are conducted without external visual reference when the flight crew member will be required to operate under IFR.

(3) Upon successful completion of each operator proficiency check referred to in subregulation (1)(c), the operator shall issue a certificate of competency to the flight crew member

concerned, which certificate shall be valid for a period of six calendar months calculated from the date on which such certificate was issued.

(4) The operator shalt ensure that, in the case of an operational check, each flight crew member undergoes the operational check in the helicopter to demonstrate his or her competency in carrying out normal operations specified in the operations manual referred to in regulation 127.04.3.

(5) Upon successful completion of an operational check referred to in subregulation (4), the operator shall issue a certificate of competency to the flight crew member concerned, which certificate shall be valid for a period of 12 calendar months calculated from the date on which such certificate was issued.

(6) The operator shall ensure that, in the case of emergency and safety equipment training and checking, each flight crew member undergoes training and checking on the location and use of all emergency and safety equipment carried.

(7) Upon successful completion of the emergency and safety equipment check referred to in subregulation (6), the operator shall issue a certificate of competency to the flight crew member concerned, which certificate shall be valid for a period of 12 calendar months calculated from the date on which such certificate was issued.

(8) The operator shall ensure that, in the case of crew resource management training, each flight crew member undergoes such training as part of the recurrent training.

(9) The operator shall ensure that, in the case of ground and refresher training, each flight crew member undergoes such training every 12 calendar months.

Pilot qualification to operate in either pilot's seat

127.03.7 The operator of a helicopter shall ensure that -

(a) a pilot to be assigned to operate in either pilot's seat, completes the appropriate training and checking; and

(b) the training and checking programme is -

(i) specified in the operations manual referred to in regulation 127.04.3; and

(ii) is undertaken in accordance with the appropriate syllabus as prescribed in Document NAM-CATS-OPS 127.

Advanced qualification programme

127.03.8 (1) The period of validity of the training referred to in regulation 127.03.6 may be extended, if the Director has approved an advanced qualification programme established by the operator.

(2) The advanced qualification programme shall contain training and checking which establishes and maintains a proficiency which is not less than the proficiency referred to in regulations 127.03.3 to 127.03.6 inclusive.

DIVISION THREE: TRAINING OF CABIN CREW MEMBERS

Initial training

127.03.9 The operator of a helicopter shall ensure that each cabin crew member employed by such operator, successfully completes the initial training prescribed in Part 64 before undertaking helicopter type and differences training.

Type and differences training

127.03.10 (1) The operator of a helicopter shall ensure that each cabin crew member has completed the type training or differences training, specified in the operations manual referred to in regulation 127.04.3 before undertaking the duties assigned to them.

(2) A cabin crew member shall complete a type training course when assigned to act as a cabin crew member on a type of helicopter other than the type for which the cabin crew member is rated.

(3) A cabin crew member shall complete a differences training course when acting as a cabin crew member -

(a) in a variant of the current type of helicopter; or

(b) in a helicopter type with equipment, equipment location, or safety procedures which differ from the current helicopter type or variant.

(4) The operator shall determine the content of the type and differences training course taking into account the cabin crew member's previous training as recorded in the cabin crew member's training records prescribed in regulation 127.04.15.

(5) The operator shall ensure that -

(a) type training is conducted in a structured manner, in accordance with the requirements as prescribed in Document NAM-CATS-OPS 127;

(b) differences training is conducted in a structured manner; and

(c) type and differences training includes -

(i) the use of all emergency and survival equipment and all emergency procedures applicable to the helicopter type or variant and involves training and practice in either a representative training device or in the actual helicopter; and

(ii) crew resource management training as prescribed in Document NAM-CATS-OPS 127.

Familiarisation flights

127.03.11 The operator of a helicopter shall ensure that, upon completion of type training or differences training, each cabin crew member undertakes familiarisation flights for 20 hours before acting as one of the minimum number of cabin crew referred to in regulation 127.02.9.

Recurrent training

127.03.12 (1) The operator of a helicopter shall ensure that each cabin crew member undergoes recurrent training and checking, covering the actions assigned to a cabin crew member in evacuation and other appropriate normal and emergency procedures and drills relevant to the helicopter type or variant, in accordance with the requirements as prescribed in Document NAM-CATS-OPS 127.

(2) The operator shall ensure that the recurrent training and checking programme includes the theoretical and practical instruction, as well as individual practice, as prescribed in Document NAM-CATS-OPS 127.

(3) Upon successful completion of the recurrent training and checking, the operator shall issue a certificate of competency to the cabin crew member concerned, which certificate shall be valid for a period of 12 calendar months calculated from the date on which such certificate was issued.

Refresher training

127.03.13 (1) The operator of a helicopter shall ensure that each cabin crew member who has been absent from all flying duties for a period exceeding six months, completes the refresher training specified in the operations manual referred to in regulation 127.04.3, as prescribed in Document NAM-CATS-OPS 127.

(2) The operator shall ensure that a cabin crew member who has not been absent from all flying duties, but has not acted as a cabin crew member on a particular helicopter type or variant for a period of six months, completes -

(a) refresher training in the helicopter type or variant; or

(b) two familiarisation sectors during commercial air transport operations in the helicopter type or variant, before undertaking duties in such helicopter type or variant.

Checking

127.03.14 (1) The operator of a helicopter shall ensure that, during or following completion of the training referred to in regulations 127.03.9, 127.03.10 and 127.03.12, each cabin crew member undergoes a check covering the training received in order to verify his or her proficiency in carrying out safety and emergency duties.

(2) The cheeks referred to in subregulation (1) shall be performed by competent personnel.

(3) The operator shall ensure that each cabin crew member undergoes checks of the items for initial, helicopter type and differences, and recurrent training, as prescribed in Document NAM-CATS-OPS 127.

DIVISION FOUR: TRAINING OF OTHER PERSONNEL

Training

127.03.15 (1) The operator of a helicopter shall provide, where applicable, an initial, recurrent and refresher training course for -

(a) a load master;

(b) a winch operator;

(c) a navigator; or

(d) any other crew member essential to safe operations,

if such operations personnel are employed by such operator.

(2) The training course referred to in subregulation (1) shall be specified in the operations manual referred to in regulation 127.04.3.

SUBPART 4
DOCUMENTATION AND RECORDS

Documents to be carried on board

127.04.1 The operator or pilot-in-command, as the case may be, of a helicopter, shall ensure that the following documents, or certified true copies thereof, are carried on board the helicopter on each individual flight:

(a) If the helicopter is engaged in an international flight -

(i) the certificate of registration;

(ii) the certificate of airworthiness;

(iii) the appropriate licences, ratings and medical certificate of each crew member;

(iv) the helicopter journey log or general declaration;

(v) the helicopter radio station licence;

(vi) if passengers are carried, the passenger manifest, unless the information is included in the general declaration referred to in subparagraph (iv);

(vii) if cargo is carried, a manifest and detailed declaration of the cargo;

(viii) the certificate of release to service;

(ix) the helicopter flight manual referred to in regulation 127.04.5, or similar document;

(x) the mass and balance documentation referred to in regulation 127.08.14(9), if required;

(xi) the MEL, if applicable;

(xii) proof of third party liability insurance;

(xiii) the air operator certificate;

(xiv) those parts of the operations manual which are required for the conduct of a flight, and which must be accessible to the crew during flight;

(xv) the noise certificate, if such certificate has been issued for the type of helicopter; and

[The word "and" at the end of subparagraph (xv) should be at the end of subparagraph (xvi) instead.]

(xvi) a list of visual signals for use by intercepting and intercepted aircraft referred to in regulation 91.06.29;

(xvii) helicopter technical log.

(b) if the helicopter is engaged in a domestic flight -

(i) the certificate of registration;

(ii) the certificate of airworthiness;

(iii) the appropriate licence, ratings and medical certificate of each crew member;

(iv) the helicopter radio station licence;

(v) the certificate of release to service;

(vi) the helicopter flight manual referred to in regulation 127.04.5, or similar document;

(vii) the mass and balance documentation referred to in regulation 127.08.14(9), if required;

(viii) the helicopter journey log;

(ix) the MEL, if applicable;

(x) the noise certificate, if such certificate has been issued for the type of helicopter; and

(xi) the list of visual signals for use by intercepting and intercepted aircraft referred to in regulation 91.06.29.

Documents to be retained on ground

127.04.2 (1) The operator of a helicopter engaged in a scheduled commercial air transport operation, shall ensure that -

(a) a copy of the relevant parts of the helicopter journey log;

(b) the mass and balance documentation referred to in regulation 127.08.14(9), if required;

(c) the passenger list or cargo manifest;

(d) the special loads notification, if applicable; and

(e) a general declaration, if the helicopter is engaged in an international flight,

are retained in a safe place at the first point of departure in respect of each flight undertaken by the helicopter.

(2) The documents referred to in subregulation (1), shall be retained for a period of at least 90 days.

Operations manual

127.04.3 (1) The operator of a helicopter shall draw up an operations manual containing all the information required under this Part and setting out the manner in which such operator will operate the commercial air transport operation to be authorised by the air operator certificate.

(2) If the Director is satisfied that·-

(a) the operations manual complies with the provisions of subregulation (7);

(b) the operator will comply with the provisions of regulation 127.06.10; and

(c) the operator will not operate the commercial air transport operation contrary to any provision of any law,

the Director shall certify in writing on such operations manual that it has been approved, and shall return the approved operations manual to the operator.

(3) If the Director is satisfied that the amendment and the operator comply with the provisions of subregulation (2), the Director shall certify in writing on such amendment that it has been approved, and shall return the approved amendment to the operator.

(4) The operator shall at all times operate the helicopter in accordance with the approved operations manual and any approved amendment thereto.

(5) The operator shall -

(a) ensure that all operations personnel are able to understand the language used in those sections of the operations manual which pertain to their duties;

(b) ensure that every flight is conducted in accordance with the operations manual and that those parts of the operations manual which are required for the conduct of a flight, are easily accessible to the crew members on board;

(c) make the operations manual available for the use and guidance of operations personnel;

(d) provide the crew members with their own personal copy of the sections of the operations manual which are relevant to the duties assigned to them;

(e) keep the operations manual up to date; and

(f) keep the operations manual in a safe place.

(6) The contents of the operations manual shall not contravene the conditions contained in the air operator certificate issued to the operator in terms of regulation 127.06.6.

(7) The structure and contents of the operations manual shall be as prescribed in Document NAM-CATS-OPS 127.

(8) The operator shall, upon receipt of the approved operations manual, or an approved amendment thereto, from the Director, furnish the Director with a copy thereof.

Helicopter journey log

127.04.4 (1) The operator or pilot-in-command, as the case may be, of a helicopter, shall retain the information as prescribed in Document NAM-CATS-OPS 127, for each flight in the form of a helicopter journey log.

(2) The helicopter journey log shall be kept up-to-date and maintained in a legible manner.

(3) The operator or pilot-in-command shall not be required to keep a helicopter journey log, or part thereof, if the information referred to in subregulation (1), is available in other documentation.

(4) Completed helicopter journey logs shall be retained to provide a continuous record of the last six months' operations.

Helicopter flight manual

127.04.5 (1) The operator of a helicopter shall keep an approved and current helicopter flight manual for each helicopter of which he or she is the operator.

(2) The crew members of the helicopter shall, on each flight, operate such helicopter in accordance with the helicopter flight manual, unless an emergency dictates otherwise.

Operational flight plan

127.04.6 (1) The operator of a helicopter shall ensure that an operational flight plan is completed for each flight undertaken by the helicopter.

(2) The operational flight plan and its use shall be included in the operations manual referred to in regulation 127.04.3.

(3) All entries in the operational flight plan shall be current.

(4) The items to be contained in the operational flight plan shall be as prescribed in Document NAM-CATS-OPS 127.

(5) Each operational flight plan shall be retained by the operator for a period of at least 90 days.

Flight plan

127.04.7 (1) The operator or pilot-in-command, as the case may be, of a helicopter shall ensure that a flight plan is completed if required in terms of subregulation (4).

(2) The items to be contained in the flight plan referred to in subregulation (1) shall be as prescribed in Document NAM-CATS-OPS 127.

(3) The flight plan shall be filed with the appropriate air traffic service unit and such unit shall be responsible for transmitting such flight plan to all air traffic service units concerned with the flight.

(4) An air traffic service unit may instruct a flight for which a flight plan is required and for which a flight plan has not been filed, to clear or to remain clear of controlled airspace, and not to cross any border of Namibia or to enter its airspace until such time as the required flight plan has been filed.

(5) Unless otherwise authorised by the responsible air traffic service unit, a flight plan for a flight to be conducted in controlled or advisory airspace, shall be filed at least 30 minutes before departure or, if filed during flight while outside controlled or advisory airspace for a flight to be conducted in such airspace, it shall be filed with the responsible air traffic service unit at least 10 minutes before the helicopter is estimated to reach the intended point of entry into the controlled or advisory airspace.

(6) The pilot-in-command of the helicopter shall ensure that all changes which become applicable to a flight plan before departure or in flight, are reported, as soon as practicable, to the responsible air traffic service unit.

(7) If a flight plan has been filed with an air traffic service unit prior to departure, and is not activated with an air traffic service unit within one hour of original estimated time of departure or amended estimated time of departure, the flight plan shall be regarded as cancelled and a new flight plan shall be filed.

(8) Where an air traffic service unit is not in operation at the aerodrome of intended landing, a report shall be submitted to an air traffic service unit, by the quickest means of communication available, immediately before or after landing, in respect of a flight for which a flight plan was submitted and not as yet closed.

(9) Subject to the provisions of subregulation (10), the pilot-in-command shall ensure that the current flight plan filed for a controlled flight, is adhered to, unless a request for a change has been made and accepted by the air traffic service unit responsible for the controlled airspace in which the helicopter is operated, or unless an emergency situation arises which necessitates immediate action, in which event the responsible air traffic service unit shall, as soon as circumstances permit, be notified of the action taken and that such action was taken under emergency authority.

(10) In the event of a controlled flight inadvertently deviating from its current flight plan, the following action shall be taken:

(a) If the helicopter is off track, action shall be taken forthwith to adjust the heading of such helicopter to regain track as soon as practicable;

(b) if the average true airspeed at cruising level between reporting points varies, or is expected to vary, from that given in a flight plan, in excess of five per cent of the true airspeed, the responsible air traffic service unit shall be so informed;

(c) if the estimated time at the next applicable reporting point, flight information regional boundary, or aerodrome of intended landing, whichever comes first, is found to be in error in excess of three minutes from that notified to the responsible air traffic service unit, a revised estimated time shall be notified to such air traffic service unit as soon as possible; or

(d) if the helicopter deviates from its altitude, action shall be taken forthwith to correct the altitude of such helicopter.

Helicopter checklist

127.04.8 (1) The operator or pilot-in-command, as the case may be, of a helicopter, shall, where applicable, establish and make available to the crew and other personnel needing the information, a checklist system for the helicopter, which shall be used by such crew and other personnel for all phases of the operation under normal, abnormal and emergency conditions.

(2) The operator shall, in addition to the checklist referred to in subregulation (1), compile and make available to such crew and other personnel, a checklist of the procedures to be followed by such crew and personnel when searching for concealed weapons, explosives or other dangerous devices.

Fuel and oil record

127.04.9 (1) The operator of a helicopter shall maintain fuel and oil records for each flight undertaken by the helicopter under the control of such operator.

(2) The operator shall retain the fuel and oil records for a period of three months.

Certificate of release to service

127.04.10 (1) No operator or pilot-in-command, as the case may be, of a helicopter, shall operate -

(a) a Namibian registered helicopter without holding a valid certificate of release to service signed by an appropriately rated aircraft maintenance engineer or an approved aircraft maintenance organisation; or

(b) a foreign registered helicopter without holding a valid certificate, equivalent to the certificate referred to in paragraph (a), issued by an appropriate authority.

(2) The operator or pilot-in-command shall -

(a) ensure that one copy of the certificate of release to service, or equivalent certificate, is carried on board the helicopter to which it relates and, in the case of a Namibian registered helicopter, a second copy shall be filed at the normal station of such helicopter; and

(b) retain a copy of the certificate for a period of 12 months calculated from the date of issue of such certificate.

Flight recorder records

127.04.11 (1) The operator of a helicopter on which a flight recorder is carried, shall preserve the original recording as retained by the flight recorder -

(a) in the case of an accident or incident involving such helicopter -

(i) for a period of not less than 60 days calculated from the date of the accident or incident, or

(ii) until permission for disposal of such recording has been given by the investigator-in-charge or an appropriate authority,

whichever is the latter date, unless the preservation of the original recording is required under any other law;

(b) when the Director so directs, for a period of not less than 60 days calculated from the date of such direction, or until permission for disposal of such recording has been given by the Director, unless the preservation of the original recording is required under any other law.

(2) If a helicopter is required under this Part to be fitted with a flight data recorder, the operator shall -

(a) save the recording for the period of operating time as required by subregulation (1)(a) and (b): Provided that for the purpose of testing and maintaining a flight data recorder, one hour of the oldest recorded material at the time of testing may be erased;

(b) keep a recording of at least one representative flight made within the preceding 12 months which includes a take-off climb, cruise, descent, approach and landing, together with a means of identifying the recording with the flight to which it relates; and

(c) keep a document which represents the information necessary to retrieve and convert the stored data into engineering units.

(3) The operator of the helicopter on which a flight recorder is carried, shall, within a reasonable time after being requested to do so by the Director or an appropriate authority, produce any recording made by such flight recorder which is available or has been preserved.

(4) A cockpit voice recorder recording may be used for purposes other than for the investigation of an accident or incident only with the consent of all the flight crew members concerned.

(5) The flight data recorder recordings may be used for purposes other than the investigation of an accident or incident which is subject to mandatory reporting, only when such recordings are -

(a) used by the operator for airworthiness or maintenance purposes;

(b) de-identified; or

(c) disclosed under secure procedures.

Flight time and duty period records

127.04.12 (1) The operator of a helicopter shall -

(a) maintain current flight time and duty period records of all crew members employed by such operator; and

(b) retain the flight time and duty period records for a period of 15 calendar months calculated from the date of the last flight of each crew member.

(2) A crew member in part-time employ of an operator shall maintain his or her own flight time and duty period records and shall provide copies thereof to the operator to enable such operator to ensure that the crew member does not exceed the limits prescribed in the flight and duty scheme referred to in regulation 127.02.14.

Records of emergency and survival equipment

127.04.13 (1) The operator of a helicopter shall compile a list of all the survival and emergency equipment to be carried in the helicopter and shall have such list available at all times for immediate communication to rescue co-ordination centres.

(2) The survival and emergency equipment list shall be included in the operations manual referred to in regulation 127.04.3.

(3) The format and minimum information to be included in the survival and emergency equipment list, shall be as prescribed in Document NAM-CATS-OPS 127.

Crew member training records

127.04.14 (1) The operator of a helicopter shall maintain the records of all training and proficiency checks undertaken by the crew members employed by such operator, and such records shall incorporate certificates indicating the successful completion of such training and proficiency checks.

(2) The operator shall retain the record of each flight crew member for a period of at least three years and the record of each cabin crew member for a period of at least 12 months from the date on which the crew member concerned has left the employ of such operator.

(3) The certificates referred to in subregulation (1) shall be made available by the operator to the crew member concerned on request.

Document Storage Periods

127.04.15 An Operator shall ensure that all records and all relevant operational and technical information for each individual flight, are stored for the periods prescribed in NAM-CATS-OPS 121.

Production of Documentation And Records

[The capitalisation in this heading is reproduced as it appears in the *Government Gazette*; it does not match the capitalisation used in this heading in the List of Regulations.]

127.04.16 (1) An operator shall:

(a) Give any person authorised by the Director access to any documents and records which are related to flight operations or maintenance; and

(b) Produce all such documents and records, when requested to do so by the Director, within a reasonable period of time.

(2) The commander shall, within a reasonable time of being requested to do so by a person authorised by the Director, produce to that person the documentation required to be carried

[There is no full stop at the end of subregulation (2); there are no additional words in the *Government Gazette*.]

Helicopter Technical log

[The capitalisation in this heading is reproduced as it appears in the *Government Gazette*; it does not match the capitalisation used in this heading in the List of Regulations.]

127.04.17 (1) The operator or pilot-in-command, as the case may be, of a Namibian registered large helicopter, shall ensure that the helicopter carries a technical log, or any other similar document, which contains the information as prescribed in Document NAM-CATS-OPS 127, at all times.

[There are no subregulations additional to subregulation (1) in the *Government Gazette*.]

SUBPART 5
INSTRUMENTS AND EQUIPMENT

Approval of instruments and equipment

127.05.1 (1) The operator of a helicopter shall ensure that a flight does not commence unless the instruments and equipment required under this Subpart, or otherwise installed in the helicopter, are -

(a) subject to the provisions of subregulation (2), approved and installed in accordance with the requirements, including operational and airworthiness requirements, applicable to such instruments and equipment; and

(b) in a condition for safe operation of the kind being conducted, except as provided for in the MEL.

(2) The operator shall not be required to obtain approval for -

(a) the fuses referred to in regulation 127.05.3;

(b) the electric torches referred to in regulation 127.05.4(2)(d);

(c) an accurate time-piece referred to in regulation 127.05.5(1)(b) or 127.05.6(1)(b);

(d) the first aid equipment referred to in regulation 127.05.20;

(e) megaphones referred to in regulation 127.05.24;

(f) the survival equipment referred to in regulation 127.05.29; and

(g) sea anchors and equipment for the mooring, anchoring or manoeuvring of amphibious helicopters on water, referred to regulation 127.05.31.

Use of instruments and equipment by pilot

127.05.2 (1) Instruments in a helicopter which are used by a pilot, shall be arranged in such manner that the pilot can see their indications readily from his or her station, with the minimum practicable deviation from the position and line of vision which he or she normally assumes when looking forward along the flight path.

(2) if a single instrument or item of equipment in the helicopter is required to be seen or operated by more than one pilot, such single instrument or item of equipment shall be installed in such manner that it can be readily seen or operated from each pilot station.

(3) The helicopter shall be equipped with means for indicating the adequacy of the power being supplied to the required flight instruments.

Circuit protection devices

127.05.3 (1) No operator or pilot-in-command, as the case may be, of a helicopter in which fuses are used, shall operate the helicopter unless spare fuses are available for use in flight equal to at least ten per cent or three, whichever is the greater, of the number of fuses of each rating required for complete circuit protection, which spare fuses shall be accessible to the flight crew during flight.

(2) If the ability to reset a circuit breaker or replace a fuse is essential to safety in flight, such circuit breaker or fuse shall be located and identified in such manner that it can be readily reset or replaced in flight.

(3) No person shall deactivate a circuit breaker in flight other than in accordance with the helicopter flight manual referred to in regulation 127.04.5.

Helicopter operating lights

127.05.4 (1) No operator or pilot-in-command, as the case may be, of a helicopter, shall operate the helicopter by day unless such helicopter is equipped with an anti-collision light system.

(2) No operator or pilot-in-command of a helicopter shall operate the helicopter by night unless such helicopter is equipped with -

(a) an anti-collision light system;

(b) lighting supplied from the electrical system of the helicopter to provide adequate illumination for all instruments and equipment used by the flight crew essential for the safe operation of such helicopter;

(c) lighting supplied from the electrical system of the helicopter to provide illumination in all passenger compartments, if any; and

(d) an electric torch for each required crew member readily accessible to such crew member when seated at his or her designated seat;

(e) in the case of a flight by night within 10 nautical miles, a light or lights providing adequate illumination both forward and downward to facilitate safe approaches, landings and take-offs; and

(f) in the case of a flight by night of more than 100 nautical miles, two landing lights or a single light having two separately energised filaments which are capable of providing adequate illumination both forward and downward to facilitate safe approaches, landings and take-offs.

(3) No operator or pilot-in-command of an amphibious helicopter shall operate the amphibious helicopter unless it is equipped with -

(a) the instruments and equipment referred to in subregulation (1) or (2), as the case may be; and

(b) when operating on water by night, display lights to conform with the International Regulations for Preventing Collisions at Sea.

(4) The navigation lights to be displayed by a helicopter by night, on the water or on the manoeuvring area of an aerodrome, are those referred to in regulation 127.11.10.

Flight, navigation and associated equipment for helicopters operated under VFR

127.05.5 (1) The operator of a helicopter shall not operate the helicopter in accordance with VFR, unless such helicopter is equipped with -

(a) a magnetic compass;

(b) an accurate time-piece indicating the time in hours, minutes, and seconds;

(c) a sensitive pressure altimeter with a subscale setting, calibrated in hectopascals, millibars or inches of mercury, adjustable for any barometric pressure setting likely to be encountered during flight;

(d) an airspeed indicator;

(e) a vertical-speed indicator;

(f) a turn-and-slip indicator or a turn coordinator, incorporating a slip indicator;

(g) an attitude indicator;

[The word "altitude" is misspelt in the *Government Gazette*, as reproduced above.]

(h) a stabilised direction indicator; and

(i) a means of indicating in the cockpit the outside air temperature in degrees Celsius:

Provided that a helicopter with a maximum certificated mass of 2 730 kilograms or less, does not have to comply with the provisions of paragraphs (g) and (h).

(2) If two pilots are required to operate the helicopter, the second pilot's station shall be equipped with -

(a) a sensitive pressure altimeter with a subscale setting calibrated in hectopascals, millibars or inches of mercury, adjustable for any barometric pressure setting likely to be encountered during flight;

(b) an airspeed indicator;

(c) a vertical-speed indicator;

(d) a turn-and-slip indicator or a turn coordinator, incorporating a slip indicator;

(e) an attitude indicator; and

[The word "altitude" is misspelt in the *Government Gazette*, as reproduced above.]

(f) a stabilised direction indicator:

Provided that a helicopter with a maximum certificated mass of 2 730 kilograms or less, does not have to comply with the provisions of paragraphs (c) and (f).

(3) A helicopter which is operated by night in accordance with VFR -

(a) outside a radius of 15 nautical miles from its point of departure;

(b) if on a cross-country flight, for longer than 20 minutes; or

(c) over water at a distance from land corresponding to more than 10 minutes at normal cruise speed,

shall be equipped with a radio altimeter with an audio warning operating below a preset height and a visual warning capable of operating at a height selectable by the pilot.

Flight, navigation and associated equipment for helicopters operated under IFR

127.05.6 (1) The operator of a helicopter shall not operate the helicopter in accordance with IFR, unless such helicopter is equipped with -

(a) a magnetic compass;

(b) an accurate time-piece indicating the time in hours, minutes and seconds;

(c) two sensitive pressure altimeters with subscale settings, calibrated in hectopascals, millibars or inches of mercury, adjustable for any barometric pressure setting likely to be encountered during flight;

(d) in the case of a helicopter with a maximum certificated mass exceeding 5 700 kilograms, a radio altimeter with an audio warning operating below a preset height and a visual warning capable of operating at a height selectable by the pilot;

(e) an airspeed indicator system with heated pitot tube or equivalent means for preventing malfunctioning due to either condensation or icing, including a warning indicator of pitot heater failure;

(f) a vertical-speed indicator;

(g) a turn-and-slip indicator or a turn coordinator, incorporating a slip indicator;

(h) an altitude indicator;

[The word "altitude" is misspelt in the *Government Gazette*, as reproduced above.]

(i) a single standby attitude indicator, capable of being used from either pilot's station which -

[The word "altitude" is misspelt in the *Government Gazette*, as reproduced above.]

(i) is powered continuously during normal operation and, after a total failure of the normal electrical generating system is powered from a source independent of the normal electrical generating system;

(ii) provides reliable operation for a minimum of 30 minutes after total failure of the normal electrical generating system, taking into account other loads on the emergency power supply and operational procedures;

(iii) operates independently of any other altitude indicating system;

[The word "altitude" is misspelt in the *Government Gazette*, as reproduced above.]

(iv) is operative automatically after total failure of the normal electrical generating system; and

(v) is appropriately illuminated during all phases of operation:

Provided that if the standby attitude instrument system is capable of being used through flight attitudes of 360 degrees of pitch and roll, the turn-and-slip indicators may be replaced by slip indicators;

[The words "altitude" and "altitudes" are misspelt in the *Government Gazette*, as reproduced above.]

(j) a stabilised direction indicator;

(k) a means of indicating in the flight crew compartment the outside air temperature in degrees Celsius; and

(l) an alternate source of static pressure for the altimeter and the airspeed and vertical speed indicators.

(2) If two pilots are required to operate the helicopter, the second pilot's station shall be equipped with -

(a) a sensitive pressure altimeter with a subscale setting, calibrated in hectopascals, millibars or inches of mercury, adjustable for any barometric pressure setting likely to be encountered during flight, which may be one of the two altimeters required under subregulation (1)(c);

(b) an airspeed indicator system with heated pitot tube or equivalent means for preventing malfunction due to either condensation or icing, including a warning indicator of pitot heater failure;

(c) a vertical-speed indicator;

(d) a turn-and-slip indicator or a turn coordinator, incorporating a slip indicator;

(e) an attitude indicator; and

[The word "altitude" is misspelt in the *Government Gazette*, as reproduced above.]

(f) a stabilised direction indicator.

(3) When complying with the provisions of subregulation (1)(i), it shall be clearly evident to the flight crew members when such standby attitude indicator is being operated by emergency power.

[The word "altitude" is misspelt in the *Government Gazette*, as reproduced above.]

(4) Where the standby attitude indicator referred to in subregulation (1)(i) has its own dedicated power supply, there shall be an associated indicator, either on the instrument or instrument panel, when such power supply is in use.

[The word "altitude" is misspelt in the *Government Gazette*, as reproduced above.]

Additional equipment for single-pilot operations under IFR

127.05.7 No pilot-in-command of a helicopter shall conduct single-pilot IFR operations in the helicopter unless such helicopter has been certificated for such operations and is equipped with -

(a) a stability augmentation or automatic flight control system with at least altitude hold and heading mode; and

(b) a headset with boom microphone or equivalent and a transmit button on the flight controls.

Radio altimeter

127.05.8 No pilot-in-command of a helicopter shall operate the helicopter on a flight over water at a distance from land corresponding to more than 10 minutes at normal cruise speed, unless such helicopter is equipped with a radio altimeter with an audio voice warning or other means of warning when operating below a preset height and with a visual warning capable of operating at a height selectable by the pilot.

Equipment for operations in icing conditions

127.05.9 (1) No pilot-in-command of a helicopter shall operate the helicopter in forecast or actual icing conditions unless such helicopter is certificated and equipped to operate in icing conditions.

(2) The pilot-in-command shall not operate the helicopter in forecast or actual icing conditions by night unless such helicopter is equipped with a means to illuminate or detect the formation of ice.

(3) The means of illumination referred to in subregulation (2), shall be of a type which does not cause glare or reflection which may handicap flight crew members in the performance of their duties.

Flight recorder

127.05.10 (1) The operator of a Namibian registered helicopter, which is required to be equipped with a flight recorder in terms of regulation 127.05.12 or 127.05.13, shall ensure that the flight recorder complies with the specifications as prescribed in Document NAM-CATS-OPS 127.

(2) There shall be an aural or visual means for preflight checking to determine that the flight recorder is operating properly.

(3) The flight recorder shall not be switched off during flight.

(4) Each flight recorder installed in the helicopter shall be located in such manner that maximum practicable protection is provided, in order that, in the event of an accident or incident, the recorded data may be recovered in a preserved and intelligible state.

(5) Where a flight recorder is installed, it shall not -

(a) be a source of danger in itself;

(b) prejudice the proper functioning of any essential service; and

(c) in any way reduce the serviceability or airworthiness of the helicopter in which it is installed, even if the flight recorder fails to function.

(6) The operator shall ensure that retrieving the recorded data from the storage medium shall be readily possible.

(7) The parameters of the flight recorder shall be determined within the ranges, accuracies and recording intervals referred to in regulation 127.05.12 or 127.05.13, as the case may be.

(8) Each flight recorder container installed in the helicopter shall -

(a) be bright orange or bright yellow;

(b) have reflective tape affixed to the external surface to facilitate its location under water; and

(c) have an approved underwater location device on, or adjacent to, each container which is secured in such manner that the device is not likely to be separated from the container during crash impact: Provided that only one such device shall be required when the cockpit voice recorder and the flight data recorder required under this Part are installed adjacent to each other in such manner that they are not likely to be separated during crash impact.

(9) The operator shall -

(a) copy and check the data on the flight recorder every six months, for the purpose of ensuring that such flight recorder is serviceable; and

(b) record and retain the results of such check for a period of five years calculated from the date of such check.

Foil data recorder

127.05.11 The operator of a Namibian registered helicopter, which is required to be equipped with a flight recorder in terms of regulation 127.05.12 or 127.05.13, shall, if the flight recorder is a foil data recorder, replace the foil data recorder with a digital flight recorder before or on 1 July 2001.

Cockpit voice recorder

127.05.12 (1) No operator or pilot-in-command, as the case may be, of a helicopter specified in Document NAM-CATS-OPS 127, shall operate the helicopter unless such helicopter is equipped with a cockpit voice recorder which complies with the specifications referred to in regulation 127.05.10(1).

(2) The cockpit voice recorder shall record, with reference to a time scale -

(a) voice communications transmitted from, or received on, the flight deck by radio;

(b) the aural environment of the flight deck, including without interruption, the audio signals received from each microphone in use;

(c) voice communications of flight crew members on the flight deck using the interphone system of the helicopter, if installed;

(d) voice or audio signals identifying navigation or approach aids introduced into a headset or speaker;

(e) voice communications of flight crew members on the flight deck using the public address system of the helicopter, if installed; and

(f) in the case of a helicopter which is not required to be equipped with a flight data recorder, the parameters necessary to determine main rotor speed.

(3) The cockpit voice recorder shall·-

(a) be capable of retaining information recorded during at least the last 30 minutes of the helicopter's operation;

(b) start automatically to record prior to the helicopter moving under its own power and continue to record, until the termination of the flight when the helicopter is no longer capable of moving under its own power; and

(c) if possible, start to record the flight deck checks prior to engine start at the beginning of the flight, until the flight deck checks immediately following engine shutdown at the end of the flight.

(4) The cockpit voice recorder may be combined with a flight data recorder referred to in regulation 127.05.13.

(5) The pilot-in-command of the helicopter may commence a flight with the cockpit voice recorder inoperative: Provided that -

(a) the pilot-in-command of the helicopter shall not take-off from an aerodrome where repairs or replacements to such cockpit voice recorder can be made;

(b) the helicopter is not used in excess of six further consecutive flights with the cockpit voice recorder unserviceable;

(c) not more than 48 hours have elapsed since the cockpit voice recorder became unserviceable; and

(d) any flight data recorder required to be carried, is operative, unless the flight data recorder is combined with a cockpit voice recorder.

Flight data recorder

127.05.13 (1) No operator or pilot-in-command, as the case may be, of a helicopter specified in Document NAM-CATS-OPS 127, shall operate the helicopter unless such helicopter is equipped with the appropriate flight data recorder as prescribed in Document NAM-CATS-OPS 127.

(2) The flight data recorder shall be capable of retaining the data recorded during at least the last 10 hours of its operation.

(3) The data obtained from a flight data recorder shall be obtained from helicopter sources which enable accurate correlation with information displayed to the flight crew.

(4) The flight data recorder shall start automatically to record the data prior to the helicopter being capable of moving under its own power and shall stop automatically after the helicopter is incapable of moving under its own power.

(5) The pilot-in-command of the helicopter may commence a flight with the flight data recorder inoperative: Provided that -

(a) the pilot-in-command of the helicopter shall not depart from an aerodrome where repairs or replacements to such flight data recorder can be made;

(b) the helicopter is not used in excess of six further consecutive flights with the flight data recorder unserviceable;

(c) not more than 48 hours have elapsed since the flight data recorder became unserviceable; and

(d) any cockpit voice recorder required to be carried, is operative, unless the cockpit voice recorder is combined with the flight data recorder.

Airborne weather radar equipment

127.05.14 The operator of a helicopter with a maximum approved passenger seating configuration of more than nine seats, shall not operate the helicopter unless such helicopter is equipped with airborne weather radar equipment whenever such helicopter is being operated by night or in IMC in areas where thunderstorms or other potentially hazardous weather conditions, regarded as detectable with airborne weather radars, may be expected to exist along the route.

Flight crew interphone system

127.05.15 The operator of a helicopter on which more than one flight crew member is required, shall not operate the helicopter unless such helicopter is equipped with a flight crew interphone system, including headsets and microphones, not of a handheld type, for use by all flight crew members.

Crew member interphone system

127.05.16 (1) The operator of a helicopter with a maximum approved passenger seating configuration of more than nine seats, shall not operate the helicopter unless such helicopter is equipped with a crew member interphone system

[There is no full stop at the end of subregulation (1); there are no additional words in the *Government Gazette*.]

(2) The crew member interphone system shall -

(a) operate independently of the public address system except for handsets, microphones, selector switches and signalling devices;

(b) provide a means of two-way communication between the flight crew compartment and each passenger compartment;

(c) be readily accessible for use from each of the required flight crew stations in the cockpit;

(d) be readily accessible for use at the required cabin crew stations close to each separate or pair of floor-level emergency exits;

(e) have an alerting system incorporating aural or visual signals for use by flight crew members to alert the cabin crew and for use by cabin crew to alert the flight crew;

(f) have a means of the recipient of a call to determine whether it is a normal call or an emergency call; and

(g) provide on the ground a means of two-way communication between ground personnel and at least two flight crew members, if the design of the helicopter requires such interphone communication.

Public address system

127.05.17 (1) The operator of a helicopter with a maximum approved passenger seating configuration of more than nine seats, shall not operate the helicopter unless such helicopter is equipped with a public address system.

(2) The public address system shall -

(a) operate independently of the interphone systems referred to in regulations 127.05.15 and 127.05.16, except for handsets, microphones, selector switches and signalling devices;

(b) be readily accessible for immediate use from each required flight crew member station;

(c) be readily accessible for use from at least one cabin crew member station in the cabin;

(d) in the case of a public address system microphone intended for cabin crew use, be positioned adjacent to a cabin crew member seat located near each required floor-level emergency exit in the passenger compartment;

(e) be capable of operation within 10 seconds by a cabin crew member at each of those stations in the compartment from which the use of such public address system is accessible;

(f) be audible and intelligible in all phases of flight at all passenger seats, toilets and cabin crew member seats and stations;

(g) be powered continuously during normal operation; and

(h) provide reliable operation for at least 10 minutes, following a total failure of the normal electrical generating system.

Seats, seat safety belts, harnesses and restraint devices

127.05.18 (1) No operator or pilot-in-command, as the case may be, of a helicopter, shall operate the helicopter unless such helicopter is equipped, as applicable, with -

(a) a seat or berth for each person who is aged two years or more;

(b) a safety belt with or without a diagonal shoulder strap, or a safety harness, for use in each passenger seat, for each passenger who is a child;

(c) a restraining belt for use in each passenger berth;

(d) a restraint device for each passenger who is an infant;

(e) a safety harness for each flight crew member seat, incorporating a device which will automatically restrain the occupant's torso in the event of rapid deceleration; and

(f) a safety harness for each cabin crew member seat:

Provided that a safety belt with one diagonal shoulder strap is permitted if the fitting of a safety harness is not reasonably practical.

(2) Seats for cabin crew members shall, where possible, be located near a floor-level emergency exit: Provided that if the number of required cabin crew members exceeds the number of floor-level emergency exits, the additional cabin crew member seats required shall be so located that a cabin crew member may best be able to assist passengers in the event of an emergency evacuation: Provided further that such seats shall be forward or rearward facing within 15 degrees of the longitudinal axis of the helicopter.

(3) If the pilot-in-command cannot see all the passenger seats in the helicopter from his or her own seat, a means of indicating to all passengers and cabin crew members that seat belts should be fastened, shall be installed.

(4) All safety harnesses and safety belts shall have a single point release.

Stowage and securing of articles, baggage and cargo

127.05.19 No operator or pilot-in-command, as the case may be, of a helicopter, shall operate the helicopter unless all articles, baggage and cargo carried on board, except those items in use by either the crew or by passengers, if such use is not prohibited by the pilot-in-command in the interest of the safety of the helicopter or its occupants, are secured -

(a) in a manner which prevents movement likely to cause injury, damage or death and does not obstruct aisles and exits; or

(b) in stowages designed to prevent movement likely to cause injury, damage or death.

Standard first aid kit

127.05.20 (1) No operator or pilot-in-command, as the case may be, of a helicopter, shall operate the helicopter unless such helicopter is equipped with an appropriate first aid kit as prescribed in Document NAM-CATS-OPS 127.

(2) The operator or pilot-in-command shall ensure that the content of the first aid kit is in a condition necessary for its intended use.

Supplemental oxygen in case of pressurised and non-pressurised helicopters

127.05.21 (1) No operator or pilot-in-command, as the case may be, of a pressurised helicopter, shall operate the helicopter unless such helicopter is equipped with the supplemental oxygen as prescribed in Document NAM-CATS-OPS 127.

(2) The conditions, rules, requirements, procedures or standards for supplemental oxygen required in terms of subregulation (1) shall be as prescribed in Document NAM-CATS-OPS 127.

(3) No operator or pilot-in-command, as the case may be, of a non-pressurised helicopter, shall operate the helicopter at altitudes above 10 000 feet, unless such helicopter is equipped with the supplemental oxygen as prescribed in Document NAM-CATS-OPS 127.

(4) The conditions, rules, requirements, procedures or standards for supplemental oxygen required in terms of subregulation (3) shall be as prescribed in Document NAM-CATS-OPS 127.

Hand fire extinguishers

127.05.22 No operator or pilot-in-command, as the case may be, of a helicopter, shall operate the helicopter unless such helicopter is equipped with the appropriate hand fire extinguishers as prescribed in Document NAM-CATS-OPS 127.

Marking of break-in points

127.05.23 The operator of a helicopter shall ensure that, if areas of the fuselage suitable for break-in by rescue crews in emergency, are marked on the helicopter, such areas shall be marked in accordance with the requirements prescribed in Part 47.

Megaphones

127.05.24 (1) No operator or pilot-in-command, as the case may be, of a helicopter with a maximum approved passenger seating configuration of more than 19 seats, and which is carrying one or more passengers, shall operate the helicopter unless such helicopter is equipped with the appropriate portable battery-powered megaphones as prescribed in Document NAM-CATS-OPS 127.

(2) The conditions, rules, requirements, procedures or standards for battery-powered megaphones shall be as prescribed in Document NAM-CATS-OPS 127.

Emergency lighting

127.05.25 (1) No operator or pilot-in-command, as the case may be, of a helicopter with a maximum approved passenger seating configuration of more than 19 seats, shall operate the helicopter unless such helicopter is equipped with the appropriate emergency lighting system as prescribed in Document NAM-CATS-OPS 127.

(2) The conditions, rules, requirements, procedures or standards for emergency lighting shall be as prescribed in Document NAM-CATS-OPS 127.

Automatic emergency locator transmitter

127.05.26 (1) No operator or pilot-in-command, as the case may be, of a helicopter, shall operate the helicopter unless such helicopter is equipped with an automatic emergency locator transmitter.

(2) The operator or pilot-in-command shall ensure that the automatic emergency locator transmitter -

(a) is attached to the helicopter in such manner that, in the event of a crash, the probability of such automatic emergency locator transmitter transmitting a detectable signal, is maximised, and the probability of such automatic emergency locator transmitter being damaged, is minimised; and

(b) complies with the specifications, and is capable of transmitting on the frequencies, as prescribed in Document NAM-CATS-OPS 127.

Life jackets and other flotation devices

127.05.27 The operator or pilot-in-command, as the case may be, of a helicopter, shall not operate the helicopter for any operations on water or on a flight over water -

(a) when operating in Performance Class 3 beyond autoregulation distance from land;

(b) when operating in Performance Class l or 2 at a distance from land corresponding to more than 10 minutes of flight time at normal cruise speed; or

(c) when operating in Performance Class 2 or 3 when taking off or landing at an aerodrome where the take-off or approach path is over water,

unless it is equipped with life jackets equipped with a survivor locator light, for each passenger on board, stowed in an easily accessible position, with safety belt or harness fastened, from the seat or berth of the passenger for whose use it is provided and an individual infant flotation device, equipped with a survivor locator light, for use by each infant on board.

Life rafts and survival radio equipment for extended over-water flights

127.05.28 No operator or pilot-in-command, as the case may be, shall operate a helicopter -

(a) in Performance Class l or 2 on a flight over water at a distance from land corresponding to more than 10 minutes of flight time at normal cruise speed from land; or

(b) in Performance Class 3,

unless such helicopter is equipped with the life rafts and survival radio equipment for such extended over-water flights, as prescribed in Document NAM-CATS-OPS 127.

Survival equipment

127.05.29 No operator or pilot-in-command, as the case may be, of a helicopter, shall operate the helicopter over areas where search and rescue would be especially difficult, unless such helicopter is equipped with the appropriate survival equipment as prescribed in Document NAM-CATS-OPS 127.

Survival suits

127.05.30 The operator or pilot-in-command, as the case may be, of a helicopter, shall not operate a helicopter -

(a) in Performance Class 1 or 2 on a flight over water at a distance from land corresponding to more than 10 minutes of flight time at normal cruise speed from land when the weather report or forecasts available to the pilot-in-command indicate that the water temperature will be less than 10 degrees Celsius during the flight, or when the estimated rescue time exceeds the calculated survival time or

(b) in Performance Class 3 on a flight over water in a hostile environment beyond auto regulation or safe forced landing distance from land,

unless each person on board is wearing a survival suit.

Amphibious helicopters

127.05.31 The operator or pilot-in-command, as the case may be, of a helicopter certificated for operating on water, shall not operate the helicopter on water unless such helicopter is equipped with -

(a) a sea anchor and other equipment necessary to facilitate the mooring, anchoring or manoeuvring of such helicopter on water, appropriate to its size, weight and handling characteristics; and

(b) equipment for making the sound signals prescribed in the International Regulations for Preventing Collisions at Sea, where applicable.

All helicopters on flights over water – ditching

127.04.32 The operator or pilot-in-command, as the case may be, of a helicopter, shall not operate a helicopter -

(a) in Performance Class 1 on a flight over water at a distance from land corresponding to more than 10 minutes at normal cruise speed; or

(b) in Performance Class 2 or 3 on a flight over water beyond safe forced landing distance from land,

unless the helicopter is so designed for landing on water or is fitted with emergency flotation equipment.

Communication equipment

127.05.33 (1) Except with the prior approval of the Director, no operator or pilot-in-command, as the case may be, of a helicopter, shall operate the helicopter, unless such helicopter is equipped with radio communication equipment capable of maintaining two-way communication with an air traffic service unit.

(2) The radio communication equipment referred to in subregulation (1) shall be capable of providing for communication on the aeronautical emergency frequency 121,5 MHz.

(3) The radio communication equipment installed in the helicopter shall be of a type as prescribed in Document NAM-CATS-OPS 127.

(4) The installation, bonding and screening of the radio communication equipment shall be in accordance with the requirements as prescribed in Document NAM-CATS-OPS 127.

Navigation equipment

127.05.34 (1) No operator or pilot-in-command, as the case may be, of a helicopter, shall operate the helicopter unless such helicopter is equipped with navigation equipment enabling it to proceed in accordance with its flight plan, the prescribed RNP types and the appropriate air traffic service requirements: Provided that the provisions of this regulation shall

not apply to flights operated in accordance with VFR, if such flights can be accomplished by visual reference to landmarks.

(2) The helicopter shall be equipped with sufficient navigation equipment to ensure that, in the event of the failure of one item of equipment at any stage of the flight, the remaining equipment enables such helicopter to proceed with such flight.

Windshield wipers

127.05.35 The operator of a helicopter shall not operate the helicopter unless such helicopter is equipped with a windshield wiper or equivalent system for each required pilot station.

Traffic alert and collision avoidance system

127.05.36 From 1 January 2003, the operator of a helicopter shall not operate the helicopter unless such helicopter is equipped with a traffic alert and collision avoidance system referred to in regulation 91.04.32.

Fasten seat belt and no smoking signs

127.03.37 An operator shall not operate a helicopter in which all passenger seats are not visible from the flight deck, unless it is equipped with a means of indicating to all passengers and cabin when seat belts shall be fastened and when smoking is not allowed.

Pressure-altitude reporting transponder

127.05.38 The operator of a helicopter shall not operate the helicopter unless such helicopter is equipped with a Pressure-altitude reporting transponder.

Microphones

127.05.39 All flight crew members required to be on flight deck duty shall communicate through boom or throat microphones below transition level/altitude.

SUBPART 6
AIR OPERATOR CERTIFICATE

Requirement for air operator certificate

127.06.1 A Namibian operator shall not operate a helicopter except under the authority of, and in accordance with the conditions of, an air operator certificate issued under this Subpart.

Quality assurance system

127.06.2 (1) An applicant for the issuing of an air operator certificate shall establish a quality assurance system for the control and supervision of the type of operation, and the maintenance of the type of helicopter, covered by the application.

(2) The minimum standards for a quality assurance system shall be as prescribed in Document NAM-CATS-OPS 127.

(3) If the applicant is an aircraft maintenance organisation approved in terms of Part 145, the quality assurance system may be combined with the quality assurance system referred to in regulation 145.02.2.

Personnel requirements

127.06.3 (1) The applicant shall engage, employ or contract -

(a) a senior person identified as the accountable manager and compliance officer of the operator concerned, to whom contractual authority has been granted to ensure that all activities undertaken by the operator are carried out in accordance with the applicable requirements prescribed in this Subpart, and who shall in addition be vested with the following powers and duties in respect of the compliance with such requirements:

(i) Unrestricted access to work performed or activities undertaken by all other persons as employees of, and other persons rendering service under contract with, the operator;

(ii) full rights of consultation with any such person in respect of such compliance by him or her;

(iii) powers to order cessation of any activity where such compliance is not effected;

(iv) a duty to establish liaison mechanisms with the Director with a view to ascertain correct manners of compliance with the said requirements, and interpretations of such requirements by the Director, and to facilitate liaison between the Director and the operator concerned; and

(v) powers to report directly to the management of the operator on his or her investigations and consultations generally, and in cases contemplated in subparagraph (iii), and with regard to the results of the liaison contemplated in subparagraph (iv);

(b) competent persons who are responsible for -

(i) quality assurance, and who has direct access to the accountable manager and compliance officer referred to in paragraph (a) on matters affecting airworthiness, helicopter maintenance and aviation safety;

(ii) flight operations;

(iii) the maintenance system;

(iv) crew training; and

(v) ground operations; and

(c) adequate personnel to plan, perform, supervise and inspect the type of operation, and the maintenance of the type of helicopter, covered by the application.

(2) The applicant shall establish a procedure for initially assessing, and a procedure for maintaining, the competency of those personnel involved in planning, performing or supervising the type of operation, and the maintenance of the type of helicopter, covered by the application.

Accommodation

127.06.4 The applicant shall ensure that -

(a) working space available at each operating base is sufficient for personnel pertaining to the safety of flight operations, taking into account the needs of ground personnel, personnel concerned with operational control, the storage and display of essential records and flight planning by crew;

(b) office services are capable, without delay, of distributing operational instructions and other information to all concerned; and

(c) suitable office accommodation are available at appropriate locations for the personnel referred to in regulation 127.06.3(1)(b)(iii) and (c).

[The verb "are" should be "is" to be grammatically correct.]

Application for air operator certificate or amendment thereof

127.06.5 (1) An application for the issuing of an air operator certificate, or an amendment thereof, shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-OPS 127; and

(b) accompanied by -

(i) the appropriate fee prescribed in Part 187;

(ii) the operations manual referred to in regulation 127.04.3;

(iii) proof that the applicant is financially capable of conducting the type of operation, and the maintenance of the type of helicopter, covered by the application; and

(iv) in respect of the operator's maintenance system, and for each type of helicopter to be operated -

(aa) the maintenance management manual referred to in regulation 127.10.6;

(bb) the operator's helicopter maintenance programme referred to in regulation 127.10.5;

(cc) the helicopter technical log referred to in regulation 127.10.7;

(dd) the technical specifications of the maintenance arrangements between the applicant and an aircraft maintenance organisation approved in terms of Part 145, if applicable; and

(ee) the number of helicopters.

(2) An application for the issuing of an air operator certificate, shall be submitted to the Director at least 90 days before the date of commencement of the intended operation.

(3) An application for the amendment of an air operator certificate, shall be submitted to the Director at least 30 days before the date of commencement of the intended amendment.

Assessment or application and issuing of certificate

127.06.6 (1) In considering an application for the issuing of an air operator certificate, or an amendment thereof, the Director may conduct the investigation he or she deems necessary.

(2) The application shall be granted and the certificate issued if -

(a) the applicant complies with the requirements prescribed in regulations 127.06.2 to 127.06.4 inclusive: and

(b) the Director is satisfied that -

(i) the applicant has the financial capability of conducting a safe operation; and

(ii) the applicant will not conduct the operation concerned contrary to any provision of the Act or the Civil Aviation Offences Act, 1972 (Act 10 of 1972).

[The Civil Aviation Offences Act 10 of 1972 was repealed by the Civil Aviation Act 6 of 2016.]

(3) If the Director is not so satisfied, he or she shall notify the applicant thereof, stating the reasons in the notification, and grant the applicant the opportunity to rectify or supplement any defect within the period determined by the Director, after which period the Director shall grant or refuse the application concerned.

(4) An air operator certificate shall be issued on the appropriate form as prescribed in Document NAM-CATS-OPS 127, under such conditions which the Director may determine.

(5) An air operator certificate shall specify -

(a) the name and principal place of business of the operator;

(b) the date on which the certificate was issued and its period of validity;

(c) a description of the type of operation authorised;

(d) the type of helicopter authorised for operation;

(e) the nationality and registration marks of each helicopter authorised for operation;

(f) the authorised area of operation; and

(g) the conditions of the certificate.

Period of validity

127.06.7 (1) An air operator certificate shall be valid for the period determined by the Director, which period shall not exceed 12 months, calculated from the date of issuing or renewal thereof.

(2) If the holder of an air operating certificate applies at least 30 days prior to the expiry thereof, for the renewal of the certificate, such certificate shall, notwithstanding the provisions of subregulation (1), remain valid until such holder is notified by the Director of the result of the application for the renewal of such certificate.

(3) The certificate shall remain in force until it expires or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Director, in terms of regulation 127.06.17.

(4) The holder of a certificate which expires, shall forthwith surrender the certificate to the Director.

(5) The holder of a certificate which is suspended, shall forthwith produce the certificate upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(6) The holder of a certificate which is cancelled, shall, within 30 days from the date on which the certificate is cancelled, surrender such certificate to the Director.

Transferability

127.06.8 (1) Subject to the provisions of subregulation (2), an air operator certificate shall not be transferable.

(2) A change in ownership of the holder of a certificate shall be deemed to be a change of significance referred to in regulation 127.06.9.

Changes in quality assurance system

127.06.9 (1) If the holder of an air operator certificate desires to make any change in the quality assurance system referred to in regulation 127.06.2, which is significant to the showing of compliance with the appropriate requirements prescribed in this Part, including -

(a) any particulars on the certificate;

(b) the identity of the accountable manager and compliance officer;

(c) the identities of the persons referred to in regulation 127.06.3(1)(b); and

(d) the conditions of the certificate,

such holder shall apply to the Director for the approval of such change.

(2) The provisions of regulation 127.06.5 shall apply *mutatis mutandis* to an application for the approval of a change in the quality assurance system

[There is no full stop at the end of subregulation (2); there are no additional words in the *Government Gazette*.]

(3) An application for the approval of a change in the quality assurance system shall be granted by the Director if the applicant satisfies the Director, upon submission of appropriate proposed changes to its operations manual, that it will continue to comply with the provisions of regulations 127.06.2 to 127.06.4 inclusive, after the implementation of such approved change.

Duties of holder of certificate

127.06.10 The holder of an air operator certificate shall -

(a) engage, employ or contract -

(i) adequate flight crew and cabin crew for the type of operation authorised, who are trained and checked in accordance with the regulations in Subpart 3;

(ii) adequate ground personnel for the nature and scale of the type of operation authorised, who have a thorough understanding of their responsibilities within the organisation of the operator;

(iii) adequate supervisors for the structure of the operator and the number of personnel engaged, employed or contracted, who possess experience and personal qualities sufficient to ensure the attainment of the standards specified in its approved operations manual;

(2) ensure that -

(a) each flight is conducted in accordance with its approved operations manual;

(b) the type of helicopter authorised for use, is equipped, and its crew qualified, as required for the area and type of operation authorised;

(c) arrange appropriate ground handling facilities to ensure the safe handling of its flight;

(d) if the provision of certain of its services is contracted to another organisation, retain responsibility for the maintenance of the standards for such services, specified in its approved operations manual; and

(e) maintain operational support facilities at the main operating base, appropriate for the area and type of operation authorised.

[The lettering and numbering of this provision are reproduced as in the *Government Gazette*, but the "(2)" should be "(b)" and "(a)"-"(e)" should be "(i)"-"(v)".]

Statistical information

127.06.11 The holder of an air operator certificate shall furnish the Director with the statistical information, within the appropriate period, as prescribed in Document NAM-CATS-OPS 127.

Documentation

127.06.12 The holder of an air operator certificate shall make the necessary arrangements for the production of manuals, amendments and other documents.

Display of certificate

127.06.13 The holder of an air operator certificate shall display the certificate in a prominent place, generally accessible to the public at such holder's principal place of business and, if a copy of the certificate is displayed, shall produce the original certificate to an authorised officer, inspector or authorised person if so requested by such officer, inspector or person.

Advertisements

127.06.14 Any advertisement by an organisation indicating that it is the operator of a helicopter, shall reflect the number of the air operator certificate issued by the Director.

Renewal of certificate

127.06.15 (1) The holder of an air operator certificate shall at least 30 days immediately preceding the date on which the certificate expires, apply for the renewal of such certificate.

(2) The provisions of regulations 127.06.5(1) and 127.06.6 shall apply *mutatis mutandis* to an application made in terms of this regulation.

Safety inspections and audits

127.06.16 (1) An applicant for the issuing of an air operator certificate shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits which may be necessary to verify the validity of any application made in terms of regulation 127.06.5.

(2) The holder of an air operator certificate shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits, including safety inspections and audits of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

Suspension and cancellation of certificate and appeal

127.06.17 (1) An air operator certificate may be varied, suspended or revoked if the Director is no longer satisfied that the operator can maintain an adequate organisation to ensure safe operations.

(2) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, an air operator certificate issued under this Subpart, if·-

(a) after a safety inspection and audit carried out in terms of regulation 127.06.16, it is evident that the holder of the approval does not comply with the requirements prescribed in this Part, and such holder fails to remedy such non-compliance within 30 days after receiving notice in writing from the authorised officer, inspector or authorised person to do so; or

(b) the authorised officer, inspector or authorised person is prevented by the holder of the certificate, or any of its partners or subcontractors, to carry out a safety inspection and audit in terms of regulation 127.06.16;

(c) the suspension is necessary in the interests of aviation safety.

(3) The authorised officer, inspector or authorised person who has suspended a certificate in terms of subregulation (1), shall, within one workday of such suspension, deliver a report in writing to the Director.

(4) The authorised officer, inspector or authorised person concerned shall submit a copy of the report referred to in subregulation (3), to the holder of the certificate which has been suspended.

(5) The holder of a certificate whose certificate has been suspended may appeal against such suspension to the Director, within 30 days after such holder becomes aware of such suspension.

(6) An appellant shall deliver an appeal in writing, stating the reasons why, in the opinion of the appellant, the suspension should be varied or set aside, and the appeal shall include, if applicable, full particulars of any remedial action which may have been taken by the appellant to rectify the circumstances which resulted in such suspension.

(7) The Director shall acknowledge receipt of an appeal.

(8) The Director may, within 14 days, subject to such conditions which the Director may determine, confirm, vary or set aside the suspension referred to in subregulation (2), or cancel the certificate.

Register of certificates

127.06.18 (1) The Director shall maintain a register of all air operator certificates issued, amended or renewed in terms of the regulations in this Subpart.

(2) The register shall contain the following particulars:

(a) The full name of the holder of the certificate;

(b) the postal address of the holder of the certificate;

(c) the telephone and telefax numbers of the holder of the certificate;

(d) the date on which the certificate was issued, amended or renewed;

(e) the number of the certificate issued, amended or renewed;

(f) the conditions of the certificate;

(g) the nationality of the holder of the certificate; and

(h) the date on which the certificate was cancelled, if applicable.

(3) The particulars referred to in subregulation (2) shall be recorded by the Director in the register within seven days from the date on which the certificate was issued, amended, renewed or cancelled, as the case may be.

(4) The register shall be kept in a safe place at the office of the Director.

(5) A copy of the register shall be furnished by the Director, on payment of the appropriate fee as prescribed in Part 187, to any person who requests the copy.

SUBPART 7
FOREIGN AIR OPERATOR PERMIT

Requirement for foreign air operator permit

127.07.1 A foreign operator shall not operate a foreign registered helicopter engaged in international commercial air transport operations to, from or within Namibia, except under the authority of, and in accordance with the conditions of, a foreign air operator permit issued under this Subpart.

Application for foreign air operator permit or amendment thereof

127.07.2 (1) An application for the issuing of a foreign air operator permit shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-OPS 127; and

(b) accompanied by -

(i) a declaration of competency issued in respect of each helicopter concerned;

(ii) a copy of the valid air operator certificate or equivalent authorisation held by the applicant, which pertains to the operation covered by the application;

(iii) the appropriate fee prescribed in Part 187; and

(iv) a statement certifying the availability of insurance in respect of the obligations and liabilities of the applicant which may arise from the operation covered by the application.

(2) Subject to the provisions of subregulation (5), an application for the issuing of a foreign air operator permit shall be submitted to the Director at least 90 days before the date of commencement of the intended operation.

(3) If the holder of a foreign air operator permit wishes to amend -

(a) its name or principal place of business;

(b) the description of the type of operation;

(c) the type of helicopter;

(d) the nationality and registration marks of the helicopters;

(e) the area of operation; or

(f) any condition,

specified on the permit, such operator shall apply to the Director for such amendment.

(4) An application for the amendment of a foreign air operator permit shall be -

(a) made in the appropriate form as prescribed in Document NAM-CATS-OPS 127; and

(b) accompanied by -

(i) a declaration of competency issued in respect of each helicopter concerned;

(ii) a copy of the valid air operator certificate or equivalent authorisation held by the applicant, which pertains to the operation covered by the application;

(iii) the appropriate fee prescribed in Part 187; and

(iv) a statement certifying the availability of insurance in respect of the obligations and liabilities of the applicant which may arise from the operation covered by the application.

(5) Subject to the provisions of subregulation (5), an application for the amendment of a foreign air operator permit shall be submitted to the Director at least 30 days before the date of commencement of the intended amended operation.

(6) The Director may condone a shorter period within which an application referred to in subregulation (1) or (3), as the case may be, is received, if the Director is satisfied that the object of the operation or amended operation will be defeated if such application is not adjudicated within the shorter period.

Assessment of application and issuing of permit

127.07.3 (1) In considering the application for the issuing of a foreign air operator permit, or an amendment thereof, the Director may conduct the investigation which he or she deems necessary.

(2) The application shall be granted and the permit issued the Director is satisfied that -

(a) the applicant has the financial capability of conducting a safe operation within Namibia; and

(b) the applicant will not conduct the operation concerned contrary to any provision of the Act or the Civil Aviation Offences Act, 1972.

[The Civil Aviation Offences Act 10 of 1972 was repealed by the Civil Aviation Act 6 of 2016.]

(3) If the Director is not so satisfied, he or she shall notify the applicant thereof, stating the reasons in the notification, and grant the applicant the opportunity the rectify or supplement the defect within the period determined by the Director, after which period the Director shall grant or refuse the application concerned.

(4) A foreign air operator permit shall be issued on the appropriate form as prescribed in Document NAM-CATS-OPS 127, under such conditions which the Director may determine.

(5) A foreign air operator permit shall specify -

(a) the name, nationality and principal place of business of the operator;

(b) the date on which the permit was issued and its period of validity;

(c) a description of the type of operation authorised;

(d) the type of helicopter authorised for operation;

(e) the nationality and registration marks of each helicopter authorised for operation;

(f) the authorised area of operation; and

(g) the conditions of the permit.

Period of validity

127.07.4 (1) A foreign air operator permit shall be valid -

(a) for the period determined by the Director, which period shall not exceed 12 months, calculated from the date of issuing thereof;

(b) for the number of flights determined by the Director; or

(c) for the number of flights, which have to be undertaken within the period, determined by the Director.

(2) If the holder of a foreign air operator permit applies at least 30 days prior to the expiry thereof, for the renewal of the permit, such permit shall, notwithstanding the provisions of subregulation (1), remain valid until such holder is notified by the Director of the result of the application for the renewal of such permit.

(3) The permit shall remain in force until it expires or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Director, in terms of regulation 127.07.9.

(4) The holder of a permit which expires, shall forthwith surrender the permit to the Director.

(5) The holder of a permit which is suspended, shall forthwith produce the permit upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(6) The holder of a permit which is cancelled, shall, within 30 days from the date on which the permit is cancelled, surrender such permit to the Director.

Transferability

127.07.5 A foreign air operator permit shall not be transferable.

Duties of holder of permit

127.07.6 The holder of a foreign air operator permit shall -

(a) at all times during the operation within Namibia -

(i) comply with -

(aa) the appropriate requirements prescribed in this Part; and

(bb) the conditions of the permit;

(ii) hold a valid air operator certificate or equivalent authorisation; and

(b) produce the permit to an authorised officer, inspector or authorised person for inspection, if so requested by such officer, inspector or person.

Renewal of permit

127.07.7 (1) The holder of a foreign air operator permit shall at least 30 days immediately preceding the date on which the permit expires, apply for the renewal of the permit.

(2) The provisions of regulations 127.07.2(1) and 127.07.3 shall apply *mutatis mutandis* to an application made in terms of this regulation.

Safety inspections and audits

127.07.8 The holder of a foreign air operator permit shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits, including safety inspections and audits of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

Suspension and cancellation of certificate and appeal

127.07.9 (1) An air operator certificate may be varied, suspended or revoked if the Director is no longer satisfied that the operator can maintain an adequate organisation to ensure safe operations.

(2) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, an air operator certificate issued under this Subpart, if·-

(a) after a safety inspection and audit carried out in terms of regulation 127.07.8, it is evident that the holder of the approval does not comply with the requirements prescribed in this Part, and such holder fails to remedy such non-compliance within 30 days after receiving notice in writing from the authorised officer, inspector or authorised person to do so; or

(b) the authorised officer, inspector or authorised person is prevented by the holder of the certificate, or any of its partners or subcontractors, to carry out a safety inspection and audit in terms of regulation 127.07.08;

(c) the suspension is necessary in the interests of aviation safety.

(3) The authorised officer, inspector or authorised person who has suspended a certificate in terms of subregulation (1), shall, within one workday of such suspension, deliver a report in writing to the Director.

(4) The authorised officer, inspector or authorised person concerned shall submit a copy of the report referred to in subregulation (3), to the holder of the certificate which has been suspended.

(5) The holder of a certificate whose certificate has been suspended may appeal against such suspension to the Director, within 30 days after such holder becomes aware of such suspension.

(6) An appellant shall deliver an appeal in writing, stating the reasons why, in the opinion of the appellant, the suspension should be varied or set aside, and the appeal shall include, if applicable, full particulars of any remedial action which may have been taken by the appellant to rectify the circumstances which resulted in such suspension.

(7) The Director shall acknowledge receipt of an appeal.

(8) The Director may, within 14 days, subject to such conditions which the Director may determine, confirm, vary or set aside the suspension referred to in subregulation (2), or cancel the certificate.

Register of permits

127.07.10 (1) The Director shall maintain a register of all foreign air operator permits issued, amended or renewed in terms of the regulations in this Subpart.

(2) The register shall contain the following particulars:

(a) The full name of the holder of the permit;

(b) the postal address of the holder of the permit;

(c) the telephone and telefax numbers of the holder of the permit;

(d) the date on which the permit was issued, amended or renewed;

(e) the number of the permit issued, amended or renewed;

(f) the conditions of the permit;

(g) the nationality of the holder of the permit; and

(h) the date on which the permit was suspended, if applicable.

(3) The particulars referred to in subregulation (2) shall be recorded by the Director in the register within seven days from the date on which the permit was issued, amended, renewed or cancelled, as the case may be.

(4) The register shall be kept in a safe place at the office of the Director.

(5) A copy of the register shall be furnished by the Director, on payment of the appropriate fee as prescribed in Part 187, to any person who requests the copy.

Definitions

127.07.11 For the purposes of the regulations in this Subpart·-

(a) "air operator certificate" means an air operator certificate issued by the State of the Operator; and

(b) "declaration of competency" means a declaration, issued by the State of the Operator, containing -

(i) the name, nationality and principal place of business of the operator;

(ii) a description of the type of operation authorised;

(iii) a confirmation that the operator complies with the procedures for operations inspection, certification and continued surveillance, prescribed by the International Civil Aviation Organisation;

(iv) a confirmation that the operator's international operations are conducted in accordance with the laws and regulations of the State of the Operator;

(v) the type of helicopter authorised for operation;

(vi) the nationality and registration marks of each helicopter authorised for operation;

(vii) the authorised area of operation; and

(viii) the period of validity of the declaration and the air operator certificate.

SUBPART 8
FLIGHT OPERATIONS

Routes and areas of operation

127.08.1 (1) The operator of a helicopter shall ensure that scheduled commercial air transport operations are only conducted along such routes, or within such areas, for which -

(a) ground facilities and services, including meteorological services, are provided which are adequate for the planned operation;

(b) appropriate maps and charts are available; and

(c) in the case of a helicopter operated in Performance Class 3, surfaces are available which permit a safe forced landing to be executed.

(2) The operator shall ensure that operations are only conducted within such areas and along such routes for which approval or authorisation has been obtained, where required, from the authority concerned.

(3) The operator shall ensure that -

(a) the performance of the helicopter intended to be used, is adequate to comply with minimum flight altitude requirements; and

(b) the equipment of the helicopter intended to be used, complies with the minimum requirements for the planned operation.

Establishment of procedures

127.08.2 The operator of a helicopter shall establish -

(a) procedures and instructions, for each helicopter type, containing ground personnel and crew member duties for all types of operations on the ground and in flight;

(b) a checklist system to be used by flight crew members for all phases of operation under normal, abnormal and emergency conditions, to ensure that the operating procedures contained in the operations manual referred to in regulation 127.04.3, are followed; and

(c) procedures to ensure that crew members do not perform any activities during critical phases of the flight other than those required for the safe operation of the helicopter.

Operational control and supervision

127.08.3 (1) The operator of a helicopter shall exercise operational control and establish and maintain an approved method of supervision of flight operations, which shall be contained in the operations manual referred to in regulation 127.04.3.

(2) When considering the approval referred to in subregulation (1), the Director shall give due consideration to the matters as prescribed in Document NAM-CATS-OPS 127.

Competency of operations personnel

127.08.4 (1) The operator of a helicopter shall ensure that all personnel assigned to, or directly involved in, ground and flight operations -

(a) are properly instructed;

(b) have demonstrated their abilities and experience appropriate to their positions and the type of operation conducted by such operator; and

(c) are aware of their responsibilities and the relationship of such responsibilities to the operation as a whole.

(2) The operator shall ensure that all employees, when operating outside Namibia, know that they have to comply with the laws, regulations and procedures of the State in or over which operations are conducted.

Use of aerodromes

127.08.5 (1) No pilot-in-command of a helicopter shall use, and no operator of the helicopter shall authorise the use of, an aerodrome as a destination or alternate destination aerodrome, unless such aerodrome is adequate for the type of helicopter and operation concerned.

(2) Except in an emergency, no pilot-in-command of a helicopter shall take-off or land by night, unless the place of take-off or landing is equipped with night flying facilities.

Helicopter landing and take-off

127.08.6 (1) No pilot-in-command of a helicopter shall land at, or take-off from, any place unless the place is so situated to permit the helicopter, in the event of an emergency arising during such landing or take-off, to land without undue hazard to persons or property on the surface.

(2) No pilot-in-command of a helicopter shall land on, or take-off from, any building, structure or place situated within 100 metres of any other building or structure, in the area of jurisdiction of a local authority, unless such building, structure or place has been approved for the purpose by the Director: Provided that this restriction shall not apply -

(a) to a helicopter landing on, or taking off from, a building, structure or place within an industrial area, a commercial warehouse area or an open farm land, which is suitable for such purpose and in respect of which helicopter the pilot-in-command is the holder of a valid commercial or airline transport pilot licence (helicopter), or, in the case of the holder of a private pilot licence (helicopter), with the written permission of the Director, unless specifically prohibited by the local authority;

(b) to a helicopter engaged in an emergency medical service operation, or undertaking a flight necessary for the exercising of any power in terms of any law.

(3) A local authority may, after consultation with the Director, extend the scope of the provisions of subregulation (2)(a) to include other places in its area of jurisdiction.

(4) The Director may, in the interests of aviation safety, impose conditions or institute restrictions as to the use of any building, structure or place for the landing or take-off of helicopters, or require special flight procedures to be adopted at, or special routes to be followed to or from, such building, structure or place by helicopters, and the Director may impose different conditions, institute different restrictions or require different special flight procedures to be adopted in respect of different buildings, structures or places.

(5) Nothing in this regulation shall be construed as conferring any right to land at any building, structure or place against the wishes of the owner of, or any other person who has an interest in, the building, structure or place, or as prejudicing the rights or remedies of any person in respect of any injury to persons or property caused by the helicopter or its occupants.

Use of air traffic services

127.08.7 The operator of a helicopter shall ensure that air traffic services are used for all flights whenever available.

Minimum flight altitudes

127.08.8 (1) The operator of a helicopter shall establish minimum flight altitudes for all operations carried out in accordance with IFR and all scheduled commercial air transport operations, as well as the methods to determine such minimum flight altitudes for all route segments to be flown which provide for the required terrain clearance, taking into account the appropriate performance operating limitations prescribed in Subpart 9 and the minimum altitudes prescribed in Subpart 11.

(2) The operator shall take into account the following factors, when establishing minimum flight altitudes:

(a) The accuracy with which the position of the helicopter can be determined;

(b) the probable inaccuracies in the indications of the altimeters used;

(c) the characteristics of the terrain along the routes or in the areas where operations are to be conducted;

(d) the probability of encountering unfavourable meteorological conditions; and

(e) possible inaccuracies in aeronautical charts.

(3) In complying with the provisions of subregulation (2), the operator shall give due consideration to -

(a) corrections for temperature and pressure variations from standard values;

(b) the air traffic service requirements;

(c) any contingencies which may reasonably occur along the planned route; and

(d) helicopter mass and configuration.

Threshold crossing height

127.08.9 (1) The operator or pilot-in-command, as the case may be, of a helicopter, shall establish operational procedures designed to ensure that the helicopter being used to conduct precision approaches, crosses the threshold by a safe margin with such helicopter in the landing configuration and attitude.

[The word "altitude" is misspelt in the *Government Gazette*, as reproduced above.]

(2) The operational procedures applicable to Category II and Category III approaches, shall be approved by the Director.

Pre-flight selection of aerodromes

127.08.10 (1) The operator or pilot-in-command, as the case may be, of a helicopter, shall select destination or alternate aerodromes in accordance with the provisions of regulation 127.08.11 when planning a flight.

(2) The operator or pilot-in-command shall select a departure, destination or alternate aerodrome only when the serviceability status of the aerodrome permits safe operation of the type of helicopter concerned.

(3) The operator or pilot-in-command shall select and specify in the flight plan referred to in regulation 127.04.7, a take-off alternate aerodrome, if it would not be possible for the helicopter to return to the aerodrome of departure due to meteorological or performance reasons.

(4) The take-off alternate aerodrome referred to in subregulation (3), shall be located within -

(a) one hour of flight time at one-engine cruising true air speed according to the helicopter flight manual referred to in regulation 127.04.5, in still air standard conditions based on the actual take-off mass for a twin-engine helicopter;

(b) two hours of flight time at one-engine inoperative cruising true air speed according to such helicopter flight manual, in still air standard conditions based on the actual take-off mass for three-engine and four-engine helicopters;

(c) if such helicopter flight manual does not contain a one-engine inoperative cruising true air speed, the speed to be used for calculation, shall be the speed which is achieved with the remaining engine set at maximum continuous power.

(5) The operator or pilot-in-command shall select at least one destination alternate aerodrome for each IFR flight, unless the meteorological conditions forecast or prevailing are such that, for the period from one hour before, until one hour after, the expected time of arrival at the destination aerodrome, the approach from the minimum sector safe altitude and landing can be made in VMC.

(6) The operator or pilot-in-command shall select at least one destination alternate aerodrome for each IFR flight, unless -

(a) the meteorological conditions forecast or prevailing are such that, for the period from one hour before, until one hour after, the expected time of arrival at the destination aerodrome, the approach from the minimum sector safe altitude and landing can be made in VMC; or

(b) the destination aerodrome is isolated and no adequate destination alternate aerodrome exists.

(7) The operator or pilot-in-command shall select two destination alternate aerodromes when -

(a) the appropriate weather reports or forecasts for the destination aerodrome, or any combination thereof, indicate that during a period commencing one hour before, and ending one hour after, the estimated time of arrival, the weather conditions will be below the applicable planning minima; or

(b) no meteorological information can be obtained.

(8) The operator or pilot-in-command shall specify the destination alternate aerodrome in the flight plan referred to in regulation 127.04.7.

(9) The operator or pilot-in-command shall specify en route alternate aerodromes for extended-range operations with twin-engine helicopters and shall specify such en route alternate aerodromes in the flight plan referred to in subregulation (8).

(10) When planning a flight, the operator or pilot-in-command shall only select an aerodrome as a destination or alternate aerodrome, if the appropriate weather reports or forecasts, or a combination thereof, are at or above the applicable planning minima for a period commencing one hour before, and ending one hour after, the estimated time of arrival of the helicopter at the aerodrome.

Aerodrome operating minima

127.08.11 (1) The operator of a helicopter shall establish aerodrome operating minima in accordance with the provisions of subregulations (2), (3) and (4) and in conjunction with the instrument approach and landing charts for each aerodrome intended to be used either as destination or alternate aerodrome.

(2) The operator shall establish aerodrome operating minima for each aerodrome planned to be used, which shall not be lower than the values as prescribed in Document NAM-CATS-OPS 127.

(3) The method of determining aerodrome operating minima shall be approved by the Director.

(4) The aerodrome operating minima established by the operator shall not be lower than any aerodrome operating minima established by the appropriate authority of the State in which the aerodrome concerned is located: Provided that if such appropriate authority approves such lower aerodrome operating minima established by the operator, the lower aerodrome operating minima shall apply.

Offshore operations

127.08.12 (1) The operator of a helicopter shall ensure that, in the case of flights over water -

(a) radio contact is maintained with the shore base or other flight-monitoring station;

(b) a full crew complement is on board to operate the helicopter and its safety equipment under normal and emergency conditions; and

(c) the helicopter is equipped for flights over water in terms of these Regulations.

(2) In the case of a reciprocating single-engine helicopter -

(a) flights shall be limited to five nautical miles seaward from shore base;

(b) no flights shall be undertaken except by day and under VMC, and no flight shall be commenced which cannot be completed at least one hour before last light;

(c) a back-up helicopter or rescue craft, which is suitably manned and equipped for air and sea rescue operations and which is fully operational, shall be on stand-by at the shore base with survival and rescue equipment on board, adequate for the rescue of the passengers and crew of the helicopter for which it is on stand-by.

(3) In the case of a turbine single-engine helicopter -

(a) flights shall be limited to 50 nautical miles seaward from shore base;

(b) no flights shall be undertaken except during day and under VMC;

(c) for flights over water from five to 15 nautical miles inclusive, sufficient survival dinghies shall be carried in such manner that they will be instantly accessible at the time of ditching; and

(d) for flights over water of more than 15 nautical miles, a back-up helicopter or rescue craft, as prescribed in subregulation (2)(c), shall be available for search and rescue purposes.

(4) In the case of multi-engine helicopters, the operator shall comply with the provisions of subregulation (1) and in addition, if a flight is to be undertaken by night or under IMC, the operator shall ensure that -

(a) the helicopter is equipped for IFR operations; and

(b) functioning area or on-board navigation aids are available.

(5) For the purpose of this regulation "shore base" means the site from which the flight over water is commenced or supported.

Meteorological conditions

127.08.13 (1) On a flight to be conducted in accordance with IFR, the pilot-in-command of a helicopter shall not -

(a) commence take-off; or

(b) continue beyond the in-flight decision point,

unless information is available indicating that conditions will, at the estimated time of arrival of such helicopter, be at or above the applicable aerodrome operating minima -

(i) at the destination aerodrome; or

(ii) where a destination alternate aerodrome is required, at the destination aerodrome and one destination alternate aerodrome, or at two destination alternate aerodromes.

(2) On a flight conducted in accordance with VFR, the pilot-in-command of the helicopter shall not commence take-off unless current meteorological reports, or a combination of current reports and forecasts, indicate that the meteorological conditions along the route, or that part of the route to be flown under VFR, shall, at the appropriate time, be such as to render compliance with the provisions of the regulations in this Part possible.

Mass and balance

127.08.14 (1) The operator or pilot-in-command, as the case may be, of a helicopter, shall, where applicable, ensure that, during any phase of operation, the loading, mass and the centre of gravity of the helicopter complies with the limitations specified in the helicopter flight

manual referred to in regulation 127.04.5, or the operations manual referred to in regulation 127.04.3, if the limitations therein are more restrictive.

(2) The operator or pilot-in-command shall establish the mass and the centre of gravity of the helicopter by actual weighing prior to initial entry into operation and thereafter, at intervals of five years.

(3) The accumulated effects of modifications and repairs on the mass and balance of the helicopter, shall be accounted for and properly documented by the operator or pilot-in-command.

(4) The helicopter shall be weighed in accordance with the provisions of subregulation (2), if the effect of modifications on the mass and balance is not accurately known.

(5) The operator or pilot-in-command shall determine the mass of all operating items and crew members included in the dry operating mass of the helicopter, by weighing or by using the appropriate standard mass as prescribed in Document NAM-CATS-OPS 127.

(6) The influence of the mass of the operating items and crew members referred to in subregulation (5), on the centre of gravity of the helicopter shall be determined by the operator or pilot-in-command of such helicopter.

(7) The operator or pilot-in-command shall establish the mass of the traffic load, including any ballast, by actual weighing, or determine the mass of the traffic load in accordance with the appropriate standard passenger and baggage mass as prescribed in Document NAM-CATS-OPS 127.

(8) The operator or pilot-in-command shall determine the mass of the fuel load by using the actual specific gravity or, if approved by the Director, a standard specific gravity.

(9) The operator or pilot-in-command shall establish mass and balance documentation as prescribed in Document NAM-CATS-OPS 127.

Smoking in helicopters

127.08.15 (1) No person shall smoke in a Namibian registered helicopter when carrying passengers.

(2) No person shall smoke in a foreign registered helicopter, when carrying passengers, which is operated to or from any aerodrome located in Namibia, while the helicopter is in Namibian airspace.

Fuel policy

127.08.16 (1) The operator of a helicopter shall establish a fuel policy for the purpose of flight planning and in-flight replanning to ensure that every flight carries sufficient fuel for the planned operation and reserve fuel to cover deviations from the planned operation.

(2) The operator shall ensure that the planning of a flight is only based upon -

(a) procedures, tables or graphs which are contained in or derived from the operations manual referred to in regulation 127.04.3, or current helicopter-specific data;

(b) the operating conditions under which the flight is to be conducted, including -

(i) realistic helicopter fuel consumption data;

(ii) anticipated masses;

(iii) expected meteorological conditions; and

(iv) air traffic service procedures and restrictions.

(3) The operator shall ensure that the calculation of usable fuel required by such helicopter for a flight includes -

(a) start up and taxi fuel;

(b) trip fuel;

(c) reserve fuel consisting of -

(i) contingency fuel as prescribed in Document NAM-CATS-OPS 127;

(ii) alternate fuel, if a destination alternate aerodrome is required;

(iii) final reserve fuel;

(iv) additional fuel, if required by the type of operation; and

(d) extra fuel, if required by the pilot-in-command.

(4) The operator shall ensure that in-flight replanning procedures for calculating usable fuel required when a flight has to proceed along a route or to a destination other than originally planned, includes -

(a) trip fuel for the remainder of the flight to destination;

(b) reserve fuel consisting of -

(i) contingency fuel;

(ii) alternate fuel, if a destination alternate aerodrome is required, including selection of the departure aerodrome as the destination alternate aerodrome;

(iii) final reserve fuel; and

(iv) additional fuel, if required by the type of operation; and

(c) extra fuel, if required by the pilot-in-command.

Fuel and oil supply

127.08.17 The pilot-in-command of a helicopter shall not commence a flight unless he or she is satisfied that the helicopter carries at least the planned amount of fuel and oil to complete the flight safely, taking into account the expected operating conditions.

Refueling or defueling with passengers on board

127.08.18 (1) The operator or pilot-in-command, as the case may be, of a helicopter, shall ensure that the helicopter is not refueled or defueled with AVGAS or wide-cut type fuel when passengers are embarking, on board or disembarking such helicopter.

(2) In cases other than the cases referred to in subregulation (1), necessary precautions shall be taken and the helicopter shall be properly manned by qualified personnel ready to initiate and direct an evacuation of such helicopter by the most practical and expeditious means available.

Instrument approach and departure procedures

127.08.19 (1) The operator or pilot-in-command, as the case may be, of a helicopter, shall ensure that only instrument approach and departure procedures, established by the appropriate authority of the State in which the aerodrome to be used, is located, are used.

(2) Notwithstanding the provisions of subregulation (1), the pilot-in-command may accept an air traffic control clearance to deviate from a published approach or departure route: Provided that -

(a) obstacle clearance criteria are observed and full account is taken of the operating conditions; and

(b) the final approach is flown visually or in accordance with the established instrument approach procedure.

(3) The operator may implement instrument approach and departure procedures, other than instrument approach and departure procedures referred to in subregulation (1), if required: Provided that such instrument approach and departure procedures have been approved by -

(a) the appropriate authority of the State in which the aerodrome to be used, is located; and

(b) the Director.

Noise abatement procedures

127.08.20 (1) The operator of a helicopter shall establish the operating procedures for noise abatement, as prescribed in Document NAM-CATS-OPS 127.

(2) Take-off climb procedures for noise abatement specified by the operator for any one helicopter type shall be the same for all aerodromes.

(3) The Director may, by notice in an AIP or AIP SUP, identify those aerodromes where noise abatement procedures do not apply.

Submission of flight plan

127.08.21 (1) The operator or pilot-in-command, as the case may be, of a helicopter, shall ensure that a flight is not commenced unless a flight plan referred to in regulation 127.04.7, has been filed, or adequate information has been deposited in order to permit alerting services to be activated, if required.

(2) The operator or pilot-in-command of a flight for which search and rescue action has been requested, who fails to comply with the search and rescue requirements, shall be responsible for any costs incurred by the by the air traffic service unit concerned for such search and rescue action or for the provision of alerting or support services.

[The phrase "by the" is repeated in the *Government Gazette*, as reproduced above.]

Seats, safety belts and harnesses

127.08.22 (1) Before take-off and landing, and whenever deemed necessary in the interests of aviation safety, the pilot-in-command of a helicopter shall ensure that each person on board the helicopter, occupies a seat or berth with his or her safety belt or harness, where provided, properly secured.

(2) The pilot-in-command shall ensure that multiple occupancy of helicopter seats does not occur other than by one adult and one infant, who is properly secured by an approved infant restraint device.

Passenger seating

127.08.23 The operator or pilot-in-command, as the case may be, of a helicopter, shall ensure that passengers are seated where, if an emergency evacuation is required, such passengers may best assist, and not hinder, evacuation from the helicopter.

Passenger briefing

127.08.24 (1) The operator or pilot-in-command, as the case may be, of a helicopter, shall ensure that -

(a) passengers are verbally briefed about safety matters, parts or all of which may be given by an audio-visual presentation; and

(b) in helicopters with a maximum certificated mass exceeding 5 700 kilograms, passengers are provided with a safety briefing card on which picture type instructions indicate the operation of emergency equipment and exits likely to be used by passengers; and

(c) in an emergency during flight, passengers are instructed in such emergency action as may be appropriate to the circumstances.

(2) The operator or pilot-in-command shall ensure that, before take-off -

(a) passengers are briefed, to the extent applicable, on -

(i) the prohibition of smoking;

(ii) when the back of the seat is to be in the upright position and the tray table stowed;

(iii) the location of emergency exits;

(iv) the location and use of floor proximity escape path markings;

(v) the stowage of carry-on baggage;

(vi) any restrictions on the use of electronic devices; and

(vii) the location and the contents of the safety briefing card; and

(b) passengers receive, to the extent applicable, a demonstration of -

(i) the use of safety belts or safety harnesses, including the manner in which the safety belts or safety harnesses are to be fastened and unfastened;

(ii) the location and use of oxygen equipment and the extinguishing of all smoking materials when oxygen is being used; and

(iii) the location and use of life jackets.

(3) The operator or pilot-in-command shall ensure that, after take-off, passengers are reminded about -

(a) the prohibition of smoking; and

(b) the use of safety belts or safety harnesses.

(4) The operator or pilot-in-command shall ensure that, before landing, passengers are reminded about -

(a) the prohibition of smoking;

(b) the use of safety belts or safety harnesses;

(c) when the back of the seat is to be in the upright position and the tray table stowed, if applicable;

(d) the re-stowage of carry-on baggage; and

(e) any restrictions on the use of electronic devices.

(5) The operator or pilot-in-command shall ensure that, after landing, passengers are reminded about -

(a) the prohibition of smoking; and

(b) the use of safety belts or safety harnesses.

Emergency equipment

127.08.25 (1) The operator or pilot-in-command, as the case may be, of a helicopter, shall ensure that emergency equipment, carried or installed in the helicopter in order to meet the requirements prescribed in this Part and the MEL, is **in** such condition that it will satisfactorily perform its design function.

(2) The pilot-in-command shall ensure that the emergency equipment concerned is always easily accessible for immediate use by the crew members.

Use of supplemental oxygen

127.08.26 (1) The pilot-in-command of a helicopter shall ensure that flight crew members engaged in performing duties essential to the safe operation of the helicopter in flight, use supplemental oxygen continuously when the flight deck pressure altitude exceeds 10 000 feet for more than 60 minutes, and at all times when the flight deck pressure altitude exceeds 12 000 feet.

(2) The pilot-in-command shall ensure that, when a flight is conducted above FL 410, at least one pilot at the pilot station wears an oxygen mask and is fully strapped in when the other pilot leaves the flight deck for any reason.

Approach and landing conditions

127.08.27 Before commencing an approach to land, the pilot-in-command of a helicopter shall be satisfied that, according to the information available to him or her, the weather at the aerodrome and the condition of the touchdown and lift-off area intended to be used, will not prevent a safe approach, landing or missed approach, having regard for the performance information contained in the helicopter flight manual referred to in regulation 127.04.5, or a similar document.

Commencement and continuation of approach

127.08.28 (1) When operating in IMC and in accordance with IFR, the pilot-in-command of a helicopter may commence an approach regardless of the reported RVR or visibility, but the approach shall not be continued beyond the outer marker or equivalent published position, unless the reported RVR or visibility for the touchdown and lift-off area is equal to, or better than, the applicable operating minima.

(2) Where RVR is not available, the pilot-in-command may derive the RVR value by converting the reported visibility in accordance with the procedures as prescribed in Document NAM-CATS-OPS 127.

(3) If, after passing the outer marker or equivalent published position in accordance with the provisions of subregulation (1), the reported RVR or visibility falls below the applicable minima, the pilot-in-command may continue the approach to decision altitude/height or minimum descent altitude/height.

(4) The pilot-in-command may continue the approach below decision altitude/height or minimum descent altitude/height and the landing may be completed: Provided that the required visual reference is established at the decision altitude/height or minimum descent altitude/height, and is maintained.

(5) Where no outer marker or equivalent published position exists, the pilot-in-command shall decide whether to continue or abandon the approach before descending below 1 000 feet above the aerodrome on the final approach segment.

In-flight simulation of emergency situations

127.08.29 The operator or pilot-in-command, as the case may be, of a helicopter, shall ensure that no person, and no person shall, simulate emergency situations in the helicopter

affecting the flight characteristics of such helicopter when passengers are on board such helicopter.

Carriage of infants and children

127.08.30 (1) The operator of a helicopter shall ensure that an infant is only carried when properly secured with a child restraint device, even when in the arms or on the lap of an adult passenger, or in an approved skycot: Provided that, in the case of a skycot, the skycot is -

(a) restrained so as to prevent it from moving under the maximum accelerations or decelerations to be expected in flight; and

(b) fitted with a restraining device so as to ensure that the infant will not be thrown from such skycot under the maximum accelerations or decelerations to be expected in flight.

(2) The operator shall ensure that precautions are taken to ensure that, at the times seat belts are required to be worn in flight, the infant carried in the skycot will not be thrown from such skycot under the maximum accelerations or decelerations to be expected in flight.

(3) Infants shall not be seated in front of: or alongside, exits.

(4) Infants shall not be carried behind a bulkhead unless an approved child restraint device is used during critical phases of flight and during turbulence.

(5) Skycots may not be used during critical phases of flight or turbulence.

(6) Skycots shall not be positioned in such a way that they prevent or hinder the movement of adjacent passengers or block exits.

(7) When an infant is carried in the arms or on the lap of a passenger, the seat belt, when required to be worn, shall be fastened around the passenger carrying or nursing the infant, but not around the infant.

(8) When an infant is carried in the arms or on the lap of a passenger, the name of the infant shall be bracketed on the passenger list with the name of the passenger carrying or nursing the infant.

(9) An infant may be seated in a car-type infant seat, approved for use in a helicopter, provided it is secured to the helicopter seat.

(10) A car-type infant seat referred to in subregulation (9) shall not be located in the same row or a row directly forward or aft of an emergency exit.

Carriage of persons with disability

127.08.31 (1) The operator of a helicopter shall establish procedures, including identification, seating positions and handling in the event of an emergency, for the carriage of passengers with a disability.

(2) The operator shall ensure that -

(a) the pilot-in-command of the helicopter is notified when a person with a disability is to be carried on board;

(b) a passenger with a disability is not seated in the helicopter in the same row or a row directly forward or aft of an emergency exit;

(c) individual briefings on emergency procedures are given to a passenger with a disability and his or her able-bodied assistant, appropriate to the needs of such passenger; and

(d) the person giving the briefing shall enquire as to the most appropriate manner of assisting the person with a disability so as to prevent pain or injury to that person.

(3) In the case of the carriage of a stretcher patient in the helicopter -

(a) the stretcher shall be secured in such helicopter so as to prevent it from moving under the maximum accelerations or declerations likely to be experienced in flight and in an emergency alighting such as ditching;·

[The word "decelerations" is misspelt in the *Government Gazette*, as reproduced above.]

(b) the patient shall be secured by an approved harness to the stretcher or helicopter structure; and

(c) an able-bodied assistant shall accompany each stretcher patient.

(4) A mentally disturbed person shall not be carried in the helicopter unless -

(a) accompanied by an able-bodied assistant; and

(b) a medical certificate has been issued by a medical practitioner certifying such mentally disturbed person's suitability for carriage by air, and confirming that there is no risk of violence from such person.

(5) The operator shall undertake the carriage of a mentally disturbed person who, according to his or her medical history, may become violent, only after special permission has been obtained from the Director by such operator.

(6) A passenger with a splinted or artificial limb may travel unaccompanied provided he or she is able to assist himself or herself.

(7) The affected limb or supporting aids of a passenger referred to in subregulation (6) shall not obstruct an aisle or any emergency exit or equipment.

(8) If a passenger with a splinted or artificial limb cannot assist himself or herself, the passenger shall be accompanied by an able-bodied assistant.

Carriage of persons with reduced mobility

127.08.32 (1) The operator of a helicopter shall establish procedures for the carriage of persons with reduced mobility.

(2) The operator shall ensure that -

(a) the pilot-in-command of the helicopter is notified when a passenger with reduced mobility is to be carried on board; and

(b) a passenger with reduced mobility is not seated where he or she could impede the crew members in the exercise of their duties or the emergency evacuation of the helicopter or obstruct access to emergency equipment.

Limitations on carriage of infants, children and persons with disability

127.08.33 (1) The maximum number of passengers with a disability, unaccompanied minors, or the combination of such passengers and minors, which may be carried by the operator of a helicopter, is limited to one per unit of 20 passenger capacity or part thereof to a maximum of 10 such passengers or minors.

(2) At least one able-bodied assistant shall be carried for every group of five passengers with a disability or unaccompanied minors, or a part or combination thereof, and such assistant shall be assigned with the responsibility of the safety of such passengers or minors: Provided that the passengers with a disability can assist themselves.

(3) In addition to the provisions of subregulation (2), for each single passenger with a disability who cannot assist himself or herself, an able-bodied assistant shall be assigned to solely assist such passenger.

(4) The operator may establish procedures, other than the procedures referred to in subregulations (1), (2) and (3), for the carriage of infants, children and passengers with a disability: Provided that -

(a) such procedures do not jeopardise aviation safety; and

(b) prior approval has been obtained from the Director.

Carriage of inadmissible passengers, deportees or persons in custody

127.08.34 (1) The operator of a helicopter shall establish procedures for the carriage of inadmissible passengers, deportees or persons in custody to ensure the safety of the helicopter and its occupants.

(2) The pilot-in-command of the helicopter shall be notified by the operator of such helicopter prior to departure, of the intended carriage, and reason for carriage, of any of the persons referred to in subregulation (1).

Carry-on baggage

127.08.35 (1) The operator of a helicopter shall establish adequate procedures to ensure that only such baggage is carried onto the helicopter and taken into the passenger cabin as can be adequately and securely stowed.

(2) The minimum requirements for the procedures referred to in subregulation (1) shall be as prescribed in Document NAM-CATS-OPS 127.

Securing of passenger cabin

127.08.36 (1) Before take-off and landing and whenever deemed necessary in the interests of aviation safety, the pilot-in-command of a helicopter shall ensure that -

(a) all equipment, baggage and loose articles in the cabin of the helicopter, including passenger service items and crew members' and passengers' personal effects, are properly secured and stowed so as to avoid the possibility of injury to persons or damage to such helicopter through the movement of such articles caused by in-flight turbulence or by unusual accelerations or manoeuvres; and

(b) all passage ways, exits and escape paths are kept clear of obstructions.

(2) All solid articles shall be placed in approved stowage areas in the helicopter, at all times whenever the seat belt lights are illuminated or when so directed by the pilot-in-command of such helicopter.

(3) For the purposes of subregulation (2), "approved stowage area" means -

(a) the area under a passenger seat except alongside emergency exits; or

(b) a locker, overhead or other, utilised in accordance with the placarded mass limitation of the locker.

(4) No take-off or landing shall be commenced by the pilot-in-command of the helicopter, unless he or she has been informed of the safe condition of the cabin.

Passenger services

127.08.37 (1) Except when in use, all items provided for passenger services, including food containers, thermos flasks and servicing trays, shall be carried in their respective stowages and secured against movement likely to cause injury to persons or damage to the helicopter.

(2) All items referred to in subregulation (1) shall be stowed during take-off and landing or during emergency situations, as directed by the pilot-in-command of the helicopter.

(3) Any item which cannot be accommodated in the stowage referred to in subregulation (1), shall not be permitted in the cabin of the helicopter.

(4) Securing of the cabin shall be completed by the cabin crew members before approach for landing of the helicopter is commenced.

(5) If passenger services are provided while the helicopter is on the ground, no passenger service equipment shall obstruct the exits of the helicopter.

Incidents and defects

127.08.38 (1) The operator of a helicopter shall establish adequate inspection and reporting procedures to ensure that defective equipment are reported to the pilot-in-command of the helicopter before take-off.

[The verb "are" should be "is" to be grammatically correct.]

(2) The procedures referred to in subregulation (1) shall include the reporting to the operator of all incidents or the exceeding of limitations which may occur while the crew are embarked on the helicopter and of defective equipment found on board.

(3) Upon receipt of the reports referred to in subregulation (2), the operator shall compile a report and submit such report on a monthly basis to the Director.

Ice and other contaminants

127.08.39 An operator shall establish procedures to be followed when ground de-icing and anti-icing and related inspections of the helicopter(s) are necessary.

Occurrence reporting

127.08.40 (1) Flight Incidents

(a) The operator or commander of an helicopter shall submit a report to the Director of any incident that has endangered or may have endangered safe operation of a flight.

**[The phrase "an helicopter" should be "a helicopter".
The only paragraph which appears in the *Government Gazette* is paragraph (a).
The text below may have been intended to constitute paragraph (b).]**

Reports shall be despatched within 72 hours of the event, unless exceptional circumstances prevent this.

(2) Technical defects and exceedance of technical limitations. A commander shall ensure that all technical defects and exceedances of technical limitations occurring while he was responsible for the flight are recorded in the helicopter's Technical Log.

(3) Air Traffic Incidents. A commander shall submit an air traffic incident report in accordance with ICAO PANS RAC whenever a helicopter in flight has been endangered by:

[ICAO Doc 4444 was previously known as "Procedures for Air Navigation Services — Rules of the Air and Air Traffic Services (PANS-RAC)". In 2016, it was re-titled "Procedures for Air Navigation Services - Air Traffic Management (PANS-ATC)".]

(a) a near collision with any other flying device;

(b) faulty air traffic procedures or lack of compliance with applicable procedures by Air Traffic Services or by the flight crew; or

(c) a failure of ATS facilities.

(4) Bird hazards and strikes

(a) A commander shall immediately inform the appropriate ground station whenever a potential bird hazard is observed.

(b) A commander shall submit a written bird strike report after landing whenever a helicopter for which he is responsible suffers a bird strike.

(5) Inflight emergencies with dangerous goods on board. If an inflight emergency occurs and the situation permits, a commander shall inform the appropriate air traffic service unit of any dangerous goods on board.

(6) Unlawful interference. Following an act of unlawful interference on board a helicopter, a commander shall submit a report, as soon as practicable, to the director.

(7) Irregularities of ground and navigational facilities and hazardous conditioins. A commander shall notify the appropriate ground station as soon as practicable whenever a potentially hazardous condition such as:

[The word "conditions" is misspelt in the *Government Gazette*, as reproduced above.]

(a) an irregularity in a ground or navigational facility; or

(b) a meteorological phenomenon; or

(c) a volcanic ash cloud; or

(d) a high radiation level,

is encountered during flight.

Accident Reporting

127.08.41 An operator shall establish procedures to ensure that the nearrest appropriate director is notified by the quickest available means of any accident, involving the aeroplane, resulting in serious injury (as defined in the Regulations Regarding the Investigation of Aircraft Accidents, 2000) or death of any person or substantial damage to the aeroplane or property.

[The word "nearest" is misspelt in the *Government Gazette*, as reproduced above.]

SUBPART 9
HELICOPTER PERFORMANCE OPERATING LIMITATIONS

Helicopter performance classification

127.09.1 (1) For performance purposes, helicopters are classified as follows:

(a) Class 1 helicopters - helicopters with performance such that, in the case of critical power unit failure, they are able to land on the rejected take-off area or safely continue the flight to an appropriate landing area, depending on when the failure occurs;

(b) Class 2 helicopters - helicopters with performance such that, in case of critical power unit failure, they are able to safely continue the flight, except when the failure occurs prior to a defined point after take-off or after a defined point before landing, in which case a forced landing may be required; and

(c) Class 3 helicopters -helicopters with performance such that, in the case of power unit failure at any point in the flight profile, a forced landing has to be performed.

(2) The Director may, for performance purposes, classify any helicopter in Document NAM-CATS-OPS 127, as a Class 1, Class 2 or Class 3 helicopter.

(3) The operator of a helicopter shall ensure that -

(a) a Class 1 helicopter is operated in accordance with the performance operating limitations prescribed in Division One;

(b) a Class 2 helicopter is operated in accordance with the performance operating limitations prescribed in Division Two; and

(c) a Class 3 helicopter is operated in accordance with the performance operating limitations prescribed in Division Three.

(4) Where specific design characteristics of a helicopter prevents compliance with the regulations in Division One, Two or Three of this Subpart, the operator shall, notwithstanding the provisions of subregulation (3), ensure that the helicopter is operated in accordance with such standard that a level of safety equivalent to the level of safety prescribed in the appropriate Division in this Subpart is maintained.

[The verb "prevents" should be "prevent" to be grammatically correct.]

Classes of helicopters

127.09.2 (1) The operator of any class helicopter shall ensure that -

(a) the mass of the helicopter, at the start of the take-off, is not greater than the mass at which the requirements prescribed in the appropriate Division can be complied with for the flight to be undertaken, allowing for expected reductions in mass as the flight proceeds; and

(b) the approved performance data contained in the helicopter flight manual referred to in regulation 127.04.5, are used to determine compliance with the requirements prescribed in the appropriate Division, supplemented as necessary with other approved data prescribed in the appropriate Division.

(2) When complying with the provisions of subregulation (1), the operator shall take into account the airframe configuration, environmental conditions and the operation of systems which may have an effect on performance, when appropriate.

(3) Performance Class 3 helicopters shall only be operated in conditions of weather and light, and over such routes and diversions therefrom, which may permit a safe forced landing to be executed in the event of an engine failure.

(4) The provisions of subregulation (1) shall apply *mutatis mutandis* to performance Class 2 helicopters prior to the defined point after take-off and after the defined point before landing.

(5) Only performance Class 1 helicopters shall be permitted to operate from elevated heliports in built-up urban areas.

DIVISION ONE: CLASS 1 HELICOPTER

General

127.09.3 (1) Helicopters first issued with a certificate of airworthiness before 1 January 1978 and operating to helidecks, shall not be required to comply with the provisions of regulation 127.09.4(2) and 127.09.7(2)(a) until 1 April 2002: Provided that such helicopters are operated in accordance with approved procedures.

(2) Helicopters first issued with a certificate of airworthiness on or after 1 January 1978 and before 1 April 2002 and operating to helidecks, shall not be required to comply with the provisions of regulation 127.09.4(2) and 127.09.7(2)(a) until 31 December 2009: Provided that such helicopters are operated in accordance with approved procedures.

Take-off

127.09.4 (1) The operator of a Class 1 helicopter shall ensure that the take-off mass of the helicopter does not exceed the maximum mass for the pressure altitude and the ambient temperature at the aerodrome of departure.

(2) The maximum mass referred to in subregulation (1) shall be such that in the event of the critical power unit failing -

(a) at or before the take-off decision point, the take-off and stop within the rejected take-off area available, can be discontinued; or

(b) at or past the take-off decision point, the take-off and the climb can be continued, clearing all obstacles along the flight path by a vertical margin of at least 35 feet until the helicopter is in a position to comply with the provisions of regulation 127.09.5.

(3) The rejected take-off area referred to in subregulation (2)(b) shall, in the case of elevated heliports and helidecks, mean the elevated heliport or helideck.

(4) When complying with the provisions of subregulation (2), the operator shall take into account -

(a) the pressure altitude at the aerodrome;

(b) the ambient temperature at the aerodrome;

(c) the take-off technique to be used; and

(d) not more than 50 per cent of the reported head-wind component or, if such data is provided, not less than 150 per cent of the reported tail-wind component: Provided that if approved wind measuring equipment is used, the head-wind component may be factored by 80 per cent.

(5) The part of the take-off prior to the specified take-off decision point shall be conducted in sight of the surface in such manner that a rejected take-off can be carried out.

Take-off flight path

127.09.5 (1) The operator of a Class 1 helicopter shall ensure that the take-off flight path of the helicopter clears all obstacles by a vertical margin of at least 35 feet in VFR and at

least 35 feet plus 0.01 DR in IFR, where DR is the horizontal distance which the helicopter has travelled from the end of the take-off distance available.

(2) The operator shall not be required to consider an obstacle, if its lateral margin from the nearest point on the surface below the intended flight path, exceeds 30m or 1.5 times the overall length of the helicopter, whichever is the greater, plus -

(a) 0.15 DR for VFR operations; or

(b) 0.30 DR for IFR operations.

(3) Obstacles may be disregarded if they are situated beyond -

(a) 7R for day operations, if it is assured that navigation accuracy can be achieved by reference to suitable visual cues during the climb;

(b) 10R for night operations, if it is assured that navigation accuracy can be achieved by reference to suitable visual cues during the climb;

(c) 300 metres, if the pilot is able to maintain the required navigation accuracy through navigation aids; and

(d) 900 metres, in all other cases.

(4) For the purposes of subregulation (3), "R" means the rotor radius.

(5) Where a change of direction of more than 15 degrees is made, vertical obstacle clearance requirements are to be increased by 15 feet from the point at which the turn is initiated: Provided that such turn shall not to be initiated before reaching a height of 100 feet above the take-off surface.

(6) When complying with the provisions of this regulation, the operator shall take into account -

(a) the mass of the helicopter at the commencement of the take-off;

(b) the pressure altitude at the aerodrome;

(c) the ambient temperature at the aerodrome; and

(d) not more than 50 per cent of the reported head-wind component or not less than 150 per cent of the reported tail-wind component, unless otherwise approved.

En route with one or more engines inoperative

127.09.6 (1) The operator of a Class 1 helicopter shall, in the event of the critical power unit becoming inoperative at any point in the en route flight path, appropriate to the meteorological conditions expected for the flight, comply with the provisions of subregulation (2) or (3) at all points along the route.

(2) The operator shall ensure that when it is intended that the flight will be conducted at any time out of sight of the surface, the mass of the helicopter permits a rate of climb of at least 50 feet per minute with one engine inoperative at an altitude of at least 1 000 feet or 2 000 feet in

areas of mountainous terrain, above all obstacles along the route within 18.5 km on either side of the intended track: Provided that when it is intended that the flight will be conducted by day, VMC and in sight of the surface, only obstacles within 900 metres on either side of the route shall be considered.

(3) The operator shall ensure that -

(a) the flight path permits the helicopter to continue flight from the cruising altitude to a height of 1 000 feet above the aerodrome where a landing can be made in accordance with the provisions of regulation 127.09.7;

(b) the flight path clears vertically by at least 1 000 feet or 2 000 feet in areas of mountainous terrain, all obstacles along the route within 18,5 km on either side of the intended track;

(c) the engine is assumed to fail at the most critical point along the route:

Provided that when it is intended that the flight will be conducted by day, in VMC and in sight of the surface, only obstacles within 900 metres in either side of the route shall be considered.

(4) The operator shall take into account the effects of winds on the flight path.

(5) When complying with the provisions of this regulation, the width margins referred tom subregulations (2) and (3) may be reduced to 9.3 kilometres if the required navigation accuracy can be achieved.

(6) In the event of any two power units becoming inoperative in the case of a helicopter having three or more power units, the helicopter shall be able to continue the flight to a suitable landing site and make a landing at such landing site.

Approach and landing

127.09.7 (1) The operator of a Class 1 helicopter shall ensure that the landing mass of the helicopter at the estimated time of landing, does not exceed the maximum landing mass specified for the pressure altitude and the ambient temperature expected for the estimated time of landing at the aerodrome at which it is intended to land and, when required, at any alternate aerodrome.

(2) When determining the landing mass, in the event of the critical power unit becoming inoperative at any point during the approach and landing phase -

(a) before the landing decision point, the helicopter shall, at the destination and at any alternate aerodrome, after clearing all obstacles in the approach path by a margin of 35 feet, be able to land and stop within the touchdown area available or perform a baulked landing and clear all obstacles in the flight path by a margin of 35 feet until the helicopter has reached sale take-off speed with a positive rate of climb; or

(b) at or after the landing decision point, the helicopter shall, at the destination and at any alternate aerodrome, after clearing all obstacles in the approach path by a margin of 35 feet, be able to land and stop within the touchdown area available.

(3) For the purposes of subregulation (2)(b), “touchdown area available” means an elevated heliport or helideck, if applicable.

(4) When complying with the provisions of this regulation, the operator shall take into account -

(a) the pressure altitude at the destination aerodrome;

(b) the expected air temperature at the destination aerodrome;

(c) the landing technique to be used;

(d) not more than 50 per cent of the forecast head-wind component, unless otherwise approved; and

(e) any expected variation in the mass of the helicopter during flight.

(5) The operator shall ensure that the part of the landing from the specified landing decision point to touchdown, is conducted in sight of the surface.

DIVISION TWO: CLASS 2 HELICOPTER

General

127.09.8 (1) The operator of a Class 2 helicopter shall ensure that the part of the take-off prior to the de tined point after take-off, and after the defined point before landing, is conducted only in conditions of weather and light and over such routes and diversions therefrom that will permit a safe forced landing to be executed in the event of engine failure.

(2) A Class 2 helicopter shall not be operated from elevated heliports in built-up urban areas.

Take-off

127.09.9 (1) The operator of a Class 2 helicopter shall ensure that the take-off mass of the helicopter does not exceed the maximum mass specified for a rate of climb for the pressure altitude and ambient temperature at the aerodrome of departure, which will allow the helicopter, in the event of the critical power unit becoming inoperative at any time after reaching the specified take-off decision point, to continue the take-off and initial climb and clear all obstacles along its flight path by a margin of 35 feet, until it is in a position to comply with the provisions of regulation 127.09.10.

(2) The operator shall ensure that for an elevated heliport, the maximum mass is such that the helicopter is capable of -

(a) rejecting the take-off and landing on the elevated heliport; or

(b) continuing the take-off and clearing the elevated heliport, until it is in a position to comply with the provisions of regulation 127.09.10 or to carry out a safe forced landing.

(3) When complying with the provisions of subregulation (2), the operator shall take into account -

(a) the pressure altitude at the elevated heliport;

(b) the ambient temperature at the elevated heliport;

(c) the take-off technique to be used; and

(d) not more than 50 per cent of the reported head-wind component or, if such data is provided, not less than 150 per cent of the reported tail-wind component: Provided that if approved wind measuring equipment is used, the head-wind component may be factored by 80 per cent.

(4) The part of the take-off up to the commencement of the take-off flight path, shall be conducted in sight of the surface.

Take-off flight path

127.09.10 (1) The operator of a Class 2 helicopter shall ensure that the take-off flight path of the helicopter clears all obstacles by a vertical margin of at least 35 feet in VFR and at least 35 feet plus 0.01 DR in IFR, where DR is the horizontal distance which the helicopter has travelled from the end of the take-off distance available.

(2) The operator shall not be required to consider an obstacle, if its lateral margin from the nearest point on the surface below the intended flight path, exceeds 30 m or 1.5 times the overall length of the helicopter, whichever is the greater, plus –

(a) 0.15 DR for VFR operations; or

(b) 0.30 DR for IFR operations.

(3) Obstacles may be disregarded if they are situated beyond·-

(a) 7R for day operations, if it is assured that navigation accuracy can be achieved by reference to suitable visual cues during the climb;

(b) 10R for night operations, if it is assured that navigation accuracy can be achieved by reference to suitable visual cues during the climb;

(c) 300 metres, if the pilot is able to maintain the navigation accuracy through navigation aids; and

(d) 900 metres, in all other cases.

(4) For the purposes of subregulation (3), “R” means the rotor radius.

(5) Where a change of direction of more than 15 degrees is made, vertical obstacle clearance requirements are to be increased by 15 feet from the point at which the turn is initiated: Provided that such turn shall not to be initiated before reaching a height of 100 feet above the take-off surface.

[The word “to” is superfluous in the phrase “shall not to be initiated”.]

(6) When complying with the provisions of this regulation, the operator shall take into account -

(a) the mass of the helicopter at the commencement of the take-off;

(b) the pressure altitude at the aerodrome;

(c) the ambient temperature at the aerodrome; and

(d) not more than 50 per cent of the reported head-wind component or not less than 150 per cent of the reported tail-wind component, unless otherwise approved.

En route with one or more engines inoperative

127.09.11 (1) The operator of a Class 2 helicopter shall ensure that the one-engine inoperative en route flight path, appropriate to the meteorological conditions expected for the flight, complies with the provisions of this regulation at all points along the route.

(2) When it is intended that the flight will be conducted -

(a) at any time out of sight of the surface, the mass of the helicopter shall permit a rate of climb of at least 50 feet per minute with one engine inoperative at an altitude of at least 1 000 feet or 2 000 feet in areas of mountainous terrain, above all obstacles along the route within 18.5 km on either side of the intended track;

(b) by day, in VMC and in sight of the surface, only obstacles within 900 metres on either side of the route shall be considered.

(3) The operator shall ensure that -

(a) the flight path permits the helicopter to continue flight from the cruising altitude to a height of 1 000 feet above the aerodrome where a landing can be made in accordance with the provisions of regulation 127.10.12;

(b) the flight path clears vertically by at least 1 000 feet or 2 000 feet in areas of mountainous terrain, all obstacles along the route within 18,5 kilometres on either side of the intended track;

(c) the engine is assumed to fail at the most critical point along the route:

Provided that when it is intended that the flight will be conducted by day, in VMC and in sight of the surface, only obstacles within 900 metres on either side of the route shall be considered.

(4) The operator shall take into account the effects of winds on the flight path.

(5) When complying with the provisions of this regulation, the width margins referred to in subregulations (2) and (3) may be reduced to 9.3 kilometres if the required navigation accuracy can be achieved.

Landing

127.09.12 (1) The operator of a Class 2 helicopter shall ensure that the landing mass of the helicopter at the estimated time of landing, does not exceed the maximum landing mass specified for the pressure altitude and ambient temperature expected for the estimated time of landing at the aerodrome at which it is intended to land, and at the alternate aerodrome, which will allow the helicopter, in the event of the critical power unit becoming inoperative before the

specified landing decision point after clearing all approaches path by a safe margin, to either land and stop within the touchdown area available or to perform a balked landing and clear all obstacles in the flight path by a margin of 3 5 feet.

(2) Since the becoming inoperative of the critical power unit after the specified landing decision point may cause the helicopter to force land, the helicopter shall only be operated in conditions of weather and light, and over such routes and diversions therefrom, which will permit a safe forced landing to be executed in the event of such failure.

(3) When determining the maximum landing mass for elevated heliports, the maximum landing mass shall be such that the helicopter is capable of -

(a) landing on the elevated heliport; or

(b) rejecting the landing and clearing the elevated heliport, and thereafter continuing the flight or carrying out a safe forced landing.

(4) When complying with the provisions of subregulation (3)(b), the operator shall take into account -

(a) the pressure altitude at the elevated heliport;

(b) the expected air temperature at the elevated heliport;

(c) the landing technique to be used;

(d) not more than 50 per cent of the forecast head-wind component, unless otherwise approved; and

(e) any expected variation in the mass of the helicopter expected during the flight.

DIVISION THREE: CLASS 3 HELICOPTER

General

127.09.13 (1) The operator of a Class 3 helicopter shall ensure that operations are only conducted in conditions of weather and light, and from those aerodromes and over such routes and diversions therefrom, that will permit a safe forced landing to be executed in the event of engine failure.

(2) A Class 3 helicopter shall not be operated from elevated heliports in built-up urban areas.

Take-off

127.09.14 (1) The operator of a Class 3 helicopter shall ensure that the take-off mass of the helicopter does not exceed the maximum mass specified for a hover inside ground effect with all power units operating at take-off power at the pressure altitude and ambient temperature at the take-off site.

(2) For the purposes of this regulation, hover inside ground effect performance data shall include 17 knot wind accountability.

(3) The helicopter shall be able, with all engines operating, to clear all obstacles along its flight path by a margin of 35 feet until it is in a position to comply with the provisions of regulation 127.09.15.

En route

127.09.15 The operator of a Class 3 helicopter shall ensure that the helicopter is able, with all power-units operating, to continue along its intended route, or to a planned diversion therefrom, without flying at any point below the appropriate minimum flight altitude.

Landing

127.09.16 (1) The operator of a Class 3 helicopter shall ensure that the landing mass of the helicopter at the estimated time of landing, does not exceed the maximum landing mass specified for a hover inside ground effect or hover outside ground effect, whichever is the greater, with all power units operating at take-off power at the pressure altitude and ambient temperature expected for the estimated time of landing at the destination and any alternate aerodrome, if required.

(2) For the purposes of this regulation, hover inside ground effect performance data shall include 17 knot wind accountability.

(3) With all engines operating, the helicopter shall, at the destination and any alternate aerodrome, after clearing all obstacles in the approach path by a safe margin, be able to land and stop within the touchdown area available or to perform a balked landing and clear all obstacles in the flight path by a margin of 35 feet.

SUBPART 10
HELICOPTER MAINTENANCE

General

127.10.1 (1) This Subpart prescribes the helicopter maintenance requirements for compliance with the air operator certificate requirements prescribed in Subpart 6.

(2) The operator of a helicopter shall not operate the helicopter unless such helicopter is maintained and released to service by an aircraft maintenance organisation approved in terms of Part 145.

Operator's maintenance system

127.10.2 (1) An applicant for the issuing of an air operator certificate, or an amendment or renewal thereof, shall submit an operator's maintenance system to the Director for approval.

(2) The operator's maintenance system shall include -

(a) the maintenance management manual referred to in regulation 127.10.6;

(b) the operator's helicopter maintenance programme referred to in regulation 127.10.5;

(c) the helicopter technical log referred to in regulation 127.10.7; and

(d) the technical specifications of the maintenance arrangements referred to in regulation 127.10.4(2), if applicable.

(3) The Director shall approve the maintenance system if the applicant complies with the requirements prescribed in this Subpart, in conjunction with the manual of procedure of an aircraft maintenance organisation approved in terms of Part 145.

Maintenance responsibility

127.10.3 (1) The operator of a helicopter shall ensure the airworthiness of the helicopter and the serviceability of both its operational and emergency equipment by -

(a) the accomplishment of pre-flight inspections;

(b) the rectification to an approved standard, of any defect and damage affecting sate operation, taking into account the MEL and the CL, if available for the helicopter type;

(c) the accomplishment of all maintenance in accordance with the approved operator's helicopter maintenance programme referred to in regulation 127.10.7;

(d) the analysis of the effectiveness of such programme;

(e) the accomplishment of any operational directive, airworthiness directive and any other continued airworthiness requirement Issued or prescribed in terms of the Regulations; and

(f) the accomplishment of modifications in accordance with an approved standard and, for modifications which are not required in terms of the Regulations, the establishment of an embodiment policy.

(2) The operator shall ensure that the certificate of airworthiness for each helicopter operated, remains valid in respect of -

(a) the requirements prescribed in paragraph (a); and

(b) any expiry date, or other maintenance condition, specified on such certificate of airworthiness.

(3) The requirements prescribed in paragraph (a) shall be performed in accordance with procedures approved by the Director.

Maintenance management

127.10.4 (1) The operator of a helicopter shall be the holder of an aircraft organisation approval issued in terms of Part 145, in order to perform the requirements prescribed in regulation 127.10.3(1)(b) to (f) inclusive, unless the Director is satisfied that the maintenance can be contracted to an aircraft maintenance organisation approved in terms of Part 145.

(2) If the operator is not an aircraft maintenance organisation approved in terms of Part 145, appropriate arrangements shall be made with such organisation to perform the requirements referred to in subregulation (1).

(3) The operator shall submit a copy of the arrangements referred to in subregulation (2), to the Director for approval.

Operator's maintenance management programme

127.10.5 (1) The operator of a helicopter shall establish a helicopter maintenance programme according to which the helicopter shall be maintained.

(2) The helicopter management programme shall include -

(a) details of the frequency of all maintenance required to be carried out; and

(b) a reliability programme, if the Director determines that such programme is necessary.

(3) The helicopter management programme, and any subsequent amendment thereto, shall be submitted to the Director for approval.

Operator's maintenance management manual

127.10.6 (1) The operator of a helicopter shall compile a maintenance management manual which shall -

(a) comply with the requirements prescribed in this Subpart and Subpart 6; and

(b) contain the information as prescribed in Document NAM-CATS-OPS 127.

(2) If the operator is an aircraft maintenance organisation approved in terms of Part 145, the maintenance management manual may be included in the manual of procedure referred to in regulation 145.02.1.

(3) The maintenance management manual, and any subsequent amendment thereto, shall be submitted to the Director for approval.

Operator's helicopter technical log

127.10.7 (1) The operator of a helicopter shall establish a helicopter technical log system containing the following information for each helicopter:

(a) Particulars of each flight necessary to ensure continued flight safety;

(b) the current certificate of release to service;

(c) the current maintenance statement giving the helicopter maintenance status of which maintenance required in terms of Part 43, is next due;

(d) all outstanding deferred defects which affect the operation of the helicopter; and

(e) any necessary guidance instructions on maintenance support arrangements.

(2) The helicopter technical log, and any subsequent amendment thereto, shall be submitted to the Director for approval.

Maintenance records

127.10.8 (1) The operator of a helicopter shall ensure that the helicopter technical log referred to in regulation 127.10.7, is retained for a period of 24 months after the date of the last entry.

(2) The operator shall ensure that a system has been established to keep the following records for the following periods:

(a) All detailed maintenance records in respect of the helicopter, and any helicopter component fitted thereto, for 24 months after such helicopter, or helicopter component, has been released to service;

(b) the total time and flight cycles, as appropriate, of the helicopter and all life-limited helicopter components, for 12 months after the helicopter has been permanently withdrawn from service;

(c) the time and flight cycles, as appropriate, since the last overhaul of the helicopter, or helicopter component subjected to an overhaul life, until the helicopter or helicopter component overhaul has been superseded by another overhaul of equivalent work scope and detail;

(d) the current helicopter inspection status to prove compliance with the helicopter maintenance programme referred to in regulation 127.10.5, until the helicopter or helicopter component inspection has been superseded by another inspection of equivalent work scope and detail;

(e) the current status of airworthiness directives applicable to the helicopter and helicopter components, for 12 months after the helicopter has been permanently withdrawn from service; and

(f) details of current modifications and repairs to the helicopter, or any helicopter component vital to flight safety, for 12 months after the helicopter has been permanently withdrawn from service.

(3) The operator shall ensure that, if the helicopter is permanently transferred to another operator, the records referred to in subregulations (1) and (2) are also transferred to such operator.

Continued validity of air operator certificate in respect of maintenance system

127.10.9 The operator of a helicopter shall comply with the requirements prescribed in Subpart 6, to ensure the continued validity of the air operator certificate in respect of the maintenance system.

Quality Assurance System

127.10.10 (1) For maintenance purposes, the operators Quality Assurance System, as required by regulation 127.06.02, must additionally include at least the following functioins:

[The word "functions" is misspelt in the *Government Gazette*, as reproduced above.]

(a) Monitoring that the activities of regulation 127.10.3 are being performed in accordance with the accepted procedures;

(b) Monitoring that all contracted maintenance is carried out in accordance with the contract; and

(c) Monitoring the continued compliance with the requirements of this Subpart.

(2) Where the operator is approved in accordance with Part 145, the Quality Assurance System may be combined with that required by Part 145.

SUBPART 11
RULES OF THE AIR

DIVISION ONE: FLIGHT RULES

127.11.1 No pilot-in-command shall use a public road as a place of landing or take-off in a helicopter, except·-

(a) in the case of an emergency involving the safety of the helicopter or its occupants;

(b) for the purpose of saving human lives; or

(c) when involved in civil defence or law enforcement operations:

Provided that at all times reasonable care is taken for the safety of others with due regard to the prevailing circumstances.

Dropping objects, spraying or dusting

127.11.2 Except in an emergency or unless granted special permission by the Director, no person shall drop an article from a helicopter in flight other than -

(a) fine sand or clean water used as ballast; or

(b) chemical substances for the purpose of spraying or dusting.

Picking up objects

127.11.3 The pilot-in-command of a helicopter in flight shall not permit objects to be picked up, except -

(a) with the prior approval of the Director; or

(b) if certificated to do so under aerial work operations or external-load operations in terms of Part 133.

Towing

127.11.4 The pilot-in-command of a helicopter in flight shall not permit anything to be towed by the helicopter, except -

(a) with the prior approval of the Director; or

(b) if certificated to do so under aerial work operations.

Right of way

127.11.5 (1) The pilot-in-command of a helicopter which has the right of way, shall maintain heading and speed, but nothing in this Subpart shall relieve the pilot-in-command from the responsibility of taking such action as will best avert collision.

(2) The pilot-in-command of a helicopter which is obliged, by the provisions of the regulations in this Subpart, to keep out of the way of another aircraft, shall avoid passing over or under the other aircraft, or crossing ahead of such aircraft, unless passing well clear.

(3) When a helicopter and another aircraft are approaching head-on or approximately so and there is danger of collision, the pilot-in-command of each aircraft shall alter its heading to the right.

(4) When a helicopter and another aircraft are converging at approximately the same level, the pilot-in-command of the aircraft which has the other aircraft on its right, shall give way, except in the following circumstances:

(a) The pilot-in-command of a helicopter shall give way to airships, gliders and balloons;

(b) the pilot-in-command of a helicopter shall give way to aircraft which are -

(i) seen to be towing other aircraft or objects;

(ii) carrying an underslung load or are engaged in winching operations; and

(iii) being towed or tethered.

(5) A helicopter which is being overtaken has the right of way and the pilot-in-command of the overtaking aircraft, whether climbing, descending or in horizontal flight, shall keep such aircraft out of the way of the overtaken helicopter by altering its heading to the right, and no subsequent change in the relative positions of the two aircraft shall absolve the pilot-in-command of the overtaking aircraft from his or her obligation until such aircraft is entirely past and clear: Provided that where a right-hand circuit is being followed at an aerodrome, the pilot-in-command of the overtaking aircraft shall alter its heading to the left.

(6) The pilot-in-command of a helicopter in flight or operating on the ground or, in the case of an amphibious helicopter, on water, shall give way to other aircraft landing or on final approach to land.

(7) (a) When a helicopter and one or more heavier-than-air aircraft are approaching an aerodrome for the purpose of landing, the pilot-in-command of the aircraft at the higher level shall give way to the aircraft at the lower level, but the pilot-in-command of the latter aircraft shall not take advantage of this provision to cut in front of another aircraft which is on final approach to land, or to overtake such aircraft.

(b) Notwithstanding the provisions of paragraph (a), the pilot-in-command of a helicopter shall give way to gliders.

(8) The pilot-in-command of a helicopter about to take-off, shall not attempt to do so until there is no apparent risk of collision with other aircraft.

(9) The pilot-in-command of a helicopter who is aware that another aircraft is compelled to land, shall give way to such aircraft.

(10) For the purposes of this regulation, an overtaking aircraft is an aircraft which approaches another aircraft from the rear on a line forming an angle of less than 70 degrees with the plane of symmetry of the latter aircraft, and will therefore be in such a position with reference to the other aircraft, that by night it should be unable to see either of the other aircraft's wingtip navigation lights.

Following line features

127.11.6 The pilot-in-command of a helicopter flying at or below 1 500 feet above the surface and following a power line, a road, a railway line, a river, a coastline or any other line feature or within one nautical mile of such line feature, shall fly to the right of such power line, road, railway line, river, coastline or other line feature; except when the pilot-in-command is instructed to do otherwise by an air traffic service unit.

Helicopter speed

127.11.7 (1) Unless otherwise authorised or required by the Director, no person shall, outside controlled airspace and below flight level 100, fly a helicopter at an indicated air speed of more than 250 knots.

(2) Unless otherwise authorised or required by an air traffic service unit, no person shall fly a helicopter within a control zone or an aerodrome traffic zone at an indicated air speed of more than -

(a) 160 knots, in the case of a reciprocating-engine helicopter; or

(b) 200 knots, in the case of a turbine-powered helicopter:

Provided that if the minimum safe indicated air speed for a particular flight is greater than the maximum indicated air speed prescribed in this regulation, the helicopter may be flown at the minimum safe indicated air speed.

Lights to be displayed by helicopter

127.11.8 The lights which have to be displayed by a helicopter by night or on the manoeuvring area of an aerodrome, or, in the case of an amphibious helicopter, on water, shall be as prescribed in NAM-CATS-OPS 127.

Operation on and in vicinity of aerodrome

127.11.9 (1) The pilot-in-command of a helicopter operated on or in the vicinity of an aerodrome, shall be responsible for compliance with the following rules:

(a) Observe other aerodrome traffic for the purpose of avoiding collision;

(b) conform with or avoid the pattern of traffic formed by other aircraft in operation;

(c) make all turns to the left when approaching for a landing and after taking off, unless otherwise instructed by an air traffic service unit, or unless a right hand circuit is in

force: Provided that a helicopter may, with due regard to other factors and when it is in the interest of safety, execute a circuit to the opposite side; and

(d) when not joining the traffic pattern for landing, fly across the aerodrome or its environs at a height of not less than 2 000 feet above the level of such aerodrome: Provided that if circumstances require such pilot-in-command to fly at a height of less than 2 000 feet above the level of the aerodrome, he or she shall conform with the traffic pattern at such aerodrome.

(2) If an aerodrome control tower is in operation, the pilot-in-command shall also, whilst the helicopter is within the aerodrome traffic zone -

(a) maintain a continuous radio watch on the frequency of the aerodrome control tower responsible for providing aerodrome control service at the aerodrome, establish two-way radio communication as necessary for aerodrome control purposes and obtain such clearances for his or her movements as may be necessary for the protection of aerodrome traffic; or

(b) if this is not possible, keep a watch for and comply with such clearances and instructions as may be issued by visual means.

(3) If an aerodrome flight inforn1ation service unit is in operation, the pilot-in-command shall also, whilst the helicopter is within the aerodrome traffic zone -

(a) maintain a continuous radio watch on the frequency of the aerodrome flight information service unit responsible for providing aerodrome flight information service at the aerodrome, establish two-way radio communication as necessary for aerodrome flight information service purposes and obtain information in respect of the surface wind, altimeter setting and aerodrome traffic on the manoeuvring area and in the aerodrome traffic zone; or

(b) if this is not possible, keep a watch for visual signals which may be displayed or may be issued by the aerodrome flight information service unit.

(4) The pilot-in-command of a helicopter who is unable to communicate by radio shall, before landing at an aerodrome, make a circuit of the aerodrome for the purpose of observing the traffic, and reading such ground markings and signals as may be displayed thereon, unless he or she has the consent of the appropriate air traffic service unit to do otherwise.

Signals

127.11.10 The pilot-in-command of a helicopter in flight shall, upon observing or receiving any of the signals as prescribed in Document NAM-CATS-OPS 127, take such action as may be required by the interpretation of such signal.

Water operations

127.11.11 (1) In areas in which the International Regulations for Preventing Collisions at Sea are in force, the pilot-in-command of an amphibious helicopter operated on the water shall comply with the provisions thereof.

(2) The pilot-in-command of an amphibious helicopter in flight near the surface of the water shall, as far as possible, keep clear of all vessels and avoid impeding their navigation.

(3) When an amphibious helicopter and another aircraft, or an amphibious helicopter and a vessel are approaching one another and there is a risk of collision, the pilot-in-command of each aircraft and vessel shall proceed with careful regard to existing circumstances and conditions including the limitations of the respective craft.

(4) The pilot-in-command of an amphibious helicopter which has another aircraft or a vessel on its right, shall give way so as to keep well clear.

(5) The pilot-in-command of an amphibious helicopter approaching another aircraft or a vessel head-on, or nearly head-on, shall alter the heading of the amphibious helicopter to the right to keep well clear.

(6) The aircraft or vessel which is being overtaken has the right of way, and the pilot-in-command of the amphibious helicopter overtaking shall alter the heading of such amphibious helicopter to keep well clear.

(7) The pilot-in-command of an amphibious helicopter landing on or taking off from the water shall, in so far as practicable, keep well clear of all vessels and avoid impeding their navigation.

Reporting position

127.11.12 The pilot-in-command of a helicopter -

(a) flying in controlled airspace;

(b) flying in advisory airspace; or

(c) on a flight for which alerting action is being provided,

shall ensure that reports are made to the responsible air traffic service unit, as soon as possible, of the time and level of passing each compulsory reporting point, together with any other required information, and he or she shall further ensure that position reports are similarly made in relation to additional reporting points, if so requested by the responsible air traffic service unit and that, in the absence of designated reporting points, position reports are made at the intervals specified by the responsible air traffic service unit or published by the Director in terms of Part 175, for that area.

Mandatory radio communication in controlled airspace

127.11.13 The pilot-in-command of a helicopter to be operated in or crossing a controlled airspace shall ensure that, before the helicopter enters such airspace, two-way radio communication is established with the responsible air traffic service unit on the designated radio frequency, and shall ensure, while the helicopter is within, and until it leaves, the controlled airspace, that continuous radio watch is maintained and that such further two-way radio communication as such air traffic service unit may require, is established: Provided that -

(a) the air traffic service unit may permit a helicopter not capable of maintaining continuous two-way radio communication, to fly in the control area, terminal control area, control zone or aerodrome traffic zone for which it is responsible, if traffic conditions permit, in which case the flight shall be subject to such conditions as such air traffic service unit deems necessary to ensure the safety of other air traffic; and

(b) in the case of radio failure, a flight for which a flight plan was filed and activated by the air traffic service unit on receipt of a departure time, may continue in controlled airspace if the communication failure procedures as prescribed in Document NAM-CATS-OPS 127, are complied with.

Mandatory radio communication in advisory airspace

127.11.14 The pilot-in-command of a helicopter to be operated in advisory airspace shall ensure that, before the helicopter approaches or enters such airspace -

(a) two-way radio communication with the responsible air traffic service unit is established on the designated radio frequency; or

(b) if such communication is not possible, two-way radio communication is established with any air traffic service unit which is capable of relaying messages to and from the responsible air traffic service unit; or

(c) if such communication is not possible, broadcasts are made on the designated radio frequency giving information on the intention of the pilot-in-command of the helicopter to enter the airspace, and such pilot-in-command shall ensure that, while the helicopter is within the advisory airspace and until it departs therefrom, a continuous radio watch is maintained on the designated radio frequency and that -

(i) such further two-way radio communication as the responsible air traffic service unit may require, is established with any other air traffic service unit which is capable of relaying messages to and from such responsible air traffic service unit;

(ii) if such communication is not possible, such further two-way radio communication is established with any other air traffic service unit which is capable of relaying messages to and from the responsible air traffic service unit, as such responsible air traffic service unit may require; or

(iii) if such communication is not possible, broadcasts are made on the designated radio frequency giving information on passing reporting points and when leaving the airspace concerned:

Provided that in the case of a radio failure, a flight for which a flight plan was filed and activated by an air traffic service unit on receipt of a departure time, may continue in advisory airspace if the communication failure procedures as prescribed in Document NAM-CATS-OPS 127, are complied with.

Compliance with air traffic control clearance and instructions

127.11.15 The pilot-in-command of a helicopter shall -

(a) comply with any air traffic control clearance which is obtained, unless the pilot-in-command obtains an amended clearance;

(b) not operate the helicopter contrary to an air traffic control instruction in an area in which an air traffic control service is provided; and

(c) when deviating from an air traffic control clearance or instruction, notify the air traffic control unit of the deviation, as soon as practicable.

Prohibited areas

127.11.16 (1) The Director may, by notice in an AIP, AIP SUP, AIC or a NOTAM, declare any area to be a prohibited area and shall, for the purposes of the prohibition contained in subregulation (2), when so declaring an area to be a prohibited area -

(a) specify a height above the ground surface of such area; or

(b) specify an altitude in respect of such area, as the Director may deem expedient, in the notice in question.

(2) No person shall fly any helicopter whatsoever in the airspace above a prohibited area -

(a) below the height specified in terms of subregulation (1)(a); or

(b) below the altitude specified in terms of subregulation (1)(b), as the case may be, in respect of the prohibited area in question.

[This provision is reproduced as it appears in the *Government Gazette*, However, it seems that the closing phrase should apply to both paragraphs (a) and (b), with placement as follows:

"(2) No person shall fly any helicopter whatsoever in the airspace above a prohibited area -
(a) below the height specified in terms of subregulation (1)(a); or
(b) below the altitude specified in terms of subregulation (1)(b),
as the case may be, in respect of the prohibited area in question."**]**

Restricted and danger areas

127.11.17 (1) The Director may, by notice in an AIP, AIP SUP, AIC or a NOTAM, declare any area to be a restricted or danger area and shall, when so declaring an area to be a restricted or danger area, specify in the notice in question -

(a) the nature and extent of the restriction or dangerous activity applicable in respect of the area in question; and

(b) the authorisation under which flights in such a restricted or danger area shall be permitted.

(2) No person shall, in contravention of a restriction contemplated in subregulation (1)(a), fly any helicopter to which the said restriction applies, in any restricted or danger area, unless the flight in question has been permitted by virtue of an authorisation contemplated in subregulation (1)(b).

DIVISION TWO: VISUAL, FLIGHT RULES

Visibility and distance from cloud

127.11.18 (1) Every VFR flight shall be so conducted by the pilot-in command of a helicopter that the helicopter is flown -

(a) with visual reference to identifiable objects on the surface by day;

(b) by night, with less than three eighths of cloud -

(i) seven days prior to full moon until seven days after full moon expressed in Namibian Standard Time, 15 minutes after moonrise to 15 minutes before moonset; or

[Section 1 of the Namibian Time Act 9 of 2017 provides that the standard time of Namibia is two hours in advance of Greenwich Mean Time.]

(ii) with visual reference to identifiable objects on the surface;

(c) at no time above more than three eighths of cloud within a radius of five nautical miles of such helicopter;

(d) under conditions of visibility and distance from cloud equal to, or greater than, the conditions as prescribed in Document NAM-CATS-OPS 127: Provided that when the height of the transition altitude is lower than 3 050 m (10 000 ft) above MSL, FL 100 shall be used in lieu of 10 000 ft.

(2) An air traffic service unit may authorise the pilot-in-command of a helicopter to operate in Class G airspace in less than 1 500 m flight visibility, if manoeuvred at a speed which will give adequate opportunity to observe other traffic or any obstacles in time to avoid collision.

Special VFR weather minima

127.11.19 The pilot-in-command of a helicopter may conduct special VFR operations in weather conditions below the conditions prescribed in regulation 127.11.18, within a control zone -

(a) under the terms of an air traffic control clearance;

(b) by day only;

(c) clear of clouds;

(d) with a ceiling of at least 600 feet and visibility of at least 1 500 m;

(e) in a helicopter equipped with two-way radio equipment capable of communicating with an air traffic service unit on the appropriate frequency; and

(f) if leaving the control zone, in accordance with instructions issued by an air traffic service unit prior to departure.

Responsibility to ascertain whether VFR flight is permitted

127.11.20 Outside a control zone, an aerodrome traffic zone or an aerodrome traffic area, the pilot-in-command of a helicopter shall ascertain whether or not weather conditions permit flight in accordance with VFR, and whenever weather conditions do not permit a pilot to maintain the minimum distance from cloud and the minimum visibility required by VFR, the pilot-in-command shall comply with IFR.

DIVISION THREE: INSTRUMENT FLIGHT RULES

Compliance with IFR

127.11.21 If the pilot-in-command of a helicopter conducts a flight above flight level 200, he or she shall fly the helicopter in compliance with IFR as prescribed in this Subpart.

Helicopter equipment

127.11.22 No operator or pilot-in-command, as the case may be, of a helicopter, which is required to operate in compliance with IFR, shall operate the helicopter unless such helicopter is equipped with suitable instruments and radio navigation apparatus appropriate to the route to be flown and in accordance with the provisions of Subpart 5.

Change from IFR flight to VFR flight

127.11.23 (1) The pilot-in-command of a helicopter who elects to change the conduct of flight of the helicopter from compliance with IFR to compliance with VFR shall, if a flight plan was submitted for the flight, notify the air traffic service unit concerned that the IFR flight is cancelled and communicate to such air traffic service unit the intended changes to be made to the current flight plan.

(2) When a helicopter operating under IFR is flown in or encounters visual meteorological conditions, the pilot-in-command shall not cancel its IFR flight unless it is anticipated, and intended, that the flight will be continued for a reasonable period in uninterrupted visual meteorological conditions.

IFR procedures

127.11.24 (1) Unless otherwise authorised by the responsible air traffic service unit, the pilot-in-command of a helicopter flown in compliance with the rules contained in this Division, shall comply with IFR procedures applicable in the relevant airspace.

(2) Subject to the provisions of regulation 127.11.23, the pilot-in-command may execute, or endeavour to execute, a cloud break or let-down procedure at an aerodrome, or nominate an aerodrome as an alternate aerodrome: Provided that the requirements relating to cloud break or let-down procedures and to flights under IMC, as published by the Director in a NOTAM, can be complied with.

DIVISION FOUR: AIR TRAFFIC RULES

Air traffic service procedures

127.11.25 The pilot-in-command of a helicopter to be operated in controlled airspace shall -

(a) ensure that a flight plan is submitted, and changes thereto are notified, in accordance with the provisions of regulation 127.04.7;

(b) ensure that radio communication is established with the responsible air traffic service unit and that radio communication is maintained in accordance with the provisions of regulation 127.11.13; and

(c) comply with air traffic control clearances and instructions:

Provided that -

(i) the pilot-in-command of a helicopter may deviate from an air traffic control clearance in exceptional circumstances, but such deviation shall be reported to the responsible air traffic service unit as soon as possible: and

(ii) the pilot-in-command of a helicopter may propose an amendment to an air traffic control clearance, but such amendment shall not be applied until authorised by the responsible air traffic service unit.

Priority

127.11.26 An air traffic service unit may, with regard to arrivals and departures, give priority to a helicopter operating in accordance with flight plan clearance over aircraft not so engaged.

DIVISION FIVE: HEIGHTS AND INSTRUMENT APPROACH AND DEPARTURE PROCEDURES

Minimum heights

127.11.27 (1) Except when necessary for take-off or landing, or except with the prior approval of the Director, no pilot-in-command of a helicopter -

(a) shall fly the helicopter over built-up areas or over an open-air assembly of persons at a height less than 1 000 feet above the highest obstacle, within a radius of 2 000 feet from such helicopter;

(b) when flown elsewhere than specified in paragraph (a), shall fly the helicopter at a height less than 500 feet above the ground or water; and

(c) shall circle over or do repeated overflights over an open-air assembly of persons at a height less than 3 000 feet above the surface.

(2) Except when necessary for take-off or landing, the pilot-in-command of a helicopter shall by night, in IMC, or when operated in accordance with IFR, fly the helicopter -

(a) if within an area determined by the Director, at a height of at least 1 000 feet above the highest obstacle within that area and in accordance with such procedure as the Director may determine; or

(b) if elsewhere than in an area contemplated in paragraph (a), at a height of at least 1 500 feet above the highest obstacle located within five nautical miles of the helicopter in flight.

Semi-circular rule

127.11.28 (1) Unless otherwise directed by an air traffic service unit, the pilot-in-command of a helicopter in level flight shall fly at an appropriate flight level selected according to the magnetic track as prescribed in Document NAM-CATS-OPS 127.

(2) Helicopters flown in accordance with VFR at a height of less than 1 500 feet above the surface, shall not be required to comply with the provisions of subregulation (1), unless otherwise directed by an air traffic service unit.

Standard instrument approach to and departure from aerodrome

127.11.29 When an instrument approach to, or instrument departure from, an aerodrome is necessary, the pilot-in-command of a helicopter shall use the standard instrument approach and departure procedure as published by the Director in an AIC, AIP, AIP SUP or a NOTAM.

SUBPART 12
ALL WEATHER OPERATIONS

Aerodrome operating minima

127.12.1 The aerodrome operating minima are the minima referred to in regulation 127.08.11.

General operating rules for low-visibility operations

127.12.2 (1) The operator or pilot-in-command, as the case may be, of a helicopter, shall ensure that no Category II or III operations are conducted with the helicopter unless -

(a) such helicopter is certificated for operations with decision heights below 200 feet or no decision height, and equipped in accordance with the provisions of this Part;

(b) a suitable system for recording approach or automatic-landing success and failure is established and maintained to monitor the overall safety of the operation;

(c) the operations are approved by the Director;

(d) the flight crew consists of at least two pilots; and

(e) decision height is determined by means of a radio altimeter.

(2) The pilot-in-command shall not conduct low-visibility take-off with RVR of less than 150 m, unless approved by the Director.

Aerodrome considerations for low-visibility operations

127.12.3 (1) No pilot-in-command of a helicopter shall use an aerodrome for Category II or III operations, unless the aerodrome is approved for such operations by the appropriate authority of the State in which the aerodrome is located.

(2) The operator or pilot-in-command, as the case may be, of a helicopter intended to be used in low-visibility operations, shall verify that low-visibility procedures have been established, and are in force, at the aerodromes where low-visibility operations are to be conducted.

Training and qualifications for low-visibility operations

127.12.4 The operator of a helicopter shall ensure that, prior to conducting low-visibility take-off and Category II and III operations -

(a) each flight crew member -

(i) has completed the training and checking requirements as prescribed in Document NAM-CATS-OPS 127, including simulator training in operating to the limiting values of RVR and decision height appropriate to the operator's Category II or III approval; and

(ii) is qualified in accordance with the requirements as prescribed in Document NAM-CATS-OPS 127; and

(b) the flight crew qualification is specific to the operation and the helicopter type.

Operating procedures for low-visibility operations

127.12.5 (1) The operator or pilot-in-command, as the case may be, of a helicopter, shall establish procedures and instructions to be used for low-visibility take-off and Category II and III operations.

(2) The pilot-in-command shall be satisfied that -

(a) the status of the visual and non-visual facilities is sufficient prior to commencing a low-visibility take-off or a Category II or III approach;

(b) appropriate low-visibility procedures are in force according to information received from an air traffic service unit, before commencing a low-visibility take-off or a Category II or III approach; and

(c) the flight crew members are properly qualified to carry out a low-visibility take-off with RVR of less than 150m, or a Category II or III approach.

Minimum equipment for low-visibility operations

127.12.6 (1) The operator of a helicopter shall include in the operations manual referred to in regulation 127.04.3, the minimum equipment which shall be serviceable at the commencement of a low-visibility take-off or a Category II or III approach in accordance with the helicopter flight manual referred to in regulation 127.04.5.

(2) The pilot-in-command shall be satisfied that the status of the helicopter and its relevant airborne systems, is appropriate for the specific operation to be conducted.

SUBPART 13: SECURITY

Security requirements

127.13.1 An operator shall ensure that all appropriate personnel are familiar, and comply with the relevant requirements of the national security programmes.

Flight crew compartment security

127.13.2 If installed, the flight crew compartment door on all helicopters operated for the purposes of carrying passengers shall be capable of being locked from within the compartment in order to prevent unauthorised access.

Training programmes

127.13.3 An operator shall establish, maintain and conduct approved training programmes which enable the operator's personnel to take appropriate action to prevent acts of unlawful interference such as sabotage or unlawful seizure of helicopter and to minimise the consequences of such events should they occur.

Helicopter search procedure checklist

127.13.4 An operator shall ensure that all helicopters carry a checklist of the procedures to be followed for that type in searching for concealed weapons, explosives, or other dangerous devices.

Reporting acts of unlawful interference

127.13.5 Following an act of unlawful interference on board a helicopter the commander or, in his absence the operator, shall submit, without delay, a report of such an act to the designated local authority and the Director in the State of the operator.

PART 133
CERTIFICATED AIRCRAFT OPERATORS AND OTHER FLIGHT OPERATIONS: HELICOPTER EXTERNAL-LOAD OPERATIONS

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SUBPART 1
GENERAL

Applicability

133.01.1 (1) This Part shall apply to -

(a) helicopters engaged in commercial and non-commercial external-load operations within Namibia;

(b) helicopters registered in Namibia and engaged in commercial and non-commercial international external-load operations; and

(c) persons acting as crew members of the helicopters operated in terms of the regulations in this Part.

(2) The certification rules of this Part shall not apply to -

(a) helicopter manufacturers when developing external-load attaching means;

(b) helicopter manufacturers demonstrating compliance of equipment utilised under the regulations in this Part or Part 21;

(c) operations conducted by a person demonstrating compliance for the issue of any certificate or authorisation under the regulations in this Part; or

(d) training flights conducted in preparation for the demonstration of compliance with the regulations in this Part.

(3) For the purposes of the regulations in this Part, any person other than a crew member or a person who is charged with duties essential to the helicopter external-load operation, may only be carried in a Class D helicopter-load combination.

(4) For the purposes of the regulations in this Part, external-load operations include underslung load operations, winching operations and any operation in which the helicopter is connected by means of a cable to another object, including towing.

(5) Unless the context otherwise indicates, external-load operations shall be conducted in accordance with the provisions of the regulations in this Part and in addition, the applicable regulations in Part 91 and Part 127.

Requirements for commercial external-load operations

133.01.2 The operator of a helicopter engaged in a commercial external-load operation, shall not operate the helicopter unless such operator is the holder of a valid air operator certificate issued in terms of the regulations in Part 127.

SUBPART 2
OPERATING RULES AND RELATED REQUIREMENTS

Operating rules

133.02.1 (1) No owner, operator or pilot-in-command, as the case may be, of a helicopter engaged in an external-load operation, shall operate the helicopter without, or contrary to, the helicopter-load combination flight manual referred to in regulation 133.03.4.

(2) The owner, operator or pilot-in-command shall not operate the helicopter unless -

(a) a standard category type certificate or a restricted category type certificate has been issued in respect of such helicopter;

(b) a valid certificate of airworthiness has been issued in respect of such helicopter; and

(c) such helicopter complies with the applicable certification requirements prescribed in Part 127 which apply to the helicopter-load combinations of the operation.

(3) The pilot-in-command of the helicopter shall, before such pilot-in-command operates such helicopter with an external-load configuration which differs substantially from any external-load configuration previously carried with such type of helicopter, irrespective of whether the helicopter-load combination is of the same class, conduct, in a manner that will not endanger persons or property on the surface, the following applicable flight-operational checks:

(a) A determination that -

(i) the mass of the helicopter-load combination and the location of its centre of gravity are within approved limits;

(ii) the external-load is securely fastened; and

(iii) the external-load does not interfere with devices provided for its emergency release;

(b) make an initial lift-off and verify that controllability is satisfactory;

(c) while hovering, verify that directional control is adequate;

(d) accelerate into forward flight to verify that no attitude of the helicopter or of the external-load is encountered, in which the helicopter is uncontrollable or which is otherwise hazardous;

[The word "altitude" is misspelt in the *Government Gazette*, as reproduced above.]

(e) in forward flight, check for hazardous oscillations of the external-load: Provided that if the external-load is not visible to such pilot-in-command, other crew members or ground personnel may make this check and signal the pilot-in-command; and

(f) increase the forward airspeed and determine an operational airspeed at which no hazardous oscillation or hazardous aerodynamic turbulence is encountered.

(4) Notwithstanding the provisions of the regulations in Part 91, the owner, operator or pilot-in-command of a helicopter in respect of which a restricted category type certificate has been issued, may conduct an external-load operation over densely inhabited areas, if the operation is conducted without endangering persons, or cause a nuisance to property, animals or birds on the ground and complies with the following:

(a) The owner, operator or pilot-in-command shalt compile an approved plan for each complete operation, which shall include -

(i) an agreement with the appropriate local authority that local officials will exclude unauthorised persons from the area in which the operation will be conducted;

(ii) coordination with the appropriate air traffic service unit, if necessary: and

(iii) a detailed chart depicting the flight routes and altitudes; and

(b) each flight shall be conducted at an altitude, and on a route, that will allow -

(i) an external-load which is capable of being jettisoned, to be released; and

(ii) the helicopter to land in an emergency without hazard to persons or property on the surface.

(5) Notwithstanding the provisions of the regulations in Part 91 and except as prescribed in regulation 133.03.3(2)(d), the owner, operator or pilot-in-command of a helicopter engaged in an external-load operation, may conduct the operation, including an approach, departure, and load positioning manoeuvre necessary for the operation, below 500 feet above the surface and closer than 500 feet to persons, vessels, vehicles and structures, if such operation is conducted without endangering persons, or cause a nuisance to property, animals or birds on the ground.

(6) No owner, operator or pilot-in-command of a helicopter engaged in an external-toad operation, shall conduct the operation under IFR, except with the prior approval of the Director: Provided that no person shall be carried as part of the external-load under IFR.

Carriage of persons

133.02.2 (1) The owner, operator or pilot-in-command, as the case may be, of a helicopter engaged in an external-load operation, shalt ensure that no person is carried during the external-load operation unless such person -

(a) is a crew member;

(b) is a crew member trainee;

(c) is charged with duties essential to the helicopter external-load operation;

(d) is necessary to accomplish the work activity directly associated with that operation; or

(e) is being winched on board the helicopter during such external-load operation.

(2) The pilot-in-command shall ensure that all persons are briefed before take-off on all pertinent procedures to be followed, including normal, abnormal and emergency procedures, and equipment to be used during the external-load operation.

Crew member training, currency and testing requirements

133.02.3 (1) The owner or operator of a helicopter engaged in an external-load operation, shall ensure that the pilot-in-command -

(a) is the holder of a valid external-load rating (helicopter) or winching rating (helicopter), as the case may be, issued in terms of the regulations in Part 61; and

(b) has the knowledge in respect of the helicopter-load combination, including -

(i) the steps to be taken before starting operations, including a survey of the flight area;

(ii) the proper method of loading, rigging or attaching the external-load;

(iii) the performance capabilities, under approved operating procedures and limitations, of the helicopter to be used;

(iv) the proper instructions of crew and ground personnel; and

(v) the applicable helicopter-load combination flight manual;

(c) has the skill in respect of the helicopter-load combination including -

(i) take-off and landing;

(ii) directional control while hovering;

(iii) acceleration from a hover;

(iv) flight at operational airspeeds;

(v) approaches to landing or working area;

(vi) manoeuvring the external-load into the release position; and

(vii) winch operation, if a winch is installed to hoist the external-load.

(2) The owner or operator of a helicopter engaged in a Class D helicopter external-load operation, shall ensure that each crew member or other operations personnel member, successfully completes the appropriate initial or recurrent training, as the case may be.

(3) Upon successful completion of the initial or recurrent training, the operator shall issue a certificate of competency to the crew member or other operations personnel member concerned, which certificate shall be valid for a period of 12 months calculated from the date on which such certificate was issued.

(4) Notwithstanding the provisions of subregulation (2), a crew member or other operations personnel who has pcrf01med a helicopter external-load operation of the same class and in a helicopter of the same type within the past 12 months, need not undergo recurrent training.

SUBPART 3
AIRWORTHINESS REQUIREMENTS

Flight characteristics requirements

133.03.1 (1) The owner or operator of a helicopter engaged in an external-load operation, shall demonstrate to the Director, by performing the operational flight checks prescribed in subregulation (3), (4) or (5), as the case may be, that the helicopter-load combination to be used in the operation, has satisfactory flight characteristics.

(2) For the purposes of the demonstration, the external-load mass, including the external-load attaching means, is the maximum mass for which authorisation is requested.

(3) In the case of a Class A helicopter-load combination, the operational flight check shall consist of at least the following manoeuvres:

(a) Take-off and landing;

(b) demonstration of adequate directional control while hovering;

(c) acceleration from a hover; and

(d) horizontal flight at airspeeds up to the maximum airspeed for which authorisation is requested.

(4) In the case of a Class B and a Class D helicopter-load combination, the operational flight check shall consist of at least the following manoeuvres:

(a) Pick up of the external-load;

(b) demonstration of adequate directional control while hovering;

(c) acceleration from a hover;

(d) horizontal flight at airspeeds up to the maximum airspeed for which authorisation is requested;

(e) demonstrating appropriate lifting device operation; and

(f) manoeuvring of the external-load into release position and its release, under probable flight operation conditions, by means of each of the quick-release controls installed in the helicopter.

(5) In the case of a Class C helicopter-load combination used in wire-stringing, cable-laying, or similar operations, the operational flight check shall consist of the appropriate manoeuvres prescribed in subregulation (4).

Structures and design

133.03.2 (1) Each external-load attaching means and each quick-release device shall have been approved under Part 21.

(2) The total mass of the helicopter-load combination shall not exceed the total mass approved for the helicopter during its type certification.

(3) The location of the centre of gravity shall, for all loading conditions, be within the range established for the helicopter during its type certification.

(4) For a Class C helicopter-load combination, the magnitude and direction of the loading force shall be established at those values for which the effective location of the centre of gravity remains within its established range.

Operating limitations

133.03.3 (1) In addition to the operating limitations contained in the aircraft flight manual referred to in regulation 91.03.2, and any other limitations which the Director may determine, the owner or operator of a helicopter engaged in an external-load operation, shall establish operating limitations and publish the operating limitations in the helicopter-load combination flight manual referred to in regulation 133.03.4, for helicopter-load combination operations.

(2) The operating limitations established by the owner or operator shall include -

(a) the mass and centre of gravity limitations established in accordance with regulation 133.03.2(2), within which the helicopter-load combination may be operated;

(b) the external-load mass of the helicopter-load combination which shall not exceed the external-load mass referred to in regulations 133.03.1 and 133.03.2;

(c) the airspeeds at which the helicopter-load combination may be operated, which airspeeds shall not be greater than the airspeeds established in accordance with regulation 133.03.1(3), (4) or (5);

(d) a prohibition on the conducting of an external-load operation in terms of the regulations in this Part, with a helicopter, type certificated in the restricted category in terms of the regulations in Part 21, over a densely inhabited area, in a congested airway, or near an aerodrome licensed in terms of the regulations in Part 139; and

(e) in the case of a Class D helicopter-load combination, such combination may only be conducted in accordance with the following:

(i) The helicopter to be used shall provide hover capability with one engine inoperative at that operating mass and altitude;

(ii) the helicopter shall be equipped to allow direct radio intercommunication among required crew members;

(iii) the personnel lifting device shall be of an approved type; and

(iv) the lifting device shall have an emergency release requiring two distinct actions.

Helicopter-load combination flight manual

133.03.4 (1) The owner or operator of a helicopter to be used in an external-load operation, shall compile a helicopter-load combination flight manual and submit the helicopter-load combination flight manual for approval to the Director.

(2) The helicopter-load combination flight manual shall be prepared in accordance with the aircraft flight manual referred to in regulation 91.03.2.

(3) The helicopter-load combination flight manual shall include -

(a) the operating limitations, other than the limiting height-speed envelope data, normal, abnormal and emergency procedures, performance and any other information required in terms of this Subpart;

(b) the class of helicopter-load combinations for which the airworthiness of the helicopter has been demonstrated in accordance with regulations 133.03.1 and 133.03.2; and

(c) in the information section of the helicopter-load combination flight manual -

(i) information on any peculiarities discovered when operating particular helicopter-load combinations;

(ii) precautionary advice regarding static electricity discharges for Class B, Class C and Class D helicopter-load combinations; and

(iii) any other information essential for safe operation with external-loads.

(4) The operator shall include the helicopter-load combination flight manual in the operations manual referred to in regulation 127.04.3.

Markings and placards

133.03.5 The owner or operator of a helicopter engaged in an external-load operation, shall ensure that the markings and placards as prescribed in Document NAM-CATS-OPS 133, are displayed in a conspicuous place and cannot be easily erased, disfigured, or obscured.

Equipment

133.03.6 When the pilot at the flight controls of a helicopter engaged in an external-load operation, is not verbally guided by a crew member on board the helicopter, or by a person on the ground using two-way radio communication or the appropriate hand signals, and such pilot is not able to monitor the external-load from his or her station, such helicopter shall be fitted with a mirror in such manner that such pilot is able to monitor the external-load from his or her station and conduct the operation without such guidance.

PART 135
CERTIFICATED AIRCRAFT OPERATIONS AND OTHER FLIGHT OPERATIONS: AIR TRANSPORT OPERATIONS-SMALL AEROPLANES
HOLD FOR FORTHCOMING SUBSTITUTION

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[The word "occurrence" is misspelt in the *Government Gazette*, as reproduced above.]
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SUBPART 1
GENERAL

Applicability

135.01.1 (1) This Part shall apply to -·

(a) small aeroplanes engaged in commercial air transport operations within Namibia;

(b) small aeroplanes registered in Namibia and engaged in international commercial air transport operations;

(c) the issuing of air operator certificates for Namibian operators, and matters related thereto;

(d) the issuing of foreign air operator permits for foreign operators, and matters related thereto;

(e) persons acting as crew members of small aeroplanes registered in Namibia; and

(f) persons who are on board a small aeroplane operated under this Part.

(2) For the purposes of this Part, a small aeroplane registered in another State and operated by the holder of an air operator certificate issued in Namibia, shall be deemed to be registered in Namibia.

(3) The provisions of Part 91 shall apply *mutatis mutandis* to any small aeroplane operated in terms of this Part.

Authority of pilot-in-command

135.01.2 All persons on board a small aeroplane shall obey all lawful commands given by the pilot-in-command of the aeroplane for the purpose of securing the safety of such aeroplane and of persons or property carried therein.

Authority of personnel to taxi small aeroplanes

135.01.3 No operator or pilot-in-command, as the case may be, of a small aeroplane, shall permit the taxiing of, and no person shall taxi, the aeroplane on the movement area of an aerodrome unless the person at the controls of such aeroplane -

(a) is the holder of a valid pilot licence; or

(b) has received instruction in the taxiing of such aeroplane from, and has been declared competent to taxi such aeroplane by, the holder of a flight instructor rating or, in the case of a foreign registered aeroplane, a person authorised by an appropriate authority;

(c) if the person uses a radio apparatus, such person is authorised to use the radio apparatus; and

[The phrase “such person” is redundant in light of the wording of the introductory phrase.]

(d) is conversant with the aerodrome layout, routes, signs, markings, lighting, air traffic service signals and instructions, phraseology and procedures, if required, and is able to conform to the standards required for safe aeroplane movements at such aerodrome.

Search and rescue information

135.01.4 The operator or pilot-in-command, as the case may be, of a small aeroplane, shall ensure that all essential information concerning the search and rescue services in the area over which it is intended that the aeroplane will be flown, is available on board such aeroplane.

Information on emergency and survival equipment carried

135.01.5 (1) The operator of a small aeroplane shall have available for immediate communication to rescue co-ordination centres, a list containing information regarding the emergency and survival equipment earned on board the aeroplane.

(2) The minimum information to be contained in the list referred to in subregulation (1) shall be as prescribed in Document NAM-CATS-OPS 135.

Method of carriage of persons

135.01.6 No person shall be in any part of a small aeroplane in flight, which is not a part designed for the accommodation of persons, unless temporary permission has been granted by the pilot-in-command to access such part of the aeroplane -

(a) for the purpose of taking action necessary for the safety of such aeroplane or of any person, animal or goods therein; and

(b) in which cargo or stores are carried, being a part which is designed to enable a person to have access thereto while such aeroplane is in flight.

Admission to flight deck

135.01.7 (1) The operator of a small aeroplane shall ensure that no person is admitted to, or carried on the flight deck of the aeroplane unless such person is -

(a) a flight crew member assigned to the flight;

(b) an authorised officer, inspector or authorised person; or

(c) permitted by, and carried in accordance with the instructions contained in the operations manual referred to in regulation 135.04.3.

(2) The final decision regarding the admission of any person to the flight deck shall be the responsibility of the pilot-in-command: provided that in the case of an authorised officer, inspector or authorised person on an official inspection, such admission shall not be unreasonably withheld.

(3) The admission of any person to the flight deck shall not interfere with the operation of the aeroplane.

(4) Any person carried on the flight deck, shall be made familiar with the applicable safety procedures.

Unauthorised carriage

135.01.8 No person shall secrete himself, herself, animals or cargo on board a small aeroplane.

Electronic devices

135.01.9 (1) Subject to the provisions of subregulation (2), no operator or pilot-in-command, as the case may be, of a small aeroplane, shall permit the operation of, and no person shall operate on board the aeroplane during flight time, any electronic device which may adversely affect the performance of the systems or equipment of such aeroplane.

(2) The Director may, in Document NAM-CATS-OPS 135, identify an electronic device as a device which will not adversely affect the performance of the systems or equipment of the aeroplane in which the systems or equipment are to be used, and the provisions of subregulation (1) shall not apply to an electronic device so identified.

Endangering safety

135.01.10 No person shall, through any act or omission -

(a) endanger the safety of a small aeroplane or person therein; or

(b) cause or permit the aeroplane to endanger the safety of any person or property.

Intoxication

135.01.11 (1) The operator of a small aeroplane shall not permit, and no person shall enter or be in, the aeroplane while under the influence of any alcohol or phychoactive substance, to the extent where the safety of such aeroplane or its occupants is, or is likely to be, endangered.

[The word "psychoactive" is misspelt in the *Government Gazette*, as reproduced above.]

(2) The operator shall establish procedures to ensure that any person referred to in subregulation (1)-

(a) is refused embarkation; or

(b) if such person is already on board, is restrained or disembarked.

Dry lease of small aeroplane

135.01.12 (1) A Namibian operator who intends to dry lease a foreign registered small aeroplane for operations under this Part, shall -

(a) ensure that the aeroplane can be operated and is operated in accordance with the requirements prescribed in this Part;

(b) obtain prior approval from the Director to operate such aeroplane.

(2) The approval referred to in subregulation (1)(b) shall, subject to such conditions as the Director may determine, be granted if such aeroplane is -

(a) type certificated in accordance with the requirements prescribed in Part 21;

(b) maintained in accordance with the operator's maintenance system referred to in regulation 135.10.2;

(c) operated under the air operator certificate held by the operator referred to in subregulation (1).

(3) The conditions of approval referred to in subregulation (2) shall be part of the lease agreement between the operator referred to in subregulation (1) and the operator from which the foreign registered small aeroplane is leased.

(4) Subject to the provisions of subregulation (5), the operator of a Namibian registered small aeroplane may dry lease the aeroplane to any operator of another Contracting State.

(5) On request of the operator of a Namibian registered small aeroplane, the Director may remove the aeroplane from the air operator certificate held by such operator: Provided that -

(a) the appropriate authority of the State of the Operator has accepted in writing, the responsibility for surveillance of the maintenance and operation of such aeroplane; and

(b) such aeroplane is maintained according to an approved operator's maintenance system.

Wet lease of small aeroplane

135.01.13 (1) A Namibian operator who intends to wet lease a foreign registered small aeroplane for operations under this Part, shall obtain prior approval from the Director to operate such aeroplane.

(2) The approval referred to in subregulation (1) shall, subject to such conditions as the Director may determine, be granted if such aeroplane -

(a) is wet leased from an operator who is the holder of an air operator certificate or equivalent authorisation issued by an appropriate authority;

(b) has been type certificated by the appropriate authority;

(c) holds a valid certificate of airworthiness or similar document issued by such appropriate authority;

(d) is maintained and operated in accordance with safety standards at least equivalent to the safety standards prescribed in this Part; and

(e) will be operated in terms of the air operator certificate held by the operator referred to in subregulation (1).

(3) The operator referred to in subregulation (1) shall -

(a) satisfy the Director that the safety standards of the lessor are not less than the safety standards prescribed in this Part;

(b) ensure that any law applicable to the maintenance and operation of the aeroplane to be wet leased, is complied with.

(4) The operator of a Namibian registered small aeroplane who intends to wet lease the aeroplane to any operator, other than an operator of another Contracting State, shall remain the operator of the aeroplane for the purposes of Subpart 6, and the responsibility for surveillance of the maintenance and operation of such aeroplane shall not be transferred to the appropriate authority of the State of the Operator.

Leasing of small aeroplane between two Namibian operators

135.01.14 (1) A Namibian operator who intends to lease a small aeroplane and complete crew from another Namibian operator, shall become the operator of the aeroplane and shall assume the functions and responsibilities prescribed in Subpart 6.

(2) A Namibian operator, intending to utilise a small aeroplane leased from, or to lease it to, another Namibian operator shall obtain prior approval from the Director for the operation, and the conditions of approval shall be part of the lease agreement between the operators.

(3) The terms of an approved lease agreement, other than an agreement in terms of which an aeroplane together with crew is leased, and where no transfer of functions and responsibilities is intended, shall include -

(a) the arrangement concerning the air operator certificate under which the flights with the leased aeroplane shall be operated; and

(b) any deviation from the air operator certificate under which the flights with the leased aeroplane shall be operated.

Subchartering

135.01.15 (1) In the exceptional circumstances as prescribed in Document NAM-CATS-OPS 135, an operator may subcharter a small aeroplane and crew from any operator who holds a valid air operator certificate, or similar document, for the aeroplane, issued by an appropriate authority: Provided that -

(a) the subcharter period does not exceed five consecutive days; and

(b) the operator of the aeroplane so subchartered, informs the Director, within 24 hours, of such subcharter.

(2) The provisions of regulations 135.01.12(1)(a) and (2), 135.01.13(3) and (4) and 135.01.14(1) and (3) shall apply *mutatis mutandis* to any subcharter referred to in this regulation.

Preservation of documents

135.01.16 The operator of a small aeroplane, who is required to retain any of the documents for the specified period referred to in Subpart 4, shall retain such documents for such specified period irrespective of the fact that such operator, before the expiry of such specified period, ceases to be the operator of the aeroplane concerned.

Operational Directives

135.01.17

(a) The Director may direct by means of an Operational Directive that an operation shall be prohibited, limited or subject to certain conditions, in the interests of safe operations.

(b) Operational Directive state:

[Some missing words may be missing in the introductory phrase. Alternatively, perhaps it was meant to read "Operational Directives state:".]

(1) The reason for issue;

(2) Applicability and duration: and

(3) Action required by the operator(s).

(c) Operational Directives are supplementary to the provision of Part 135.

Power to Inspect

[The capitalisation of this heading is reproduced as it appears in the *Government Gazette.* It appears as "Power to inspect" in the List of Regulations.]

135.01.18 An operator shall ensure that any person authorised by the Director is permitted at any time to board and fly in any aeroplane operated in accordance with an AOC issued by that Director and to enter and remain on the flight deck provided that the commander may refuse access to the flight deck if, in his opinion, the safety of the aeroplane would thereby be endangers.

[The word "endangers" should be "endangered".]

SUBPART 2
CREW MEMBERS

Composition of crew

135.02.1 (1) The minimum number and composition of the crew shall not be less than the minimum number and composition specified in the aeroplane flight manual referred to in regulation 135.04.5.

(2) The operator of a small aeroplane shall allocate additional crew members when it is required by the type of operation, and the number of such additional crew members shall not be less than the number specified in the operations manual referred to in regulation 135.04.3.

(3) The operator shall ensure that the crew members -

(a) are competent to perform the duties assigned to them; and

(b) hold the appropriate valid licences and ratings.

(4) Any flight crew member operating the radio installation in the aeroplane shall be the holder of a valid radiotelephony operator certificate or similar document, authorising such member to operate the type of radio transmitting equipment to be used.

(5) When deemed necessary for the safe conduct of a flight, the flight crew shall include at least one member who is proficient in navigating over the route to be flown.

(6) For operations under IFR or at night in a turbo-propeller or turbojet aeroplane, the operator shall ensure that the minimum flight crew is two pilots: Provided that in the case of a turbojet aeroplane, a single-pilot operation is allowed if -

(a) the aeroplane has been certificated for single-pilot IFR operations; and

(b) the operator has included in the operations manual referred to in subregulation (2), a conversion and recurrent training programme for pilots which includes the additional requirements for single-pilot operations.

(7) The operator shall designate one pilot among the flight crew as pilot-in-command of the small aeroplane and the pilot-in-command may delegate the conduct of the flight to another suitably qualified pilot.

Crew member responsibilities

135.02.2 (1) No person shall act as a crew member of a small aeroplane -

(a) while under the influence of any psychoactive substance;

(b) within 24 hours, following scuba diving by such crew member;

(c) within 48 hours, following blood donation by such crew member;

(d) if the crew member knows or suspects that he or she is suffering from or, having due regard to the circumstances of the flight to be undertaken, is likely to suffer from fatigue to such an extent that it may endanger the satiety of the aeroplane or its occupants; or

(e) if the crew member is in any doubt of being able to accomplish his or her assigned duties on board such aeroplane.

(2) No crew member shall·-

(a) engage in any kind of problematic use of substances;

(b) use any alcohol or psychoactive substance less than eight hours prior to commencing standby for flight duty or flight duty, which flight duty shall be deemed to commence at the specified reporting time, if applicable;

(c) commence flight duty with a blood alcohol level exceeding 0,02 gram per 100 millilitres; or

(d) use any alcohol or psychoactive substance during flight duty or whilst on standby, or within eight hours after an accident or incident involving the aeroplane, unless the accident or incident was not related to his or her duties.

(3) No person shall act as a flight crew member of a small aeroplane if, prior to each flight, the planned flight time exceeds, or is likely to exceed, the permissible flight time and duty period as specified in the flight time and duty scheme referred to in regulation 135.02.10.

(4) If a flight crew member expects his or her cumulative flight hours projected for a particular operation, to exceed the appropriate limit specified in such flight time and duty scheme, the flight crew member shall inform the operator accordingly.

In-flight relief of flight crew members

135.02.3 (1) The operator of a small aeroplane shall establish procedures in accordance with the provisions of this regulation, to prevent inexperienced flight crew members from doing duty together on the same flight.

(2) A flight crew member may be relieved in flight of his or her duties at the controls of a small aeroplane, by another suitably qualified flight crew member.

(3) A pilot assigned to the pilot-in-command station may be relieved by a relief pilot-in-command who -

(a) is the holder of the appropriate valid pilot licence (aeroplane) and ratings;

(b) has completed -

(i) the conversion training and checking, including type rating training, prescribed in Subpart 3;

(ii) the recurrent training and checking prescribed in Subpart 3; and

(iii) in the case of scheduled commercial air transport operations, recency, route and aerodrome qualifications referred to in regulation 135.02.9; and

(c) may not operate below FL 200 unless he or she is the holder of the appropriate type rating and has been assigned to the pilot-in-command station.

(4) The co-pilot of a small aeroplane may be relieved by·-

(a) another suitably qualified pilot; or

(b) a relief co-pilot who holds a valid commercial pilot licence (aeroplane) and instrument rating and who has completed·-

(i) the conversion training and checking, including type rating training other than take-off and landing training, prescribed in Subpart 3;

(ii) the recurrent training and checking, other than take-off and landing training, prescribed in Subpart 3.

(5) A relief co-pilot referred to in subregulation (4) shall -

(a) not operate as co-pilot below FL 200; and

(b) shall simulate recency and refresher flying skill training at intervals not exceeding six months.

(6) When any additional crew member is carried to provide in-flight relief for the purpose of extending a flight time and duty period, such crew member shall hold qualifications which comply with the requirements of the operational duty which he or she is required to carry out during such in-flight relief period.

Crew member emergency duties

135.02.4 (1) The operator and, where appropriate, the pilot-in-command of a small aeroplane shall assign to each crew member concerned, the necessary functions to be performed in an emergency or a situation requiring emergency evacuation.

(2) The functions referred to in subregulation (1) shall be such as to ensure that any reasonably anticipated emergency can be adequately dealt with and shall take into consideration the possible incapacitation of individual crew members.

(3) A crew member shall not accept an assignment of emergency functions unless such crew member has been trained to perform emergency functions in accordance with the requirements prescribed in Subpart 3.

Crew members at duty stations

135.02.5 (1) In the case of a multi-crew aeroplane -

(a) each crew member shall be at his or her assigned station or seat, properly secured by all seat belts and shoulder harnesses provided, during take-off and landing and whenever deemed necessary by the pilot-in-command in the interests of aviation safety;

(b) each flight crew member shall keep his or her seat belt fastened while at his or her assigned station, during phases of the flight other than the phases referred to in paragraph (a);

(c) each flight crew member required to be on flight deck duty, shall be at his or her assigned station, during take-off and landing;

(d) all flight crew members on flight deck duty shall remain at their assigned stations during all phases of the flight other than the phases referred to in paragraph (c): Provided that -

(i) a flight crew member may leave his or her assigned station, in the course of the performance of his or her dunes with regard to the operation of the aeroplane or for physiological needs; and

(ii) at least one suitably qualified pilot remains at the controls of such aeroplane at all times;

(e) the pilot-in-command or, where applicable, the operator shall ensure that crew members do not perform any activities during critical phases of the flight other than those required for the safe operation of the aeroplane.

(2) In the case of a single-pilot small aeroplane, the pilot-in-command shall, during all phases of the flight, remain at the controls of the aeroplane.

Laws, regulations and procedures

135.02.6 (1) In an emergency situation which endangers a small aeroplane, crew members or passengers, the pilot-in-command may, in the interests of aviation safety -

(a) take any action which he or she considers necessary under the circumstances; and

(b) deviate from any law, regulation and operational procedure.

(2) If a pilot-in-command deviates from any law, regulation or operational procedure in an emergency situation referred to in subregulation (1), he or she shall forthwith notify the Director of such deviation.

(3) If the Director requests the pilot-in-command to submit a report on such deviation, the pilot-in-command shall submit the report to the Director within the period specified by the Director.

Duties of pilot-in-command regarding flight preparation

135.02.7 (1) The pilot-in-command of a small aeroplane shall not commence a flight unless he or she is satisfied that -

(a) the aeroplane is airworthy;

(b) the instruments and equipment required for the particular type of operation to be undertaken, are installed and are serviceable, except as provided for in the MEL, if any;

(c) the aeroplane has been released to service in accordance with the provisions of Part 43;

(d) the mass of the aeroplane does not exceed the maximum certificated mass calculated from the performance information provided in the aeroplane flight manual referred to in regulation 135.04.5, in terms of which the performance operating limitations referred to in Subpart 9, are complied with;

(e) the load carried by the aeroplane is properly secured, fit to be conveyed in accordance with the provisions of Part 92 and is so distributed that the centre of gravity is within the limits prescribed in such aeroplane flight manual;

(f) an operational flight plan which complies with the criteria in the operations manual, is completed for each intended flight;

(g) a flight plan referred to in regulation 135.04.7, has been properly completed and filed with the appropriate air traffic service unit, if required;

(h) all the documents and forms required to be carried on board, current maps, charts and associated documents, are carried;

(i) a check has been completed indicating that the performance operating limitations referred to in Subpart 9 will not be exceeded;

(j) the search and rescue information, referred to in regulation 135.01.4, is available on board;

(k) the requirements in respect of fuel, oil, oxygen, minimum safe altitudes, aerodrome operating minima and availability of alternate aerodromes, are complied with;

(l) the aerodrome operating minima are not less than the operating minima of the aerodrome being operated to or from, established by the appropriate authority of the State in which the aerodrome is located, unless such appropriate authority approves lower aerodrome operating minima;

(m) the status of the aeroplane and the relevant airborne systems are appropriate for the specific flight to be undertaken;

(n) the external surfaces are clear of any deposit which might adversely affect the performance or controllability of the aeroplane, unless otherwise permitted in the aeroplane flight manual referred to in paragraph (d);

(o) according to the information available to him or her, the weather at the aerodromes concerned and the condition of the runway intended to be used, will not prevent a safe take-off and departure or a safe landing at the destination aerodrome or alternate aerodrome, as applicable;

(p) the RVR or visibility in the take-off direction of the aeroplane is equal to, or better than, the applicable minimum;

(q) the crew members are properly qualified for the specific operation to be undertaken;

(r) the status of the visual and non-visual facilities is sufficient prior to commencing a low visibility take-off, or a Category II or III approach as specified in Document NAM-CATS-OPS 135, if such approaches are planned;

(s) an adequate and suitable aerodrome as specified in Document NAM-CATS-OPS 135, is available for take-off, en route and destination, should it become inadvisable to continue to or land at the destination aerodrome; and

(t) the crew members are not apparently incapacitated as a result of injury, sickness, fatigue, the use of any psychoactive substance or any other cause.

(2) The pilot-in-command shall -

(a) not commence a flight unless he or she has ascertained through the relevant NOTAM, AIC, AIP or AIP SUP or other relevant sources that the aerodromes, navigation aids and communication facilities are adequate for the manner in which the flight is to be conducted;

(b) prior to take-off from an aerodrome at which an air traffic service unit is in operation, determine through the aeronautical information services available from the unit, or any other reliable source, that the unserviceability of any aerodrome, navigation aids

or communication facilities required for such flight, will not prejudice the safe conduct of the flight; and

(c) advise an air traffic service unit, as soon as it is practical to do so, of any inadequate facilities encountered in the course of operations.

(3) Where mass and balance documentation is required in terms of these Regulations, the mass and balance documentation shall be acceptable to and countersigned by the pilot-in-command before a flight commences: Provided that if the mass and balance documentation is submitted to the pilot-in-command by electronic data transfer, commencement of the flight shall be deemed to be the acceptance thereof by such pilot-in-command.

(4) Before take-off and landing, and whenever deemed necessary in the interests of aviation safety, the pilot-in-command shall ensure that all crew, passengers, equipment and baggage are properly secured and all exit and escape paths are unobstructed.

Duties of pilot-in-command regarding flight operations

135.02.8 (1) The pilot-in-command shall be responsible for -

(a) the operation and safety of the aeroplane;

(b) the conduct and safety of crew members and passengers carried; and

(c) the maintenance of discipline by all persons on board.

(2) The pilot-in-command shall have the authority -

(a) to give such commands he or she deems necessary in the interest of the safety of the aeroplane, persons or property; and

(b) to restrain any person, using only reasonable or sufficient force, if necessary, or disembark any person or cargo which in his or her opinion, represents a potential hazard to the safety of the aeroplane, persons or property.

(3) The pilot-in-command shall ensure that all passengers are informed as to -

(a) when and how oxygen equipment is to be used, if the carriage of oxygen is required;

(b) the location and use of life jackets or equivalent individual flotation devices, where the carriage thereof is required;

(c) the location and method of opening emergency exits;

(d) when seat belts are to be fastened;

(e) when smoking is prohibited; and

(f) when electronic devices may be used.

(4) The pilot-in-command shall -

(a) ensure that the pre-flight inspection has been carried out, and that the checklists, and where applicable, the flight deck procedures and other instructions regarding the operation of the aeroplane, the limitations contained in the aeroplane flight manual referred to in regulation 135.04.5, or similar document, are fully complied with at the appropriate times during a flight;

(b) decide whether or not to accept an aeroplane with unserviceabilities allowed by the CDL or MEL, where applicable;

(c) before take-off, ensure that the passengers are briefed on the location and general manner of use of the relevant emergency equipment carried for collective or individual use and, when an emergency arises, instruct the passengers to take such emergency action as may be appropriate;

(d) ensure that during take-off and landing and whenever, by reason of turbulence or any emergency occurring during a flight, the precaution is considered necessary, all persons on board the aeroplane are secured in their seats by means of the seat belts or shoulder harnesses provided;

(e) when replanning, whilst in flight, to proceed along a route or to a destination other than the route or destination originally planned, shall amend the operational flight plan, if such plan was required in terms of regulation 135.02.7(1)(f);

(f) report any accident or incident involving the aeroplane in accordance with the provisions of Part 12 of the Civil Aviation Act;

(g) report any dangerous goods accident or incident involving the aeroplane in accordance with the provisions of Part 92;

(h) if the aeroplane is endangered in flight by a near collision with any other aircraft or object, faulty air traffic procedure or lack of compliance with applicable procedures by an air traffic service unit or a crew member, or a failure of air traffic service facilities, submit an air traffic service incident report in accordance with regulation 12.02.2;

(i) record any technical defect and the exceeding of any technical limitation which occurred while he or she was responsible for the flight, in the flight folio; and

(j) if a potentially hazardous condition such as bird accumulation, an irregularity in a ground or navigation facility, meteorological phenomena, a volcanic ash cloud or a greater than normal radiation level is observed during flight, notify an air traffic service unit as soon as possible.

(5) The pilot-in-command shall ensure that -

(a) oxygen is available to crew members and passengers if flights in a non-pressurised aeroplane are contemplated above 10 000 feet up to 12 000 feet in excess of 60 minutes, or above 12 000 feet; and

(b) oxygen is carried in sufficient quantities for all flights at such altitudes where a lack of oxygen might result in impairment of faculties of crew members, or harmfully affect passengers

[There is no full stop at the end of paragraph (b); there are no additional words in the *Government Gazette*.]

(6) The pilot-in-command shall not -

(a) require a crew member to perform any duties during a critical phase of the flight, except those duties required for the safe operation of the aeroplane;

(b) permit any activity during a critical phase of the flight which could distract any crew member from the performance of his or her duties or which could interfere in any way with the proper conduct of those duties; and

(c) continue a flight beyond the nearest suitable aerodrome, in the event of a crew member becoming unable to perform any essential duties as a result of fatigue, sickness, lack of oxygen or any other reason.

(7) The pilot-in-command or, in his or her absence, the operator of the aeroplane, shall report any act of unlawful interference with the operation of such aeroplane, or the authority of the pilot-in-command -

(a) if the act of unlawful interference occurs within Namibia; or

(b) if the act of unlawful interference occurs in a Namibian registered aeroplane within or over the territory of a foreign State, to the Director.

Recency, route and aerodrome qualifications

135.02.9 (1) A pilot shall not act as pilot-in-command of a small aeroplane engaged in scheduled commercial air transport operations, unless the pilot has within the preceding 12 months demonstrated to the operator of the aeroplane an adequate knowledge of -

(a) the route to be flown;

(b) the aerodromes to be used;

(c) the procedures applicable to flight paths over heavily populated areas and areas of higher traffic density; and

(d) obstructions, physical layout, lighting, approach aids and arrival, departure, holding and instrument approach procedures including operating minima.

(2) If a route requires a specific type of navigation qualification, the pilot-in-command shall within the 12 months immediately preceding a flight on such route, demonstrate his or her ability to the operator by -

(a) flying over a route or area as pilot-in-command using the applicable special type of navigation system; or

(b) flying over a route or area under the supervision of a suitably qualified pilot using the applicable special type of navigation system.

Flight time and duty scheme

135.02.10 (1) The operator of a small aeroplane shall -

(a) establish a scheme for the regulation of flight time and duty periods for each crew member;

(b) include the scheme in the operations manual referred to in regulation 135.04.3;

(c) ensure that each crew member complies with the provisions of such scheme;

(d) not cause or permit any crew member to be on flight duty in the aeroplane if such operator knows or has been made aware that such crew member -

(i) will exceed the flight time and duty periods prescribed in subregulation (1)(a) while on flight duty; or

(ii) is suffering from or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from fatigue which may endanger the safety of the aeroplane or its crew members and passengers; and

(e) not schedule a crew member for active flight duty for a period exceeding eight consecutive hours during any given flight time and duty period unless authorised in the scheme referred to in paragraph (a).

(2) The provisions to be included in a flight time and duty scheme referred to in subregulation (1), shall be as prescribed in Document NAM-CATS-OPS 135.

SUBPART 3
TRAINING AND CHECKING

DIVISION ONE: GENERAL

Training of flight crew members

135.03.1 (1) The operator of a small aeroplane shall establish and maintain a ground and flight training programme for flight crew members employed by such operator.

(2) The operator shall ensure that·-

(a) each flight crew member receives training in accordance with this Subpart and the appropriate syllabus as prescribed in Document NAM-CATS-OPS 135;

(b) the training shall only be provided by an aviation training organisation approved in terms of Part 141, or a foreign aviation training organisation approved, by the Director; and

(c) each flight crew member passes a written examination with regard to all the subjects of the training syllabi referred to in paragraph (a).

(3) The provisions of this Subpart shall apply in respect of full-time and part-time employed flight crew members.

Initial training of flight crew members

135.03.2 A flight crew member employed by the operator of a small aeroplane shall have successfully completed the initial training and appropriate skill test as prescribed in Part 61.

DIVISION TWO: PILOT TRAINING

Conversion training

135.03.3 (1) The operator of a small aeroplane shall ensure that -

(a) a flight deck crew member completes a type conversion course in accordance with the applicable requirements prescribed in Part 61, when changing from one type of aeroplane to another, for which a new type rating is required;

(b) a flight crew member completes the operator's type conversion course before commencing unsupervised operational flying -

(i) when changing to an aeroplane for which a new type rating is required; or

(ii) when employed by such operator;

(c) type conversion training is conducted by a competent person in accordance with the detailed course syllabus included in the operations manual referred to in regulation 135.04.3, and as prescribed in Document NAM-CATS-OPS 135;

(d) the amount of training required by the operator's type conversion course is determined after due note has been taken of the flight crew member's previous training as recorded in the training records referred to in regulation 135.04.15;

(e) the minimum standards of qualification and experience required of flight crew members be tore undertaking type conversion training, are specified in the operations manual;

(f) each flight crew member undergoes the checks referred to in regulation 135.03.7(2) and (4) and the training and checks referred to in regulation 135.03.7(6) before commencing operational flying; and

(g) if multi-crew operations are contemplated, crew resource management training as prescribed in Document NAM-CATS-OPS 135, is included in the conversion course.

(2) In the case of changing tram one type of aeroplane to another, the check referred to in regulation 135.03.7(2) may be combined with the type rating skill test prescribed in Part 61.

(3) The operator's type conversion course and the type rating course prescribed in Part 61, may be combined.

(4) The operator's type conversion course shall include the items and shall be conducted in the order, as prescribed in Document NAM-CATS-OPS 135.

(5) When a flight crew member has not previously completed an operator's type conversion course, the operator shall ensure that, in addition to the provisions of subregulation (4), the flight crew member undergoes general first aid training and, if applicable, ditching procedures training using the appropriate equipment in water.

Differences training and familiarisation training

135.03.4 (1) The operator of a small aeroplane shall ensure that a flight crew member completes differences training when -

(a) operating a variant of the type of aeroplane currently operated; or

(b) a change of equipment or procedures on types or variants currently operated, requires the acquisition of additional knowledge and training on an appropriate training device.

(2) The operator shall ensure that a flight crew member completes familiarisation training when -

(a) operating another aeroplane of the same type or variant; or

(b) a change of equipment or procedures on types or variants currently operated, requires the acquisition of additional knowledge.

(3) The operator shall specify in the operations manual referred to in regulation 135.04.3, when differences training or familiarisation training is required.

Upgrading to pilot-in-command

135.03.5 (1) The operator of a small aeroplane shall ensure that, for an upgrade to pilot-in-command from co-pilot, and for a pilot joining as pilot-in-command -

(a) a minimum level of experience is specified in the operations manual referred to in regulation 135.04.3; and

(b) if multi-crew operations are contemplated, the co-pilot or pilot, as the case may be, completes an appropriate command course.

(2) The command course referred to in subregulation (1)(b) shall be specified in the operations manual referred to in subregulation (1)(a), and shall include -

(a) training in a simulator or flying training in the aeroplane;

(b) an operator proficiency check operating as pilot-in-command;

(c) pilot-in-command responsibilities;

(d) operational in-command training under supervision;

(e) completion of a pilot-in-command check referred to in regulation 135.03.7(4) and, in the case of scheduled commercial air transport operations, the recency, route and aerodrome qualifications referred to in regulation 135.02.9; and

(f) if multi-crew operations are contemplated, the crew resource management training referred to in regulation 135.03.3(1)(g).

Pilot-in-command holding a commercial pilot licence

135.03.6 The operator of a small aeroplane certificated in the aeroplane flight manual referred to in regulation 135.04.4 for single-pilot operations, shall ensure that -

(a) the holder of a commercial pilot licence (aeroplane) does not operate as pilot-in-command of the aeroplane unless -

(i) when conducting passenger carrying operations under VFR outside a radius of 50 nautical miles from the aerodrome of departure, the pilot has a minimum of 300 hours of total flight time on aeroplanes or holds a valid instrument rating; or

(ii) when operating on a multi-engine type under IFR, the pilot has a minimum of 400 hours of total flight time on aeroplanes, which includes 200 hours as pilot-in-command of which 100 hours have been under IFR including 40 hours multi-engine operations: Provided that the 200 hours as pilot-in-command may be substituted by hours operating as co-pilot on the basis of two hours co-pilot equals one hour as pilot-in-command: Provided further that these hours were gained within an established multi-pilot crew system prescribed in the operations manual referred to in regulation 135.04.3;

(b) in addition to paragraph (a)(ii), when operating under IFR as a single pilot, the requirements prescribed in regulation 135.02.1(6), are complied with; and

(c) in multi-pilot crew operations, and prior to operating as pilot-in-command, the command course referred to in regulation 135.03.5(1)(b), has been completed.

Recurrent training and checking

135.03.7 (1) The operator of a small aeroplane shall ensure that -

(a) each flight crew member undergoes recurrent training and checking and that all such training and checking is relevant to the operation and the type or variant of aeroplane for which the flight crew member is licensed and rated;

(b) a recurrent training and checking programme is included in the operations manual referred to in regulation 135.04.3;

(c) recurrent training is conducted by -

(i) a competent person, in the case of ground and refresher training;

(ii) an appropriately type rated aeroplane simulator flight instructor, in the case of simulator training;

(iii) competent personnel, in the case of emergency and safety equipment training and checking; and

(iv) competent personnel, in the case of crew resource management training;

(d) recurrent checking is conducted by -

(i) a designated examiner, in the case of operator proficiency checks; and

(ii) an appropriately type rated flight instructor qualified as pilot-in-command, designated by the operator, in the case of operational checks; and

(e) when multi-crew operations are contemplated, each flight crew member undergoes operator proficiency checks every six calender months as part of a normal flight crew complement.

[The word "calendar" is misspelt in the *Government Gazette*, as reproduced above.]

(2) The operator shall ensure that, in the case of the operator proficiency checks referred to in subregulation (1)(e) -

(a) each flight crew member undergoes such checks to demonstrate his or her competency in carrying out normal, abnormal and emergency procedures; and

(b) such checks are conducted without external visual reference when the flight crew member will be required to operate under IFR.

(3) Upon successful completion of each operator proficiency check referred to in subregulation (1)(c), the operator shall issue a certificate of competency to the flight crew member concerned, which certificate shall be valid for a period of six calendar months calculated from the date on which such certificate was issued.

(4) The operator shall ensure that, in the case of an operational check, each flight crew member undergoes the operational check in the aeroplane to demonstrate his or her competency in carrying out normal operations specified in the operations manual referred to in regulation 135.04.3.

(5) Upon successful completion of an operational check referred to in subregulation (4), the operator shall issue a certificate of competency to the flight crew member concerned, which certificate shall be valid for a period of 12 calendar months calculated from the date on which such certificate was issued.

(6) The operator shall ensure that, in the case of emergency and safety equipment training and checking, each flight crew member undergoes training and checking on the location and use of all emergency and safety equipment carried.

(7) Upon successful completion of the emergency and safety equipment check referred to in subregulation (6), the operator shall issue a certificate of competency to the flight crew member concerned, which certificate shall be valid for a period of 12 calendar months calculated from the date on which such certificate was issued.

(8) The operator shall ensure that, in the case of crew resource management training, each flight crew member undergoes such training as part of the recurrent training.

(9) The operator shall ensure that, in the case of ground and refresher training, each flight crew member undergoes such training every 12 calendar months.

Pilot qualification to operate in either pilot's seat

135.03.8 The operator of a small aeroplane shall ensure that –

(a) a pilot to be assigned to operate in either pilot's seat, completes the appropriate training and checking; and

(b) the training and checking programme is -

(i) specified in the operations manual referred to in regulation 135.04.3; and

(ii) is undertaken in accordance with the appropriate syllabus as prescribed in Document NAM-CATS-OPS 135.

Advanced qualification programme

135.03.9 (1) The period of validity of the training referred to in regulation 135.03.7 may be extended, if the Director has approved an advanced qualification programme established by the operator.

(2) The advanced qualification programme shall contain training and checking which establishes and maintains a proficiency which is not less than the proficiency referred to in regulations 135.03.3, 135.03.4, 135.03.5 and 135.03.7.

DIVISION THREE: TRAINING OF OTHER PERSONNEL

Training

135.03.10 (1) The operator of a small aeroplane shall provide, where applicable, an initial, recurrent and refresher training course for -

(a) a load master;

(b) a parachute dispatcher; or

(c) any other crew member essential to safe operations,

if such operations personnel are employed by such operator.

(2) The training course referred to in subregulation (1) shall be specified in the operations manual referred to in regulation 135.04.3.

SUBPART 4
DOCUMENTATION AND RECORDS

Documents to be carried on board

135.04.1 The operator or pilot-in-command, as the case may be, of a small aeroplane, shall ensure that the following documents, or certified true copies thereof, are carried on board the aeroplane on each individual flight:

(a) If the aeroplane is engaged in an international flight -

(i) the certificate of registration;

(ii) the certificate of airworthiness;

(iii) the appropriate licences, ratings and medical certificate of each crew member;

(iv) the journey logbook or general declaration;

(v) the aeroplane radio station licence;

(vi) if passengers are carried, the passenger manifest, unless the information is included in the general declaration referred to in subparagraph (iv);

(vii) if cargo is carried, a manifest and detailed declaration of the cargo;

(viii) the certificate of release to service;

(ix) the aeroplane flight manual referred to in regulation 135.04.5, or similar document;

(x) the mass and balance documentation referred to in regulation 135.08.14(9), if required;

(xi) the technical log, or similar document;

(xii) the MEL, if applicable;

(xiii) proof of third party liability insurance;

(xiv) the air operator certificate;

(xv) those parts of the operations manual which are required for the conduct of a flight;

(xvi) the noise certificate, if such certificate has been issued for the type of aeroplane; and

(xvii) a list of visual signals for use by intercepting and intercepted aircraft referred to in regulation 91.06.29;

(xviii) operational flight plan;

(xix) details of the filed ATS flight plan;

(xx) appropriate NOTAM/AIS briefing documentation

[There should be a semicolon at the end of subparagraph (xx).]

(xxi) appropriate meteorological information;

(xxii) Notification of special categories of passenger such as security personnel, if not considered as crew, handicapped persons, inadmissible passengers, deportees and persons in custody;

(xxiii) Notification of special loads including dangerous goods including when information to the commander as prescribed in Part 92.

(b) if the aeroplane is engaged in a domestic flight -

(i) the certificate of registration;

(ii) the certificate of airworthiness;

(iii) the appropriate licences, ratings and medical certificate of each crew member;

(iv) the aeroplane radio station licence;

(v) the certificate of release to service;

(vi) the aeroplane flight manual referred to in regulation 135.04.5, or similar document;

(vii) the mass and balance documentation referred to in regulation 135.08.14(9), if required;

(viii) the technical log, or similar document;

(ix) the MEL, if applicable;

(x) the noise certificate, if such certificate has been issued for the type of aeroplane; and

(xi) the list of visual signals for use by intercepting and intercepted aircraft referred to in regulation 91.06.29.

Documents to be retained on ground

135.04.2 (1) The operator of a small aeroplane shall ensure that -

(a) a copy of the operational flight plan;

(b) copies of the relevant parts of the technical log;

(c) the mass and balance documentation referred to in regulation 135.08.14(9), if required;

(d) the passenger list or cargo manifest;

(e) the special loads notification, if applicable; and

(f) a general declaration, if the aeroplane is engaged in an international flight,

are retained in a safe place at the first point of departure in respect of each flight undertaken by the aeroplane.

(2) The documents referred to in subregulation (1), shall be retained for a period of at least 90 days.

Operations manual

135.04.3 (1) The operator of a small aeroplane shall draw up an operations manual containing all the information required under this Part and setting out the manner in which such operator will operate the commercial air transport operation to be authorised by the air operator certificate.

(2) If the Director is satisfied that -

(a) the operations manual complies with the provisions of subregulation (7);

(b) the operator will comply with the provisions of regulation 135.06.10; and

(c) the operator will not operate the commercial air transport operation concerned contrary to any provision of any law,

the Director shall certify in writing on such operations manual that it has been approved, and shall return the approved operations manual to the operator.

(3) If the Director is satisfied that the amendment and the operator comply with the provisions of subregulation (2), the Director shall certify in writing on such amendment that it has been approved, and shall return the approved amendment to the operator.

(4) The operator shall at all times operate the small aeroplane in accordance with the approved operations manual and any approved amendment thereto.

(5) The operator shall -

(a) ensure that all operations personnel are able to understand the language used in those sections of the operations manual which pertain to their duties;

(b) ensure that every flight is conducted in accordance with the operations manual and that those parts of the operations manual which are required for the conduct of a flight, are easily accessible to the crew members on board;

(c) make the operations manual available for the use and guidance of operations personnel;

(d) provide the crew members with their own personal copy of the sections of the operations manual which are relevant to the duties assigned to them;

(e) keep the operations manual up to date; and

(f) keep the operations manual in a safe place.

(6) The contents of the operations manual shall not contravene the conditions contained in the air operator certificate issued to the operator in terms of regulation 135.06.6.

(7) The structure and contents of the operations manual shall be as prescribed in Document NAM-CATS-OPS 135.

(8) The operator shall, upon receipt of the approved operations manual, or an approved amendment thereto, from the Director, furnish the Director with a copy thereof.

Aeroplane operating manual

135.04.4 (1) The operator of a small aeroplane shall compile and make available an aeroplane operating manual for use by the crew members employed by such operator.

(2) The aeroplane operating manual shall contain -

(a) the normal, abnormal and emergency procedures relating to the aeroplane;

(b) details of the aeroplane system; and

(c) the checklists to be used by the crew members.

(3) The operator shall provide each crew member with a copy of those parts of the aeroplane operating manual, which are relevant to the operational duties assigned to such new member.

(4) The operator shall ensure that the aeroplane operating manual is provided in a hard copy or in an approved electronic format.

(5) The aeroplane operating manual may be included in an operations manual referred to in regulation 135.04.3.

Aeroplane flight manual

135.04.5 (1) The operator of a small aeroplane shall keep an approved and current aeroplane flight manual for each small aeroplane of which he or she is the operator.

(2) The crew members of the aeroplane shall, on each flight, operate such aeroplane in accordance with the aeroplane flight manual, unless an emergency dictates otherwise.

(3) The aeroplane flight manual may be included in the aeroplane operating manual referred to in regulation 135.04.4.

Operational flight plan

135.04.6 (1) The operator of a small aeroplane shall ensure that, where practical, an operational flight plan is completed for each flight undertaken by the aeroplane.

(2) The operational flight plan and its use shall be included in the operations manual referred to in regulation 135.04.3.

(3) All entries in the operational flight plan shall be current.

(4) The items to be contained in the operational flight plan shall be as prescribed in Document NAM-CATS-OPS 135.

(5) Each operational flight plan shall be retained by the operator for a period of at least 90 days.

Flight plan

135.04.7 (1) The operator or pilot-in-command, as the case may be, of a small aeroplane, shall ensure that a flight plan is completed, if so required in Terms of regulation 91.03.4(4).

[The word "terms" should not be capitalised.]

(2) The items to be contained in the flight plan referred to in subregulation (1), shall be as prescribed in Document NAM-CATS-OPS 135.

(3) The flight plan shall be filed with the appropriate air traffic service unit and such unit shall be responsible for transmitting such flight plan to all air traffic service units concerned with the flight.

(4) An air traffic service unit may instruct a flight for which a flight plan is required and for which a flight plan has not been filed, to clear or to remain clear of controlled airspace, and not to cross any border of Namibia or to enter its airspace until such time as the required flight plan has been filed.

(5) Unless otherwise authorised by the responsible air traffic service unit, a flight plan for a flight to be conducted in controlled or advisory airspace, shall be filed at least 30 minutes before departure or, if filed during flight while outside controlled or advisory airspace for a flight to be conducted in such airspace, it shall be filed with the responsible air traffic service unit at least 10 minutes before the aeroplane is estimated to reach the intended point of entry into the controlled or advisory airspace.

(6) The pilot-in-command of the aeroplane shall ensure that all changes which become applicable to a flight plan before departure or in flight, are reported, as soon as practicable, to the responsible air traffic service unit.

(7) If a flight plan has been filed with an air traffic service unit prior to departure, and is not activated with an air traffic service unit within one hour of original estimated time of departure or amended estimated time of departure, the flight plan shall be regarded as cancelled and a new flight plan shall be filed.

(8) Where an air traffic service unit is not in operation at the aerodrome of intended landing, a report shall be submitted to an air traffic service unit, by the quickest means of communication available, immediately before or after landing, in respect of a flight for which a flight plan was submitted and not as yet closed.

(9) Subject to the provisions of subregulation (10), the pilot-in-command shall ensure that the current flight plan filed for a controlled flight, is adhered to, unless a request for a change has been made and accepted by the air traffic service unit responsible for the controlled airspace in which such aeroplane is operated, or unless an emergency situation arises which necessitates immediate action, in which event the responsible air traffic service unit shall, as soon as circumstances permit, be notified of the action taken and that such action was taken under emergency authority.

(10) In the event of a controlled flight inadvertently deviating from its current flight plan, the following action shall be taken:

(a) If the aeroplane is off track, action shall be taken forthwith to adjust the heading of such aeroplane to regain track as soon as practicable;

(b) if the average true airspeed at cruising level between reporting points varies, or is expected to vary, from that given in a flight plan, in excess of five per cent of the true airspeed, the responsible air traffic service unit shall be so informed;

(c) if the estimated time at the next applicable reporting point, flight information regional boundary, or aerodrome of intended landing, whichever comes first, is found to be in error in excess of three minutes from that notified to the responsible air traffic service unit, a revised estimated time shall be notified to such air traffic service unit as soon as possible; or

(d) if the aeroplane deviates from its altitude, action shall be taken forthwith to correct the altitude of such aeroplane.

Technical log

135.04.8 (1) The operator or pilot-in-command, as the case may be, of a Namibian registered small aeroplane, shall ensure that the aeroplane carries a technical log, or any other similar document, which contains the information as prescribed in Document NAM-CATS-OPS 135, at all times.

(2) The technical log shall be kept up-to-date and maintained in a legible manner.

(3) All entries shall be made immediately upon completion of the occurrence to which they refer.

(4) In the case of rectification of defects being undertaken on the aeroplane, the entry shall be certified by the person taking responsibility for the maintenance performed.

(5) The operator shall retain the technical log for a period of five years calculated from the date of the last entry therein.

Aeroplane checklist

135.04.9 (1) The operator or pilot-in-command, as the case may be, of small aeroplane, shall, where applicable, establish and make available to the crew and other personnel needing the information, a checklist system for the aeroplane, which shall used by such crew and other personnel for all phases of the operation under normal, abnormal and emergency conditions.

[The word “be” appears to have been omitted from the phrase “shall be used”.]

(2) The operator shall, in addition to the checklist referred to in subregulation (1), compile and make available to such crew and other personnel, a checklist of procedures to be followed by such crew and personnel when searching for concealed weapons, explosives or other dangerous devices.

Fuel and oil record

135.04.10 (1) The operator of a small aeroplane shall maintain fuel and oil records for each flight undertaken by the aeroplane under the control of such operator for 3 months.

(2) The pilot-in-command of the aeroplane shall enter the fuel and oil records referred to in subregulation (1), in the technical log.

Certificate of release to service

135.04.11 (1) No operator or pilot-in-command, as the case may be, of a small aeroplane, shall operate -

(a) a Namibian registered aeroplane without holding a valid certificate of release to service signed by an appropriately rated aircraft maintenance engineer or an approved aircraft maintenance organisation; or

(b) a foreign registered aeroplane without holding a valid certificate, equivalent to the certificate referred to in paragraph (a), issued by an appropriate authority.

(2) The operator or pilot-in-command shall -

(a) ensure that one copy of the certificate of release to service, or equivalent certificate, is carried on board the aeroplane to which it relates and, in the case of a Namibian registered aeroplane, a second copy shall be filed at the normal station of such aeroplane; and

(b) retain a copy of the certificate for a period of 12 months calculated from the date of issue of such certificate.

Flight recorder records

135.04.12 (1) The operator of a small aeroplane on which a flight recorder is carried, shall preserve the original recording as retained by the flight recorder -

(a) in the case of an accident or incident involving such aeroplane -

(i) for a period of not less than 60 days calculated from the date of the accident or incident; or

(ii) until permission for disposal of such recording has been given by the investigator-in-charge or an appropriate authority,

whichever is the latter date, unless the preservation of the original recording is required under any other law;

(b) when the Director so directs, for a period of not less than 60 days calculated from the date of such direction, or until permission for disposal of such recording has been given by the Director, unless the preservation of the original recording is required under any other law.

(2) If the aeroplane is required under this Part to be fitted with a flight data recorder, the operator shall -

(a) save the recording for the period of operating time as required by subregulation (1)(a) and (b): Provided that for the purpose of testing and maintaining a flight data recorder, one hour of the oldest recorded material at the time of testing may be erased;

(b) keep a recording of at least one representative flight made within the preceding 12 months which includes a take-off, climb, cruise, descent, approach and landing,

together with a means of identifying the recording with the flight to which it relates; and

(c) keep a document which represents the information necessary to retrieve and convert the stored data into engineering units.

(3) The operator of the aeroplane on which a flight recorder is carried, shall, within a reasonable time after being requested to do so by the Director or an appropriate authority, produce any recording made by such flight recorder which is available or has been preserved.

(4) A cockpit voice recorder recording may be used for purposes other than the investigation of an accident or incident only with the consent of all the flight crew members concerned.

(5) The flight data recorder recordings may be used for purposes other than the investigation of an accident or incident which is subject to mandatory reporting, only when such recordings are –

(a) used by the operator for airworthiness or maintenance purposes;

(b) de-identified; or

(c) disclosed under secure procedures.

Flight time and duty period records

135.04.13 (1) The operator of a small aeroplane shall -

(a) maintain current flight time and duty period records of all crew members employed by such operator; and

(b) retain the flight time and duty period records for a period of 15 calendar months calculated from the date of the last flight of each crew member.

(2) A crew member in the part-time employ of an operator shall maintain his or her own flight time and duty period records and shall provide copies thereof to the operator to enable such operator to ensure that the crew member does not exceed the 1imits prescribed in the flight and duty scheme referred to in regulation 135.02.15.

Records of emergency and survival equipment

135.04.14 (1) The operator of a small aeroplane shall compile a list of all the survival and emergency equipment to be carried in the aeroplane and shall have such list available at all times for immediate communication to rescue co-ordination centres.

(2) The survival and emergency equipment list shall be included in the operations manual referred to in regulation 135.04.3.

(3) The format and minimum information to be included in the survival and emergency equipment list, shall be as prescribed in Document NAM-CATS-OPS 135.

Crew member training records

135.04.15 (1) The operator of a small aeroplane shall maintain the records of all training and proficiency checks undertaken by the crew members employed by such operator, and such records shall incorporate certificates indicating the successful completion of such training and proficiency checks.

(2) The operator shall retain the record of each flight crew member for a period of at least three years and the record of all other crew members for a period of at least 12 months from the date on which the crew member concerned has left the employ of such operator.

(3) The certificates referred to in subregulation (1) shall be made available by the operator to the crew member concerned on request.

Production of documentation and records

135.04.16 (1) An operator shall:

(a) Give any person authorised by the Director access to any documents and records which are related to flight operations or maintenance; and

(b) Produce all such documents and records, when requested to do so by the Director, within a reasonable period of time.

(2) The commander shall, within a reasonable time of being requested to do so by a person authorised by the Director, produce to that person the documentation required to be carried on board.

Document storage periods

135.04.17 An operator shall ensure that all records and all relevant operational and technical information for each individual flight, are stored for the periods prescribed in NAM-CATS-OPS 135.

SUBPART 5
INSTRUMENTS AND EQUIPMENT

Approval of instruments and equipment

135.05.1 (1) The operator of a small aeroplane shall ensure that a flight does not commence unless the instruments and equipment required under this Subpart, or otherwise installed in the aeroplane, are -

(a) subject to the provisions of subregulation (2), approved and installed in accordance with the requirements, including operational and airworthiness requirements applicable to such instruments and equipment; and

(b) in a condition for safe operation of the kind being conducted, except as provided for in the MEL.

(2) The operator shall not be required to obtain approval for -

(a) the fuses referred to in regulation 135.05.3;

(b) the electric torches referred to in regulation 135.05.4(2)(d);

(c) accurate time-piece referred to in regulation 135.05.5(1)(b) or 135.05.6(1)(b);

(d) the first aid equipment referred to in regulation 135.05.17;

(e) the survival equipment referred to in regulation 135.05.27; and

(f) sea anchors and equipment for the mooring, anchoring or manoeuvring of seaplanes and amphibious aeroplanes on water, referred to regulation 135.05.28.

Use of instruments and equipment by pilot

135.05.2 (1) Instruments in a small aeroplane which are used by a pilot, shall be arranged in such manner that the pilot can see their indications readily from his or her station, with the minimum practicable deviation from the position and line of vision which he or she normally assumes when looking forward along the flight path.

(2) If a single instrument or item of equipment in the aeroplane is required to be seen or operated by more than one pilot, such single instrument or item of equipment shall be installed in such manner that it can be readily seen or operated from each pilot station.

(3) The aeroplane shall be equipped with means for indicating the adequacy of the power being supplied to the required flight instruments.

Circuit protection devices

135.05.3 (1) No operator or pilot-in-command, as the case may be, of a small aeroplane, in which fuses are used, shall operate the aeroplane unless spare fuses are available for use in flight equal to at least ten per cent or three, whichever is the greater, of the number of fuses of each rating required for complete circuit protection, which spare fuses shall be accessible to the flight crew during flight.

(2) If the ability to reset a circuit breaker or replace a fuse is essential to safety in flight, such circuit breaker or fuse shall be located and identified in such manner that it can be readily reset or replaced in flight.

(3) No person shall deactivate a circuit breaker in flight other than in accordance with the aeroplane flight manual referred to in regulation 135.04.5.

Aeroplane operating lights

135.05.4 (1) No operator or pilot-in-command, as the case may be, of a small aeroplane, shall operate the aeroplane by day unless such aeroplane is equipped with an anti-collision light system.

(2) No operator or pilot-in-command shall operate the aeroplane by night unless such aeroplane is equipped with -

(a) an anti-collision light system;

(b) lighting supplied from the electrical system of the aeroplane to provide adequate illumination for all instruments and equipment used by the flight crew essential for the safe operation of such aeroplane;

(c) lighting supplied from the electrical system of the aeroplane to provide illumination in all passenger compartments, if any; and

(d) an electric torch for each required crew member readily accessible to such crew member when seated at his or her designated seat;

(e) navigation or position lights; and

(f) two landing lights or a single light having two separately energised filaments.

(3) No operator or pilot-in-command of a small seaplane or an amphibious aeroplane, shall operate the seaplane or amphibious aeroplane unless it is equipped with -

(a) the instruments and equipment referred to in subregulation (1) or (2), as the case may be; and

(b) when operating on water by night, display lights to conform with the International Regulations for Preventing Collisions at Sea.

(4) The navigation lights to be displayed by a small aeroplane by night, on the water or on the manoeuvring area of an aerodrome, are those referred to in regulation 135.11.7.

Flight, navigation and associated equipment for aeroplanes operated under VFR

135.05.5 (1) The operator of a small aeroplane shall not operate the aeroplane in accordance with VFR, unless such aeroplane is equipped with -

(a) a magnetic compass;

(b) an accurate time-piece showing the time in hours, minutes, and seconds;

(c) a sensitive pressure altimeter with a subscale setting, calibrated in hectopascals, millibars or inches of mercury, adjustable for any barometric pressure setting likely to be encountered during flight;

(d) an airspeed indicator;

(e) a vertical-speed indicator;

(f) a turn-and-slip indicator or a turn co-ordinator, incorporating a slip indicator;

(g) an attitude indicator;

[The word "altitude" is misspelt in the *Government Gazette*, as reproduced above.]

(h) a stabilised direction indicator; and

(i) a means of indicating on the flight deck the outside air temperature in degrees Celsius.

(2) If two pilots are required to operate the aeroplane, the second pilot's station shall be equipped with -

(a) a sensitive pressure altimeter with a subscale setting calibrated in hectopascals, millibars or inches of mercury, adjustable for any barometric pressure setting likely to be encountered during flight;

(b) an airspeed indicator;

(c) a vertical-speed indicator;

(d) a turn-and-slip indicator or a turn co-ordinator, incorporating a slip indicator;

(e) an attitude indicator; and

[The word "altitude" is misspelt in the *Government Gazette*, as reproduced above.]

(f) a stabilised direction indicator.

(3) For flights, the duration of which does not exceed 60 minutes, which take-off and land at the same aerodrome, and which remain within 25 nautical miles of such aerodrome, the instruments specified in subregulation (1)(f), (g) and (h), and subregulation (2)(d), (e) and (f), may be replaced by a turn-and-slip indicator, or a turn co-ordinator, incorporating a slip indicator, or both an attitude indicator and a slip indicator.

[The word "altitude" is misspelt in the *Government Gazette*, as reproduced above.]

(4) A small aeroplane which is operated by night, shall be equipped in accordance with the flight and navigation instruments referred to in regulation 135.05.6.

Flight, navigation and associated equipment for aeroplanes operated under IFR

135.05.6 (1) The operator of a small aeroplane shall not operate the aeroplane in accordance with IFR, unless such aeroplane is equipped with -

(a) a magnetic compass;

(b) an accurate time-piece showing the time in hours, minutes and seconds;

(c) two sensitive pressure altimeters with subscale settings, calibrated in hectopascals, millibars or inches of mercury, adjustable for any barometric pressure setting likely to be encountered during flight;

(d) an airspeed indicator system with heated pitot tube or equivalent means for preventing malfunctioning due to either condensation or icing, including a warning indicator of pilot heater failure;

(e) a vertical-speed indicator;

(f) a turn-and-slip indicator or a turn co-ordinator, incorporating a slip indicator;

(g) an attitude indicator;

[The word "altitude" is misspelt in the *Government Gazette*, as reproduced above.]

(h) a stabilised direction indicator;

(i) a means of indicating on the flight deck the outside air temperature in degrees Celsius; and

(j) an alternate source of static pressure for the altimeter and the airspeed and vertical-speed indicators.

(2) If two pilots are required to operate the aeroplane, the second pilot's station shall be equipped with -

(a) a sensitive pressure altimeter with a subscale setting, calibrated in hectopascals, millibars or inches of mercury, adjustable for any barometric pressure setting likely to be encountered during flight, which may be one of the two altimeters required under subregulation (1)(c);

(b) an airspeed indicator system with heated pilot tube or equivalent means for preventing malfunction due to either condensation or icing including a warning indicator of pitot heater failure;

(c) a vertical-speed indicator;

(d) a turn-and-slip indicator or a turn co-ordinator, incorporating a slip indicator;

(e) an attitude indicator; and

[The word "altitude" is misspelt in the *Government Gazette*, as reproduced above.]

(f) a stabilised direction indicator.

Additional equipment for single-pilot operations in accordance with IFR

135.05.7 No pilot-in-command of a small aeroplane shall conduct single-pilot IFR operations in the aeroplane unless such aeroplane has been certificated for such operations and is equipped with -

(a) a stability augmentation or automatic flight control system with at least altitude hold and heading mode; and

(b) a headset with boom microphone, or equivalent, and a transmit button on the control wheel, joy stick or cyclic stick.

Equipment for operations in icing conditions

135.05.8 (1) No pilot-in-command of a small aeroplane shall operate the aeroplane in forecast or actual icing conditions unless such aeroplane is certificated and equipped to operate in icing conditions.

(2) The pilot-in-command shall not operate the aeroplane in forecast or actual icing conditions by night unless such aeroplane is equipped with a means to illuminate or detect the tom1ation of ice.

(3) The means of illumination referred to in subregulation (2), shall be of a type which does not cause glare or reflection which may handicap flight crew members in the performance of their duties.

Flight recorder

135.05.9 (1) The operator of a Namibian registered small aeroplane, which is required to be equipped with a flight recorder in terms of regulation 135.05.11 or 135.05.12, shall ensure that the flight recorder complies with the specifications as prescribed in Document NAM-CATS-OPS 135.

(2) There shall be an aural or visual means for pre-flight checking to determine that the flight recorder is operating properly.

(3) The flight recorder shall not be switched off during flight.

(4) Each flight recorder installed in an aircraft shall be located in such manner that maximum practicable protection is provided, in order that, in the event of an accident or incident, the recorded data may be recovered in a preserved and intelligible state.

(5) Where a flight recorder is installed, it shall not -

(a) be a source of danger in itself;

(b) prejudice the proper functioning of any essential service; and

(c) in any way reduce the serviceability or airworthiness of the aeroplane in which it is installed, even if the flight recorder fails to function.

(6) The operator shall ensure that retrieving the recorded data from the storage medium shall be readily possible.

(7) The parameters of the flight recorder shall be determined within the ranges, accuracies and recording intervals referred to in regulation 135.05.11 or 135.05.12, as the case may be.

(8) Each flight recorder container installed in the aeroplane shall -

(a) be bright orange or bright yellow;

(b) have reflective tape affixed to the external surface to facilitate its location under water; and

(c) have an approved underwater location device on, or adjacent to, each container which is secured in such manner that the device is not likely to be separated from the container during crash impact: Provided that only one such device shall be required when the cockpit voice recorder and the flight data recorder required under this Part are installed adjacent to each other in such manner that they are not likely to be separated during crash impact.

(9) The operator shall -

(a) copy and check the data on the flight recorder every six months, for the purpose of ensuring that such flight recorder is serviceable; and

(b) record and retain the results of such check for a period of five years calculated from the date of such check.

Foil data recorder

135.05.10 The operator of a Namibian registered small aeroplane, which is required to be equipped with a flight recorder in terms of regulation 135.05.11 or 135.05.12, shall, if the flight recorder is a foil data recorder, replace the foil data recorder with a digital flight recorder before or on 1 July 2002.

Cockpit voice recorder

135.05.11 (1) No operator or pilot-in-command, as the case may be, of a small aeroplane specified in Document NAM-CATS-OPS 135, shall operate the aeroplane unless such aeroplane is equipped with a cockpit voice recorder which complies with the specifications referred to in regulation 135.05.9(1).

(2) The cockpit voice recorder shall record, with reference to a time scale -

(a) voice communications transmitted from, or received on, the flight deck by radio;

(b) the aural environment of the flight deck, including without interruption, the audio signals received from each microphone in use;

(c) voice communications of flight crew members on the flight deck using the interphone system of the aeroplane, if installed;

(d) voice or audio signal identifying navigation or approach aids introduced into a headset or speaker; and

(e) voice communications of flight crew members on the flight deck using the public address system of the aeroplane, if installed.

(3) The cockpit voice recorder shall -

(a) be capable of retaining information recorded during at least the last 30 minutes of the aeroplane's operation;

(b) start automatically to record prior to the aeroplane moving under its own power, and continue to record until the termination of the flight when such aeroplane is no longer capable of moving under its own power; and

(c) if possible, start to record the flight deck checks prior to engine start at the beginning of the flight, until the flight deck checks, immediately following engine shutdown, at the end of the flight.

(4) The cockpit voice recorder may be combined with a flight data recorder referred to in regulation 135.05 .12.

(5) The pilot-in-command of the aeroplane may commence a flight with the cockpit voice recorder inoperative: Provided that-

(a) the pilot-in-command of the aeroplane shall not take-off from an aerodrome where repairs or replacements to such cockpit voice recorder can be made;

(b) the aeroplane is not used in excess of six further consecutive flights with the cockpit voice recorder unserviceable;

(c) not more than 48 hours have elapsed since the cockpit voice recorder became unserviceable; and

(d) any flight data recorder required to be carried, is operative, unless the flight data recorder is combined with a cockpit voice recorder.

Flight data recorder

135.05.12 (1) No operator or pilot-in-command, as the case may be, of a small aeroplane specified in Document NAM-CATS-OPS 135, shall operate the aeroplane unless such aeroplane is equipped with the appropriate flight data recorder as prescribed in Document NAM-CATS-OPS 135.

(2) The flight data recorder shall be capable of retaining the data recorded during at least the last 25 hours of its operation.

(3) The data obtained from a flight data recorder shall be obtained from aeroplane sources which enable accurate correlation with information displayed to the flight crew.

(4) The flight data recorder shall start automatically to record the data prior to such aeroplane being capable of moving under its own power and shall stop automatically after such aeroplane is incapable of moving under its own power.

(5) The pilot-in-command of the aeroplane may commence a flight with the flight data recorder inoperative: Provided that-

(a) the pilot-in-command of the aeroplane shall not depart from an aerodrome where repairs or replacements to such flight data recorder can be made;

(b) the aeroplane is not used in excess of six further consecutive flights with the flight data recorder unserviceable;

(c) not more than 48 hours have elapsed since the flight data recorder became unserviceable; and

(d) any cockpit voice recorder required to be carried, is operative, unless the cockpit voice recorder is combined with the flight data recorder.

Altitude alerting system

135.05.13 The operator of a turbojet small aeroplane shall not operate the aeroplane unless such aeroplane is equipped with an altitude alerting system capable of alerting the flight crew -

(a) upon approaching preselected altitude in either ascent or descent in sufficient time to establish level flight at such preselected altitude; and

(b) when deviating above or below a preselected altitude by at least an aural signal.

Airborne weather radar equipment

135.05.14 (1) The operator of a pressurised small aeroplane shall not operate the aeroplane unless such aeroplane is equipped with airborne weather radar equipment whenever such aeroplane is being operated by night or in IMC in areas where thunderstorms or other potentially hazardous weather conditions, regarded as detectable with airborne weather radars, may be expected to exist along the route.

(2) The Director may, in the case of a propeller-driven pressurised small aeroplane, approve the replacement of the airborne weather radar equipment referred to in subregulation (1) with other equipment capable of detecting thunderstorms and other potentially hazardous weather conditions, regarded as detectable with airborne weather radar equipment.

Flight crew interphone system

135.05.15 The operator of a small aeroplane on which more than one flight crew member is required, shall not operate the aeroplane unless such aeroplane is equipped with a flight crew interphone system, including headsets and microphones, not of a handheld type, for use by all flight crew members.

Means for emergency evacuation

135.05.16 (1) The operator of a small aeroplane with passenger emergency exit sill heights -

(a) which are more than 1,83 metres above the ground with the aeroplane on the ground and the landing gear extended; or

(b) which will be more than 1,83 metres above the ground after the collapse of, or failure to extend one or more legs of the landing gear and for which a type certificate was first applied for on or after 1 March 1998,

shall not operate the aeroplane unless such aeroplane has equipment or devices available at each exit to enable passengers and crew members to reach the ground safely in an emergency.

(2) The equipment or devices referred to in subregulation (1) need not be provided at overwing exits if the designated place on the aeroplane structure at which the escape route terminates, is less than 1,83 metres from the ground with the aeroplane on the ground, the landing gear extended and the flaps in the take-off or landing position, whichever flap position is higher from the ground.

(3) In a small aeroplane required to have a separate emergency exit for the flight crew and -

(a) for which the lowest point of the emergency exit is more than 1,83 metres above the ground with the landing gear extended; or

(b) for which the application for a type certificate was applied for on or after 1 March 1998, will be more than 1,83 metres above the ground after the collapse of, or failure to extend one or more legs of the landing gear,

there shall be a device to assist the flight crew members in reaching the ground safely in an emergency.

Standard first aid kit

135.05.17 (1) No operator or pilot-in-command, as the case may be, of a small aeroplane shall operate the aeroplane unless such aeroplane is equipped with an appropriate first aid kit as prescribed in Document NAM-CATS-OPS 135.

(2) The operator or pilot-in-command shall ensure that the content of the first aid kit is in a condition necessary for its intended use.

First aid oxygen

135.05.18 (1) No operator or pilot-in-command, as the case may be, of a small aeroplane, in respect of which the carriage of a cabin crew member is required, shall operate the aeroplane unless such aeroplane is equipped with the appropriate supply of first aid oxygen as prescribed in Document NAM-CATS-OPS 135.

(2) The conditions, rules, requirements, procedures or standards for first aid oxygen shall be as prescribed in Document NAM-CATS-OPS 135.

Supplemental oxygen in case of pressurised aeroplanes

135.05.19 (1) No operator or pilot-in-command, as the case may be, of a pressurised small aeroplane shall operate the aeroplane unless such aeroplane is equipped with the supplemental oxygen as prescribed in Document NAM-CATS-OPS 135.

(2) The conditions, rules, requirements, procedures or standards for supplementary oxygen shall be as prescribed in Document NAM-CATS-OPS 135.

Supplemental oxygen in case of non-pressurised aeroplanes

135.05.20 (1) No operator or pilot-in-command, as the case may be, of a non-pressurised small aeroplane, shall operate the aeroplane at altitudes between 10 000 feet and 12 000 feet for longer than 60 minutes, or above 12 000 feet, unless such aeroplane is equipped with the supplemental oxygen as prescribed in Document NAM-CATS-OPS 135.

(2) The conditions, rules, requirements, procedures or standards for supplemental oxygen shall be as prescribed in Document NAM-CATS-OPS 135.

Crew protective breathing equipment

135.05.21 (1) No operator or pilot-in-command, as the case may be, of a small aeroplane, shall, when carrying passengers in a pressurised aeroplane on or after 1 July 2000 at altitudes above 12 000 feet, operate the aeroplane unless such aeroplane -

(a) is equipped with smoke goggles for the pilot and equipment to protect the eyes, nose and mouth of each flight crew member while on flight deck duty, and to provide oxygen for a period of at least 15 minutes;

(b) has sufficient portable protective breathing equipment to protect the eyes, nose and mouth of all cabin crew members carried, and to provide breathing gas for a period of at least 15 minutes; and

(c) if no cabin crew member is carried, is equipped with portable protective breathing equipment to protect the eyes, nose and mouth of one member of the flight crew, and to provide breathing gas for a period of at least 15 minutes.

(2) The supply for protective breathing equipment may be provided by the supplemental oxygen referred to in regulation 135.05.19 or 135.05.20.

(3) Protective breathing equipment intended for use by flight crew, shall be conveniently located on the flight deck and be easily accessible for immediate use by each required flight crew member at his or her assigned duty station.

(4) Protective breathing equipment intended for use by cabin crew, shall be installed adjacent to each required cabin crew member duty station.

(5) In addition, easily accessible portable protective breathing equipment shall be provided and located at, or adjacent to, the hand fire extinguishers referred to in regulation 135.05.22: Provided that where the fire extinguisher is located inside a cargo compartment, the protective breathing equipment shall be stowed outside, but adjacent to, the entrance to such compartment.

(6) Protective breathing equipment, while in use, shall not prevent communication where required.

Hand held fire extinguishers

135.05.22 No operator or pilot-in-command, as the case may be, of a small aeroplane, shall operate the aeroplane unless such aeroplane is equipped with the appropriate hand held fire extinguishers as prescribed in Document NAM-CATS-OPS 135.

Marking of break-in points

135.05.23 The operator of a small aeroplane shall ensure that, if areas of the fuselage suitable for break-in by rescue crews in emergency, are marked on the aeroplane, such area~ shall be marked in accordance with the requirements prescribed in Part 47.

Automatic emergency locator transmitter

135.05.24 (1) No operator or pilot-in-command, as the case may be, of a small aeroplane, shall operate the aeroplane unless such aeroplane is equipped with an automatic emergency locator transmitter.

(2) The operator or pilot-in-command shall ensure that the automatic emergency locator transmitter -

(a) is attached to the aeroplane in such manner that, in the event of a crash, the probability of such automatic emergency locator transmitter transmitting a detectable signal, is maximised, and the probability of such automatic emergency locator transmitter being damaged, is minimised; and

(b) complies with the specifications, and is capable of transmitting on the frequencies, as prescribed in Document NAM-CATS-OPS 135.

Life jackets and other flotation devices

135.05.25 No operator or pilot-in-command, as the case may be, of -

(a) a small aeroplane other than a small aeroplane referred to in paragraph (b), shall operate the aeroplane -

(i) when flying over water and at a distance of more than 10 nautical miles from the shore, in the case of such aeroplane not capable of continuing the flight to an aerodrome with the critical power-unit becoming inoperative at any point along the route or any planned diversion; or

(ii) when taking off, or landing at, an aerodrome where the take-off or approach path is over water that in the event of an incident, there would be a likelihood of a ditching,

unless such aeroplane is equipped with a life jacket containing a survivor locator light, for each person on board, stowed in a position easily accessible, with safety belt fastened, from the seat or berth of the person for whose use it is provided, and an individual infant flotation device, containing a locator survival light for use by each infant on board; or

(b) a small seaplane or amphibious aeroplane, shall operate the seaplane or amphibious aeroplane unless such seaplane or amphibious aeroplane is equipped with -

(i) a life jacket containing a survivor locator light, for each person on board, stowed in a position easily accessible, with safety belt fastened, from the seat or berth of the person for whose use it is provided, and an individual infant flotation device, containing a survivor locator light, for use by each infant on board; and

(ii) life jackets, other than the life jackets referred to in subparagraph (i), for 20 percent of the number of persons on board such seaplane or amphibious aeroplane, located in the passenger compartment near the emergency exits and readily accessible.

Life rafts and survival radio equipment for extended over-water flights

135.05.26 (1) No operator or pilot-in-command, as the case may be, of a small aeroplane, shall operate the aeroplane over water at a distance equivalent to 30 minutes at normal cruising speed or 100 miles, whichever is the lesser, away from land, unless such aeroplane is equipped with life rafts sufficient to accommodate all persons on board.

(2) The conditions, rules, requirements, procedures or standards for the life rafts and survival radio equipment for such extended over-water flights, shall be as prescribed in Document NAM-CATS-OPS 135.

Survival equipment

135.05.27 (1) No operator or pilot-in-command, as the case may be, of a small aeroplane, shall operate the aeroplane over areas where search and rescue would be especially difficult, unless such aeroplane is equipped with the appropriate survival equipment as prescribed in Document NAM-CATS-OPS 135.

(2) The conditions, rules, requirements, procedures or standards for the survival equipment shall be as prescribed in Document NAM-CATS-OPS 135.

Seaplanes and amphibious aeroplanes

135.05.28 No operator or pilot-in-command, as the case may be, of a small seaplane or amphibious aeroplane, shall operate the seaplane or amphibious aeroplane on water, unless such seaplane or amphibious aeroplane is equipped with -

(a) a sea anchor and other equipment necessary to facilitate mooring, anchoring or manoeuvring such seaplane or amphibious aeroplane on water, appropriate to its size, mass and handling characteristics; and

(b) equipment for making the sound signals prescribed in the International Regulations for Preventing Collisions at Sea, where applicable.

Communication equipment

135.05.29 (1) Except with the prior approval of the Director, no operator or pilot-in-command, as the case may be, of a small aeroplane, shall operate the aeroplane, unless such aeroplane is equipped with radio communication equipment capable of maintaining two-way communication with an air traffic service unit.

(2) The radio communication equipment referred to in subregulation (1) shall be capable of providing communication on the aeronautical emergency frequency 135,5 MHz.

(3) The radio communication equipment installed in the aeroplane shall be of a type as prescribed in Document NAM-CATS-OPS 135.

(4) The installation, bonding and screening of the radio communication equipment, shall be in accordance with the requirements as prescribed in Document NAM-CATS-OPS 135.

Windshield wipers

135.05.30 The operator of a small aeroplane shall not operate the aeroplane unless such aeroplane is equipped with a windshield wiper or equivalent system for each required pilot station.

Traffic alert and collision avoidance system

135.05.31 From 1 January 2003, the operator of a small aeroplane shall not operate the aeroplane unless such aeroplane is equipped with a traffic alert and collision avoidance system referred to in regulation 91.04.32.

Fasten seat belt and no smoking signs

135.05.32 An operator shall not operate an aeroplane in which all passenger seats are not visible from the flight deck, unless it is equipped with a means of indicating to all passengers and cabin crew when seat belts shall be fastened and when smoking is not allowed.

Microphone

135.05.33 All flight crew members required to be on flight deck duty shall communicate through boom or throat microphones below transition level/altitude.

Pressure-altitude reporting transponder

135.05.34 The operator of a small aeroplane shall not operate the aeroplane unless such aeroplane is equipped with a Pressure-altitude reporting transponder.

SUBPART 6
AIR OPERATOR CERTIFICATE

Requirement for air operator certificate

135.06.1 A Namibian operator shall not operate a small aeroplane except under the authority of, and in accordance with the conditions of, an air operator certificate issued under this Subpart.

Quality assurance system

135.06.2 (1) An operator shall establish one Quality Assurance System and designate one Quality Manager to monitor compliance with, and the adequacy of, procedures required to ensure safe operational practices and airworthy aeroplanes. Compliance monitoring must include a feed-back system to the Accountable Manager to ensure corrective action as necessary.

(2) The Quality Assurance System must include a Quality Assurance Programme that contains procedures designed to verify that all operations are being conducted in accordance with all applicable requirements, standards and procedures.

(3) The Quality Assurance System and the Quality Manager must be acceptable to the Director.

(4) The minimum standards for a quality assurance system shall be as prescribed in Document NAM-CATS-OPS 121.

(5) Notwithstanding sub-regulation (1) above, the Director may accept the nomination of two Quality Managers, one for operations and one for maintenance, provided that the operator has designated one Quality Management Unit to ensure that the Quality Assurance System is applied uniformly throughout the entire operation.

(6) If the applicant is an aircraft maintenance organisation approved in terms of Part 145, the quality assurance system may be combined with the quality assurance system referred to in regulation 145.02.2.

Personnel requirements

135.06.3 (1) The applicant shall engage, employ or contract -

(a) a senior person identified as the accountable manager and compliance officer of the operator concerned, to whom contractual authority has been granted to ensure that all activities undertaken by the operator are carried out in accordance with the applicable requirements prescribed in this Subpart, and who shall in addition be vested with the following powers and duties in respect of the compliance with such requirements:

(i) Unrestricted access to work performed or activities undertaken by all other persons as employees of, and other persons rendering service under contract with, the operator;

(ii) full rights of consultation with any such person in respect of such compliance by him or her;

(iii) powers to order cessation of any activity where such compliance is not effected;

(iv) a duty to establish liaison mechanisms with the Director with a view to ascertain correct manners of compliance with the said requirements, and interpretations of such requirements by the Director, and to facilitate liaison between the Director and the operator concerned; and

(v) powers to report directly to the management of the operator on his or her investigations and consultations generally, and in cases contemplated in subparagraph (iii), and with regard to the results of the liaison contemplated in subparagraph (iv);

(b) competent persons who are responsible for -

(i) quality assurance, and who has direct access to the accountable manager and compliance officer referred to in paragraph (a) on matters affecting airworthiness, aeroplane maintenance and aviation safety;

(ii) flight operations;

(iii) the maintenance system;

(iv) crew training; and

(v) ground operations; and

(c) adequate personnel to plan, perform, supervise and inspect the type of operation, and the maintenance of the type of aeroplane, covered by the application.

(2) The applicant shall establish a procedure for initially assessing, and a procedure for maintaining, the competency of those personnel involved in planning, performing or supervising the type of operation, and the maintenance of the type of aeroplane, covered by the application.

Accommodation

135.06.4 The applicant shall ensure that -

(a) working space available at each operating base is sufficient for personnel pertaining to the safety of flight operations, taking into account the needs of ground personnel, personnel concerned with operational control, the storage and display of essential records and flight planning by crew;

(b) office services are capable, without delay, of distributing operational instructions and other information to all concerned; and

(c) suitable office accommodation are available at appropriate locations for the personnel referred to in regulation 135.06.3(1)(b)(iii) and (c).

[The verb "are" should be "is" to be grammatically correct.]

Application for air operator certificate or amendment thereof

135.06.5 (1) An application for the issue of an air operator certificate, or an amendment thereof, shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-OPS 135; and

(b) accompanied by -

(i) the appropriate fee prescribed in Part 187;

(ii) the operations manual referred to in regulation 135.04.3;

(iii) proof that the applicant is financially capable of conducting the type of operation, and the maintenance of the type of aeroplane, covered by the application; and

(iv) in respect of the operator's maintenance system, and for each type of aeroplane to be operated -

(aa) the maintenance management manual referred to in regulation 135.10.6;

(bb) the operator's aeroplane maintenance programme referred to in regulation 135.10.5;

(cc) the aeroplane technical log referred to in regulation 135.10.7;

(dd) the technical specifications of the maintenance arrangements between the applicant and an aircraft maintenance organisation approved in terms of Part 145, if applicable; and

(ee) the number of aeroplanes.

(3) An application for the issuing of an air operator certificate, shall be submitted to the Director at least 90 days before the date of commencement of the intended operation.

(4) An application for the amendment of an air operator certificate, shall be submitted to the Director at least 30 days before the date of commencement of the intended amendment.

Assessment of application and issue of certificate

135.06.6 (1) In considering an application for the issuing of an air operator certificate, or an amendment thereof, the Director may conduct the investigation he or she deems necessary.

(2) An applicant will not be granted on air operator certificate unless:

(a) the aeroplanes operated have valid Certificates of Airworthiness issued in terms of Part 21;

(b) the maintenance system referred in subpart 10 has been approved by the Director;

(c) the applicant has satisfied the Director that he or she has the ability to

(i) establish and maintain an adequate organisation;

(ii) establish and maintain the quality system referred to in regulation 121.06.2.

[The full stop at the end of subparagraph (ii) should be a semicolon.]

(iii) comply with training programmes required in terms of subpart 3.

(iv) comply with maintenance requirements, consistent with the nature and extent of the operations specified;

(v) comply with requirements of regulation 121.06.3 and 121.06.4

**[Punctuation is reproduced as in the Government Gazette.
There should be semicolons at the end of subparagraphs (ii), (iii) and (v).]**

(d) the applicant has the financial capability of conducting a safe operation;

(e) the applicant will not conduct the operation concerned contrary to any provision of the Civil Aviation Act or the Civil Aviation Offences Act, 1972 (Act 10 of 1972).

[The Civil Aviation Offences Act 10 of 1972 was repealed by the Civil Aviation Act 6 of 2016.]

(3) If the Director is not satisfied that the requirements of subregulation (2) have been met, the Director may require the conduct of one or more demonstration flights operated as if they were commercial air transport flights.

(4) An air operator certificate shall be issued on the appropriate form as prescribed in Document NAM-CATS-OPS 135, under such conditions which the Director may determine.

(5) An air operator certificate shall specify -

(a) the name and principal place of business of the operator;

(b) the date on which the certificate was issued and its period of validity;

(c) a description of the type of operation authorised;

(d) the type of aeroplane authorised for operation;

(e) the nationality and registration marks of each aeroplane authorised for operation;

(f) the authorised area of operation; and

(g) the conditions of the certificate.

Period of validity

135.06.7 (1) An air operator certificate shall be valid for the period determined by the Director, which period shall not exceed 12 months, calculated from the date of issuing or renewal thereof.

(2) If the holder of an air operating certificate applies at least 30 days prior to the expiry thereof, for the renewal of the certificate, such certificate shall, notwithstanding the provisions of subregulation (1), remain valid until such holder is notified by the Director of the result of the application for the renewal of such certificate.

(3) The certificate shall remain in force until it expires or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Director, in terms of regulation 135.06.17.

(4) The holder of a certificate which expires, shall forthwith surrender the certificate to the Director.

(5) The holder of a certificate which is suspended, shall forthwith produce the certificate upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(6) The holder of a certificate which is cancelled, shall, within 30 days from the date on which the certificate is cancelled, surrender such certificate to the Director.

Transferability

135.06.8 (1) Subject to the provisions of subregulation (2), an air operator certificate shall not be transferable.

(2) A change in ownership of the holder of a certificate shall be deemed to be a change of significance referred to in regulation 135.06.9.

Changes in quality assurance system

135.06.9 (1) If the holder of an air operator certificate desires to make any change in the quality assurance system referred to in regulation 135.06.2, which is significant to the showing of compliance with the appropriate requirements prescribed in this Part, including -

(a) any particulars on the certificate;

(b) the identity of the accountable manager and compliance officer;

(c) the identities of the persons referred to in regulation 135.06.3(1)(b); and

(d) the conditions of the certificate,

such holder shall apply to the Director for the approval of such change.

(2) The provisions of regulation 135.06.5 shall apply *mutatis mutandis* to an application for the approval of a change in the quality assurance system.

(3) An application for the approval of a change in the quality assurance system shall be granted by the Director if the applicant satisfies the Director, upon submission of appropriate proposed changes to its operations manual, that it will continue to comply with the provisions of regulations 135.06.2 to 135.06.4 inclusive, after the implementation of such approved change.

Duties of holder of certificate

135.06.10 The holder of an air operator certificate shall -

(1) engage, employ or contract -

(a) adequate crew for the type of operation authorised, who are trained and checked in accordance with the regulations in Subpart 3;

(b) adequate ground personnel for the nature and scale of the type of operation authorised, who have a thorough understanding of their responsibilities within the organisation of the operator;

(c) adequate supervisors for the structure of the operator and the number of personnel engaged, employed or contracted, who possess experience and personal qualities sufficient to ensure the attainment of the standards specified in its approved operations manual;

(2) ensure that -

(a) each flight is conducted in accordance with its approved operations manual;

(b) the type of aeroplane authorised for use, is equipped, and its crew qualified, as required for the area and type of operation authorised;

(c) arrange appropriate ground handling facilities to ensure the safe handling of its flight;

(d) if the provision of certain of its services is contracted to another organisation, retain responsibility for the maintenance of the standards for such services, specified in its approved operations manual; and

(e) maintain operational support facilities at the main operating base, appropriate for the area and type of operation authorised.

[The full stop at the end of paragraph (e) should be a semicolon, and the word "and" at the end of paragraph (d) should appear at the end of paragraph (e) instead.]

(f) maintain each aircraft in accordance with the requirements of subpart 10.

Statistical information

135.06.11 The holder of an air operator certificate shall furnish the Director with the statistical information, within the appropriate period, as prescribed in Document NAM-CATS-OPS 135.

Documentation

135.06.12 The holder of an air operator certificate shall make the necessary arrangements for the production of manuals, amendments and other documents.

Display of certificate

135.06.13 The holder of an air operator certificate shall display the certificate in a prominent place, generally accessible to the public at such holder's principal place of business and, if a copy of the certificate is displayed, shall produce the original certificate to an authorised officer, inspector or authorised person if so requested by such officer, inspector or person.

Advertisements

135.06.14 Any advertisement by an organisation indicating that it is the operator of a large aeroplane, shall reflect the number of the air operator certificate issued by the Director.

Renewal of certificate

135.06.15 (1) The holder of an air operator certificate shall at least 30 days immediately preceding the date on which the certificate expires, apply for the renewal of such certificate.

(2) The provisions of regulations 135.06.5(1) and 135.06.6 shall apply *mutatis mutandis* to an application for renewal of a certificate made in terms of this regulation.

Safety inspections and audits

135.06.16 (1) An applicant for the issuing of an air operator certificate shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits which may be necessary to verify the validity of any application made in terms of regulation 135.06.5.

(2) The holder of an air operator certificate shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits, including safety inspections and audits of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

Suspension and cancellation of certificate and appeal

135.06.17 (1) An air operator certificate may be varied, suspended or revoked if the Director is no longer satisfied that the operator can maintain an adequate organisation to ensure safe operations.

(2) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, an air operator certificate issued under this Subpart, if·-

(a) after a safety inspection and audit carried out in terms of regulation 135.06.16, it is evident that the holder of the approval does not comply with the requirements prescribed in this Part, and such holder fails to remedy such non-compliance within 30 days after receiving notice in writing from the authorised officer, inspector or authorised person to do so; or

(b) the authorised officer, inspector or authorised person is prevented by the holder of the certificate, or any of its partners or subcontractors, to carry out a safety inspection and audit in terms of regulation 135.06.16; or

(c) the suspension is necessary in the interests of aviation safety.

(3) The authorised officer, inspector or authorised person who has suspended a certificate in terms of subregulation (1), shall, within one workday of such suspension, deliver a report in writing to the Director.

(4) The authorised officer, inspector or authorised person concerned shall submit a copy of the report referred to in subregulation (3), to the holder of the certificate which has been suspended.

(5) The holder of a certificate whose certificate has been suspended may appeal against such suspension to the Director, within 30 days after such holder becomes aware of such suspension.

(6) An appellant shall deliver an appeal in writing, stating the reasons why, in the opinion of the appellant, the suspension should be varied or set aside, and the appeal shall include, if applicable, full particulars of any remedial action which may have been taken by the appellant to rectify the circumstances which resulted in such suspension.

(7) The Director shall acknowledge receipt of an appeal.

(8) The Director may, within 14 days, subject to such conditions which the Director may determine, confirm, vary or set aside the suspension referred to in subregulation (2), or cancel the certificate.

Register of certificates

135.06.18 (1) The Director shall maintain a register of all air operator certificates issued, amended or renewed in terms of the regulations in this Subpart.

(2) The register shall contain the following particulars:

(a) The full name of the holder of the certificate;

(b) the postal address of the holder of the certificate;

(c) the telephone and telefax numbers of the holder of the certificate;

(d) the date on which the certificate was issued, amended or renewed;

(e) the number of the certificate issued, amended or renewed;

(f) the conditions of the certificate;

(g) the nationality of the holder of the certificate; and

(h) the date on which the certificate was cancelled, if applicable.

(3) The particulars referred to in subregulation (2) shall be recorded by the Director in the register within seven days from the date on which the certificate was issued, amended, renewed or cancelled, as the case may be.

(4) The register shall be kept in a safe place at the office of the Director.

(5) A copy of the register shall be furnished by the Director, on payment of the appropriate fee as prescribed in Part 187, to any person who requests the copy.

SUBPART 7
FOREIGN AIR OPERATOR PERMIT

Requirement for foreign air operator permit

135.07.1 A foreign operator shall not operate a foreign registered aeroplane engaged in international commercial air transport operations to, from or within Namibia, except under the authority of, and in accordance with the conditions of, a foreign air operator permit issued under this Subpart.

Application for foreign air operator permit or amendment thereof

135.07.2 (1) An application for the issuing of a foreign air operator permit shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-OPS 135; and

(b) accompanied by -

(i) a declaration of competency issued in respect of each aeroplane concerned;

(ii) a copy of the valid air operator certificate or equivalent authorisation held by the applicant, which pertains to the operation covered by the application;

(iii) the appropriate fee prescribed in Part 187; and

(iv) a statement certifying the availability of insurance in respect of the obligations and liabilities of the applicant which may arise from the operation covered by the application.

(2) Subject to the provisions of subregulation (5), an application for the issuing of a foreign air operator permit shall be submitted to the Director at least 90 days before the date of commencement of the intended operation.

(3) If the holder of a foreign air operator permit wishes to amend -

(a) its name or principal place of business;

(b) the description of the type of operation;

(c) the type of aeroplane;

(d) the nationality and registration marks of the aeroplanes;

(e) the area of operation; or

(f) any condition,

specified on the permit, such operator shall apply to the Director for such amendment.

(4) An application for the amendment of a foreign air operator permit shall be -

(a) made in the appropriate form as prescribed in Document NAM-CATS-OPS 135; and

(b) accompanied by -

(i) a declaration of competency issued in respect of each aeroplane concerned;

(ii) a copy of the valid air operator certificate or equivalent authorisation held by the applicant, which pertains to the operation covered by the application;

(iii) the appropriate fee prescribed in Part 187; and

(iv) a statement certifying the availability of insurance in respect of the obligations and liabilities of the applicant which may arise from the operation covered by the application.

(5) Subject to the provisions of subregulation (5), an application for the amendment of a foreign air operator permit shall be submitted to the Director at least 30 days before the date of commencement of the intended amended operation.

(6) The Director may condone a shorter period within which an application referred to in subregulation (1) or (3), as the case may be, is received, if the Director is satisfied that the object of the operation or amended operation will be defeated if such application is not adjudicated within the shorter period.

Adjudication of application and issuing of permit

135.07.3 (1) In considering the application for the issuing of a foreign air operator permit, or an amendment thereof, the Director may conduct the investigation which he or she deems necessary.

(2) The application shall be granted and the permit issued the Director is satisfied that -

(a) the applicant has the financial capability of conducting a safe operation within Namibia; and

(b) the applicant will not conduct the operation concerned contrary to any provision of the Act or the Civil Aviation Offences Act, 1972.

[The Civil Aviation Offences Act 10 of 1972 was repealed by the Civil Aviation Act 6 of 2016.]

(3) If the Director is not so satisfied, he or she shall notify the applicant thereof, stating the reasons in the notification, and grant the applicant the opportunity the rectify or supplement the defect within the period determined by the Director, after which period the Director shall grant or refuse the application concerned.

(4) A foreign air operator permit shall be issued on the appropriate form as prescribed in Document NAM-CATS-OPS 135, under such conditions which the Director may determine.

(5) A foreign air operator permit shall specify -

(a) the name, nationality and principal place of business of the operator;

(b) the date on which the permit was issued and its period of validity;

(c) a description of the type of operation authorised;

(d) the type of aeroplane authorised for operation;

(e) the nationality and registration marks of each aeroplane authorised for operation;

(f) the authorised area of operation; and

(g) the conditions of the permit.

Period of validity

135.07.4 (1) A foreign air operator permit shall be valid -

(a) for the period determined by the Director, which period shall not exceed 12 months, calculated from the date of issuing thereof;

(b) for the number of flights determined by the Director; or

(c) for the number of flights, which have to be undertaken within the period, determined by the Director.

(2) If the holder of a foreign air operator permit applies at least 30 days prior to the expiry thereof, for the renewal of the permit, such permit shall, notwithstanding the provisions of subregulation (1), remain valid until such holder is notified by the Director of the result of the application for the renewal of such permit.

(3) The permit shall remain in force until it expires or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Director, in terms of regulation 135.07.9.

(4) The holder of a permit which expires, shall forthwith surrender the permit to the Director.

(5) The holder of a permit which is suspended, shall forthwith produce the permit upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(6) The holder of a permit which is cancelled, shall, within 30 days from the date on which the permit is cancelled, surrender such permit to the Director.

Transferability

135.07.5 A foreign air operator permit shall not be transferable.

Duties of holder of permit

135.07.6 The holder of a foreign air operator permit shall -

(a) at all times during the operation within Namibia -

(i) comply with -

(aa) the appropriate requirements prescribed in this Part; and

(bb) the conditions of the permit;

(ii) hold a valid air operator certificate or equivalent authorisation; and

(b) produce the permit to an authorised officer, inspector or authorised person for inspection, if so requested by such officer, inspector or person.

Renewal of permit

135.07.7 (1) The holder of a foreign air operator permit shall at least 30 days immediately preceding the date on which the pem1it expires, apply for the renewal of the permit.

(2) The provisions of regulations 135.07.2(1) and 135.07.3 shall apply *mutatis mutandis* to an application made in terms of this regulation.

Safety inspections and audits

135.07.8 The holder of a foreign air operator permit shall pem1it an authorised officer, inspector or authorised person to carry out such safety inspections and audits, including safety inspections and audits of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

Suspension and cancellation of permit and appeal

135.07.9 (1) An air operator certificate may be varied, suspended or revoked if the Director is no longer satisfied that the operator can maintain an adequate organisation to ensure safe operations.

(2) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, an air operator certificate issued under this Subpart, if-

(a) after a safety inspection and audit carried out in terms of regulation 135.06.16, it is evident that the holder of the approval does not comply with the requirements prescribed in this Part, and such holder fails to remedy such non-compliance within 30 days after receiving notice in writing from the authorised officer, inspector or authorised person to do so; or

(b) the authorised officer, inspector or authorised person is prevented by the holder of the certificate, or any of its partners or subcontractors, to carry out a safety inspection and audit in terms of regulation 135.06.16; or

(c) the suspension is necessary in the interests of aviation safety.

(3) The authorised officer, inspector or authorised person who has suspended a certificate in terms of subregulation (1), shall, within one workday of such suspension, deliver a report in writing to the Director.

(4) The authorised officer, inspector or authorised person concerned shall submit a copy of the report referred to in subregulation (3), to the holder of the certificate which has been suspended.

(5) The holder of a certificate whose certificate has been suspended may appeal against such suspension to the Director, within 30 days after such holder becomes aware of such suspension.

(6) An appellant shall deliver an appeal in writing, stating the reasons why, in the opinion of the appellant, the suspension should be varied or set aside, and the appeal shall include, if applicable, full particulars of any remedial action which may have been taken by the appellant to rectify the circumstances which resulted in such suspension.

(7) The Director shall acknowledge receipt of an appeal.

(8) The Director may, within 14 days, subject to such conditions which the Director may determine, confirm, vary or set aside the suspension referred to in subregulation (2), or cancel the certificate.

Register of permits

135.07.10 (1) The Director shall maintain a register of all foreign air operator permits issued, amended or renewed in terms of the regulations in this Subpart.

(2) The register shall contain the following particulars:

(a) The full name of the holder of the permit;

(b) the postal address of the holder of the permit;

(c) the telephone and telefax numbers of the holder of the permit;

(d) the date on which the permit was issued, amended or renewed;

(e) the number of the permit issued, amended or renewed;

(f) the conditions of the permit;

(g) the nationality of the holder of the permit; and

(h) the date on which the permit was suspended, if applicable.

(3) The particulars referred to in subregulation (2) shall be recorded by the Director in the register within seven days from the date on which the permit was issued, amended, renewed or cancelled, as the case may be.

(4) The register shall be kept in a safe place at the office of the Director.

(5) A copy of the register shall be furnished by the Director, on payment of the appropriate fee as prescribed in Part 187, to any person who requests the copy.

Definitions

135.07.11 For the purposes of the regulations in this Subpart -

(a) "air operator certificate" means an air operator certificate issued by the State of the Operator; and

(b) "declaration of competency" means a declaration, issued by the State of the Operator, containing -

(i) the name, nationality and principal place of business of the operator;

(ii) a description of the type of operation authorised;

(iii) a confirmation that the operator complies with the procedures for operations inspection, certification and continued surveillance, prescribed by the International Civil Aviation Organisation;

(iv) a confirmation that the operator's international operations are conducted in accordance with the laws and regulations of the State of the Operator;

(v) the type of aeroplane authorised for operation;

(vi) the nationality and registration marks of each aeroplane authorised for operation;

(vii) the authorised area of operation; and

(viii) the period of validity of the declaration and the air operator certificate.

SUBPART 8
FLIGHT OPERATIONS

Routes and areas of operation

135.08.1 (1) The operator of a small aeroplane shall ensure that operations are only conducted along such routes, or within such areas, for which -

(a) in the case of scheduled commercial air transport operations -

(i) ground facilities and services, including meteorological services, are provided which are adequate for the planned operation; and

(ii) appropriate maps and charts are available;

(b) approval or authorisation has been obtained, where required, from the appropriate authority concerned;

(c) if a twin-engine aeroplane is used, adequate aerodromes are available within the time or distance limitations as prescribed in Document NAM-CATS-OPS 135; and

(d) if a single-engine aeroplane is used, surfaces are available which permit a safe forced landing to be executed.

(2) The operator shall ensure that -

(a) the performance of the aeroplane intended to be used, is adequate to comply with minimum flight altitude requirements; and

(b) the equipment of the aeroplane intended to be used, complies with the minimum requirements for the planned operation.

Establishment of procedures

135.08.2 The operator of a small aeroplane shall -

(a) establish procedures and instructions, for each aeroplane type, containing ground personnel and crew member duties for all types of operations on the ground and in flight;

(b) establish a checklist system to be used by flight crew members for all phases of operation under normal, abnormal and emergency conditions, to ensure that the operating procedures in the operations manual referred to in regulation 135.04.3, are followed; and

(c) ensure that crew members do not perform any activities other than those required for the safe operation of the aeroplane, during critical phases of the flight.

Operational control and supervision

135.08.3 The operator of a small aeroplane shall exercise operational control and establish and maintain an approved method of supervision of flight operations, which shall be contained in the operations manual referred to in regulation 135.04.3.

Competency of operations personnel

135.08.4 (1) The operator of a small aeroplane shall ensure that all personnel assigned to, or directly involved in, ground and flight operations -

(a) are properly instructed;

(b) have demonstrated their abilities and experience appropriate to their positions and the type of operation conducted by such operator; and

(c) are aware of their responsibilities and the relationship of such responsibilities to the operation as a whole.

(2) The operator shall ensure that all employees, when operating outside Namibia, know that they have to comply with the laws, regulations and procedures of the Sate in or over which operations are conducted.

Use of aerodromes

135.08.5 (1) No pilot-in-command of a small aeroplane shall use, and no operator shall authorise the use of, an aerodrome as a destination or alternate destination aerodrome, unless such aerodrome is adequate for the type of aeroplane and operation concerned.

(2) Except in an emergency, no pilot-in-command of a small aeroplane shall take-off or land by night, unless the place of take-off or landing is equipped with night flying facilities.

Use of air traffic services

135.08.6 The operator of a small aeroplane shall ensure that air traffic services are used for all flights whenever available.

Minimum flight altitudes

135.08.7 (1) The operator of a small aeroplane shall establish minimum flight altitudes and the methods to determine such minimum flight altitudes, which methods shall be approved by the Director, for all route segments to be flown which provide for the required terrain clearance, taking into account the appropriate performance operating limitations prescribed in Subpart 9 and the minimum altitudes prescribed in Subpart 11.

(2) The operator shall take into account the following factors when establishing minimum flight altitudes:

(a) The accuracy with which the position of the aeroplane can be determined;

(b) the possible inaccuracies in the indications of the altimeters used;

(c) the characteristics of the terrain along the routes or in the areas where operations are to be conducted;

(d) the probability of encountering unfavourable meteorological conditions; and

(e) possible inaccuracies in aeronautical charts.

(f) airspace restrictions

[The full stop at the end of paragraph (e) should be a semicolon, and the word "and" at the end of paragraph (d) should appear at the end of paragraph (e) instead. There should also be a full stop at the end of paragraph (f).]

(3) In complying with the provisions of subregulation (2), the operator shall give due consideration to·-

(a) corrections for temperature and pressure variations from standard values;

(b) the air traffic service requirements;

(c) any contingencies which may reasonably occur along the planned route; and

(d) aeroplane mass and configuration.

Threshold crossing height

135.08.8 (1) The operator or pilot-in-command, as the case may be, of a small aeroplane, shall establish operational procedures designed to ensure that the aeroplane being used to conduct precision approaches, crosses the threshold by a safe margin with such aeroplane in the landing configuration and attitude.

[The word "altitude" is misspelt in the *Government Gazette*, as reproduced above.]

(2) The operational procedures applicable to Category II and Category III approaches, shall be approved by the Director.

Pre-flight selection of aerodromes

135.08.9 (1) The operator or pilot-in-command, as the case may be, of a small aeroplane, shall select destination or alternate aerodromes in accordance with the provisions of regulation 135.08.10 when planning a flight.

(2) The operator or pilot-in-command shall select a departure, destination or alternate aerodrome only when the serviceability status of the aerodrome permits safe operation of the type of aeroplane concerned.

(3) The operator or pilot-in-command shall select and specify in the flight plan referred to in regulation 135.04.7, a take-off alternate aerodrome, if it would not be possible for the aeroplane to return to the aerodrome of departure due to meteorological or performance reasons.

(4) The take-off alternate aerodrome referred to in subregulation (3), shall be located within -

(a) one hour of flight time at one-engine cruising true air speed according to the aeroplane flight manual referred to in regulation 135.04.5, in still air standard conditions based on the actual take-off mass for a twin-engine aeroplane;

(b) two hours of flight time at one-engine inoperative cruising true air speed according to such aeroplane flight manual, in still air standard conditions based on the actual take-off mass for three-engine and four-engine aeroplane;

(c) if such aeroplane flight manual does not contain a one-engine inoperative cruising true air speed, the speed to be used for calculation, shall be the speed which is achieved with the remaining engine set at maximum continuous power.

(5) The operator or pilot-in-command shall select at least one destination alternate aerodrome for each IFR flight, unless the meteorological conditions prevailing are such that, for the period from one hour before, until one hour after, the expected time of arrival at the destination aerodrome, the approach from the minimum sector safe altitude and landing can be made in VMC.

(6) The operator or pilot-in-command shall select at least one destination alternate aerodrome for each IFR flight, unless -

(a) two suitable non-intersecting runways are available at the destination aerodrome; and

(b) the meteorological conditions forecast or prevailing are such that, for the period from one hour before, until one hour after, the expected time of arrival at the destination aerodrome, the approach from the minimum sector safe altitude and landing can be made in VMC; or

(c) the destination aerodrome is isolated and no adequate destination alternate aerodrome exists, in which case the provisions of regulation 135.08.16(3)(c)(iii) shall apply.

(7) The operator or pilot-in-command shall select two destination alternate aerodromes when -

(a) the appropriate weather reports or forecasts for the destination aerodrome~ or any combination thereof, indicate that during a period commencing one hour before, and ending one hour after, the estimated time of arrival, the weather conditions will be below the applicable planning minima; or

(b) no meteorological information can be obtained.

(8) The operator or pilot-in-command shall specify the destination alternate aerodrome in the flight plan referred to in regulation 135.04.7.

(9) The operator or pilot-in-command shall specify en route alternate aerodromes for extended-range operations with twin-engine aeroplanes and shall specify such en route alternate aerodromes in the flight plan referred to in regulation 135.04.7.

(10) When planning a flight, the operator or pilot-in-command shall only select an aerodrome as a destination or alternate aerodrome, if the appropriate weather reports or forecasts, or a combination thereof, are at or above the applicable planning minima for a period of one hour before, to one hour after, the estimated time of arrival of the aeroplane at the aerodrome.

Aerodrome operating minima

135.08.10 (1) The operator of a small aeroplane shall establish aerodrome operating minima in accordance with the provisions of subregulations (2), (3) and (4) and in conjunction with the instrument approach and landing charts for each aerodrome intended to be used either as destination or alternate aerodrome.

(2) The operator shall establish aerodrome operating minima for each aerodrome planned to be used, which shall not be lower than the values as prescribed in Document NAM-CATS-OPS 135.

(3) The method of determining aerodrome operating minima which shall be approved by the Director shall take full account of:

(a) the type, performance and handling characteristics of the aeroplane;

(b) the composition of the flight crew, their competence and experience;

(c) the dimensions and characteristics of the runways which may be selected for use;

(d) the adequancy and performance of the available visual and non-visual aids.

[The word "adequacy" is misspelt in the *Government Gazette*, as reproduced above. The full stop at the end of paragraph (d) should be a semicolon.]

(e) the equipment available on the aeroplane for the purpose of navigation and/or control of the flight path during the approach to landing and the missed approach;

(f) the obstacles in the approach and missed approach areas and the obstacle clearance altitude/height for the instrument approach procedures;

(g) the means used to determine and report meteorological conditions; and

(h) the obstacles in the climb-out areas and necessary clearance margins.

(4) The aerodrome operating minima established by the operator shall not be lower than any aerodrome operating minima established by the appropriate authority of the State in which the aerodrome concerned is located: Provided that if such appropriate authority approves such lower aerodrome operating minima established by the operator, the lower aerodrome operating minima shall apply.

Planning minima for IFR fights

[The word "flights" is misspelt in the *Government Gazette*, as reproduced above.]

135.08.11 (1) The operator or pilot-in-command, as the case may be, of a small aeroplane, shall not select an aerodrome as a take-off alternate aerodrome for a flight to be conducted, wholly or partly in accordance with IFR under IMC, unless the appropriate weather reports or forecasts, or any combination thereof, indicate that, during a period commencing one hour before, and ending one hour after, the estimated time of arrival at the aerodrome, the weather conditions will be at or above the applicable landing minima prescribed in regulation 135.08.10.

(2) The ceiling shall be taken into account when the only approaches available are non-precision or circling approaches.

(3) Any limitation related to one-engine inoperative operations shall be taken into account.

(4) The operator or pilot-in-command shall only select the destination aerodrome or destination alternate aerodrome when the appropriate weather reports or forecasts, or any combination thereof, indicate that, during a period commencing one hour before, and ending one hour after, the estimated time of arrival at the aerodrome, the weather conditions will be at or above the applicable planning minima as follows:

(a) Planning minima for a destination aerodrome -

(i) RVR or visibility specified in accordance with regulation 135.08.10; and

(ii) for a non-precision approach or a circling approach, the ceiling at or above minimum descent altitude/height; and

(b) planning minima for a destination alternate aerodrome shall be as prescribed in Document NAM-CATS-OPS 135.

(5) The operator or pilot-in-command shall not select an aerodrome as an en route alternate aerodrome unless the appropriate weather reports or forecasts, or any combination thereof, indicate that, during a period commencing one hour before, and ending one hour after, the estimated time of arrival at the aerodrome, the weather conditions will be at or above the planning minima as prescribed in Document NAM-CATS-OPS 135.

(6) The operator or pilot-in-command shall not select an aerodrome as an ETOPS en route alternate aerodrome unless the appropriate weather reports or forecasts, or any combination thereof, indicate that, during a period commencing one hour before, and ending one hour after, the estimated time of arrival at the aerodrome, the weather conditions will be at or above the planning minima as prescribed in Document NAM-CATS-OPS 135 and in accordance with the ETOPS approval obtained by the operator.

Meteorological conditions

135.08.12 (1) On a flight to be conducted in accordance with IFR, the pilot-in-command of a small aeroplane shall not -

(a) commence take-off; or

(b) continue beyond the in-flight decision point,

unless information is available indicating that conditions will, at the estimated time of arrival of such aeroplane, be at or above the applicable aerodrome operating minima -

(i) at the destination aerodrome; or

(ii) where a destination alternate aerodrome is required, at the destination aerodrome and one destination alternate aerodrome or at two destination alternate aerodromes.

(2) On a flight conducted in accordance with VFR, the pilot-in-command of the aeroplane shall not commence take-off unless current meteorological reports, or a combination of current reports and forecasts, indicate that the meteorological conditions along the route, or that part of the route to be flown under VFR, shall, at the appropriate time, be such as to render compliance with the provisions of the regulations in this Part possible.

VFR operating minima

135.08.13 The operator or pilot-in-command, as the case may be, of a small aeroplane, shall ensure that -

(a) VFR flights are conducted in accordance with the visual flight rules prescribed in Subpart 11; and

(b) special VFR flights are not commenced when the visibility is less than 3 km and not otherwise conducted when the visibility is less than the visibility prescribed in regulation 135.11.17(d).

Mass and balance

135.08.14 (1) The operator or pilot-in-command, as the case may be, of a small aeroplane, shall, where applicable, ensure that, during any phase of operation, the loading, mass and the centre of gravity of the aeroplane complies with the limitations specified in the aeroplane flight manual referred to in regulation 135.04.5, or the operations manual referred to in regulation 135.04.3, if the limitations therein are more restrictive.

[The verb "complies" should be "comply" to be grammatically correct.]

(2) The operator or pilot-in-command shall establish the mass and the centre of gravity of the aeroplane by actual weighing prior to initial entry into operation and thereafter, at intervals of five years.

(3) The accumulated effects of modifications and repairs on the mass and balance of the aeroplane, shall be accounted for and properly documented by the operator or pilot-in-command.

(4) The aeroplane shall be weighed in accordance with the provisions of subregulation (2), if the effect of modifications on the mass and balance is not accurately known.

(5) The operator or pilot-in-command shall determine the mass of all operating items and crew members included in the dry operating mass of the aeroplane, by weighing or by using the appropriate standard mass as prescribed in Document NAM-CATS-OPS 135.

(6) The influence of the mass of the operating items and crew members referred to in subregulation (5), on the centre of gravity of the aeroplane, shall be determined by the operator or pilot-in-command of such aeroplane.

(7) The operator or pilot-in-command shall establish the mass of the traffic load, including any ballast, by actual weighing, or determine the mass of the traffic load in accordance with the appropriate standard passenger and baggage mass as prescribed in Document NAM-CATS-OPS 135.

(8) The operator or pilot-in-command shall determine the mass of the fuel load by using the actual specific gravity or, if approved by the Director, a standard specific gravity.

(9) The operator shall establish mass and balance documentation as prescribed in Document NAM-CATS-OPS 135.

Smoking in small aeroplanes

135.08.15 (1) No person shall smoke in a Namibian registered small aeroplane when carrying passengers.

(2) No person shall smoke in a foreign registered small aeroplane, when carrying passengers, which is operated to or from any aerodrome located in Namibia, while the aeroplane is in Namibian airspace.

Fuel policy

135.08.16 (1) The operator of a small aeroplane shall establish a fuel policy for the purpose of flight planning and in-flight replanning to ensure that every flight carries sufficient fuel for the planned operation and reserve fuel to cover deviations from the planned operation.

(2) The operator shall ensure that the planning of a flight is only based upon -

(a) procedures, tables or graphs which are contained in or derived from the operations manual referred to in regulation 135.04.3, or current aeroplane-specific data;

(b) the operating conditions under which the flight is to be conducted, including -

(i) realistic aeroplane fuel consumption data;

(ii) anticipated masses;

(iii) expected meteorological conditions; and

(iv) air traffic service procedures and restrictions.

(3) The operator shall ensure that the calculation of usable fuel required by such aeroplane for a flight includes -

(a) start up and taxi fuel;

(b) trip fuel;

(c) reserve fuel consisting of -

(i) contingency fuel as prescribed in Document NAM-CATS-OPS 135;

(ii) alternate fuel, if a destination alternate aerodrome is required;

(iii) two-hours isolated aerodrome holding fuel in situations where the destination is remote or no suitable alternate aerodrome exists;

(iv) final reserve fuel;

(v) additional fuel, if required by the type of operation; and

(d) extra fuel, if required by the pilot-in-command.

(4) The operator shall ensure that in-flight replanning procedures for calculating usable fuel required when a flight has to proceed along a route or to a destination other than originally planned, includes -

(a) trip fuel for the remainder of the flight to destination;

(b) reserve fuel consisting of -

(i) contingency fuel;

(ii) alternate fuel, if a destination alternate aerodrome is required, including selection of the departure aerodrome as the destination alternate aerodrome;

(iii) final reserve fuel; and

(iv) additional fuel, if required by the type of operation; and

(c) extra fuel, if required by the pilot-in-command.

Fuel and oil supply

135.08.17 (1) The pilot-in-command of an aeroplane shall not commence a flight unless he or she is satisfied that the aeroplane carries at least the planned amount of fuel and oil to complete the flight safely, taking into account the following:

(a) meteorological conditions forecast;

(b) expected air traffic control routings and traffic delays

[There should be a semicolon at the end of paragraph (b).]

(c) for IFR flight, one instrument approach at the destination aerodrome, including missed approach;

(d) the procedure prescribed in the operations manual for loss of pressurisation, where applicable, or failure of one power unit while en route; and

(e) any other conditions that may delay the landing of the aeroplane or increase fuel and/or oil consumption.

(2) If the usable fuel on board the aeroplane is less than the final reserve fuel, the pilot-in-command shall declare an emergency.

(3) The method of calculating the amount of fuel to be carried for each flight shall be as prescribed in Document NAM-CATS-OPS 135.

(4) The operator shall establish a procedure to ensure that in-flight fuel checks and fuel management are carried out.

Refueling or defueling with passengers on board

135.08.18 (1) The operator or pilot-in-command, as the case may be, of a small aeroplane, shall ensure that the aeroplane is not refueled or defueled with AVGAS or wide-cut type fuel when passengers are embarking, on board or disembarking such aeroplane.

(2) In cases other than the cases referred to in subregulation (1), necessary precautions shall be taken and the aeroplane shall be properly manned by qualified personnel ready to initiate and direct an evacuation of such aeroplane by the most practical and expeditious means available.

(3) When refuelling with passengers embarking, on board, or disembarking, two-way communication shall be maintained by the aeroplanes inter communication system or other suitable means between the ground crew supervising refuelling and the qualified personnel on board the aeroplane.

Instrument approach and departure procedures

135.08.19 (1) The operator or pilot-in-command, as the case may be, of a small aeroplane, shall ensure that only instrument approach and departure procedures, established by the appropriate authority of the State in which the aerodrome to be used, is located, are used.

(2) Notwithstanding the provisions of subregulation (1), the pilot-in-command may accept at an air traffic control clearance to deviate from a published approach or departure route: Provided that -

(a) obstacle clearance criteria are observed and full account is taken of the operating conditions; and

(b) the final approach is flown visually or in accordance with the established instrument approach procedure.

(3) The operator may implement instrument approach and departure procedures, other than instrument approach and departure procedures referred to in subregulation (1), if required: Provided that such instrument approach and departure procedures have been approved by -

(a) the appropriate authority of the State in which the aerodrome to be used, is located; and

(b) the Director.

Noise abatement procedures

135.08.20 (1) The operator of a small aeroplane shall establish operating procedures for noise abatement as prescribed in Document NAM-CATS-OPS 135.

(2) Take-off and climb procedures for noise abatement specified by the operator for any one aeroplane type shall be the same for all aerodromes.

(3) The Director may, by notice man AIP or AIP SUP, identify those aerodromes where noise abatement procedures do not apply.

Submission of flight plan

135.08.21 (1) The operator or pilot-in-command, as the case may be, of a small aeroplane, shall ensure that a flight is not commenced unless a flight plan referred to in regulation 135.04.7, has been filed, or adequate information has been deposited in order to permit alerting services to be activated, if required.

(2) The operator or pilot-in-command of a flight for which search and rescue action has been requested, who fails to comply with the search and rescue requirements, shall be responsible for any costs incurred by the air traffic service unit concerned for such search and rescue action or for the provision of alerting or support services. Such costs shall be no less than five hundred Namibian dollars (N$500).

Seats, safety belts and harnesses

135.08.22 (1) Before take-off and landing, and whenever deemed necessary in the interests of aviation safety, the pilot-in-command of a small aeroplane shall ensure that each person on board the aeroplane, occupies a seat or berth with his or her safety belt or harness, where provided, properly secured.

(2) The pilot-in-command shall ensure that multiple occupancy of aeroplane seats does not occur other than by one adult and one infant, who is properly secured by an approved infant restraint device.

Passenger seating

135.08.23 The operator or pilot-in-command, as the case may be, of a small aeroplane, shall ensure that passengers are seated where, if an emergency evacuation is required, such passengers may best assist, and not hinder, evacuation from the aeroplane.

Passenger briefing

135.08.24 (1) The operator or pilot-in-command, as the case may be, of a small aeroplane, shall ensure that -

(a) passengers are verbally briefed about safety matters, parts or all of which may be given by an audio-visual presentation; and

(b) in an emergency during flight, passengers are instructed in such emergency action as may be appropriate to the circumstances.

(2) The operator or pilot-in-command shall ensure that, before take-off -

(a) passengers are briefed, to the extent applicable, on -

(i) the prohibition of smoking;

(ii) when the back of the seat is to be in the upright position and the tray table stowed;

(iii) the location of emergency exits;

(iv) the location and use of floor proximity escape path markings;

(v) the stowage of carry-on baggage; and

(vi) any restrictions on the use of electronic devices; and

(b) passengers receive, to the extent applicable, a demonstration of -

(i) the use of safety belts or safety harnesses, including the manner in which the safety belts or safety harnesses are to be fastened and unfastened;

(ii) the location and use of oxygen equipment and the extinguishing of all smoking materials when oxygen is being used; and

(iii) the location and use of life jackets.

(3) The operator or pilot-in-command shall ensure that, after take-off, passengers are reminded about -

(a) the prohibition of smoking; and

(b) the use of safety belts or safety harnesses.

(4) The operator or pilot-in-command shall ensure that, before landing, passengers are reminded about -

(a) the prohibition of smoking;

(b) the use of safety belts or safety harnesses;

(c) when the back of the seat is to be in the upright position and the tray table stowed, if applicable;

(d) the re-stowage of carry-on baggage; and

(e) any restrictions on the use of electronic devices.

(5) The operator or pilot-in-command shall ensure that, after landing, passengers are reminded about -

(a) the prohibition of smoking; and

(b) the use of safety belts or safety harnesses.

Emergency equipment

135.08.25 (1) The operator or pilot-in-command, as the case may be, of a small aeroplane, shall ensure that emergency equipment, carried or installed in the aeroplane in order to meet the requirements prescribed in this Part and the MEL, is in such condition that it will satisfactorily perform its design function.

(2) The pilot-in-command of the aeroplane shall ensure that the emergency equipment concerned is always easily accessible for immediate use by the crew members.

Illumination of emergency exits

135.08.26 The pilot-in-command of a small aeroplane, which is equipped with an emergency lighting system referred to in regulation 135.05.34, shall ensure that when the aeroplane is in flight and below 1 000 feet above ground or sea level, or on the ground with passengers on board -

(a) the emergency lighting system is switched on; or

(b) the normal cabin lighting system is switched off and the emergency lighting is armed.

Use of supplemental oxygen

135.08.27 (1) The pilot-in-command of a small aeroplane shall ensure that flight crew members engaged in performing duties essential to the safe operation of the aeroplane in flight, use supplemental oxygen continuously when the flight deck pressure altitude exceeds 10 000 feet for more than 60 minutes, and at all times when the flight deck pressure altitude exceeds 12 000 feet.

(2) The pilot-in-command shall ensure that, with the exception of a supersonic aeroplane, when a flight is conducted above FL 410, at least one pilot at the pilot station wears an oxygen mask and is fully strapped in when the other pilot leaves the flight deck for any reason.

Approach and landing conditions

135.08.28 Before commencing an approach to land, the pilot-in-command of a small aeroplane shall be satisfied that, according to the information available to him or her, the weather at the aerodrome and the condition of the runway or touchdown area intended to be used, will not prevent a safe approach, landing or missed approach, having regard for the performance information contained in the aeroplane flight manual referred to in regulation 135.04.5 or a similar document.

Commencement and continuation of approach

135.08.29 (1) When operating in IMC and in accordance with IFR, the pilot-in-command of a small aeroplane may commence an approach regardless of the reported RVR or visibility, but the approach shall not be continued beyond the outer marker or equivalent published position, unless the reported RVR or visibility for the runway or touchdown area is equal to, or better than, the applicable operating minima.

(2) Where RVR is not available, the pilot-in-command may derive the RVR value by converting the reported visibility in accordance with the procedures as prescribed in Document NAM-CATS-OPS 135.

(3) If, after passing the outer marker or equivalent published position in accordance with the provisions of subregulation (1), the reported RVR or visibility falls below the applicable minima, the pilot-in-command may continue the approach to decision altitude/height or minimum descent altitude/height.

(4) The pilot-in-command may continue the approach below decision altitude/height or minimum descent altitude/height and the landing may be completed: Provided that the required visual reference is established at the decision altitude/height or minimum descent altitude/height and is maintained.

(5) Where no outer marker or equivalent published position exists, the pilot-in-command shall decide whether to continue or abandon the approach before descending below 1 000 feet above the aerodrome on the final approach segment.

In-flight simulation of emergency situations

135.08.30 The operator or pilot-in-command, as the case may be, of a small aeroplane, shall ensure that no person, and no person shall, simulate emergency situations in the aeroplane affecting the flight characteristics of such aeroplane when passengers are on board such aeroplane.

Starting engines

135.08.31 (1) Except when the brakes are serviceable and are fully applied, chocks shall be placed in front of the wheels of a small aeroplane before starting the engine or engines, and a competent person shall be seated at the controls when the engine or engines are running.

(2) Where the pilot of the aeroplane is the only competent person present, he or she shall use brakes when starting the engine or engines.

Carriage of infants and children

135.08.32 (1) The operator of a small aeroplane shall ensure that an infant is only carried when properly secured with a child restraint device or in the arms or on the lap of an adult passenger.

(2) Infants shall not be seated in front of, or alongside, exits.

(3) Infants shall not be carried behind a bulkhead unless an approved child restraint device is used during critical phases of flight and during turbulence.

(4) When an infant is carried in the arms or on the lap of a passenger, the seat belt, when required to be worn, shall be fastened around the passenger carrying or nursing the infant, but not around the infant.

(5) When an infant is carried in the arms or on the lap of a passenger, the name of the infant shall be bracketed on the passenger list with the name of the passenger carrying or nursing the infant.

(6) An infant may be seated in a car-type infant seat, approved for use in an aeroplane, provided it is secured to the aeroplane seat.

(7) A car-type infant seat referred to in subregulation (6) shall not be located in the same row or a row directly forward or aft of an emergency exit.

Carriage of persons with disability

135.08.33 (1) The operator of a small aeroplane shall establish procedures, including identification, seating positions and handling in the event of an emergency, for the carriage of passengers with a disability.

(2) The operator shall ensure that -

(a) the pilot-in-command of the aeroplane is notified when a passenger with a disability is to be carried on board;

(b) a passenger with a disability is not seated in the same row or a row directly forward or aft of an emergency exit;

(e) individual briefings on emergency procedures are given to a passenger with a disability and his or her able-bodied assistant, appropriate to the needs of such passenger; and

(d) the person giving the briefing shall enquire as to the most appropriate manner of assisting the person with a disability so as to prevent pain or injury to that passenger.

(3) In the case of the carriage of a stretcher patient in the aeroplane -

(a) the stretcher shall be secured in such aeroplane so as to prevent it from moving under the maximum accelerations likely to be experienced in flight and in an emergency alighting such as ditching;

(b) the patient shall be secured by an approved harness to the stretcher or aeroplane structure; and

(c) an able-bodied assistant shall accompany each stretcher patient.

(4) A mentally disturbed person shall not be carried in the aeroplane unless -

(a) accompanied by an able-bodied assistant; and

(b) a medical certificate has been issued by a medical practitioner certifying such mentally disturbed person's suitability for carriage by air, and confirming that there is no risk of violence from such person.

(5) The operator shall undertake the carriage of a mentally disturbed person who, according to his or her medical history, may become violent, only after special permission has been obtained from the Director by such operator.

(6) A passenger with a splinted or artificial limb may travel unaccompanied provided he or she is able to assist himself or herself.

(7) The affected limb or supporting aids of a passenger referred to in subregulation (6) shall not obstruct an aisle or any emergency exit or equipment

[There should be a full stop at the end of subregulation (7).]

(8) If a passenger with a splinted or artificial limb cannot assist himself or herself, the passenger shall be accompanied by an able-bodied assistant.

Carriage of persons with reduced mobility

135.08.34 (1) The operator of a small aeroplane shall establish procedures for the carriage of persons with reduced mobility.

(2) The operator shall ensure that -

(a) the pilot-in-command of the aeroplane is notified when a passenger with reduced mobility is to be carried on board; and

(b) a passenger with reduced mobility is not seated where he or she could impede the crew members in the exercise of their duties or the emergency evacuation of the aeroplane or obstruct access to emergency equipment.

Limitations on carriage of infants, children and passengers with disability

135.08.35 (1) Only one passenger with a disability or one unaccompanied minor may be carried in a small aeroplane.

(2) An able-bodied assistant shall accompany a passenger with a disability who cannot assist himself or herself, and such assistant shall be assigned with the responsibility of the safety of such passenger.

(3) The operator may establish procedures, other than the procedures referred to in subregulations (1) and (2), for the carriage of infants, children, and passengers with a disability: Provided that -

(a) such procedures do not jeopardise aviation safety; and

(b) prior approval has been obtained from the Director.

Carriage of inadmissible passengers, deportees or persons in custody

135.08.36 (1) The operator of a small aeroplane shall establish procedures for the carriage of inadmissible passengers, deportees or persons in custody to ensure the safety of the aeroplane and its occupants.

(2) The pilot-in-command of the aeroplane shall be notified by the operator of such aeroplane prior to departure, of the intended carriage, and reason for carriage, of any of the persons referred to in subregulation (1).

Carry-on baggage

135.08.37 (1) The operator of a small aeroplane shall establish adequate procedures to ensure that only such baggage is carried onto the aeroplane and taken into the passenger cabin as can be adequately and securely stowed.

(2) The minimum requirements for the procedures referred to in subregulation (1) shall be as prescribed in Document NAM-CATS-OPS 135.

Securing of passenger cabin

135.08.38 (1) Before take-off and landing and whenever deemed necessary in the interests of aviation safety, the pilot-in-command of a small aeroplane shall ensure that -

(a) all equipment, baggage and loose articles in the cabin of the aeroplane, including passenger service items and crew members' and passengers' personal affects, are properly secured and stowed so as to avoid the possibility of injury to persons or damage to such aeroplane through the movement of such articles caused by in-flight turbulence or by unusual accelerations or manoeuvres; and

[The word "affects" should be "effects".]

(b) all passage ways, exits and escape paths are kept clear of obstructions.

(2) All solid articles shall be placed in approved stowage areas in the aeroplane, at all times whenever the seat belt lights are illuminated or when so directed by the pilot-in-command of such aeroplane.

(3) For the purposes of subregulation (2), "approved stowage area" means -

(a) the area under a passenger seat except alongside emergency exits; or

(b) a locker, overhead or other, utilised in accordance with the placarded mass limitation of the locker.

(4) No take-off or landing shall be commenced by the pilot-in-command of the aeroplane, unless he or she has been satisfied as to the safe condition of the cabin.

Passenger services

135.08.39 (1) Except when in use, all items provided for passenger services, including food containers, thermos flasks and servicing trays, shall be carried in their respective stowages and secured against movement likely to cause injury to persons or damage to the aeroplane.

(2) All items referred to in subregulation (1) shall be stowed during take-off and landing or during emergency situations, as directed by the pilot-in-command of the aeroplane.

(3) Any item which cannot be accommodated in the stowage referred to in subregulation (1), shall not be permitted in the cabin of the aeroplane.

(4) Securing of the cabin shall be completed before the approach for landing of the aeroplane is commenced.

(5) If passenger services are provided while the aeroplane is on the ground, no passenger service equipment shall obstruct the exits of the aeroplane.

Incidents and defects

135.08.40 (1) The operator of a small aeroplane shall establish adequate inspection and reporting procedures to ensure that defective equipment are reported to the pilot-in-command of the aeroplane before take-off.

[The verb "are" should be "is" to be grammatically correct.]

(2) The procedures referred to in subregulation (1) shall be extended to include the reporting to the operator of all incidents or the exceeding of limitations which may occur while the crew are embarked on the aeroplane and of defective equipment found on board.

(3) Upon receipt of the reports referred to in subregulation (2), the operator shall compile a report and submit such report on a monthly basis to the Director.

Occurrence Reporting

135.08.41 (1) Flight Incidents

(a) The operator or commander of an aeroplane shall submit a report to the Director of any incident that has endangered or may have endangered safe operation of a flight.

(b) Reports shall be despatched within 72 hours of the event, unless exceptional circumstances prevent this.

(2) Technical defects and exceedance of technical limitations. A commander shall ensure that all technical defects and exceedances of technical limitations occuring while he was responsible for the flight are recorded in the aeroplane's Technical Log.

[The word "occurring" is misspelt in the *Government Gazette*, as reproduced above.]

(3) Air Traffic Incidents. A commander shall submit an air traffic incident report in accordance with ICAO PANS RAC whenever an aeroplane in flight has been endangered by:

[ICAO Doc 4444 was previously known as "Procedures for Air Navigation Services — Rules of the Air and Air Traffic Services (PANS-RAC)". In 2016, it was re-titled "Procedures for Air Navigation Services - Air Traffic Management (PANS-ATC)".]

(a) a near collision with any other flying device;

(b) faulty air traffic procedures or lack of compliance with applicable procedures by Air Traffic Services or by the flight crew; or

(c) a failure of ATS facilities.

(4) Bird hazards and strikes

(a) A commander shall immediately inform the appropriate ground station whenever a potential bird hazard is observed.

(b) A commander shall submit a written bird strike report after landing whenever an aeroplane for which he is responsible suffers a bird strike.

(5) In-flight emergencies with dangerous goods on board. If an in-flight emergency occurs and the situation permits, a commander shall inform the appropriate air traffic services unit of any dangerous goods on board.

(6) Unlawful interference. Following an act of unlawful interference on board an aeroplane, a commander shall submit a report, as soon as practicable, to the director.

(7) Irregulaties of ground and navigational facilities and hazardous conditions a commander shall notify the appropriate ground station as soon as practicable whenever a potentially hazardous condition such as:

[The word "irregularities" is misspelt in the *Government Gazette*, as reproduced above.]

(a) An irregularity in a ground or navigational facility; or

(b) A meteorological phenomenon; or

(c) A volcanic ash cloud; or

(d) A high radiation level,

is encountered during flight.

Accident reporting

135.08.42 An operator shall establish procedures to ensure that the nearest appropriate authority is notified by the quickest available means of any accident, involving the aeroplane, resulting in serious injury (as defined in the Regulations Regarding the Investigation of Aircraft Accidents, 2000) or death of any person or substantial damage to the aeroiplane or property.

[The word "aeroplane" in the phrase "the aeroplane or property" is misspelt in the *Government Gazette*, as reproduced above.]

SUBPART 9
AEROPLANE PERFORMANCE OPERATING LIMITATIONS

Aeroplane performance classification

135.09.1 (1) For performance purposes, aeroplanes are classified as follows:

(a) Class A aeroplanes -

(i) multi-engine aeroplanes powered by turbo-propeller engines with a maximum approved passenger seating configuration of more than nine seats or a maximum certificated mass exceeding 5 700 kilograms; and

(ii) multi-engine turbojet-powered aeroplanes;

(b) Class B aeroplanes - propeller-driven aeroplanes with a maximum approved passenger seating configuration of nine seats or less, and a maximum certificated mass of 5 700 kilograms or less;

(c) Class C aeroplanes - aeroplanes powered by two or more reciprocating engines with a maximum approved passenger seating configuration of more than nine seats or a maximum certificated mass exceeding 5 700 kilograms; and

(d) Class D aeroplanes -·single-engine aeroplanes.

(2) The Director may, for performance purposes, classify any aeroplane in Document NAM-CATS-OPS 135, as a Class B or Class D aeroplane.

(3) The operator of a small aeroplane shall ensure that -

(a) a Class B aeroplane is operated in accordance with the operating limitations prescribed in Division One; and

(b) a Class D aeroplane is operated in accordance with the operating limitations prescribed in Division Two.

(4) Where specific design characteristics of an aeroplane prevents compliance with the regulations in Division One or Two of this Subpart, the operator shall notwithstanding the provisions of subregulation (1), ensure that the aeroplane is operated in accordance with such standard that a level of safety equivalent to the level of safety prescribed in the appropriate Division in this Subpart, is maintained and which is specifically approved by the Director.

[The verb "prevents" should be "prevent" to be grammatically correct.]

Class B and Class D aeroplanes

135.09.2 (1) The operator of a Class B or a Class D aeroplane shall ensure that the mass of the aeroplane, at the start of the take-off, is not greater than the mass at which the requirements prescribed in the appropriate Division can be complied with for the flight to be undertaken, allowing for expected reductions in mass as the flight proceeds.

(2) The operator shall ensure that the approved performance data contained in the aeroplane flight manual prescribed in regulation 135.04.5, are used to determine compliance with the requirements prescribed in the appropriate Division supplemented as necessary with other approved data prescribed in such Division.

(3) A twin-engine propeller-driven small aeroplane which does not meet the requirements as prescribed in Document NAM-CATS-OPS 135 for take-off and for landing shall, for the purposes of this Subpart, be deemed to be a single-engine aeroplane, to be operated in accordance with the operating limitations prescribed in Division Two.

DIVISION ONE: CLASS B AEROPLANE

General

135.09.3 The regulations in this Division shall apply to -

(a) the operator of a Class A aeroplane which does not comply with the appropriate performance operating limitations prescribed in Part 135 of the Regulations on the date of commencement thereof, who may, until 1 July 2000, operate the aeroplane under performance operating limitations approved by the Director: Provided that such limitations shall not be less restrictive than the performance operating limitations prescribed in this Division; and

(b) the operator of a Class B aeroplane.

Take-off

135.09.4 (1) The operator of a Class A or Class B aeroplane referred to in regulation 135.09.4, shall ensure that the take-off mass of the aeroplane does not exceed the maximum certificated mass for the pressure altitude and the ambient temperature at the aerodrome of departure.

(2) The operator shall ensure that the take-off distance, as specified in the aeroplane flight manual referred to in regulation 135.04.5, multiplied by a factor of 1.3, does not exceed the take-off run available.

(3) When complying with the provisions of subregulation (2), the operator shall take into account -

(a) the mass of the aeroplane at the commencement of the take-off run;

(b) the pressure altitude at the aerodrome;

(c) the ambient temperature at the aerodrome;

(d) the runway surface condition and the type of runway surface;

(e) the runway slope in the direction of take-off;

(f) brake energy;

(g) tyre-speed limit;

(h) pilot-reaction time;

(i) not more than 50 per cent of the reported head-wind component or not less than 150 per cent of the reported tail-wind component; and

(j) the loss, if any, of runway length due to alignment of the aeroplane prior to take-off.

Take-off flight path

135.09.5 (1) The operator of a Class A or Class B aeroplane referred to in regulation 135.09.4, shall ensure that the take-off flight path of the aeroplane clears all obstacles by a vertical margin of at least 295 feet plus 0,125 x D, where D is the horizontal distance which the aeroplane has travelled from the end of the take-off distance available, except as prescribed in subregulations (3) and (4).

(2) When complying with the provisions of subregulation (1), it is assumed that -

(a) the take-off flight path begins a\ a height of 50 feet above the take-off surface at the end of the take-off distance in regulation 135.09.5(2) and ends at a height of 1 500 feet above the take-off surface;

(b) the aeroplane is not banked before such aeroplane has reached a height of 50 feet above the take-off surface, and that thereafter, the angle of bank does not exceed 15 degrees;

(c) failure of the critical engine occurs at the point of the all-engines take-off flight path, where the loss of visual reference for the purpose of avoiding obstacles is expected to occur;

(d) the gradient of the take-off flight path from 50 feet to the assumed engine-failure height is equal to the average all-engines gradient during climb and transition to the en route configuration, multiplied by a factor of 0,77; and

(e) the gradient of the take-off flight path from the height reached in accordance with the provisions of paragraph (d), to the end of the take-off flight path, is equal to the one-engine-inoperative en route climb gradient shown in the aeroplane flight manual referred to in regulation 135.04.5.

(3) When complying with the provisions of subregulation (1), in those cases where the intended flight path does not require track changes of more than 15 degrees, the operator shall not be required to consider obstacles which have a lateral distance greater than -

(a) 300 metres, if the flight is conducted under conditions allowing visual course guidance navigation, or if navigation aids are available enabling the pilot to maintain the intended flight path with the same accuracy; and

(b) 600 metres for flights under all other conditions.

(4) When complying with the provisions of subregulation (1), in those cases where the intended flight path requires heading changes of more than 15 degrees, the operator shall not be required to consider those obstacles which have a lateral distance greater than -

(a) 600 metres for flights under conditions allowing visual course guidance navigation; or

(b) 900 metres for flights under all other conditions.

(5) When complying with the provisions of this regulation, the operator shall take into account -

(a) the mass of the aeroplane at the commencement of the take-off run;

(b) the pressure altitude at the aerodrome;

(c) the ambient temperature at the aerodrome; and

(d) not more than 50 per cent of the reported head-wind component

or not less than 150 per cent of the reported tail-wind component.

[This provision is reproduced as it appears in the *Government Gazette*, but the closing phrase appears to have been intended to be part of paragraph (d); compare regulation 135.09.8(2)(d).]

En route

135.09.6 (1) The operator of a Class *A* or Class B aeroplane referred to regulation 135.09.4, shall be able to demonstrate that the aeroplane, in the meteorological conditions expected for the flight, and in the event of the failure of one engine, with the remaining engine or engines operating within the maximum continuous power conditions specified, is capable of continuing flight at or above the relevant minimum altitudes for safe flight stated in the operations manual referred to in regulation 135.04.3, to a point of 1 000 feet above an aerodrome at which the performance requirements can be complied with.

(2) When complying with the provisions of subregulation (1) -

(a) the aeroplane is assumed not to be flying at an altitude exceeding the altitude at which the rate of climb equals 300 feet per minute with all engines operating within the maximum continuous power conditions specified in such operations manual; and

(b) the assumed en route gradient with one-engine-inoperative shall be at least the gross gradient minus 0,5 per cent gradient.

Landing at destination and alternate aerodromes

135.09.7 The operator of a Class A or Class B aeroplane referred to in regulation 135.09.3, shall ensure that the landing mass of the aeroplane does not exceed the maximum landing mass specified for the altitude and the ambient temperature expected for the estimated time of arrival at the destination and alternate aerodrome.

Landing on dry runways

135.09.8 (1) The operator of a Class A or Class B aeroplane referred to in regulation 135.09.3, shall ensure that the landing mass of the aeroplane for the estimated time of arrival, allows a full-stop landing from 50 feet above the threshold within 70 per cent of the landing distance available at the destination aerodrome and at any alternate aerodrome: Provided that the Director may permit the use of a screen height of less than 50 feet, but not less than 35 feet, for steep-approach and short-landing procedures.

(2) When complying with the provisions of subregulation (1), the operator shall take into account -

(a) the runway surface condition and the type of runway surface;

(b) the runway slope in the direction of take-off;

(c) the altitude at the aerodrome; and

(d) not more than 50 per cent of the reported head-wind component or not less than 150 per cent of the reported tail-wind component.

(3) For dispatching the aeroplane in accordance with the provisions of subregulation (1), it is assumed that such aeroplane will land -

(a) on the most favourable runway, in still air; and

(b) on the runway most likely to be assigned, considering the probable wind speed and direction and the ground handling characteristics of the aeroplane, and considering landing aids, terrain and obstacle clearance.

(4) If the operator is unable to comply with the provisions of subregulation (3)(b) for the destination aerodrome, the aeroplane may be dispatched if an alternate aerodrome which permits full compliance with the provisions of subregulations (1), (2) and (3) is designated.

Landing on wet and contaminated runways

135.09.9 (1) The operator of a Class A or Class B aeroplane referred to in regulation 135.09.4, shall ensure that when the appropriate weather reports or forecasts, or a combination thereof, indicate that the runway at the estimated time of arrival may be wet, the landing distance available is at least 115 per cent of the required landing distance determined in accordance with the provisions of regulation 135.09.8.

(2) The operator shall ensure that, when the appropriate weather reports or forecasts, or a combination thereof, indicate that the runway at the estimated time of arrival may be contaminated, the landing distance available is at least the required approved landing distance.

(3) A landing distance on a wet runway shorter than the landing distance required by the provisions of subregulation (1), but not less than the landing distance required by the provisions of regulation 135.09.8(1), may be used if the aeroplane flight manual prescribed in regulation 135.04.5, includes specified additional information on landing distances on wet runways.

DIVISION TWO: CLASS D AEROPLANE

General

135.09.10 The operator of a Class D aeroplane shall not operate the aeroplane-

(a) by night; or

(b) in IMC except under special VFR or under special conditions approved by the Director.

Take-off

135.09.11 (1) The operator of a Class D aeroplane shall ensure that the take-off mass the aeroplane does not exceed the maximum certificated mass for the pressure altitude and the ambient temperature at the aerodrome of departure.

(2) The operator shall ensure that the take-off distance, as specified in the aeroplane flight manual prescribed in regulation 135.04.5, multiplied by a factor of 1.3, does not exceed the take-off run available.

(3) When complying with the provisions of subregulation (2), the operator shall take into account -

(a) the mass of the aeroplane at the commencement of the take-off run; and

(b) the requirements prescribed in regulation 135.09.5(3).

Take-off flight path

135.09.12 (1) The operator of a Class D aeroplane shall ensure that the take-off flight path of the aeroplane clears all obstacles by a vertical margin of at least 295 feet plus 0,125 x D, where D is the horizontal distance which the aeroplane has travelled from the end of the take-off distance available, except as provided in subregulations (3) and (4).

(2) When complying with the provisions of subregulation (1), it shall be assumed that -

(a) the take-off night path begins at a height of 50 feet above the take-off surface at the end of the take-off distance required by regulation 135.09.11(2) and ends at a height of 1 500 feet above the take-off surface;

(b) the aeroplane is not banked before such aeroplane has reached a height of 50 feet above the take-off surface, and that thereafter, the angle of bank does not exceed 15 degrees;

(c) engine failure occurs at the point of the take-off flight path, where the loss of visual reference for the purpose of avoiding obstacles is expected to occur; and

(d) the gradient of the take-off flight path from 50 feet to the assumed engine-failure height is the gradient during climb and transition to the en route configuration, multiplied by a factor of 0,77.

(3) When complying with the provisions of subregulation (1), in those cases where the intended flight path does not require track changes of more than 15 degrees, the operator shall not be required to consider obstacles which have a lateral distance greater than -

(a) 300 metres, if the flight is conducted under conditions allowing visual course guidance navigation, or if navigation aids are available enabling the pilot to maintain the intended flight path with the same accuracy; and

(b) 600 metres for flights under all other conditions.

(4) When complying with the provisions of subregulation (1), in those cases where the intended flight path requires heading changes of more than 15 degrees, the operator shall not be required to consider those obstacles which have a lateral distance greater than -

(a) 600 metres for flights under conditions allowing visual course guidance navigation; or

(b) 900 metres for flights under all other conditions.

(5) When complying with the provisions of this regulation, the operator shall take into account the requirements referred to in regulation 135.09.5(5).

En route

135.09.13 (1) The operator of a Class D aeroplane shall be able to demonstrate that the aeroplane, in the meteorological conditions expected for the flight, is capable of continuing flight at or above the relevant minimum altitudes for safe flight stated in the operations manual referred to in regulation 135.04.3, to a point of 1 000 feet above an aerodrome at which the performance requirements can be complied with.

(2) When complying with the provisions of subregulation (1) the aeroplane shall be assumed not to be flying at an altitude exceeding the altitude at which the rate of climb equals 300 feet per minute within the maximum continuous power conditions specified in the aeroplane flight manual referred to in regulation 135.04.5.

Landing at destination and alternate aerodromes

135.09.14 The operator of a Class D aeroplane shall ensure that the landing mass of the aeroplane does not exceed the maximum landing mass specified for the altitude and the ambient temperature expected for the estimated time of arrival at the destination and alternate aerodrome.

Landing on dry runways

135.09.15 (1) The operator of a Class D aeroplane shall ensure that the landing mass of the aeroplane for the estimated time of arrival, allows a full-stop landing from 50 feet above the threshold within 70 per cent of the landing distance available at the destination aerodrome and at any alternate aerodrome: Provided that the Director may permit the use of a screen height of less than 50 feet, but not less than 35 feet, for steep-approach and short-landing procedures.

(2) When complying with the provisions of subregulation (1), the operator shall take into account the requirements prescribed in regulation 135.09.8(2).

(3) For dispatching the aeroplane in accordance with the provisions of subregulation (1), it shall be assumed that such aeroplane will land -

(a) on the most favourable runway, in still air; and

(b) on the runway most likely to be assigned, considering the probable wind speed and direction and the ground handling characteristics of the aeroplane, and considering landing aids, terrain and obstacle clearance.

(4) If the operator is unable to comply with the provisions of subregulation 3(b) for the destination aerodrome, the aeroplane may be dispatched if an alternate aerodrome which permits full compliance with the provisions of subregulations (1), (2) and (3), is designated.

Landing on wet and contaminated runways

135.09.16 (1) The operator of a Class D aeroplane shall ensure that when the appropriate weather reports or forecasts, or a combination thereof, indicate that the runway at the estimated time of arrival may be wet, the landing distance available is at least 115 per cent of the required landing distance determined in accordance with the provisions of regulation 135.09.15.

(2) The operator shall ensure that, when the appropriate weather reports or forecasts, or a combination thereof, indicate that the runway at the estimated time of arrival may be contaminated, the landing distance available is at least the required approved landing distance.

(3) A landing distance on a wet runway shorter than the landing distance required by the provisions of subregulation (1), but not less than the landing distance required by the provisions of regulation 135.09.15(1), may be used if the aeroplane flight manual referred to in regulation 135.04.5, includes specified additional information on landing distances on wet runways.

SUBPART 10
AEROPLANE MAINTENANCE

General

135.10.1 (1) This Subpart prescribes the aeroplane maintenance requirements for compliance with the air operator certificate requirements prescribed in Subpart 6.

(2) The operator of a small aeroplane shall not operate the aeroplane unless such aeroplane is maintained and released to service by an aircraft maintenance organisation approved in terms of Part 145.

Operator's maintenance system

135.10.2 (1) An applicant for the issuing of an air operator certificate, or an amendment or renewal thereof, shall submit an operator's maintenance system to the Director for approval.

(2) The operator's maintenance system shall include -

(a) the maintenance management manual referred to in regulation 135.10.6;

(b) the operator's aeroplane maintenance programme referred to in regulation 135.10.5;

(c) the aeroplane technical log referred to in regulation 135.10.7; and

(d) the technical specifications of the maintenance arrangements referred to in regulation 135.10.4(2), if applicable.

(3) The Director shall approve the maintenance system if the applicant complies with the requirements prescribed in this Subpart, in conjunction with the manual of procedure of an aircraft maintenance organisation approved in terms of Part 145.

Maintenance responsibility

135.10.3 (1) The operator of a small aeroplane shall ensure the airworthiness of the aeroplane and the serviceability of both its operational and emergency equipment by -

(a) the accomplishment of pre-flight inspections;

(b) the rectification to an approved standard, of any defect and damage affecting safe operation, taking into account the MEL and the CDL, if available for the aeroplane type;

(c) the accomplishment of all maintenance in accordance with the approved operator's aeroplane maintenance programme referred to in regulation 135.10.7;

(d) the analysis of the effectiveness of such programme;

(e) the accomplishment of any operational directive, airworthiness directive and any other continued airworthiness requirement issued or prescribed in terms of the Regulations; and

(f) the accomplishment of modifications in accordance with an approved standard and, for modifications which are not required in terms of the Regulations, the establishment of an embodiment policy.

(2) The operator shall ensure that the certificate of airworthiness for each aeroplane operated, remains valid in respect of -

(a) the requirements prescribed in paragraph (a); and

(b) any expiry date, or other maintenance condition, specified on such certificate of airworthiness.

(3) The requirements prescribed in paragraph (a) shall be performed in accordance with procedures approved by the Director.

Maintenance management

135.10.4 (1) The operator of a small aeroplane shall be the holder of an aircraft organisation approval issued in terms of Part 145, in order to perform the requirements prescribed in regulation 135.10.3(1)(b) to (f) inclusive, unless the Director is satisfied that the maintenance can be contracted to an aircraft maintenance organisation approved in terms of Part 145.

(2) If the operator is not an aircraft maintenance organisation approved in terms of Part 145, appropriate arrangements shall be made with such organisation to perform the requirements referred to in subregulation (1).

(3) The operator shall submit a copy of the arrangements referred to in subregulation (2), to the Director for approval.

Operator's maintenance management programme

135.10.5 (1) The operator of a small aeroplane shall establish an aeroplane maintenance programme according to which the aeroplane shall be maintained.

(2) The aeroplane management programme shall include -

(a) details of the frequency of all maintenance required to be carried out; and

(b) a reliability programme, if the Director determines that such programme is necessary.

(3) The aeroplane management programme, and any subsequent amendment thereto, shall be submitted to the Director for approval.

Operator's maintenance management manual

135.10.6 (1) The operator of a small aeroplane shall compile a maintenance management manual which shall -

(a) comply with the requirements prescribed in this Subpart and Subpart 6; and

(b) contain the information as prescribed in Document NAM-CATS-OPS 135.

(2) If the operator is an aircraft maintenance organisation approved in terms of Part 145, the maintenance management manual may be included in the manual of procedure referred to in regulation 145.02.1.

(3) The maintenance management manual, and any subsequent amendment thereto, shall be submitted to the Director for approval.

Operator's aeroplane technical log

135.10.7 (1) The operator of a small aeroplane shall establish an aeroplane technical log system containing the following information for each aeroplane:

(a) Particulars of each flight necessary to ensure continued flight safety;

(b) the current certificate of release to service;

(c) the current maintenance statement giving the aeroplane maintenance status of which maintenance required in terms of Part 43, is next due;

(d) all outstanding deferred defects which affect the operation of the aeroplane; and

(e) any necessary guidance instructions on maintenance support arrangements.

(2) The aeroplane technical log, and any subsequent amendment thereto, shall be submitted to the Director for approval.

Maintenance records

135.10.8 (1) The operator of a small aeroplane shall ensure that the aeroplane technical log referred to in regulation 135.10.7, is retained for a period of 24 months after the date of the last entry.

(2) The operator shall ensure that a system has been established to keep the following records for the following periods:

(a) All detailed maintenance records in respect of the aeroplane, and any aeroplane component fitted thereto, for 24 months after such aeroplane, or aeroplane component, has been released to service;

(b) the total time and flight cycles, as appropriate, of the aeroplane and all life-limited aeroplane components, for 12 months after the aeroplane has been permanently withdrawn from service;

(c) the time and flight cycles, as appropriate, since the last overhaul of the aeroplane, or aeroplane component subjected to an overhaul life, until the aeroplane or aeroplane component overhaul has been superseded by another overhaul of equivalent work scope and detail;

(d) the current aeroplane inspection status to prove compliance with the aeroplane maintenance programme referred to in regulation 135.10.5, until the aeroplane or aeroplane component inspection has been superseded by another inspection of equivalent work scope and detail;

(e) the current status of airworthiness directives applicable to the aeroplane and aeroplane components, for 12 months after the aeroplane has been permanently withdrawn from service; and

(f) details of current modifications and repairs to the aeroplane, or any aeroplane component vital to flight safety, for 12 months after the aeroplane has been permanently withdrawn from service.

(3) The operator shall ensure that, if the aeroplane is permanently transferred to another operator, the records referred to in subregulations (1) and (2) are also transferred to such operator.

Continued validity of air operator certificate in respect of maintenance system

135.10.9 The operator of a small aeroplane shall comply with the requirements prescribed in Subpart 6, to ensure the continued validity of the air operator certificate in respect of the maintenance system.

Quality Assurance System

135.10.10 (1) For maintenance purposes, the operator's Quality Assurance System, as required by regulation 135.06.2, must additionally include at least the following functions:

(a) monitoring that the activities of regulation 135.10.3 are being performed in accordance with the accepted procedures;

(b) monitoring that all contracted maintenance is carried out in accordance with the contract; and

(c) monitoring the continued compliance with the requirements of this Subpart.

(2) Where the operator is approved in accordance with Part 145, the Quality Assurance System may be combined with that required by Part 145.

SUBPART 11
RULES OF THE AIR

DIVISION ONE: FLIGHT RULES

Landing and take-off

135.11.1 No pilot-in-command shall use a public road as a place of landing or take-off in a small aeroplane, except -

(a) in the case of an emergency involving the safety of the aeroplane or its occupants;

(b) for the purpose of saving human lives; or

(c) when involved in civil defence or law enforcement operations:

Provided that at all times reasonable care is taken for the safety of others with due regard to the prevailing circumstances.

Dropping objects, spraying or dusting

135.11.2 Except in an emergency or with the prior approval of the Director, no person shall drop an article from a small aeroplane in flight other than -

(a) fine sand or clean water used as ballast; or

(b) chemical substances for the purpose of spraying or dusting.

Towing

135.11.3 The pilot-in-command of a small aeroplane in flight shall not permit anything to be towed by the aeroplane, except -

(a) with the prior approval of the Director; or

(b) if certificated to do so under aerial work operations.

Right of way

135.11.4 (1) The pilot-in-command of a small aeroplane which has the right of way, shall maintain heading and speed, but nothing in this Subpart shall relieve the pilot-in-command from the responsibility of taking such action as will best avert collision.

(2) The pilot-in-command of a small aeroplane which is obliged, by the provisions of the regulations in this Subpart, to keep out of the way of another aircraft, shall avoid passing over or under the other aircraft, or crossing ahead of such aircraft, unless passing well clear.

(3) When a small aeroplane and another aircraft are approaching head-on or approximately so and there is danger of collision, the pilot-in-command of each aircraft shall alter its heading to the right.

(4) When a small aeroplane and another aircraft are converging at approximately the same level, the pilot-in-command of the aircraft which has the other aircraft on its right, shall give way, except in the following circumstances:

(a) The pilot-in-command of a small aeroplane shall give way to airships, gliders and balloons;

(b) the pilot-in-command of a small aeroplane shall give way to aircraft which are -

(i) seen to be towing other aircraft or objects;

(ii) carrying an underslung load or are engaged in winching operations; and

(iii) being towed or tethered.

(5) A small aeroplane which is being overtaken has the right of way and the pilot-in-command of the overtaking aircraft, whether climbing, descending or in horizontal flight, shall keep such aircraft out of the way of the overtaken aeroplane by altering its heading to the right, and no subsequent change in the relative positions of the two aircraft shall absolve the pilot-in-command of the overtaking aircraft from his or her obligation until such aircraft is entirely past and clear: Provided that where a right-hand circuit is being followed at an aerodrome, the pilot-in-command of the overtaking aircraft shall alter its heading to the left.

(6) The pilot-in-command of a small aeroplane in flight or operating on the ground or, in the case of a small seaplane or amphibious aeroplane, on water, shall give way to other aircraft landing or on final approach to land.

(7) (a) When a small aeroplane and one or more heavier-than-air aircraft are approaching an aerodrome for the purpose of landing, the pilot-in-command of the aircraft at the higher level, shall give way to the aircraft at the lower level, but the pilot-in-command of the latter aircraft shall not take advantage of this provision to cut in front of another aircraft which is on final approach to land, or to overtake such aircraft.

(b) Notwithstanding the provisions of paragraph (a), the pilot-in-command of a small aeroplane shall give way to gliders.

(8) The pilot-in-command of a small aeroplane about to take-off, shall not attempt to do so until there is no apparent risk of collision with other aircraft.

(9) The pilot-in-command of a small aeroplane who is aware that another aircraft is compelled to land, shall give way to such aircraft.

(10) For the purposes of this regulation, an overtaking aircraft is an aircraft which approaches another aircraft from the rear on a line forming an angle of less than 70 degrees with the plane of symmetry of the latter aircraft, and will therefore be in such a position with reference to the other aircraft, that by night it should be unable to see either of the other aircraft's wingtip navigation lights.

Following line features

135.11.5 The pilot-in-command of a small aeroplane flying at or below 1 500 feet above the surface and following a power line, a road, a railway line, a river, a coastline or any other line feature or within one nautical mile of such line feature, shall fly to the right of such power line, road, railway line, river, coastline or other line feature, except when the pilot-in-command is instructed to do otherwise by an air traffic service unit.

Aeroplane speed

135.11.6 (1) Unless otherwise authorised or required by the Director. No person shall, outside controlled airspace and below flight level 100, fly a small aeroplane at an indicated air speed of more than 250 knots.

(2) Unless otherwise authorised or required by an air traffic service unit, no person shall fly a small aeroplane within a control zone or an aerodrome traffic zone at an indicated air speed of more than -

(a) 160 knots, in the case of a reciprocating-engine aeroplane; or

(b) 200 knots, in the case of a turbine-powered aeroplane:

Provided that if the minimum safe indicated air speed for a particular flight is greater than the maximum indicated air speed prescribed in this regulation, the aeroplane may be flown at the minimum safe indicated air speed.

Lights to be displayed by small aeroplane

135.11.7 The lights which have to be displayed by a small aeroplane by night or on the manoeuvring area of an aerodrome, or, in the case of a small seaplane or amphibious aeroplane, on water, shall be as prescribed in NAM-CATS-OPS 135.

Taxi rules

135.11.8 (1) Small aeroplanes which are landing or taking off, shall be given right of way by other aircraft and by vehicles.

(2) The pilot-in-command of a small aeroplane shall, after landing, unless otherwise authorised or instructed by an air traffic service unit, move clear of the runway in use, as soon as it is possible to safely do so.

(3) A vehicle which is towing a small aeroplane shall be given right of way by the persons in charge of other vehicles and by pilots of and personnel authorised to taxi other aircraft which are not landing or taking off.

(4) A small aeroplane shall be given right of way by the person in charge of a vehicle which is not towing an aircraft.

(5) The pilot-in-command of, or personnel authorised to taxi, a small aeroplane or the person in charge of a vehicle which is obliged by the provisions of this regulation to give right of way to another aircraft, shall if necessary in the circumstances in order to do so, reduce the speed or stop such aeroplane or vehicle.

(6) If danger of collision exists between a small aeroplane or vehicle and another aircraft or vehicle, such of the following procedures as may be appropriate in the circumstances, shall be applied:

(a) When the two are approaching head-on or nearly head-on, the pilot-in-command of, or personnel authorised to taxi, the aircraft and the person in charge of the vehicle, shall turn to the right;

(b) when one is overtaking the other, the pilot-in-command of, or personnel authorised to taxi, the aircraft or person in charge of the vehicle which is overtaking, shall keep out of the way of the other by turning to the right, and no subsequent change in the relative positions of the two shall absolve the one which is overtaking from this obligation, until it is finally past and clear of the other;

(c) subject to the provisions of subregulation (2), when the two are converging, the pilot-in-command of, or personnel authorised to taxi, the aircraft or person in charge of the vehicle which has the other on its right, shall give way to the other and shall avoid crossing ahead of the other unless passing well clear of it.

(7) The person in charge of a vehicle moving along a runway or taxiway, shall as far as practicable keep to the right side of the runway or taxiway.

(8) When a small aeroplane is being towed, the person in charge of the towing vehicle shall be responsible for compliance with the provisions of this regulation.

(9) Nothing in this regulation shall relieve the pilot-in-command of, or personnel authorised to taxi, a small aeroplane or the person in charge of a vehicle, from the responsibility for taking such action as will best aid to avert collision.

Operation on and in vicinity of aerodrome

135.11.9 (1) The pilot-in-command of a small aeroplane operated on or in the vicinity of an aerodrome, shall comply with the following rules:

(a) Observe other aerodrome traffic for the purpose of avoiding collision;

(b) conform with or avoid the pattern of traffic formed by other aircraft in operation;

(c) make all turns to the left when approaching for a landing and after taking off, unless otherwise instructed by an air traffic service unit, or unless a right hand circuit is in force;

(d) land and take-off into the wind unless safety, the runway configuration or air traffic considerations determine that a different direction is preferable;

(e) when not joining the traffic pattern for landing, fly across the aerodrome or its environs at a height of not less than 2 000 feet above the level of such aerodrome: Provided that if circumstances require such pilot-in-command to fly at a height of less than 2 000 feet above the level of the aerodrome, he or she shall conform with the traffic pattern at such aerodrome; and

(f) taxi in accordance with the ground control procedures which may be in force at the aerodrome.

(2) If an aerodrome control tower is in operation, the pilot-in-command shall also, whilst the aeroplane is within the aerodrome traffic zone -

(a) maintain a continuous radio watch on the frequency of the aerodrome control tower responsible for providing aerodrome control service at the aerodrome, establish two-way radio communication as necessary for aerodrome control purposes and obtain such clearances for his or her movements as may be necessary for the protection of aerodrome traffic; or

(b) if this is not possible, keep a watch for and comply with such clearances and instructions as may be issued by visual means,

(3) If an aerodrome flight information service unit is in operation, the pilot-in-command shall also, whilst the aeroplane is within the aerodrome traffic zone -

(a) maintain a continuous radio watch on the frequency of the aerodrome flight information service unit responsible for providing aerodrome flight information service at the aerodrome, establish two-way radio communication as necessary for aerodrome flight information service purposes and obtain information in respect of the surface wind, runway in use and altimeter setting and in respect of aerodrome traffic on the manoeuvring area and in the aerodrome traffic zone; or

(b) if this is not possible, keep a watch for visual signals which may be displayed or may be issued by the aerodrome flight information service unit

(4) The pilot-in-command who is unable to communicate by radio, shall, before landing at an aerodrome, make a circuit of the aerodrome for the purpose of observing the traffic, and reading such ground markings and signals as may be displayed thereon, unless he or she has the consent of the appropriate air traffic service unit to do otherwise.

Signals

135.11.10 The pilot-in-command of a small aeroplane in flight shall, upon observing or receiving any of the signals as prescribed in Document NAM-CATS-OPS 135, take such action as may be required by the interpretation of such signal.

Water operations

135.11.11 (1) In areas in which the International Regulations for Preventing Collisions at Sea are in force, the pilot-in-command of a small seaplane or amphibious aeroplane operated on the water, shall comply with the provisions thereof.

(2) The pilot-in-command of a small seaplane or amphibious aeroplane in flight near the surface of the water shall, as far as possible, keep clear of all vessels and avoid impeding their navigation.

(3) When a small seaplane or amphibious aeroplane and another aircraft, or a small seaplane or amphibious aeroplane and a vessel, are approaching one another and there is a risk of collision, the pilot-in-command of each aircraft and vessel shall proceed with careful regard to existing circumstances and conditions including the limitations of the respective craft.

(4) The pilot-in-command of a small seaplane or amphibious aeroplane which has another aircraft or a vessel on its right shall give way so as to keep well clear.

(5) The pilot-in-command of a small seaplane or amphibious aeroplane approaching another aircraft or a vessel head-on, or nearly head-on, shall alter the heading of the seaplane or amphibious aeroplane to the right to keep well clear.

(6) The aircraft or vessel which is being overtaken has the right of way, and the pilot-in-command of the seaplane or amphibious aeroplane overtaking shall alter the heading of such seaplane or amphibious aeroplane to keep well clear.

(7) The pilot-in-command of a small seaplane or amphibious aeroplane landing on or taking off from the water shall, as far as practicable, keep well clear of all vessels and avoid impeding their navigation.

Reporting position

135.11.12 The pilot-in-command of a small aeroplane -

(a) flying in controlled airspace;

(b) flying in advisory airspace; or

(c) flying on routes defined by significant and/or compulsory reporting points; or

(d) on a flight for which alerting action is being provided,

shall ensure that reports are made to the responsible air traffic service unit, as soon as possible, of the time and level of passing each compulsory reporting point, together with meteorological any other required information, and he or she shall further ensure that position reports are Similarly made in relation to additional reporting points, if so requested by the responsible air traffic service unit and that, in the absence of designated reporting points, position reports are made at the intervals specified by the responsible air traffic service unit or published by the Director in terms of Part 175, for that area.

Mandatory radio communication in controlled airspace

135.11.13 The pilot-in-command of a small aeroplane to be operated in or crossing a controlled airspace shall ensure that, before the aeroplane enters such airspace, two-way radio communication is established with the responsible air traffic service unit on the designated radio frequency, and shall ensure, while the aeroplane is within, and until it leaves, the controlled airspace, that continuous radio watch is maintained and that such further two-way radio communication as such air traffic service unit may require, is established: Provided that -

(a) the air traffic service unit may permit an aeroplane not capable of maintaining continuous two-way radio communication, to fly in the control area, terminal control area, control zone or aerodrome traffic zone for which it is responsible, if traffic conditions permit, in which case the flight shall be subject to such conditions as such air traffic service unit deems necessary to ensure the safety of other air traffic; and

(b) in the case of radio failure, a flight for which an air traffic service flight plan was filed and activated by the air traffic service unit on receipt of a departure time, may

continue in controlled airspace if the communication failure procedures as prescribed in Document NAM-CATS-OPS 135, are complied with.

Mandatory radio communication in advisory airspace

135.11.14 The pilot-in-command of a small aeroplane to be operated in advisory airspace shall ensure that, before the aeroplane approaches or enters such airspace -

(a) two-way radio communication with the responsible air traffic service unit is established on the designated radio frequency; or

(b) if such communication is not possible, two-way radio communication is established with any air traffic service unit which is capable of relaying messages to and from the responsible air traffic service unit; or

(c) if such communication is not possible, broadcasts are made on the designated radio frequency giving information on the intention of the pilot-in-command of the aeroplane to enter the airspace, and such pilot-in-command shall ensure that, while the aeroplane is within the advisory airspace and until it departs therefrom, a continuous radio watch is maintained on the designated radio frequency and that -

(i) such further two-way radio communication as the responsible air traffic service unit may require, is established with any other air traffic service unit which is capable of relaying messages to and from such responsible air traffic service unit;

(ii) if such communication is not possible, such further two-way radio communication is established with any other air traffic service unit which is capable of relaying messages to and from the responsible air traffic service unit, as such responsible air traffic service unit may require; or

(iii) if such communication is not possible, broadcasts are made on the designated radio frequency giving information on passing reporting points and when leaving the airspace concerned:

Provided that in the case of a radio failure, a flight for which a flight plan was filed and activated by an air traffic service unit on receipt of a departure time, may continue in advisory airspace if the communication failure procedures as prescribed in Document NAM-CATS-OPS 135, are complied with.

Compliance with air traffic control clearance and instructions

135.11.15 The pilot-in-command of a small aeroplane shall -

(a) comply with any air traffic control clearance which is obtained, unless the pilot-in-command obtains an amended clearance;

(b) not operate the aeroplane contrary to an air traffic control instruction in an area in which an air traffic control service is provided; and

(c) when deviating from an air traffic control clearance or instruction, notify the air traffic control unit of the deviation, as soon as practicable.

Prohibited areas

135.11.16 (1) The Director may, by notice in an AIP, AIP SUP, AIC or a NOTAM, declare any area to be a prohibited area and shall, for the purposes of the prohibition contained in subregulation (2), when so declaring an area to be a prohibited area -

(a) specify a height above the ground surface of such area; or

(b) specify an altitude in respect of such area, as the Director may deem expedient, in the notice in question.

(2) No person shall fly any small aeroplane whatsoever in the airspace above a prohibited area -

(a) below the height specified in terms of subregulation (1)(a);or

(b) below the altitude specified in terms of subregulation (1)(b),

as the case may be, in respect of the prohibited area in question.

Restricted and danger areas

135.11.17 (1) The Director may, by notice in an AIP, AIP SUP, AIC or a NOTAM, declare any area to be a restricted or danger area and shall, when so declaring an area to be a restricted or danger area, specify in the notice in question -

(a) the nature and extent of the restriction or dangerous activity applicable in respect of the area in question; and

(b) the authorisation under which flights in such a restricted or danger area shall be permitted.

(2) No person shall, in contravention of a restriction contemplated in subregulation (1)(a), fly any small aeroplane to which the said restriction applies, in any restricted or danger area, unless the flight in question has been permitted by virtue of an authorisation contemplated in subregulation (1)(b).

DIVISION TWO: VISUAL FLIGHT RULES

Visibility and distance from cloud

135.11.18 (1) Every VFR flight shall be so conducted by the pilot-in-command of a small aeroplane that the aeroplane is flown -

(a) with visual reference to identifiable objects on the surface by day;

(b) by night, with less than three eighths of cloud -

(i) seven days prior to full moon until seven days after full moon expressed in Namibian Standard Time, 15 minutes after moonrise to 15 minutes before moonset; or

[Section 1 of the Namibian Time Act 9 of 2017 provides that the standard time of Namibia is two hours in advance of Greenwich Mean Time.]

(ii) with visual reference to identifiable objects on the surface;

(c) at no time above more than three eighths of cloud within a radius of five nautical miles of such aeroplane; and

(d) under conditions of visibility and distance from cloud equal to, or greater than, the conditions as prescribed in Document NAM-CATS-OPS 135: Provided that when the height of the transition altitude is lower than 3 050 m (10 000 ft) above MSL, FL 100 shall be used in lieu of 10 000 ft.

(2) When authorised by an air traffic service unit, lower flight visibilities than 1 500 m may be permitted for flights operating in Class G airspace -

(a) at speeds that, in the prevailing visibility, will give adequate opportunity to observe other traffic or any obstacles in time to avoid collision; or

(b) in circumstances in which the probability of encounters with other traffic would normally be low, such as areas of low volume traffic and aerial work at low levels.

Special VFR weather minima

135.11.19 The pilot-in-command of a small aeroplane may conduct special VFR operations in weather conditions below the conditions prescribed in regulation 135.11.18 within a control zone -

(a) under the terms of an air traffic control clearance;

(b) by day only;

(c) clear of clouds;

(d) with a ceiling of at least 600 feet and visibility of at least 1 500 m;

(e) in a small aeroplane equipped with two-way radio equipment capable of communicating with an air traffic service unit on the appropriate frequency; and

(f) if leaving the control zone, in accordance with instructions issued by an air traffic scrv1ce unit prior to departure.

Responsibility to ascertain whether VFR flight is permitted

135.11.20 Outside a control zone, an aerodrome traffic zone or an aerodrome traffic area, the pilot-in-command of a small aeroplane shall ascertain whether or not weather conditions permit flight in accordance with VFR, and whenever weather conditions do not permit a pilot to maintain the minimum distance from cloud and the minimum visibility required by VFR, the pilot-in-command shall comply with IFR.

DIVISION THREE: INSTRUMENT FLIGHT RULES

Compliance with IFR

135.11.21 If the pilot-in-command of a small aeroplane conducts a flight above FL 200, he or she shall fly the aeroplane in compliance with IFR as prescribed in this Subpart.

Aeroplane equipment

135.11.22 No operator or pilot-in-command, as the case may be, of a small aeroplane, which is required to operate in compliance with IFR, shall operate the aircraft unless such aircraft is equipped with suitable instruments and radio navigation apparatus appropriate to the route to be flown and in accordance with the regulations in Subpart 5.

Change from IFR flight to VFR flight

135.11.23 (1) The pilot-in-command of a small aeroplane, who elects to change the conduct of flight of the aeroplane from compliance with IFR to compliance with VFR, shall, if a flight plan was submitted for the flight, notify the air traffic service unit concerned that the IFR flight is cancelled and communicate to such air traffic service unit the intended changes to be made to the current flight plan.

(2) When a small aeroplane operating under IFR is flown in or encounters visual meteorological conditions, the pilot-in-command shall not cancel its IFR flight unless it is anticipated, and intended, that the flight will be continued for a reasonable period in uninterrupted visual meteorological conditions.

IFR procedures

135.11.24 (1) Unless otherwise authorised by the responsible air traffic service unit, the pilot-in-command of a small aeroplane flown in compliance with the rules contained in this Division, shall comply with IFR procedures applicable in the relevant airspace.

(2) Subject to the provisions of regulation 135.11.23, the pilot-in-command may execute, or endeavour to execute, a cloud break or let-down procedure at an aerodrome, or nominate an aerodrome as an alternate aerodrome: Provided that the requirements relating to cloud break or let-down procedures and to flights under IMC, as published by the Director in a NOTAM, can be complied with.

DIVISION FOUR: AIR TRAFFIC RULES

Air traffic service procedures

135.11.25 The pilot-in-command of a small aeroplane to be operated in controlled airspace shall -

(a) ensure that a flight plan is submitted, and changes thereto are notified, in accordance with the provisions of regulation 135.04.7;

(b) ensure that radio communication is established with the responsible air traffic service unit and that radio communication is maintained in accordance with the provisions of regulation 135.11.13; and

(c) comply with air traffic control clearances and instructions:

Provided that -

(i) the pilot-in-command of a small aeroplane may deviate from an air traffic control clearance in exceptional circumstances, but such deviation shall be reported to the responsible air traffic service unit as soon as possible; and

(ii) the pilot-in-command of a small aeroplane may propose an amendment to an air traffic control clearance, but such amendment shall not be applied until authorised by the responsible air traffic service unit.

Priority

135.11.26 An air traffic service unit may, with regard to arrivals and departures, give priority to a small aeroplane operating in accordance with flight plan clearance over aircraft not so engaged

[There is no full stop at the end of this provision; there are no additional words in the *Government Gazette*.]

DIVISION FIVE: HEIGHTS AND INSTRUMENT APPROACH AND DEPARTURE PROCEDURES

Minimum heights

135.11.27 (1) Except when necessary for take-off or landing, or except with the prior approval of the Director, no pilot-in-command of a small aeroplane·-

(a) shall fly the aeroplane over built-up areas or over an open-air assembly of persons at a height less than 1 000 feet above the highest obstacle, within a radius of 2 000 feet from such aeroplane;

(b) when flown elsewhere than specified in paragraph (a), shall fly the aeroplane at a height less than 500 feet above the ground or water; and

(c) shall circle over or do repeated overflights over an open-air assembly of persons at a height less than 3 000 feet above the surface.

(2) Except when necessary for take-off or landing, the pilot-in-command of a small aeroplane shall by night, in IMC, or when operated in accordance with IFR, fly the aeroplane·0

(a) if within an area determined by the Director, at a height of at least 1 000 feet above the highest obstacle within that area and in accordance with such procedures as the Director may determine; or

(b) if elsewhere than in an area contemplated in paragraph (a), at a height of at least 1 500 feet above the highest obstacle located within five nautical miles of the aeroplane in flight.

Semi-circular rule

135.11.28 (1) Unless otherwise directed by an air traffic service unit, the pilot-in-command of a small aeroplane in level flight, shall fly at an appropriate flight level selected according to the magnetic track as prescribed in Document NAM-CATS-OPS 135.

(2) Small aeroplanes flown in accordance with VFR at a height of less than 1 500 feet above the surface, shall not be required to comply with the provisions of subregulation (1), unless otherwise directed by an air traffic service unit.

Standard instrument approach to and departure from aerodrome

135.11.29 When an instrument approach to, or instrument departure from, an aerodrome is necessary, the pilot-in-command of a small aeroplane shall use the standard instrument approach and departure procedure as published by the Director in an AIC, AIP, AIP SUP or a NOTAM.

SUBPART 12
ALL WEATHER OPERATIONS

Aerodrome operating minima

135.12.1 The aerodrome operating minima are the minima referred to in regulation 135.08.10.

General operating rules for low-visibility operations

135.12.2 (1) An operator shall not conduct Category II or III operations unless:

(a) Each aeroplane concerned is certificated for operations with decision heights below 200 ft, or no decision height, and equipped in accordance with NAM-CATS-OPS 135.

[In the *Government Gazette*, the hyphen is missing between "CATS" and "OPS"; it has been inserted above to facilitate word searches for this term.]

(b) A suitable system for recording approach and/or automatic landing success and failure is established and maintained to monitor the overall safety of the operation;

(c) The operations are approved by the Director;

(d) The flight crew consists of at least 2 pilots; and

(e) Decision Height is determined by means of a radio altimeter.

(2) An operator shall not conduct low visibility take-offs in less than 150 m RVR (Category A, Band C aeroplanes) or 200 m RVR (Category D aeroplanes) unless approved by the Director.

Aerodrome considerations for low-visibility operations

135.12.3 (1) An operator shall not use an aerodrome for Category II or III operations unless the aerodrome is approved for such operations by the State in which the aerodrome is located.

(2) An operator shall verify that Low Visibility Procedures (LVP) have been established, and will be enforced, at those aerodromes where low visibility operations are to be conducted.

Training and qualifications for low-visibility operations

135.12.4 An operator shall ensure that, prior to conducting Low Visibility Take-Off Category II and III operations:

(1) Each flight crew member:

(a) Completes the training and checking requirements prescribed in NAM-CATS-OPS 135 including simulator training in operating to the limiting values of RVR and Decision Height appropriate to the operator's Category II/III approval: and

(b) Is qualified in accordance with NAM-CATS-OPS 135;

[In the *Government Gazette*, the hyphen is missing between "CATS" and "OPS" in paragraphs (a) and (b); it has been inserted above to facilitate word searches for this term.]

(2) The training and checking is conducted in accordance with a detailed syllabus approved by the Director and included in the Operations Manual. This training is in addition to that prescribed in Subpart 3; and

[The verb "is" after "training and checking" should be "are" to be grammatically correct.]

(3) The flight crew qualification is specific to the operation and the aeroplane type.

Operating procedures for low visibility operations

135.12.5 (1) An operator must establish procedures and instructions to be used for Low Visibility Take-Off and Category II and III operations. These procedures must be included in the Operations Manual and contain the duties of flight crew members during taxying, take-off, approach, flare, landing, roll-out and missed approach as appropriate.

[The word "taxiing" is misspelt in the *Government Gazette*, as reproduced above.]

(2) The commander shall satisfy himself that:

(a) The status of the visual and non-visual facilities is sufficient prior to commencing a Low Visibility Take-Off or a Category II or III approach;

(b) Appropriate LVPs are in force according to information received from Air Traffic Services, before commencing a Low Visibility Take-off or a Category II or III approach; and

(c) The flight crew members are properly qualified prior to commencing a Low Visibility Take-off in an RVR of less than 150 m (Category A, Band C aeroplanes) or 200 m (Cat D aeroplanes) or a Category II or III approach.

Minimum equipment for low-visibility operations

135.12.6 (1) An operator must include in the Operations Manual the minimum equipment that has to be serviceable at the commencement of a Low Visibility Take-off or a Category II or III approach in accordance with the AFM or other approved document.

(2) The commander shall satisfy himself that the status of the aeroplane and of the relevant airborne systems is appropriate for the specific operation to be conducted.

SUBPART 13: SECURITY

Security requirements

135.13.1 An operator shall ensure that all appropriate personnel are familiar, and comply, with the relevant requirements of the national security programmes.

Flight crew compartment security

135.13.2 If installed, the flight crew compartment door on all aeroplanes operated for the purpose of carrying passengers shall be capable of being locked from within the compartment in order to prevent unauthorised access.

Training programmes

135.13.3 An operator shall establish, maintain and conduct approved training programmes which enable the operator's personnel to take appropriate action to prevent acts of unlawful interference such as sabotage or unlawful seizure of aeroplanes and to minimise the consequences of such events should they occur.

Aeroplane search procedure checklist

135.13.4 An operator shall ensure that all aeroplanes carry a checklist of the procedures to be followed for that type in searching for concealed weapons, explosives, or other dangerous devices.

Reporting acts of unlawful interference

135.13.5 Following an act of unlawful interference on board an aeroplane the commander or, in his absence the operator, shall submit, without delay, a report of such an act to the designated local authority and the Director in the State of the operator.

PART 137
CERTIFICATED AIRCRAFT OPERATORS AND OTHER FLIGHT OPERATIONS: AGRICULTURAL OPERATIONS

LIST OF REGULATIONS

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SUBPART 1
GENERAL

Applicability

137.01.1 (1) This Part shall apply to -

(a) aircraft engaged in commercial or non-commercial agricultural operations within Namibia;

(b) aircraft registered in Namibia and engaged in commercial or non-commercial international agricultural operations; and

(c) persons acting as crew members of the aircraft operated in terms of the regulations in this Part.

(2) Unless the context otherwise indicates, agricultural operations shall be conducted in accordance with the provisions of the regulations in this Part and in addition, the provisions of the regulations in Part 91 and Part 121, Part 127 or Part 135, as the case may be.

Requirements for ratings

137.01.2 The pilot of an aircraft engaged in an agricultural operation, shall hold -

(a) a valid agricultural pilot rating issued in terms of Part 61 for the category of aircraft used; and

(b) a pest control operator's certificate issued in terms of the Fertilisers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act 36 of 1947).

Requirements for commercial agricultural operations

137.01.3 The operator of an aircraft engaged in commercial agricultural operations, shall not operate the aircraft unless such operator is the holder of a valid air operator certificate issued in terms of the regulations in Part 121, Part 127 or Part 135, as the case may be.

Aircraft equipment

137.01.4 The owner or operator of an aircraft engaged in an agricultural operation, shall ensure that the aircraft has, in addition to the equipment prescribed in Part 91, an approved and properly installed shoulder harness for each person on board.

Airworthiness certification

137.01.5 The owner or operator of an aircraft engaged in an agricultural operation, shall ensure that the aircraft is appropriately certificated in terms of the regulations in Part 21 for the purposes of the agricultural operation.

SUBPART 2
FLIGHT RULES

Dispensing agricultural chemicals

137.02.1 (1) The pilot of an aircraft dispensing an agricultural chemical in an agricultural operation, shall dispense the agricultural chemical -

(a) for its registered use; and

(b) in accordance with the safety instructions or use limitations on its label.

(2) Notwithstanding the provisions of subregulation (1), the pilot may, if the operation is for experimental purposes -

(a) under the supervision of a Government department conducting research in the field; or

(b) in terms of a permit from the applicable authority controlling such chemicals,

dispense the agricultural chemical as necessary for the particular experiment.

Direction of turns at aerodromes

137.02.2 The pilot of an aircraft engaged in an agricultural operation, may turn in a direction other than that prescribed in Part 91, when approaching for a landing at, or after take-off from, an aerodrome if -

(a) the aerodrome is used solely for aircraft engaged in agricultural operations;

(b) in the case of an unmanned aerodrome, two-way radio communication is maintained with other air traffic; or

(c) in any other case, the aerodrome displays the visual ground signal prescribed in Part 91, indicating that an agricultural operation is being conducted from that aerodrome.

Height of turns at aerodromes

137.02.3 The pilot of an aircraft engaged in an agricultural operation, may commence a turn after take-off from an aerodrome at an altitude other than that prescribed in Part 91, if -

(a) the turn does not cause the aircraft to fly over inhabited area; and

(b) the aerodrome -

(i) is used solely for aircraft engaged in agricultural operations;

(ii) has an aerodrome control service in operation and the turn is performed in accordance with an air traffic control clearance;

(iii) is an unmanned aerodrome and such pilot maintains two-way radio communication with other air traffic; or

(iv) in any other case, displays the visual ground signal prescribed in Part 91, indicating that an agricultural operation is being conducted from that aerodrome.

Operation without navigation lights

137.02.4 Notwithstanding the provisions of the regulations in Part 91, the pilot of an aircraft engaged in an agricultural operation, may operate at night without aircraft navigation lights, if -

(a) it is in the interests of aviation safety to turn the lights off due to operating conditions;

(b) prominent unlighted objects are visible for not less than one nautical mile;

(c) take-offs and landings at aerodromes with an aerodrome control service are performed in accordance with an air traffic control clearance;

(d) take-offs and landings at other aerodromes are not made while other aircraft operations requiring navigation lights, are in progress at that aerodrome; and

(e) it is required for operational purposes.

Operation over densely inhabited areas

137.02.5 The pilot of an aircraft engaged in an agricultural operation over densely inhabited areas, may, for the proper completion of the operation, fly below the minimum height prescribed in Part 91, if -

(a) prior approval is obtained from the Director and the operation is conducted in accordance with conditions and limitations determined by the Director;

(b) the operation is conducted under the authority of an air operator certificate as contemplated in regulation 137.01.3; and

(c) the holder of the air operator certificate has complied with regulation 137.04.3.

Operation over areas not densely inhabited

137.02.6 Notwithstanding the provisions of the regulations in Part 91, the pilot of an aircraft engaged in an agricultural operation, may during, or for the purposes of, the operation, fly at any altitude and at any distance from an obstruction, if -

(a) the operation is not conducted over a densely inhabited area;

(b) the operation is conducted without creating a hazard to persons or property on the ground; and

(c) the altitude and distance for all approaches, turns and departures are necessary for the operation.

Fuel reserves

137.02.7 Notwithstanding the provisions of the regulations in Part 91, the pilot of an aircraft engaged in an agricultural operation, shall ensure that the aircraft has the following minimum fuel reserves:

(a) For aeroplanes, 30 minutes of flight time; and

(b) for helicopters, 3 times the anticipated flight time or 30 minutes of flight time, whichever is the lesser.

SUBPART 3
SPECIAL FLIGHT RULES

General

137.03.1 This Subpart prescribes exceptions to the general operating and flight rules in Part 91, for the pilot of an aeroplane engaged in an agricultural operation,

Take-off distance and flight path

137.03.2 (1) Where there is a third party risk as specified in Document NAM-CATS-OPS 137, the pilot of an aeroplane engaged in an agricultural operation, shall, notwithstanding the provisions of the regulations in Part 91, and subject to the provisions of subregulation (2), ensure that the take-off distance available is greater than the take-off distance specified in the aeroplane flight manual, multiplied by a factor of 1.2.

(2) When calculating the take-off distance, the pilot shall take the following factors into account:

(a) The mass of the aeroplane at the commencement of the take-off run;

(b) the pressure altitude of the aerodrome;

(c) the ambient temperature at the aerodrome;

(d) the runway surface type and condition;

(e) the runway slope in the direction of take-off; and

(f) not more than 50 per cent of the headwind component or not less than 150 per cent of the tailwind component

(3) Where there is no third party risk as specified in Document NAM-CATS-OPS 137, the pilot is not required, notwithstanding the provisions of the regulations in Part 91, to comply with -

(a) the take-off distance specified in the aeroplane flight manual; and

(b) where applicable, the take-off flight path gradient specified in the aeroplane flight manual.

Take-off flight path

137.03.3 (1) Where there is a third party risk as defined in Document NAM-CATS-OPS 137, the pilot of an aeroplane engaged in an agricultural operation, shall ensure that, notwithstanding the provisions of the regulations in Part 91, the take-off flight path clears all obstacles by -

(a) a vertical distance of at least 50 feet plus 0,025D; or

(b) a lateral distance of at least 30 metres plus 0,1D,

where D is the horizontal distance travelled by the aeroplane from the end of the take-off distance available.

(2) When calculating compliance with subregulation (1), the pilot shall take the following factors into account:

(a) The take-off flight path shall begin at a height of 50 feet above the take-off surface at the end of the take-off distance required in terms of regulation 137.03.2(1) and (2), and end at a height of 500 feet above the take-off surface;

(b) the aeroplane shall not be banked at an angle exceeding 20 degrees; and

(c) obstacles which have a lateral distance greater than 150 metres from the planned flight path, may be disregarded,

SUBPART 4
COMMERCIAL OPERATIONS

Records

137.04.1 (1) The holder of an air operator certificate shall maintain the following records at the principal place of operation:

(a) The name and address of each client;

(b) the date of each agricultural operation;

(c) the name and quantity of the material dispensed during each agricultural operation;

(d) the name, address, licence number, and rating details of the pilot concerned; and

(e) the date on which an agricultural pilot rating was issued to the pilot concerned.

(2) The records shall be retained for a period of not less than 12 months calculated from the date on which the operation was completed.

Remote base operations

137.04.2 The holder of an air operator certificate who operates an aircraft engaged in an agricultural operation, from a base other than the principal place of operation and for a period of 14 or more consecutive nights, shall appoint a base pilot who -

(a) holds a valid agricultural pilot rating;

(b) is responsible for the operations from that remote base; and

(c) may be responsible for arranging work rosters and maintaining records.

Operations over densely inhabited areas

137.04.3 The holder of an air operator certificate who wishes to operate an aircraft in an agricultural operation over a densely inhabited area, shall -

(a) prepare a plan of the operation, in conjunction with, and for the briefing of, all personnel and organisations involved in the operation, containing -

(i) consideration of obstructions to flight;

(ii) the emergency landing capabilities of the aircraft used; and

(iii) any co-ordination necessary with the air traffic service unit concerned;

(b) give prior written notification to the local authority of the area in whose jurisdiction the operation is to be performed;

(c) give notice of the operation to the public by an effective means;

(d) ensure maximum safety to persons and property on the ground, consistent with the operation; and

(e) ensure that the aircraft has, within the preceding 100 hours of time in service -

(i) had a mandatory periodic inspection; or

(ii) been inspected under a progressive inspection programme, in accordance with the regulations in Part 43.

AERODROMES AND HELIPORTS

PART 139
AERODROMES

[Part 139 is substituted by GN 293/2018.

GN 293/2018 as amended provides that the new Part 139 comes into effect as follows:

"(i) Subpart 4 in relation to aerodromes in Category D, and Subpart 5 in relation to aerodromes in Category E, and any provision in Part 139 that refers to a Category D or E aerodrome, come into operation on **31 March 2023**;

(ii) in relation to the Categories D and E aerodromes referred to in subparagraph (i), the Executive Director must, based on safety and security standards and recommended practices, make determinations in the interim period regarding the use of aerodromes by both commercial and non-commercial domestic air traffic of a maximum certified take-off mass of not more than 20 000 kilogrammes; and

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SUBPART 1
GENERAL REQUIREMENTS

Applicability

139.01.1 (1) This Part applies to aerodromes and includes applicable requirements and standards relating to -

(a) certification of aerodromes and operation of certified aerodromes;

(b) licensing of aerodromes and operation of licensed aerodromes;

(c) issuance of permits to, and operation of, category E aerodromes;

(d) approval of non-licensed helicopter sites and their operation;

(e) design and construction of aerodromes;

(f) maintenance of aerodromes and associated facilities;

(g) obligations of aerodrome operators; and

(h) other matters relating to safety of aerodromes.

(2) This Part also sets out certain -

(a) administrative requirements applying to the Executive Director; and

(b) aviation security requirements applicable to aerodromes.

(3) A person may not use any place in Namibia as a place for the landing or departure of an aircraft unless that place has been -

(a) certified in accordance with Subpart 3;

(b) licensed in accordance with Subpart 4;

(c) issued with a permit in accordance with Subpart 5; or

(d) approved in accordance with Subpart 6,

and operated in accordance with this Part.

(4) A person may not use any area on any land, water or building for the landing or take-off of aircraft, if the air traffic in such area will in any way interfere with existing established procedures regarding controlled airspace.

Definitions for this Part

139.01.2 (1) In this Part, unless the context indicates otherwise -

"aerodrome operator" means a person who is -

(a) certified to operate an aerodrome;

(b) licensed to operate an aerodrome;

(c) permitted to operate an aerodrome; or

(d) approved to operate a non-licensed helicopter site;

"critical aeroplane" means the most demanding type of aeroplane for which the aerodrome is intended as defined in Document NAM-CATS-AH;

"Environmental Management Act" means the Environmental Management Act, 2007 (Act No. 7 of 2007); and

"local authority council" means the entity that administers the affairs of a municipality, town or village referred to in section 1 of the Local Authority Act, 1992 (Act No. 23 of 992), and includes a regional council that administers the affairs of a settlement area referred to in section 1 of the Regional Councils Act, 1992 (Act No. 22 of 1992).

(2) In this Part, the term aerodrome whenever used includes aerodromes and heliports in terms of Annex 14 to the Chicago Convention, Volumes I and II.

Applicable technical standards

139.01.3 (1) The technical standards for this Part are contained in Document NAM-CATS-AH which provides for the following matters:

(a) standards, including procedures, systems and documents used for the operation of an aerodrome;

(b) standards for facilities and equipment used in the operation of an aerodrome;

(c) standards for the training and checking of aerodrome personnel; and

(d) any other standards as may be included in the technical standards by the Executive Director.

(2) Where a particular regulation in this Part makes reference to a standard in Document NAM-CATS-AH, that standard is construed to form part of the regulation.

(3) The Executive Director may approve a variation in the standards contained in Document NAM-CATS-AH where the aerodrome operator can demonstrate an equivalent level of aviation safety.

Use of common reference systems

139.01.4 (1) At any aerodromes -

(a) the World Geodetic System - 1984 (WGS-84) must be used as the horizontal (geodetic) reference system;

(b) the Mean Sea Level (MSL) datum must be used as the vertical reference system (elevation) at aerodromes; and

(c) except where notified in the Aeronautical Information Publication (AIP) or the Aeronautical Information Circular (AIC) of Namibia, the Gregorian calendar and Coordinated Universal Time must be used as the temporal reference system.

(2) The use of common reference systems must be in accordance with the standards prescribed in Document NAM-CATS-AH.

Categories of aerodromes

139.01.5 Aerodromes must be categorised as follows:

(a) Category A: comprising aerodromes available for use by both international and domestic air traffic, including traffic of maximum certified take off mass of more than 60 000 kilogrammes;

(b) Category B: comprising aerodromes available for use by both commercial and non-commercial domestic air traffic including air traffic with maximum certified take-off mass of more than 60 000 kilogrammes;

(c) Category C: comprising aerodromes available for use by both commercial and non-commercial domestic air traffic with maximum certified take-off mass of not more than 60 000 kilogrammes;

(d) Category D: comprising aerodromes available for use by both commercial and non-commercial domestic air traffic of maximum certified take-off mass of not more than 20 000 kilogrammes; and

(e) Category E: comprising aerodromes available for use only by non-commercial domestic air traffic of maximum certified take-off mass of not more than 5 700 kilogrammes.

Aerodrome reference code

139.01.6 (1) An aerodrome reference code consisting of a code number and letter must be used for aerodrome planning purposes.

(2) The aerodrome reference code must be determined in accordance with the characteristics of the critical aeroplane for which the aerodrome facility is intended.

(3) The aerodrome reference code numbers and code letters required under subregulation (1) must be determined in accordance with the standards prescribed in Document NAM-CATS-AH.

Notifying and reporting of aerodrome data and information

139.01.7 (1) An aerodrome operator must notify and report to the Executive Director, air traffic service units concerned and the aeronautical information services any information which may affect the operation of aircraft.

(2) The information to be notified as required by subregulation (1) must be in accordance with standards prescribed in Document NAM-CATS-AH.

Restrictions and prohibitions on use of aerodromes

139.01.8 (1) The Executive Director may impose restrictions as to the use of an aerodrome and may limit or totally prohibit the operation of any aircraft -

(a) not equipped with radio equipment; or

(b) the radio equipment of which is not complementary to the radio equipment installed for the control of air traffic at such aerodrome, if the Executive Director is satisfied that such restriction, limitation or prohibition is necessary in the interests of aviation safety.

(2) An operator of a certified or licensed aerodrome may not allow the use of the aerodrome at night where such aerodrome lacks adequate facilities for night flights or where the terrain or other objects in the vicinity of the aerodrome are such that they endanger operation of aircraft used in night flights.

(3) Without prejudice to the obligations of the pilot-in-command to determine the suitability of conditions for the landing and take-off of an aircraft at any time and place, the Executive Director may prohibit flights by night to, or from, any aerodrome that in the opinion of the Executive Director lacks adequate facilities for night flights or where the terrain or other objects in the vicinity of the aerodrome are such that they endanger operators of aircraft using such aerodromes for night flights.

Deviations

139.01.9 (1) An aerodrome operator must publish in the aerodrome manual, any deviation from the requirements stipulated in this Part or from any standards and procedures published for the design and operation of an aerodrome.

(2) Any deviations in terms of subregulation (1) must be approved by the Executive Director where the results of an aeronautical study conducted in accordance with regulation 139.01.35, indicates that an alternative level of compliance may be established without compromising safety.

Publication of restrictions, deviations and exemptions and status of aerodromes

139.01.10 The Executive Director must, upon the -

(a) imposition of any restriction, limitation or prohibition;

(b) endorsement of deviations in the aerodrome operations manual;

(c) approval of exemptions;

(d) issuing or renewal of an aerodrome certificate in terms of Subpart 3;

(e) issuing or renewal of an aerodrome licence in terms of Subpart 4;

(f) issuing of an aerodrome registration in terms of Subpart 5; or

(g) approval of a non-licensed helicopter site in terms of Subpart 6,

publish in the AIP, according to the provisions of Part 175 -

(i) particulars of the restriction, exemption, limitation or prohibition;

(ii) the category for which the aerodrome is certified, licensed or permitted;

(iii) the restrictions, if any, relating to non-compliance with, or deviations from -

(aa) the appropriate aerodrome design, operation or equipment standards prescribed in this Part; or

(bb) the appropriate airspace classification requirements prescribed in Parts 71 and 172;

(iv) limitations on size of aircraft commensurate with the level of aerodrome rescue and firefighting services provided.

Storage of inflammable goods

139.01.11 (1) Fuel, pyrotechnic stores and all highly inflammable matter at an aerodrome must be stored only in buildings or receptacles which comply with the appropriate standards provided for in any applicable law that regulates the storage of inflammable goods in Namibia.

(2) Fuel storage facility in and around aircraft hangars or any building must comply with the -

(a) applicable technical standards set out in subregulation (1);

(b) applicable local authority council regulations or by-laws, if any; and

(c) requirements of any other law that regulates the storage of inflammable goods in Namibia.

Safety measures against fire

139.01.12 (1) A person may not -

(a) smoke in or bring an open flame into -

(i) any place where such an act is prohibited by a notice displayed;

(ii) any place within 30 metres of an aircraft or any aircraft fuelling or fuel delivery vehicle, storage area, or dump for liquid fuel or explosives;

(b) wilfully give a false fire alarm;

(c) tamper or interfere with any fire hose reel, hydrant or any other item or equipment provided for fire-fighting purposes;

(d) keep, store, discard or discharge any inflammable liquid, gas, signal flares or other like material in an aircraft except in the receptacle appropriate for the purpose or in

a place on the aerodrome specifically approved by the aerodrome operator for the purpose; or

(e) store, stack or use any material or equipment in a manner which constitutes or is likely to constitute a fire hazard.

(2) An aerodrome operator must -

(a) display in conspicuous places appropriate signage in respect of the acts prohibited under subregulation (1);

(b) establish preventive measures against possible fires on the aerodrome and identify a person or group of persons to maintain a fire prevention programme for the aerodrome and aerodrome buildings; and

(c) ensure that no unsafe practice is performed on the aerodrome or within its vicinity.

(3) If unsafe practices have to be performed during any day-to-day maintenance of, or on, the aerodrome, the aerodrome operator must alert the rescue and fire fighting service concerned to be on standby for the duration of such practices.

Lights which endanger safety of aircraft

139.01.13 (1) The operator of an aerodrome must extinguish, screen or otherwise modify so as to eliminate the source of danger or cause to be extinguished, screened or otherwise modified any non-aeronautical ground light near an aerodrome which might endanger the safety of aircraft.

(2) Whenever any light or pattern of lights is exhibited -

(a) in the vicinity of an aeronautical light or system of aeronautical lights which by reason of the possibility of it being mistaken for such aeronautical light or lights, is likely to endanger the safety of aircraft; or

(b) which, being in the vicinity of a certified or licensed aerodromes, is liable by its glare to endanger the safety of aircraft arriving at or departing from such aerodrome,

the Executive Director may serve a notice on the owner of the place where the light is exhibited or on the person having charge of the light or on the person owning or having charge of the pattern of lights or any portion of such pattern, directing such owner or person within the period specified in such notice to extinguish or screen effectively the light or lights under his, her or its control and in the future to prevent the exhibition of any light or particular type of light either at all or when ineffectively screened.

Use of runways and taxiways

139.01.14 Except in an emergency or on the direction of the aerodrome operator a person may not -

(a) move an aircraft in the restricted area except on a runway or taxiway;

(b) move or operate an aircraft or vehicle onto a runway or a taxiway -

(i) without the permission or instruction of the air traffic service unit operating at the aerodrome, whether or not the air traffic service unit is manned at the time;

(ii) except in accordance with written instructions issued by the air traffic service unit operating at such aerodrome, if the air traffic service unit is not manned at the time;

(iii) where no written instructions have been issued by such air traffic service unit as contemplated in subpragrapgh (ii), and the air traffic service unit is not manned at the time, except -

[The word "subparagraph" is misspelt in the *Government Gazette*, as reproduced above.]

(aa) in a manner that will not endanger aircraft; or

(bb) with the approval of the aerodrome operator;

(c) use a portion of an aerodrome other than a runway for landing an aircraft or for taking off; and

(d) land, take-off or operate on a runway, an aircraft fitted with a tailskid.

Points of entry into or exit from restricted areas of aerodrome

139.01.15 (1) A person, other than a person carried in an aircraft or in or on a vehicle, may not enter or leave a restricted area of an aerodrome except at points of entry or exit established by the aerodrome operator for that purpose.

(2) A person may not cause or allow an aircraft or a vehicle travelling on the surface of an aerodrome to enter or leave a restricted area of an aerodrome, except at points of entry or exit established by the aerodrome operator for that purpose.

(3) Except in an emergency, a person -

(a) other than a person carried in an aircraft or in or on a vehicle, may not enter or leave a restricted area of an aerodrome; or

(b) may not move an aircraft or a vehicle travelling on the surface of an aerodrome into or from the restricted area,

except at an appropriate point of entry or exit stipulated in terms of subregulation (1) or (2).

Movement of aircraft or vehicles in restricted area on direction of aerodrome operator

139.01.16 (1) An operator of an aircraft or a vehicle operating within the restricted area of an aerodrome but outside the runway or taxiway must adhere to any direction given by the aerodrome operator.

(2) Where an operator or a person refuses or fails to comply with any direction given in accordance with subregulation (1), the aerodrome operator may relocate or remove the said aircraft or vehicle and may recover from such operator or person the costs incurred in having that aircraft or vehicle so moved and any such action by the aerodrome operator does not exempt that operator or person from a prosecution in respect of such refusal or failure.

(3) Any direction given by the aerodrome operator in terms of subregulation (1) does not authorise any person to move the aircraft or a vehicle onto a runway or a taxiway -

(a) without the permission of the air traffic service unit operating at the aerodrome, if the air traffic service unit is manned at the time;

(b) except in accordance with instructions issued by the air traffic service unit operating at that aerodrome, if the air traffic service unit is not manned at the time; or

(c) except in a manner that does not endanger other aircraft, if the air traffic service unit is not manned at the time and no instructions have been issued by such air traffic service unit.

Access to apron

139.01.17 (1) Except with the approval of the aerodrome operator and in accordance with approved procedures, a person may not have access to the apron of a certified or licensed aerodrome, unless -

(a) that person is being carried in an aircraft or in or on a vehicle travelling on the surface of an aerodrome;

(b) that person is about to embark in an aircraft parked on the apron and is proceeding under the supervision of the operator of that aircraft or his or her employee from the terminal building to that aircraft;

(c) that person has disembarked from an aircraft parked on the apron and is proceeding under the supervision of the operator of that aircraft or his or her employee from that aircraft to the terminal building;

(d) that person is the operator of an aircraft parked on or moving on the surface of the apron or the operator's employee only during the performance of that employee's duties or the course of his or her employment requires his or her presence on the apron; or

(e) that person is the holder of the aerodrome certificate or licence or an employee of the holder in the performance of their duties.

(2) Except with the approval of the aerodrome operator, a person may not move an aircraft or a vehicle travelling on the surface of a certified or licensed aerodrome onto the apron.

(3) The aerodrome operator must determine procedures according to which permission to have access to the apron may be granted.

Points of access to or egress from apron

139.01.18 Except in an emergency, a person, other than a person carried in an aircraft or in or on a vehicle travelling on the surface of a certified or licensed aerodrome, may not access or depart the apron or move a vehicle or aircraft onto or from an apron, except at appropriate points of access or egress established by the operator for such purpose.

Movement of aircraft or vehicles on apron

139.01.19 (1) A person may not move an aircraft or any vehicle on the apron of an aerodrome -

(a) if there is any reasonably foreseeable danger of a collision with a person or object on the aerodrome; and

(b) unless a speed is maintained which is safe and reasonable under the circumstances, but which does not in any case exceed 25 km per hour, but -

(i) any signals given by hand or otherwise by an official on duty at the aerodrome by instruction of the aerodrome operator to a pilot in control of an aircraft which is being moved on the aerodrome or to a driver or other person in control of any vehicle which is being moved on the apron; or

(ii) any mark or light on the aerodrome having the purpose of serving as an aid to a pilot-in-command of an aircraft or driver or person in control of any vehicle to indicate a specific route or parking bay on the aerodrome,

may not, in any circumstances, excuse or exempt that pilot, driver or other person from his, her or its obligation to stop such aircraft or vehicle or to take any other steps which might under the specific circumstances be imperative in order to avoid such collision or damage to property or loss of life.

(2) A person may not move an aircraft travelling under its own power on the surface of an aerodrome on the apron, unless that person is the holder of an appropriate licence which entitles that person to pilot that aircraft, except that a student pilot who holds a student pilot licence may move an aircraft on the apron while undergoing training, if the student is accompanied in the aircraft by the holder of a flight instructor rating.

Movement of aircraft on apron under direction of aerodrome operator

139.01.20 The operator of an aircraft which is on the apron must, on being directed to do so by the aerodrome operator, move that aircraft -

(a) from the position in which it was placed to another position in the same parking place;

(b) from the parking place in which it was parked to any other parking place on the apron; or

(c) the apron,

and if the operator of such aircraft refuses or fails or is not present to comply forthwith with the direction, the aerodrome operator may have the aircraft moved to comply with the direction and may recover the costs incurred in having the aircraft so moved from the operator of the aircraft and any such action by the aerodrome operator does not exempt that operator from a prosecution in respect of the refusal or failure.

Movement of vehicles on apron under direction of aerodrome operator

139.01.21 The person in lawful charge of a vehicle on the apron must, on being directed to do so by the aerodrome operator, move that vehicle -

(a) to another place on the apron indicated by the aerodrome operator; or

(b) from the apron,

and if that person refuses or fails or is not present to comply forthwith with the direction, the aerodrome operator may have the vehicle moved to comply with the direction and may recover from that person the costs incurred in having the vehicle so moved and any such action by the aerodrome operator does not exempt that person from prosecution in respect of the refusal or failure.

Parking of aircraft on apron

139.01.22 (1) An operator of a certified or licensed aerodrome must -

(a) provide suitable parking stands based on the size and types of aircraft operating at the aerodrome; and

(b) provide procedures to safely guide aircraft in to the parking bay where the docking system is not in place or is unserviceable.

[The term "in to" should be one word: "into".]

(2) The operator of an aircraft must ensure that an aircraft is parked in the place on the apron allocated to it by the aerodrome operator and in the position required by the aerodrome operator.

(3) Where the aircraft operator refuses or fails to comply with the requirement of subregulation (2), the aerodrome operator may have that aircraft parked or positioned so as to comply with the terms of such allocation or positioning.

(4) An aerodrome operator may pursuant to subregulation (3), recover the costs incurred in so parking or positioning of that aircraft, from the operator of that aircraft and any such action by the aerodrome operator may not exempt that operator from prosecution in respect of the refusal or failure.

(5) Save in an emergency, a person may not move an aircraft from the parking place allocated to it or from the position in which it was placed in terms of these regulations except with the approval of the aerodrome operator.

Securing of parked aircraft

139.01.23 (1) The operator of an aircraft must properly secure an aircraft parked on the apron and unattended.

(2) An aircraft operator must ensure that appropriate chocks or mooring equipment are used to secure the aircraft.

(3) An aerodrome operator must -

(a) make available facilities to enable aircraft operators to safely secure their aircraft.

(b) ensure that the operator of an aircraft complies with the requirements of subregulations (1) and (2).

Embarkation or disembarkation of persons into, or from, aircraft

139.01.24 (1) An operator of an aircraft in which persons are to be embarked or from which persons are to be disembarked on the apron must -

(a) supervise the embarking or disembarking of persons from such aircraft; and

(b) where the aircraft requires the use of passenger stairs for embarking or disembarking persons in or from such aircraft, ensure that such stairs are correctly and securely placed at each aircraft door in accordance with operator's instructions prior to use.

(2) Except in the case of an emergency or with the approval of the aerodrome operator, a person may not embark in or disembark from an aircraft except on the apron.

(3) An operator of an aircraft must ensure that authorised aircraft operator personnel are on standby with appropriate fire extinguishers during the loading or unloading of passengers, and when aircraft fuelling operations are taking place.

(4) The pilot-in-command of an aircraft that is being refuelled with passengers on board must ensure that the 'no smoking sign' is activated within the cabin and that passengers are advised of extra safety information.

(5) If required by the aerodrome operator or aerodrome rescue and firefighting services (ARFFS), personnel must be placed on standby when refuelling of an aircraft is being performed with passengers on board.

Loading or unloading cargo and dangerous goods into, or from, aircraft

139.01.25 (1) An authorised officer, inspector or authorised person authorised to supervise loading or unloading cargo in or from aircraft on the apron must ensure that -

(a) all working aircraft holds and doors are open to permit the efficient loading or unloading;

(b) all proper labels are affixed to all items of cargo to be carried in such aircraft;

(c) each item of cargo is placed in its appropriate place and without damage to the aircraft; and

(d) any damage during loading or unloading of cargo is reported to the operator of the aircraft prior to the departure of the aircraft.

(2) Except in the case of an emergency or with the approval of the aerodrome operator, a person may not load or unload cargo from an aircraft, unless the loading or unloading takes place on the apron.

(3) The operator of an aircraft in which dangerous goods are to be loaded or from which dangerous goods are to be unloaded, as the case may be, on the apron must, before loading or unloading such dangerous goods, inform the aerodrome operator of the nature of the dangerous goods and the proposed time and method of the loading or unloading.

(4) If the operator of an aircraft has in terms of subregulation (3), informed the aerodrome operator of the proposed loading or unloading and the aerodrome operator considers that persons or property on the aerodrome will be endangered by the proposed loading or unloading, the aerodrome operator may -

(a) permit such loading or unloading subject to such conditions which the aerodrome operator may consider necessary to impose with a view to safeguarding persons or property on the aerodrome;

(b) prohibit such loading or unloading; or

(c) direct that such loading or unloading be undertaken at another time or by another method or both at another time and by another method, and the aerodrome operator may, in addition, impose any condition which the aerodrome operator may consider necessary for the purpose of safeguarding persons or property on the aerodrome.

(5) If dangerous goods have been loaded in or unloaded from an aircraft without the knowledge of the aerodrome operator, the aerodrome operator may direct that such dangerous goods be unloaded from or reloaded in such aircraft or give such other directions or impose such conditions which the aerodrome operator may consider necessary with a view to safeguarding persons or property at the aerodrome.

(6) The operator of an aircraft which is conveying dangerous goods on an aerodrome must, if directed to do so by the aerodrome operator, move such aircraft to another place on the aerodrome and keep that aircraft in that place until the aerodrome operator grants permission for that aircraft to be moved.

(7) If the operator of an aircraft in which dangerous goods are conveyed -

(a) refuses or fails or is not present to comply forthwith with -

(i) any prohibitions made by the aerodrome operator in terms of subregulation (4); or

(ii) any direction given by the aerodrome operator in terms of subregulations (4), (5) or (6); or

(b) refuses or fails or is not present to comply forthwith with a condition imposed by the aerodrome operator in terms of subregulation (4) or (5),

the aerodrome operator may take all steps necessary to ensure that any such prohibition, direction or condition is complied with as expeditiously and as safely as possible and may recover from the operator of such aircraft the cost incurred in ensuring compliance with such prohibition, direction or condition and any such action by the aerodrome operator does not exempt that operator from a prosecution in respect of such refusal or failure.

Supply of fuel to aircraft

139.01.26 (1) A person may not supply any fuel to an aircraft except at a place and in a manner approved by the aerodrome operator.

(2) The aerodrome operator may require a person approved to supply fuel at an aerodrome in terms of subregulation (1) to comply with such conditions as the aerodrome operator may consider necessary for the purpose of safety.

(3) The aerodrome operator must -

(a) develop procedures to be used for refuelling of aircraft at the aerodrome;

(b) institute measures to periodically monitor the refuelling processes to ensure compliance with the procedures developed in terms of paragraph (a) are maintained;

(c) institute measures to record, address and resolve any identified non-conformance with procedures for the supply of fuel to an aircraft;

(d) ensure that arrangements are in place to summon and facilitate emergency services as may be required during refuelling of aircraft.

(4) The operator of an aerodrome must ensure that fixed installation refuelling facilities are provided with emergency cut-off switches that are clearly marked and situated in an accessible place without causing danger to persons or property in the event of an emergency.

Boarding or tampering with aircraft

139.01.27 Except with the permission of the aircraft operator or the person in lawful charge of an aircraft, a person may not on an aerodrome -

(a) board the aircraft other than doing so under the direction of the aircraft operator; or

(b) tamper or interfere in any way whatsoever with the aircraft or its associated equipment or anything used in connection with the aircraft.

Test-running of aircraft engines

139.01.28 A person may not test-run an aircraft engine at an aerodrome except at the approved aircraft maintenance facility of the aerodrome or a place designated for that purpose by the aerodrome operator.

Regulation of vehicular or other traffic at aerodrome

139.01.29 All vehicular traffic or other traffic when operated on an aerodrome must, where applicable, at all times comply with the Road Traffic and Transport, 1999 (Act No. 22 of 1999), and the related regulations or any other applicable laws.

Entering or leaving aerodrome

139.01.30 (1) A person, other than a person entering or leaving an aerodrome by means of an aircraft landing at, or taking off from, that aerodrome, may not enter or leave that aerodrome otherwise than through a gate or entrance provided by the aerodrome operator for the entry and exit of persons and vehicles.

(2) A person who is directed by an authorised person to leave the aerodrome or any part thereof, must do so forthwith and refusal or failure to comply with such direction constitutes the commission of an offence.

Animals in restricted area of aerodrome

139.01.31 (1) A person may not cause or permit any animal to graze or feed in the restricted area of an aerodrome unless such animal is in that area for the purpose of transportation on a flight.

(2) A person who brings an animal into the restricted area of an aerodrome or who receives an animal in the restricted area of an aerodrome must ensure that such animal is at all times under proper control while it remains in the restricted area of the aerodrome.

Acts prohibited on aerodromes and in terminal buildings

139.01.32 (1) A person may not -

(a) obstruct or interfere with the use of an aerodrome;

(b) obstruct any person in the employment of the aerodrome operator acting in the execution of that person's duty in relation to the aerodrome;

(c) remove any notice board erected by the aerodrome operator or with the permission of the aerodrome operator or any writing or document displayed on that notice board or deface any writing or document or any marking on that notice board or document;

(d) throw, leave or drop anything capable of causing injury to any person or animal or damage to any property;

(e) dump any waste matter whatsoever elsewhere than at a place approved for the purpose by the aerodrome operator;

(f) commit any act which amounts to nuisance or commit a disorderly or indecent act or be in a state of intoxication or behave in a violent or offensive manner to the offence or annoyance of other persons on the aerodrome or make use of offensive language;

(g) write, draw or affix any profane, obscene, indecent or abusive word, matter, presentation or character on the aerodrome or on property on the aerodrome;

(h) dump or spill any substance capable of causing water pollution, whether such substance is a solid, liquid, vapour or gas or combination thereof, elsewhere than at a place approved for that purpose by the aerodrome operator;

(i) provide false information that results or could result in the deployment of the aerodrome emergency services; or

(j) misuse the fire crash alarm for any other purposes than for deployment of the emergency services for an actual emergency, unless a request from an authorised person is received for the purposes of determining compliance with licensing audit requirements.

(2) Except with the written permission of the aerodrome operator, a person may not -

(a) bring a vehicle into or drive a vehicle in or into a terminal building on an aerodrome;

(b) obstruct an entrance to, or a passage in, a terminal building in such a manner as to inconvenience other users of the entrance or passage concerned; or

(c) walk or drive a vehicle or other conveyance machine or device across any taxiway or runway.

(3) Except with the written permission of an aerodrome operator, a person may not on an aerodrome or on any public road or parking area adjacent to that aerodrome -

(a) damage, interfere or tamper with any part of the aerodrome, public road or parking area or any equipment associated with the operation of the aerodrome;

(b) climb any wall, fence, barrier, railing, gate or post;

(c) wash or otherwise clean or polish a vehicle elsewhere than at a place approved for that purpose by the aerodrome operator;

(d) cut, dig, damage or remove any soil, grass, tree, shrub or flower;

(e) go on to, or damage, any flower-bed or anything growing therein;

(f) remove, pick or otherwise damage any tree, shrub, plant or flower;

(g) go on to a lawn or on to ground which has been seeded or planted for the purpose of growing grass to form a lawn;

(h) display or post advertisements, posters, banners or anything similar;

(i) handle any baggage or confront passengers to carry their baggage;

(j) tout for any services, including public transport, taxi, car valet, accommodation, parking and car-wash services; or

(k) solicit for funds.

(4) An operator of an aerodrome reserves the right of admission to terminal buildings of the aerodrome, and signs to this effect must be erected in a conspicuous place near all entrances to those terminal buildings.

(5) The operator of an aerodrome or an authorised person may request any person on the aerodrome property to provide valid reasons for being there, and if an acceptable reason cannot be furnished, order that person to leave the aerodrome and its premises.

(6) Any person ordered by a duly authorised person to vacate or leave an aerodrome and its premises must do so forthwith and refusal or failure to comply with such order constitutes the commission of an offence.

(7) The operator of a certified or licensed aerodrome or an authorised person may carry out a search of any article, parcel or baggage in possession of, or under the control of, any person at an aerodrome.

(8) A person may not, on a certified or licensed aerodrome, carry out any trade or business unless that person is the holder of a valid permit, licence or concession, issued by or on behalf of the aerodrome operator, which entitles the holder thereof to carry out the trade or business specified on that particular aerodrome.

(9) A person may not provide false information that will or is likely to necessitate the deployment of the emergency services or might result in the sounding or activation of fire or any other safety or security alarm system.

Lead-in lights

139.01.33 Where the Executive Director so requires, an operator of a certified or licensed aerodrome must ensure that such aerodrome has a runway lead in light system which -

[The two words "lead in" should be hyphenated as "lead-in", as in the heading.]

(a) provides visual guidance along a specific approach path;

(b) assists in the avoidance of hazardous terrain; and

(c) assists in noise abatement.

Land use in vicinity of aerodrome

139.01.34 (1) A person who intends to carry out land use activities in the vicinity of aerodromes which are likely to impact on the operational safety of the aerodrome and the safety of the surrounding communities must, during the planning for such land use activities, consult with the Executive Director and operator of the aerodrome or the operator's personnel.

(2) All land use practices and activities in the vicinity of an aerodrome must conform to the standards prescribed in Document NAM-CATS-AH.

Aeronautical studies

139.01.35 (1) An operator of an aerodrome must monitor the aerodrome's operations for any significant change or changes that may affect the safety of aerodrome operations.

(2) Despite subregulation (1), the Executive Director may require an operator of an aerodrome to conduct an aeronautical study for any significant change or changes that may affect the safety of aerodrome operations.

(3) An aeronautical study pursuant to subregulation (2) must be conducted in accordance with standards prescribed in Document NAM-CATS-AH.

Safety inspections and audits

139.01.36 (1) An applicant for the issuing of an aerodrome certificate or licence must permit a person authorised by the Executive Director to carry out such safety inspections and audits which may be necessary to verify the validity of the application concerned.

(2) A holder of an aerodrome certificate or licence must permit a person authorised by the Executive Director access to carry out safety inspections and audits of such holder's

aerodrome, documents, equipment, records and personnel as may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

Testing of aerodrome facilities, equipment and procedures

139.01.37 (1) The operator of an aerodrome must allow a person or persons authorised by the Executive Director to conduct tests of aerodrome facilities, equipment or operating procedures at the aerodrome for the purpose of ensuring aviation safety.

(2) The operator must allow a person or persons authorised by the Executive Director access to any part of the aerodrome or any aerodrome facilities, equipment or records for the purposes of carrying out such tests.

(3) The person or persons authorised by the Executive Director must give reasonable notice of any tests to be conducted in terms of subregulation (1) or (2), to the operator and carry out the tests at a reasonable time as agreed with the operator.

Register of aerodrome certificates and licences

139.01.38 (1) The Executive Director must maintain a register of all aerodrome certificates and licences issued in terms of this Part in accordance with section 52 of the Act.

(2) The register for certified and licensed aerodromes must be identified as the "Register of Certified Aerodromes" and "Register of Licensed Aerodromes" respectively and each register must contain the following particulars:

(a) the full name and, if any, the trade name of the holder of the certificate or licence;

(b) the postal, electronic mail and physical address of the holder of the certificate or licence;

(c) the telephone, cell phone and telefax numbers of the holder of the certificate or licence;

(d) the name and the location of the aerodrome for which the certificate or licence was issued;

(e) the category of the aerodrome;

(f) the number of the certificate or licence issued to the holder;

(g) the date on which the certificate or licence was issued;

(h) the file reference numbers of initial and subsequent safety inspection records and audit reports in respect of all aerodromes certified or licensed; and

(i) the nationality of the holder of the certificate or licence.

(3) The particulars referred to in subregulation (2) must be recorded in the register within seven days from the date on which the certificate or licence is issued or renewed, as the case may be, by the Executive Director.

(4) The register must be kept in a safe place at the office of the Executive Director as part of the Civil Aviation Registry established in terms of section 52(1) of the Act and be accessible to the public in terms of section 52(3) of the Act.

(5) The Executive Director must furnish a copy of the register to any person who requests the copy upon payment of the appropriate fees prescribed in Part 187.

Use of military aerodromes

139.01.39 (1) Subject to the approval of the Minister responsible for defence, the Executive Director may, upon application by any operator of an aircraft who desires to use a military aerodrome for civil aviation purposes, authorise the use of the military aerodrome for civil aviation purposes.

(2) An authorisation to use the military aerodrome must be granted in writing and may include such conditions as the Executive Director may determine, if the Executive Director is satisfied that the use of that military aerodrome by the operator will not jeopardise aviation safety or security.

(3) The application and the grant of an authorisation to use a military aerodrome must be in accordance with standards prescribed in Document NAM-CATS-AH.

Specific procedures for aerodrome operations

139.01.40 (1) An operator of a certified or licensed aerodrome must ensure that when the aerodrome accommodates an aircraft that exceeds the certificated characteristics of the aerodrome, the compatibility between the operation of the aeroplane and aerodrome infrastructure and operations are assessed and appropriate measures developed and implemented in order to maintain an acceptable level of safety during operations.

(2) The assessment of the compatibility of the operation of a new aeroplane with an existing aerodrome in accordance with subregulation (1) must be in accordance with the standards prescribed in Document NAM-CATS-AH.

Security measures

139.01.41 (1) An aerodrome operator must ensure that the security requirements are determined during the design and construction of an aerodrome.

(2) The security measures at an aerodrome must take into account the provisions of Part 111, and the related standards, procedures and practices.

(3) Despite the requirements of subregulation (1) and (2), the operator of any aerodrome that has been designated as a security designated aerodrome in accordance with section 130 of the Act, must ensure compliance with the relevant aviation security provisions of the Act and the applicable requirements in Part 111.

Low visibility operations

139.01.42 An operator of a certified or licensed aerodrome, must have procedures in place for operations during conditions of low visibility in accordance with standards prescribed in Document NAM-CATS-AH.

Exemptions

139.01.43 (1) The Executive Director may in accordance with section 46 of the Act grant an aerodrome operator an exemption from specific provisions of these regulations taking into account all aviation safety-related aspects of the aerodrome.

(2) The Executive Director may approve an exemption under subregulation (1) where the results of an aeronautical study conducted in accordance with regulation 139.01.35, indicates that an alternative level of compliance may be established without compromising aviation safety.

(3) Where an exemption is granted in accordance with subregulation (1), the Executive Director may determine the conditions necessary to ensure an equivalent level of safety referred to in subregulation (2), and such conditions must be set out in an endorsement on the aerodrome certificate or licence.

(4) An aerodrome operator must comply with any conditions specified by the Executive Director in the endorsement on the aerodrome certificate or licence.

(5) An aerodrome operator must publish in the aerodrome manual, any exemptions granted by the Executive Director under this regulation.

Compensation payable for spilling substances on certain areas

139.01.44 (1) Where fuel, hydraulic liquid or any other substance which causes damage to, or defaces, the apron or manoeuvring area or poses a safety hazard is spilled from or by any aircraft, vehicle or any other technical equipment on the apron or manoeuvring area of an aerodrome, the owner or operator of such aircraft, vehicle or technical equipment, as the case may be, must compensate the aerodrome operator for the cleaning of the apron or manoeuvring area as a result of such spilling.

(2) The compensation payable under subregulation (1) must be determined on a cost recovery basis.

Firing of rockets, missiles, flares or other objects in vicinity of aerodromes

139.01.45 (1) A person may not fire a rocket, missile, flares or any other object other than those used for aeronautical distress within the vicinity of an aerodrome, unless that person has been granted permission to do so by the Executive Director.

(2) Despite subregulation (1), the firing of rockets, missiles, flares or any other objects may not take place at or within 15 kilometres from the aerodrome reference point of a certified or licensed aerodrome.

SUBPART 2
AERODROME DESIGN AND CONSTRUCTION REQUIREMENTS

Applicability of Subpart

139.02.1 This Subpart applies to aerodromes categorised as A, B C and D by regulation 139.01.5.

[A comma is missing between “B” and “C”.]

Construction of aerodrome

139.02.2 (1) A person may not construct an aerodrome unless that person has obtained the necessary authorisation issued by the Executive Director.

(2) An application to construct an aerodrome must be submitted to the Executive Director in the form and manner determined by the Executive Director and must be accompanied by -

(a) full particulars of the particular area demarcated for the development of the aerodrome, and the location thereof;

(b) a detailed design of the proposed construction including related architectural requirements approved, where possible, by the relevant local authority council;

(c) written approval from the following institutions for the intended aerodrome development:

(i) for private aerodromes, approval from the relevant local authority council;

(ii) for commercial aerodromes intended for domestic operations, approval from the relevant local authority council; and

(iii) for international aerodromes, approval from the relevant local authority council and the Ministry responsible for works and transport; and

(d) aerodrome data in accordance with the characteristics of the critical aeroplane for which the aerodrome is intended;

(e) a topographical map of the proposed aerodrome site;

(f) an environmental clearance certificate issued under the Environmental Management Act; and

(g) the applicable fees as prescribed under Part 187.

(3) On receipt of the application, the Executive Director must assess the suitability of the place proposed for construction taking into consideration -

(a) the proximity of the place to other aerodromes and landing areas including military aerodromes;

(b) the obstacles, terrain and existing airspace restrictions; and

(c) that it is not against public interest that the place where the aerodrome is to be constructed should be used as such.

(4) The Executive Director must make arrangements for the inspection of the proposed site of the aerodrome prior to commencement of construction to ascertain compliance with the applicable technical standards.

(5) The Executive Director may grant the application, if he or she is satisfied that the requirements of subregulations (2) and (3) have been met and the results of the inspection required

under subregulation (4) indicate that the construction of the aerodrome will not jeopardise aviation safety.

(6) The Executive Director must make arrangements for the inspection of the proposed aerodrome during construction to ascertain compliance with the applicable technical standards and any conditions specified in the authorisation.

(7) A person authorised to construct an aerodrome must ensure that the design and construction of the aerodromes -

(a) is undertaken by a person registered with, or approved by, the relevant professional body; and

(b) takes into account, as appropriate, land-use and environmental control measures.

Requirements for aerodrome design

139.02.3 (1) An applicant for the construction of an aerodrome must ensure that the aerodrome design required under regulation 139.02.2(2)(b) is appropriate to the critical aeroplane for which the aerodrome is intended.

(2) An applicant for the construction of an aerodrome must integrate architectural and infrastructure-related requirements for the optimum implementation of international civil aviation security measures referred to in regulation 139.01.41 into the design and construction of new facilities and alterations to existing facilities at an aerodrome.

(3) An aerodrome design must -

(a) indicate the physical characteristics of the aerodrome appropriate to the characteristics of the critical aeroplane for which the aerodrome is intended to serve;

(b) indicate the obstacle limitation surfaces;

(c) indicate visual aids for -

(i) navigation;

(ii) denoting obstacles; and

(iii) restricted areas; and

(d) indicate aerodrome data including the appropriate equipment and installations;

(e) indicate an airspace classification referred to in Parts 71 and 172;

(f) indicate an appropriate level of firefighting services appropriate to the characteristics of the critical aeroplane it intends to serve in accordance with regulation 139.16.3;

(g) indicate the lowest meteorological minima for each runway;

(h) be in accordance with the standards prescribed in Document NAM-CATS-AH.

Issuance of certificate of intent

139.02.4 (1) Where an application to construct an aerodrome has been granted by the Executive Director, a proposed holder of an aerodrome certificate or licence may submit an application to the Executive Director for the grant of a certificate of intent.

(2) An application for the issuing of a certificate of intent must be made to the Executive Director in the form and manner determined by the Executive Director.

(3) The application for a certificate of intent must be accompanied by -

(a) the documents listed under 139.02.2(2); and

(b) written comments from the air navigation service provider regarding the impact on the existing airspace structure and the feasibility of accommodating the intended aerodrome development in the airspace structure.

(4) The Executive Director must, as soon as practicable after the receipt of an application for certificate of intent, publish a notice in the *Gazette* the following particulars in respect of the application concerned:

(a) the full name of the applicant;

(b) full particulars of the location of the aerodrome; and

(c) reference to the date by which the representations referred to in subregulation (5) must be submitted to the Executive Director.

(5) Any person may, after the publication of the notice referred to in subregulation (4), submit in writing representations to the Executive Director against or in favour of the application concerned.

(6) The Executive Director may grant the application if he or she is satisfied that the application complies with the requirements prescribed in these regulations.

(7) A certificate of intent must be issued on the form as determined by the Executive Director.

(8) The certificate of intent must specify the conditions and the restrictions which the Executive Director considers necessary in the interests of aviation safety.

(9) A certificate of intent -

(a) is not transferable; and

(b) must remain valid for the period determined by the Executive Director, which period must not exceed five years, calculated from the date on which the certificate is issued.

SUBPART 3
CERTIFICATION OF AERODROMES

Applicability of Subpart

139.03.1 (1) This Subpart applies to category A aerodromes.

(2) This Subpart also applies to aerodromes in category B that have to be certified as considered necessary by the Executive Director.

(3) Despite subregulations (1) and (2), an aerodrome operator may apply for certification of that operator's aerodrome in accordance with the provisions of this Subpart.

Requirement for aerodrome certificate

139.03.2 (1) A person may not operate an aerodrome used for international operations unless that person holds a certificate issued by the Executive Director in accordance with this Subpart.

(2) The issuance and renewal of an aerodrome certificate is subject to the aerodrome complying with these regulations and the standards prescribed in Document NAM-CATS-AH.

[The verb "is" should be "are" to be grammatically correct.]

(3) The Authority must, by means of audit procedures and inspections at various times as determined by the Executive Director, during the preceding certificate period or before the issuing of a new certificate, determine compliance with these regulations and standards for the purposes of issuing or renewal of a certificate.

(4) The Authority must charge fees on the aerodrome certificate holder, upon issuance or renewal of an aerodrome certificate, in accordance with fees as prescribed in Part 187.

Application for aerodrome certificate

139.03.3 (1) An applicant for the issuing of an aerodrome certificate must -

(a) submit an application to the Executive Director in the form and manner determined by the Executive Director; and

(b) pay the appropriate application fee as prescribed in Part 187.

(2) An application under subregulation (1) must include -

(a) a completed application form;

(b) the aerodrome manual prepared in accordance with Subpart 7;

(c) the plan of the aerodrome and its facilities approved by the appropriate local authority council;

(d) evidence of lawful entitlement to use the place as an aerodrome;

(e) an aerodrome environmental management programme referred to in regulation 139.08.15;

(f) the procedures for the notification and reporting of aerodrome data and information referred to in Subpart 9;

(g) written approval from the local authority, regional or traditional authority council in whose area of jurisdiction the proposed aerodrome is situated, and from all relevant governmental offices, ministries, agencies and entities whose approval is required;

(h) proof that the applicant is financially capable of operating the aerodrome, including the provision of firefighting service required under Subpart 16;

(i) particulars of non-compliance with or deviations from -

(i) the appropriate aerodrome design, operation or equipment standards;

(ii) the appropriate airspace classification in terms of Parts 71 and 172;

(j) the appropriate fee as prescribed in Part 187.

(3) The application must be submitted to the Executive Director not less than 90 days before the date that the certificate is required.

(4) The Executive Director must, as soon as practicable after the receipt of an application for an aerodrome certificate or for an amendment thereof, publish by notice in the *Gazette* the following particulars in respect of the application concerned:

(a) the full name of the applicant;

(b) full particulars of the location of the aerodrome; and

(c) reference to the date by which the representations referred to in subregulation (5) must be submitted to the Executive Director.

(5) Any person may, after the publication of the notice referred to in subregulation (4), in writing submit representations to the Executive Director against or in favour of the application concerned.

Issuance of aerodrome certificate

139.03.4 (1) The Executive Director must as soon as practicable consider an application referred to in regulation 139.03.3, together with all representations, information and other documents relating to such application which are received within the period specified in the notice published in terms of regulation 139.03.3(4).

(2) The Executive Director must issue a certificate in the form and manner by him or her, if the Executive Director is satisfied that -

(a) the applicant has complied with the application requirements in regulation 139.03.3;

(b) the applicant and the personnel of the applicant are adequate in number and have the necessary competency and experience to operate and maintain an aerodrome;

(c) the aerodrome manual prepared for the aerodrome and submitted with the application contains all the relevant information;

(d) the aerodrome facilities, services and equipment are established in accordance with the standards prescribed in Document NAM-CATS-AH;

(e) the aerodrome's operating procedures make satisfactory provision for the safety of aircraft;

(f) the safety management system in terms of regulation 139.08.6 is in place;

(g) a quality assurance system in terms of regulation 139.08.4 is in place; and

(h) the applicant has complied with the aerodrome security requirements specified in this Part and Parts 108 to 114, inclusive.

(3) The Executive Director may issue an aerodrome certificate subject to any conditions that the Executive Director may consider necessary for the purpose of civil aviation safety and security.

(4) If the applicant does not satisfy the requirements set out in subregulation (2) or in any provision of the Act or these regulations, the Executive Director may refuse to grant a certificate to an applicant and where the Executive Director so refuses, he or she must notify the applicant in writing of the reasons for the refusal, not later than 14 days after making that decision.

(5) After the issuance of an aerodrome certificate, the Executive Director must carry out surveillance and inspections to ensure continuing validity of the certificate and continuing capacity of the aerodrome operator to maintain safe and regular operation of the aerodrome and associated facilities and services.

(6) The Executive Director may endorse on a certificate the conditions for use of an aerodrome and any other details as may be considered necessary.

Aerodrome certificate

139.03.5 (1) An aerodrome certificate must be issued on the appropriate form as determined by the Executive Director.

(2) The certificate must specify -

(a) the category of the aerodrome for which the aerodrome is certified;

(b) the restrictions, if any, relating to non-compliance with or deviations from the appropriate aerodrome design, operation or equipment standards;

(c) the period of validity of the certificate; and

(d) the appropriate airspace classification in accordance with Parts 71 and 172.

Validity of aerodrome certificate

139.03.6 (1) An aerodrome certificate is valid for a period of two years from the date on which the certificate is issued or renewed.

(2) The certificate remains in force until it expires or is suspended or revoked by the Executive Director pursuant to sections 42 and 43 of the Act, as the case maybe.

[The word "maybe" should be the two words "may be".]

(3) The holder of a certificate which has expired, must within five days after the expiry, surrender the licence to the Executive Director.

(4) Failure to surrender a certificate in accordance with this subregulation (3) is subject to enforcement action under Parts 13 and 185.

Renewal of aerodrome certificate

139.03.7 (1) An application for the renewal of an aerodrome certificate must be made to the Executive Director in the form and manner determined by the Executive Director, and must be accompanied by -

(a) the updated copy of the aerodrome manual if significant changes have been made following the initial certification;

(b) particulars of non-compliances with, or deviations, if any, from the appropriate design, operation or equipment standards; and

(c) the appropriate fees as prescribed in Part 187.

(2) An application for renewal must be submitted at least 60 days before the expiry of the current certificate.

Amendment of aerodrome certificate

139.03.8 (1) An application for amendment of an aerodrome certificate pursuant to section 45 of the Act must be submitted to the Executive Director and the requirements of regulation 139.03.7, subject to necessary changes required by the context, apply to that application.

(2) An amendment must be applied for whenever there is a change in one or more of the following circumstances:

(a) a change in the use or operation of the aerodrome;

(b) a change in the boundaries of the aerodrome;

(c) if the holder of the certificate requests an amendment; or

(d) if the Executive Director considers it necessary.

Suspension and revocation of aerodrome certificate

139.03.9 (1) The Executive Director may, by written notice given to the holder of an aerodrome certificate, suspend or revoke the certificate in accordance with sections 42, 43 and 44 of the Act, and if there are reasonable grounds for believing that the aerodrome facilities, operations or maintenance are not in compliance with the requirements and standards prescribed in this Part.

(2) Despite subregulation (1), the Executive Director may suspend or revoke an aerodrome certificate if -

(a) after a safety inspection and audit carried out in terms of regulation 139.01.36, it is evident that the holder of the certificate does not comply with the requirements prescribed in this Part and that holder fails to remedy the non-compliance within the time frame specified by the Executive Director in a written notice requiring the holder to do so; or

(b) an authorised officer, inspector or authorised person is prevented by the holder of the certificate from carrying out a safety inspection and audit in terms of regulation 139.01.36; or

(c) the suspension is necessary in the interest of aviation safety.

(3) A holder of a certificate that has been suspended or revoked may appeal in accordance with section 225 of the Act.

(4) The holder of a certificate which is suspended, must within 48 hours after the suspension, produce the certificate thereof to the Executive Director for the appropriate endorsement.

(5) The holder of a certificate which is revoked must, within seven days from the date on which the certificate is revoked, surrender that certificate to the Executive Director.

(6) Failure to surrender a certificate in accordance with this subregulation (4) or (5) is subject to enforcement action under Parts 13 and 185.

Surrender of aerodrome certificate

139.03.10 (1) Subject to subregulation (2), a holder of an aerodrome certificate may surrender the certificate to the Executive Director at any time.

(2) A holder of an aerodrome certificate who wishes to surrender the certificate must give the Executive Director not less than 60 days' notice in writing, before the date on which the certificate is to be surrendered.

(3) The Executive Director must revoke the aerodrome certificate on the expiry of the period of notice referred to in subregulation (2).

(4) Where, after the expiry of the period in subregulation (2), an aerodrome is abandoned or is not maintained in accordance with the conditions of the certificate, the holder of the certificate must remove, obliterate or modify the aerodrome markings required under this Part.

(5) Upon revocation of a certificate pursuant to subregulation (3), regulation 139.03.9(1) or 139.03.9(2), the Executive Director must arrange for -

(a) the revocation to be notified through NOTAM; and

(b) details of the certificate and any other information about the aerodrome to be removed from the AIP.

Transferability of aerodrome certificate

139.03.11 (1) An aerodrome certificate issued under these regulations is not transferable.

(2) A change in ownership of the holder of a certificate is deemed to be a change of significance and the written approval of the Executive Director must be obtained where a change of ownership does or may give rise to alterations to approved elements or criteria upon which the certificate was originally issued.

Breach of conditions for issuance of aerodrome certificate and non-conformance with certificate requirements

139.03.12 (1) The breach of any conditions subject to which a certificate is issued including any approval, permission or exemption may lead to the suspension or revocation of the certificate.

(2) The Executive Director may in accordance with section 38(6) of the Act, impose operating restrictions or prohibitions at a certified aerodrome in the event of non-conformance with the certification requirements or any unresolved safety concerns.

Charges at certified aerodromes

139.03.13 (1) A holder of an aerodrome certificate may impose charges for the use of the aerodrome or of any facilities provided at the aerodrome for the safety, security, efficiency or regularity of air navigation.

(2) Without prejudice to any other law on aerodrome charges, the Executive Director, may require a holder of a certificate to furnish the particulars of the charges for the use of an aerodrome or the performance of services at the aerodrome.

Changes to certificate holder's manual and organisation

139.03.14 (1) A holder of an aerodrome certificate must ensure that the aerodrome manual required under this Part is amended so that it remains a current description of the aerodrome and its associated plans, programmes, services, systems, procedures and facilities.

(2) The certificate holder must ensure that any amendment made to its aerodrome manual meets the applicable requirements of this Part and complies with the amendment requirements in Subpart 7.

(3) The certificate holder must forward to the Executive Director for retention, a copy of each amendment to its aerodrome manual as soon as practicable after the amendment is incorporated into the manual.

(4) Before a certificate holder changes any of the following, prior approval by the Executive Director is required:

(a) the senior accountable manager;

(b) the key safety personnel; or

(c) the system for safety management, if the change is a material change.

(5) The Executive Director may impose conditions under which a certificate holder must operate during or following any of the changes specified in subregulation (4).

(6) The certificate holder must comply with any conditions imposed by the Executive Director under subregulation (5).

(7) If any change referred to in these regulations requires an amendment to the aerodrome operator certificate, the certificate holder must, within five days after the change, forward the certificate to the Executive Director for endorsement of the change.

(8) The certificate holder must make such amendments to the holder's aerodrome manual as the Executive Director may direct in the interests of aviation safety.

Notification of availability of certified aerodrome

139.03.15 An aerodrome operator must -

(a) in the case of a certificate to operate an aerodrome for public use, notify, the times during which the aerodrome is to be available for take-off and landing of aircraft for public transport or instruction in flying; and

(b) upon request, furnish to an authorised officer, inspector or authorised person, information concerning the terms of the certificate.

Issuance of interim aerodrome certificate

139.03.16 (1) The Executive Director may, under section 67(3) of the Act, issue an interim aerodrome certificate to an applicant authorising the applicant to operate an aerodrome if the Executive Director is satisfied that -

(a) an aerodrome certificate in respect of the aerodrome will be issued to the applicant as soon as the application procedure for the grant of an aerodrome certificate has been completed; and

(b) the grant of the interim certificate is in the public interest and is not detrimental to aviation safety.

(2) An interim aerodrome certificate issued pursuant to subregulation (1) expires on -

(a) the date on which the aerodrome certificate is issued; or

(b) the expiry date specified by the Executive Director in the interim aerodrome certificate,

whichever is the earlier.

(3) The requirements of this Part and the associated standards in as far as they apply to an aerodrome certificate apply, subject to necessary changes required by the context, to an interim aerodrome certificate issued by the Executive Director.

SUBPART 4
LICENSING OF AERODROMES IN CATEGORIES B, C AND D

Applicability of Subpart

139.04.1 (1) This Subpart applies to aerodromes in categories B, C and D.

(2) This Subpart does not apply to category B aerodromes which have been certified by the Executive Director in terms regulation 139.03.1(2) and in accordance with Subpart 3.

Requirements for aerodrome licence

139.04.2 (1) A person may not operate an aerodrome to which this Subpart applies unless that person holds a licence issued by the Executive Director in accordance with this Subpart.

(2) The issuance and renewal of an aerodrome licence is subject to the aerodrome complying with these regulations and the applicable standards prescribed in Document NAM-CATS-AH.

[The verb "is" should be "are" to be grammatically correct.]

(3) The Authority must, by means of audit procedures and inspections at various times as determined by the Executive Director, during the preceding licence period or before the issuing of a new licence, determine compliance with these regulations and standards for the purposes of issuing or renewal of a licence.

(4) The Authority must levy fees from aerodrome licence holders, upon renewal or issuing of an aerodrome licence, in accordance with the fees as prescribed in Part 187.

Application for aerodrome licence

139.04.3 (1) An applicant for the issuing of an aerodrome licence must -

(a) submit an application to the Executive Director in the form and manner determined by the Executive Director; and

(b) pay the appropriate application fee as prescribed in Part 187.

(2) An application under subregulation (1) must include -

(a) a completed application form;

(b) the aerodrome manual prepared in accordance with Subpart 7;

(c) the plan of the aerodrome and its facilities approved by the appropriate local authority council;

(d) evidence of lawful entitlement to use the place as an aerodrome;

(e) an aerodrome environmental management programme referred to in regulation 139.08.15;

(f) the procedures for the notification and reporting of aerodrome data and information referred to in Subpart 9;

(g) written approval from the local authority, regional or traditional authority council in whose area of jurisdiction the proposed aerodrome is situated, and from all relevant governmental offices, ministries, agencies and entities whose approval is required;

(h) proof that the applicant is financially capable of operating the aerodrome, including the provision of firefighting service required under Subpart 16;

(i) particulars of non-compliance with or deviations from -

(i) the appropriate aerodrome design, operation or equipment standards;

(ii) the appropriate airspace classification in terms of Parts 71 and 172;

(j) the appropriate fee as prescribed in Part 187.

(3) The application must be submitted to the Executive Director not less than 90 days before the date that the licence is required.

(4) The Executive Director must, as soon as practicable after the receipt of an application for an aerodrome licence or for an amendment thereof, publish by notice in the *Gazette* the following particulars in respect of the application concerned:

(a) the full name of the applicant;

(b) full particulars of the location of the aerodrome; and

(c) reference to the date by which the representations referred to in subregulation (5) must be submitted to the Executive Director.

(5) Any person may, after the publication of the notice referred to in subregulation (4), in writing submit representations to the Executive Director against or in favour of the application concerned.

Issuance of aerodrome licence

139.04.4 (1) The Executive Director must as soon as practicable consider an application referred to in regulation 139.04.3, together with all representations, information and other documents relating to such application which are received within the period specified in the notice published in terms of regulation 139.04.3(4).

(2) The Executive Director must issue a licence in the form and manner by him or her, if the Executive Director is satisfied that -

(a) the applicant has complied with the application requirements in regulation 139.04.3;

(b) the applicant and the personnel of the applicant are adequate in number and have the necessary competency and experience to operate and maintain an aerodrome;

(c) the aerodrome manual prepared for the aerodrome and submitted with the application contains all the relevant information;

(d) the aerodrome facilities, services and equipment are established in accordance with the standards prescribed in Document NAM-CATS-AH;

(e) the aerodrome's operating procedures make satisfactory provision for the safety of aircraft;

(f) a quality assurance system in terms of regulation 139.08.4 is in place; and

(g) the applicant has complied with the aerodrome security requirements specified in this Part and Parts 108 to 114, inclusive.

(3) The Executive Director may issue an aerodrome licence subject to any conditions that the Executive Director may consider necessary for the purpose of civil aviation safety and security.

(4) If the applicant does not satisfy the requirements set out in subregulation (2) or in any provision of the Act or these regulations, the Executive Director may refuse to grant a licence to an applicant and where the Executive Director so refuses, he or she must notify the applicant in writing of the reasons for the refusal, not later than 14 days after making that decision.

(5) After the issuance of an aerodrome licence, the Executive Director must carry out surveillance and inspections to ensure continuing validity of the licence and continuing capacity of the aerodrome operator to maintain safe and regular operation of the aerodrome and associated facilities and services.

(6) The Executive Director may endorse on a licence the conditions for use of an aerodrome and any other details as may be considered necessary.

Aerodrome licence

139.04.5 (1) An aerodrome licence must be issued on the appropriate form as determined by the Executive Director.

(2) The licence must specify -

(a) the category of the aerodrome for which the aerodrome is licensed;

(b) the restrictions, if any, relating to non-compliance with or deviations from the appropriate aerodrome design, operation or equipment standards;

(c) the period of validity of the licence; and

(d) the appropriate airspace classification in accordance with Parts 71 and 172.

Validity of aerodrome licence

139.04.6 (1) An aerodrome licence is valid for a period of two years for aerodromes in category B, and three years for aerodromes in categories C and D, calculated from the date on which the licence is issued or renewed.

(2) The licence remains in force until it expires or is suspended or revoked by the Executive Director pursuant to sections 42 and 43 of the Act, as the case maybe.

[The word “maybe” should be the two words “may be”.]

(3) The holder of a licence which has expired, must within five days after the expiry surrender the licence to the Executive Director.

(4) Failure to surrender a licence in accordance with this Subpart is subject to enforcement action under Parts 13 and 185.

Renewal of aerodrome licence

139.04.7 (1) An application for the renewal of an aerodrome licence must be made to the Executive Director in the form and manner determined by the Executive Director, and must be accompanied by -

(a) the updated copy of the aerodrome manual if significant changes have been made following the initial licensing;

(b) particulars of non-compliances with, or deviations, if any, from the appropriate design, operation or equipment standards; and

(c) the appropriate fees as prescribed in Part 187.

(2) An application for renewal must be submitted at least 60 days before the expiry of the current licence.

Amendment of aerodrome licence

139.04.8 (1) An application for amendment of an aerodrome licence pursuant to section 45 of the Act must be submitted to the Executive Director and the requirements of regulation 139.04.7, subject to necessary changes required by the context, apply to that application.

(2) An amendment must be applied for whenever there is a change in one or more of the following circumstances:

(a) a change in the use or operation of the aerodrome;

(b) a change in the boundaries of the aerodrome;

(c) if the holder of the licence requests an amendment; or

(d) if the Executive Director considers it necessary.

Suspension and revocation of aerodrome licence

139.04.9 (1) The Executive Director may, by written notice given to the holder of an aerodrome licence, suspend or revoke the licence in accordance with sections 42, 43 and 44 of the Act, and if there are reasonable grounds for believing that the aerodrome facilities, operations or maintenance are not in compliance with the requirements and standards prescribed in this Part.

(2) Despite subregulation (1), the Executive Director may suspend or revoke an aerodrome licence if -

(a) after a safety inspection and audit carried out in terms of regulation 139.01.36, it is evident that the holder of the licence does not comply with the requirements prescribed in this Part and that holder fails to remedy the non-compliance within the time frame specified by the Executive Director in a written notice requiring the holder to do so; or

(b) an authorised officer, inspector or authorised person is prevented by the holder of the licence from carrying out a safety inspection and audit in terms of regulation 139.01.36; or

(c) the suspension is necessary in the interest of aviation safety.

(3) A holder of a licence that has been suspended or revoked may appeal in accordance with section 225 of the Act.

(4) The holder of a licence which is suspended, must within 48 hours after the suspension, produce the licence thereof, to the Executive Director for the appropriate endorsement.

(5) The holder of a licence which is revoked must, within seven days from the date on which the licence is revoked, surrender that licence to the Executive Director.

(6) Failure to surrender a licence in accordance with this subregulation (4) or (5) is subject to enforcement action under Parts 13 and 185.

Surrender of aerodrome licence

139.04.10 (1) Subject to subregulation (2), a holder of an aerodrome licence may surrender the licence to the Executive Director at any time.

(2) A holder of an aerodrome licence who wishes to surrender the licence must give the Executive Director not less than 60 days' notice in writing, before the date on which the licence is to be surrendered.

(3) The Executive Director must revoke the aerodrome licence on the expiry of the period of notice referred to in subregulation (2).

(4) Where, after the expiry of the period in subregulation (2), an aerodrome is abandoned or is not maintained in accordance with the conditions of the licence, the holder of the licence must remove, obliterate or modify the aerodrome markings required under this Part.

(5) Upon revocation of a licence pursuant to subregulation (3), regulation 139.04.9(1) or 139.04.9(2), the Executive Director must arrange for -

(a) the revocation to be notified through NOTAM; and

(b) details of the licence and any other information about the aerodrome to be removed from the AIP.

Transferability of aerodrome licence

139.04.11 (1) An aerodrome licence issued under these regulations is not transferable.

(2) A change in ownership of the holder of a licence is deemed to be a change of significance and the written approval of the Executive Director must be obtained where a change of ownership does or may give rise to alterations to approved elements or criteria upon which the licence was originally issued.

Breach of conditions for issuance of aerodrome licence and non-conformance with licence requirements

139.04.12 (1) The breach of any conditions subject to which a licence is issued including any approval, permission or exemption may lead to the suspension or revocation of the licence.

(2) The Executive Director may in accordance with section 38(6) of the Act, impose operating restrictions or prohibitions at a licensed aerodrome in the event of non-conformance with the licensing requirements or any unresolved safety concerns.

Charges at licensed aerodromes

139.04.13 (1) A holder of an aerodrome licence may impose charges for the use of the aerodrome or of any facilities provided at the aerodrome for the safety, security, efficiency or regularity of air navigation.

(2) Without prejudice to any other law on aerodrome charges, the Executive Director, may require a holder of a licence to furnish the particulars of the charges for the use of an aerodrome or the performance of services at the aerodrome.

Changes to licence holder's manual and organisation

139.04.14 (1) A holder of an aerodrome licence must ensure that the aerodrome manual required under this Part is amended so that it remains a current description of the aerodrome and its associated plans, programmes, services, systems, procedures and facilities.

(2) The licence holder must ensure that any amendment made to its aerodrome manual meets the applicable requirements of this Part and complies with the amendment requirements in Subpart 7.

(3) The licence holder must forward to the Executive Director for retention, a copy of each amendment to its aerodrome manual as soon as practicable after the amendment is incorporated into the manual.

(4) Before a licence holder changes any of the following, prior approval by the Executive Director is required:

(a) the senior accountable manager;

(b) the key safety personnel; or

(c) the system for safety management, if the change is a material change.

(5) The Executive Director may impose conditions under which a licence holder must operate during or following any of the changes specified in subregulation (4).

(6) The licence holder must comply with any conditions imposed by the Executive Director under subregulation (5).

(7) If any change referred to in these regulations requires an amendment to the aerodrome operator licence, the licence holder must, within five days after the change, forward the licence to the Executive Director for endorsement of the change.

(8) The licence holder must make such amendments to the holder's aerodrome manual as the Executive Director may direct in the interests of aviation safety.

Notification of availability of licensed aerodrome

139.04.15 An aerodrome operator must -

(a) in the case of a licence to operate an aerodrome for public use, notify, the times during which the aerodrome is to be available for take-off and landing of aircraft for public transport or instruction in flying; and

(b) upon request, furnish to an authorised officer, inspector or authorised person, information concerning the terms of the licence.

Issuance of interim aerodrome licence

139.04.16 (1) The Executive Director may, under section 67(3) of the Act, issue an interim aerodrome licence to an applicant authorising the applicant to operate an aerodrome if the Executive Director is satisfied that -

(a) an aerodrome licence in respect of the aerodrome will be issued to the applicant as soon as the application procedure for the grant of an aerodrome licence has been completed; and

(b) the grant of the interim licence is in the public interest and is not detrimental to aviation safety.

(2) An interim aerodrome licence issued pursuant to subregulation (1) expires on -

(a) the date on which the aerodrome licence is issued; or

(b) the expiry date specified by the Executive Director in the interim aerodrome licence,

whichever is the earlier.

(3) The requirements of this Part and the associated standards in as far as they apply to an aerodrome licence apply, subject to necessary changes required by the context, to an interim aerodrome licence issued by the Executive Director.

SUBPART 5
CATEGORY E AERODROMES

Applicability of Subpart

139.05.1 This Subpart applies to aerodromes in category E.

Construction of category E aerodromes

139.05.2 (1) A person may not construct a category E aerodrome unless the construction has been approved by the Executive Director.

(2) The Executive Director may consider for approval an application for construction of a category E aerodrome if the applicant -

(a) holds a valid authorisation from the relevant government authorities for use of the place as an aerodrome;

(b) has complied with the requirements of the Environmental Management Act.

(3) The Executive Director must, prior to issuance of approval for construction of category E aerodrome, assess the suitability of the place proposed for construction taking into consideration -

(a) the proximity of the place to other aerodromes and landing areas, including military aerodromes;

(b) obstacles, terrain and existing airspace restrictions; and

(c) that it is not against public interest that the place where the aerodrome is to be constructed may be used as such.

(4) An applicant for construction of a category E aerodrome must submit an application in the approved form, accompanied by -

(a) the design of the proposed construction;

(b) aerodrome data in accordance with the characteristics of the aircraft for which the aerodrome is intended;

(c) a topographical map of the proposed aerodrome site;

(d) written permission from the owner of the land or evidence of ownership of the proprietary interest in the land on which the aerodrome is to be constructed; and

(e) fees as prescribed in Part 187.

(5) The Executive Director must issue an approval to construct a category E aerodrome in writing where the application meets the requirements specified in this Subpart and any other requirements as may be specified by any other relevant authorities.

Application for permit to operate category E aerodrome

139.05.3 (1) The operator of a category E aerodrome must apply to the Executive Director for a permit to operate the aerodrome.

(2) An application for a permit to operate a category E aerodrome must be made in the form and manner determined by the Executive Director, and must be accompanied by -

(a) the map of the aerodrome as described in Document NAM-CATS-AH;

(b) the information about the aerodrome as described in Document NAM-CATS-AH;

(c) a written declaration by the applicant to the effect that the aerodrome has complied with applicable standards; and

(d) the applicable fee as prescribed in Part 187.

Permit to operate category E aerodrome

139.05.4 (1) The Executive Director must, before issuing a permit to operate a category E aerodrome, make arrangements for the inspection of the aerodrome to ascertain compliance with standards set out in regulation 139.05.10.

(2) The Executive Director must -

(a) issue a permit to operate a category E aerodrome in an approved form where the Executive Director is satisfied that the applicant has satisfied the requirements of this Subpart;

(b) enter the information about the issuance of a permit in the aerodrome register in accordance with subregulation 139.05.6(2);

(c) direct aeronautical information service (AIS) to publish in the AIP, details of the permit and the information about the aerodrome.

Refusal to issue permit to operate category E aerodrome

139.05.5 Where the Executive Director refuses to issue a permit to operate a category E aerodrome the Executive Director must, not later than seven days after refusing to issue the permit, give the operator of the aerodrome written notice of the refusal and the reasons for the refusal.

Register of category E aerodromes permits

139.05.6 (1) The Executive Director must maintain a register of permits issued for category E aerodromes.

(2) The register referred to in subregulation (1) must be identified as "Register of Category E Aerodromes" and must contain the following particulars:

(a) the full name and, if any, the trade name of the holder of the permit;

(b) the postal, electronic mail and physical address of the holder of the permit;

(c) telephone, cell phone and telefax number of the holder of the permit;

(d) the name and the location of the aerodrome;

(e) the category of the aerodrome;

(f) the number of the permit;

(g) the date on which the permit was issued; and

(h) the nationality of the holder of the permit.

(3) The particulars referred to in subregulation (2) must be recorded in the register within seven days from the date on which the permit is issued or renewed as the case may be, by the Executive Director.

(4) The register must be kept in a safe place at the office of the Executive Director as part of the Civil Aviation Registry established under section 52 of the Act and is accessible to the public in terms of section 52(3) of the Act.

(5) The Executive Director must furnish a copy of the register to any person who requests the copy upon payment of the appropriate fees prescribed in Part 187.

Duration of permit to operate category E aerodrome

139.05.7 (1) The permit to operate a category E aerodrome remains in force for a period of five years from the date of issue, unless it is revoked by the Executive Director.

(2) The holder of the permit may apply for renewal at least 60 days before the expiry of the permit and the provisions of regulations 139.05.3 to 139.05.5 apply with necessary changes required by the context.

Revocation of permit to operate aerodrome on request of holder

139.05.8 (1) If the operator of a category E aerodrome wishes the permit to be revoked, the operator must give the Executive Director not less than 30 days' written notice of the date on which the operator wishes the permit to be revoked.

(2) The Executive Director must revoke the permit on the date specified in the notice and arrange for -

(a) the revocation to be notified through NOTAM; and

(b) details of the permit and any other information about the aerodrome to be removed from the AIP.

Revocation or suspension of permit to operate aerodrome by Executive Director

139.05.9 (1) The Executive Director may, by written notice given to the operator of a category E aerodrome, suspend or revoke the permit issued to the aerodrome in accordance with sections 42, 43 and 44 of the Act if there are reasonable grounds for believing that -

(a) the aerodrome fails to meet any of the standards applicable to the aerodrome under regulation 139.05.10; or

(b) the operator of the aerodrome has failed to comply with these regulations regarding -

(i) unhindered access by the Authority's designated inspectors to the aerodrome facilities;

[Government Notice 89/2020 amends the regulations globally to substitute the expression "authorised officer, inspector or authorised person" for the expression "designated inspector, authorised officer or authorised person". No change has been made here where the term "designated inspectors" appears without being followed by the other indicated terms, but the intention may have been for this term to be substituted by the term "authorised inspectors" or "inspectors".]

(ii) notification of changes in physical conditions of the aerodrome;

(iii) notification of changes in information published in the AIP;

(iv) requirements relating to aviation safety inspections;

(v) any other reason as may be considered necessary in the public interest by the Executive Director.

(2) A holder of an aerodrome permit which is suspended or revoked must surrender the permit to the Executive Director in accordance with sections 42 and 43 of the Act.

Operating standards for category E aerodromes

139.05.10 (1) The requirements and standards applicable to category E aerodromes are -

(a) the requirements and standards applicable to certified and licensed aerodromes in relation to the following matters:

(i) physical characteristics of the movement area;

(ii) obstacle limitation surfaces;

(iii) aerodrome markings;

(iv) lighting;

(v) wind direction indicators;

(vi) signal panel and ground signals; and

(b) any other applicable standards prescribed in Document NAM-CATS-AH.

(2) An operator of a category E aerodrome must establish procedures to ensure that aircraft movements are restricted or prohibited on parts of the aerodrome where an unsafe condition exists.

(3) An operator of a category E aerodrome must -

(a) provide the Executive Director with an annual report of traffic movement data for the aerodrome; and

(b) whenever requested in writing by the Executive Director at any one time, collect and report traffic movement data for the aerodrome.

Reporting officer at category E aerodromes

139.05.11 The operator of a category E aerodrome must appoint in accordance with standards prescribed in Document NAM-CATS-AH, one or more reporting officers for the aerodrome, to be responsible for -

(a) monitoring and reporting the serviceability of the aerodrome in accordance with the standards specified in 139.05.10; and

(b) reporting to the NOTAM office and as applicable, to the relevant air traffic control service, any changes in conditions, or any other occurrences, at the aerodrome that must be notified under regulation 139.05.12.

Notice of changes in physical condition of category E aerodrome

139.05.12 (1) The operator of a category E aerodrome must give notice to the NOTAM office of -

(a) any temporary or permanent change in the physical condition of the aerodrome that may affect the safety of aircraft; or

(b) any other occurrence relating to the operation or maintenance of the aerodrome that may affect the safety of aircraft.

(2) If the aerodrome is controlled by an air traffic control service, the notice must also be given to that air traffic control service.

Notification of changes in information published in Aeronautical Information Publication

139.05.13 To maintain the accuracy of the information published in the Aeronautical Information Publication (AIP) in relation to a category E aerodrome, the operator of the aerodrome must inform aeronautical information services, in writing, as soon as practicable of any change required to that information, other than a change that is published in NOTAMS.

[The term "NOTAM" means "Notice to Airmen"; the plural here should be written as "NOTAMs" (as it appears in other regulations).]

Safety inspection of category E aerodromes

139.05.14 (1) The Executive Director must arrange for a designated inspector of the Authority to conduct a safety inspection of the aerodrome at least once every three years.

[Government Notice 89/2020 amends the regulations globally to substitute the expression "authorised officer, inspector or authorised person" for the expression "designated inspector, authorised officer or authorised person". No change has been made here where the term "designated inspector" appears without being followed by the other indicated terms, but the intention may have been for this term to be substituted by the term "authorised inspector" or "inspector".]

(2) The inspector must give the Executive Director and the aerodrome operator, a written report that covers the following matters as described in Document NAM-CATS-AH:

(a) details of the aerodrome;

(b) aerodrome operating procedures;

(c) reporting officer referred to in regulation 139.05.11; and

(d) details relating to the movement area.

(3) The written report required under subregulation (2) must specify any remedial work that is necessary for the aerodrome to comply with the applicable standards.

(4) Within 30 days after receiving the report, the operator must give to the Executive Director, a statement as to when and how the operator intends to do the remedial work, if the report specifies any remedial work as being necessary.

Charges at category E aerodromes

139.05.15 (1) A holder of a permit to operate a category E aerodrome may impose charges for the use of the aerodrome or of any facilities provided at the aerodrome for the safety, security, efficiency or regularity of air navigation.

(2) Without prejudice to any other law on aerodrome charges, the Executive Director, may require a holder of a permit to furnish the particulars of the charges for the use of an aerodrome or the performance of services at the aerodrome.

SUBPART 6
NON-LICENSED HELICOPTER AND EMERGENCY LANDING SITES

Operation of non-licensed helicopter sites

139.06.1 (1) A pilot-in-command of a helicopter may not land at, or take off from, any place unless the place is situated so as to permit the helicopter, in the event of an emergency arising during such landing or take-off, to land without undue hazard to persons or property on the surface.

(2) Except as provided for in subregulation (3), a pilot-in-command of a helicopter may not land on, or take-off from, any building, structure or place situated within 100 metres of any other building or structure, unless such building, structure or place has been approved for the purpose by the Executive Director.

(3) The provisions of subregulation (2) do not apply to a helicopter -

(a) landing on, or taking off from any place with the written permission of the Executive Director, in conjunction with the local authority council concerned;

(b) engaged in an approved air ambulance operation, a fire service or undertaking a flight for the exercising of any power in terms of any law.

(4) A local authority council may after consultation with the Executive Director, extend the scope of the provisions of subregulation (3)(a) to include other places in its area of jurisdiction.

(5) The Executive Director may, in the interest of aviation safety, impose conditions or institute restrictions as to the use of any building, structure or place for the landing or take-off of helicopters or require special flight procedures to be adopted at, or special routes to be followed to or from, such building, structure or place by helicopters, and the Executive Director may impose different conditions, institute different restrictions or require different special flight procedures to be adopted in respect of different buildings, structures or places.

(6) Nothing in this regulation is to be construed as -

(a) conferring any right to land at any building, structure or place against the will of the owner of or any other person who has an interest in the building, structure or place; or

(b) prejudicing the rights or remedies of any person in respect of an injury to persons or damage to property caused by the helicopter or its occupants.

Emergency landing sites

139.06.2 (1) The Executive Director may in accordance with sections 59 and 60 of the Act, designate an emergency landing site or sites to be used in case of an emergency or for alleviating or minimising the effects of an emergency.

(2) Where an emergency landing site is designated in accordance with subregulation (1), the Executive Director may impose such conditions for the operation of such site as may be necessary for the safety and security of aircraft operations.

(3) The Executive Director may, in accordance with section 59(3) Act, revoke at any time as he or she may determine, any designation of a landing site or sites made under subregulation (1).

SUBPART 7
AERODROME MANUAL

Applicability of Subpart

139.07.1 This Subpart applies to -

(a) all aerodromes in category A;

(b) all other aerodromes that are certified in accordance with Subpart 3;

(c) all aerodromes that are licensed in accordance with Subpart 4.

Requirements for aerodrome manual

139.07.2 (1) The operator of a certified or licensed aerodrome (hereafter "the operator") must have an aerodrome manual for the aerodrome, which is prepared in accordance with regulation 139.07.3 and the standards prescribed in Document NAM-CATS-AH.

(2) The operator must submit to the Executive Director, two copies of the aerodrome manual for approval.

(3) The operator must -

(a) keep a copy of the approved aerodrome manual at the operator's principal place of business or at the aerodrome;

(b) make the copy of the manual kept at the operator's principal place of business or at the aerodrome available to an authorised officer, inspector or authorised person during normal business hours; and

(c) keep the copies of the aerodrome manual for the aerodrome in a printed form.

(4) Despite subregulation (3)(c), the operator may keep copies of the manual in an electronic form.

(5) The aerodrome manual may consist of more than one document where the operator prepares stand-alone documents to supplement the aerodrome manual.

(6) The operator must keep the manual in a way that makes is clear to a person reading the manual -

[The word "is" should be "it".]

(a) when changes have been made to the information in the manual; and

(b) whether the manual is up-to-date.

(7) The operator of a certified or licensed aerodrome must appoint a person to be responsible for the preparation and maintenance of the aerodrome manual for the aerodrome.

(8) The functions of the person appointed under subregulation (7) are to ensure that -

(a) a record is kept of the persons who hold copies of the whole or a part of the aerodrome manual; and

(b) updates of information for the manual are distributed to those persons.

Contents of aerodrome manual

139.07.3 (1) The aerodrome manual required under these regulations must include the following information as described in Document NAM-CATS-AH:

(a) general information;

(b) particulars of the aerodrome site;

(c) particulars of the aerodrome to be reported to AIS;

(d) particulars of the aerodrome operating procedures;

(e) the aerodrome administration, and safety and quality management systems; and

(f) particulars of any condition to which the operator's aerodrome certificate or licence is subject and any direction given to the aerodrome operator by the Executive Director under regulation 139.07.4.

(2) If particular information referred to in subregulation (1) is not included in the aerodrome manual because it is not applicable to the aerodrome, the following information must be included:

(a) a statement to the effect that the information is not applicable; and

(b) the reasons why it is not applicable.

(3) If the Executive Director grants the operator an exemption in relation to the aerodrome, the following must be included in the manual:

(a) any identifying number given to the exemption by the Executive Director;

(b) the date on which the exemption came into effect; and

(c) any condition subject to which the exemption is granted.

Amendment of aerodrome manual

139.07.4 (1) The operator of a certified or licensed aerodrome must amend the aerodrome manual for the aerodrome, whenever it is necessary to do so, to maintain the accuracy of the manual and in accordance with standards prescribed in Document NAM-CATS-AH.

(2) To maintain the accuracy of the aerodrome manual, the Executive Director may give written directions to the operator requiring the operator to amend the manual in accordance with the direction.

(3) An operator must -

(a) comply with a direction given by the Executive Director under subregulation (2); and

(b) inform the Executive Director, in writing, of any amendment that the operator makes to the aerodrome manual for the aerodrome within 30 days after the amendment is made.

SUBPART 8
OBLIGATIONS OF AERODROME OPERATORS

Applicability of Subpart

139.08.1 This Subpart applies to all aerodromes except where otherwise specified.

Aerodrome operations, maintenance and compliance with conditions

139.08.2 (1) An aerodrome operator must comply with any directives that the Executive Director may issue and conditions that may be endorsed on a certificate, licence or permit granted under these regulations.

(2) Subject to any directives that the Executive Director may issue, an operator of a certified or licensed aerodrome must operate and maintain an aerodrome in accordance with the procedures set out in the operator's aerodrome manual.

(3) An aerodrome operator must ensure proper and efficient maintenance of the aerodrome facilities and such maintenance must be in accordance with the requirements specified in Subpart 17.

(4) The aerodrome certificate or licence holder must coordinate with the air traffic service (ATS) provider in order to be satisfied that appropriate air traffic services are available to ensure the safety of aircraft in the airspace associated with the aerodrome.

(5) The coordination pursuant to subregulation (4) must cover other areas related to safety such as aeronautical information service, air traffic services, designated meteorological services and security.

Personnel requirements: accountable manager and key personnel

139.08.3 (1) The operator or owner of an aerodrome must designate a suitable natural person as an accountable manager and other suitable key personnel as may be necessary for the proper functioning and operation of the aerodrome.

(2) If the operator or owner fails to designate an accountable manager as required by subregulation (1) -

(a) the Authority may order the operator or owner to pay the administrative fine prescribed in Part 185 for as long as the non-compliance exists; and

(b) the certificate, licence or permit may be suspended or revoked or be endorsed by the imposition of a condition in the manner contemplated by sections 42 or 43 of the Act, respectively.

(3) Despite the provisions of subregulation (2), an operator or owner who fails to comply with a directive issued by the Executive Director, commits an offence and may be prosecuted under any one or more of the offences in Parts 13 (General offences) or 14 (Safety Offences) of the Act.

(4) Where the Executive Director or any other relevant authority requires certification of competence for the personnel of an aerodrome, the operator must employ only those persons with the required certification.

(5) The operator of an aerodrome must, in accordance with standards prescribed in Document NAM-CATS-AH, establish a procedure for initially assessing, and a procedure for maintaining the competence of those personnel involved in operating and maintaining the aerodrome and its services and facilities.

(6) An operator of an aerodrome must, in accordance with standards prescribed in Document NAM-CATS-AH, have in place a training programme for its technical staff that includes initial, currency, recurrent and specialised training for those personnel involved in operating and maintaining the aerodrome and its services and facilities.

Quality assurance system

139.08.4 (1) An operator of a certified or licensed aerodrome must establish a quality assurance system for the control and supervision of its services and facilities to ensure the aerodrome's compliance with, and the adequacy of procedures required to meet the requirements of this Part.

(2) The quality assurance system must -

(a) ensure the correct operation and maintenance of the aerodrome and its facilities;

(b) ensure that the operator's activities are conducted in a planned and systematic manner and identifies and addresses identified deficiencies;

(c) be integrated with the safety management system established in terms of regulation 139.08.6 and Part 140;

(d) be implemented in accordance with standards prescribed in Document NAM-CATS-AH.

(3) The aerodrome operator must appoint a person who has the responsibility for internal quality assurance who has direct access to the accountable manager on matters affecting the safety of aircraft operations and the performance of the aerodrome services and facilities.

Changes in quality assurance system

139.08.5 (1) A holder of an aerodrome certificate or licence who wishes to make any change in the quality assurance system established in terms of regulation 139.08.4 which has a significant impact or effect on the holder's capacity to comply with the appropriate requirements prescribed in this Part must apply to the Executive Director in writing for the approval of that change.

(2) An application for changes to the aerodrome operator's quality system must be accompanied by a copy of the aerodrome manual and a copy of the quality assurance manual, as appropriate, indicating the proposed changes.

(3) The Executive Director may grant an approval of a change in the quality assurance system if the applicant satisfies the Executive Director, upon submission of appropriate proposed changes to the aerodrome manual that the applicant will, after the implementation of such approved change, continue to comply with the aerodrome certification requirements and any conditions under which the certificate or licence was granted.

Safety management system

139.08.6 (1) This regulation applies to -

(a) all category A aerodromes;

(b) category B aerodromes which are certified in accordance with Subpart 3; and

(c) any other aerodrome that is certified in accordance with Subpart 3.

(2) An operator of a certified aerodrome must establish, implement, and maintain a system for safety management that is acceptable to the Executive Director and that, as a minimum -

(a) identifies safety hazards;

(b) ensures that remedial action necessary to maintain safety is implemented;

(c) provides for continuous monitoring and regular assessment of the achieved level of safety; and

(d) aims to make continuous improvement to the overall safety of the aerodrome.

(3) The safety management system must -

(a) comply with the requirements of Part 140;

(b) be implemented in accordance with the framework for implementation and maintenance of a safety management system by an aerodrome operator described in Document NAM-CATS-AH; and

(c) be commensurate with the size and complexity of the aerodrome.

Runway safety programme

139.08.7 An operator of a certified aerodrome must establish at the aerodrome a runway safety programme for the prevention of runway incursion in accordance with the standards prescribed in Document NAM-CATS-AH.

Demarcation of restricted areas

139.08.8 (1) The holder of an aerodrome certificate or licence must, on the aerodrome, demarcate a restricted area and indicate its boundaries by means of -

(a) markings on the surface of that aerodrome;

(b) obstructions or notices erected along the boundaries of the restricted area or a fence; or

(c) a combination of such markings, fences, obstructions or notices to achieve the desired level of control.

(2) Subject to the provisions of subregulation (1) relating to the manner in which a boundary must be indicated, the holder of the certificate or licence may alter any boundary or any portion of a boundary of the restricted area.

(3) Fences or obstructions or notices erected along the boundaries of a restricted area must have emergency access gates in line or as close as possible to the threshold of all available runways to ensure an acceptable response times can be met.

[The phrase “an acceptable response times” should be either “an acceptable response time” or “acceptable response times”.]

(4) The emergency access gates referred to in subregulation (3), may not be used for gaining access to the aerodrome but must be used solely for emergencies inside or outside the aerodrome perimeter and the control of these emergency gates is the responsibility of the fire fighting service established in terms of Subpart 16.

Control of entry into restricted areas

139.08.9 (1) The holder of an aerodrome certificate or licence must exercise control over entry into a restricted area.

(2) The control referred to in subregulation (1) must be exercised according to the procedures and criteria approved by the holder of the certificate or licence.

(3) An aerodrome operator must make arrangements to -

(a) prohibit unauthorised persons from entering a restricted area; and

(b) order any person to leave a restricted area immediately, when it is considered necessary, whether that person has been granted permission to be within a restricted area or not.

Demarcation of routes on apron

139.08.10 (1) The holder of an aerodrome certificate or licence must by means of markings on the surface of an aerodrome or by notices or by means of both those markings and notices demarcate routes on the apron for use by -

(a) persons other than a person carried in an aircraft or in or on a vehicle;

(b) aircraft travelling on the surface of an aerodrome; or

(c) vehicles and equipment.

(2) The aerodrome operator may restrict the use of routes on an apron to be used by any person or aircraft or vehicle for the purpose of movement in one direction only.

(3) Except in case of an emergency a person -

(a) other than a person carried in an aircraft or in or on a vehicle, may not proceed on foot on the apron; or

(b) may not move, an aircraft or a vehicle travelling on the surface of an aerodrome, on the apron,

except along an appropriate route demarcated in terms of subregulation (1).

(4) An aerodrome operator must ensure that in the event of an accident on or in the vicinity of the apron, the emergency services are exempted from any restrictions on the use of demarcated routes as may be necessary for the purpose of attending to such emergency in the shortest period of time.

(5) The operator of an aerodrome must provide the minimum clearance between -

(a) an aircraft using an aircraft stand and any adjacent building; and

(b) an aircraft parked on an aircraft stand and any other objects on the apron.

Aerodrome inspection programme

139.08.11 (1) A holder of an aerodrome certificate or licence must -

(a) establish and maintain an aerodrome inspection programme which includes -

(i) procedures to ensure that job specific competent aerodrome personnel execute the relevant programme effectively; and

(ii) a reporting system for ensuring prompt correction of an unsafe aerodrome condition that is noted during an aerodrome inspection;

(b) provide appropriate equipment for use in conducting the aerodrome inspections;

(c) establish procedures for ensuring that personnel performing aerodrome inspections are appropriately trained.

(2) The operator of a certified or licensed aerodrome must have in place an audit and inspection programme for evaluating providers of services at the aerodrome, including fixed-base operators, ground handling agencies and other organisations working at the aerodrome.

Aerodrome serviceability inspections

139.08.12 (1) An operator of an aerodrome must conduct aerodrome serviceability inspections of the movement area in accordance with standards prescribed in Document NAM-CATS-AH to ensure that the movement area is safe for aircraft operations.

(2) An aerodrome operator must conduct aerodrome serviceability inspections of the movement area at least -

(a) twice each day for aerodromes in category A;

(b) twice each day for aerodromes in category B which have been certified in accordance with Subpart 3;

(c) once each day for licensed category B aerodromes;

(d) once each day for category C aerodromes;

(e) once a week for aerodromes in category D; and

(f) once a month for aerodromes in category E.

Aerodrome technical inspections

139.08.13 An operator of a certified or licensed aerodrome must conduct a technical inspection of the aerodrome facilities and equipment including as applicable, an inspection of the safety management system in accordance with standards prescribed in Document NAM-CATS-AH to ensure that any deterioration that could make a facility unsafe for aircraft operations is detected.

Aerodrome special inspections

139.08.14 An aerodrome operator must conduct a special inspection of an aerodrome -

(a) as soon as practicable after any accident or incident;

(b) during any period of construction or repair of the aerodrome facilities or equipment that is critical to the safety of aircraft operation; and

(c) at any other time when there are conditions at the aerodrome that may affect aviation safety.

Aerodrome environmental management programme

139.08.15 (1) A holder of an aerodrome certificate or licence must establish an aerodrome environment management programme to minimise the effects of hazards or potential hazards caused by -

(a) foreign object debris;

(b) oil and fuel spillages; or

(c) birds and animals.

(2) The environment management programme must be established in accordance with standards prescribed in Document NAM-CATS-AH.

Aerodromes works safety

139.08.16 (1) The operator of a certified or licensed aerodrome must -

(a) establish procedures for ensuring that any works carried out on the aerodrome, do not endanger aircraft operations; and

(b) take precautions to ensure that any aerodrome works at the aerodrome are carried out in a way that does not create a hazard to aircraft or confusion to pilots.

(2) The aerodrome operator must comply with the standards prescribed in Document NAM-CATS-AH in relation to the works safety plan and notice requirements that must be satisfied before aerodrome works may be carried out.

(3) A person may not perform hot work or work with an open flame on the airside of the aerodrome before notifying the fire-fighting services and all other affected parties of -

(a) the type of work to be performed;

(b) the location where the work will be performed; and

(c) the expected duration of the work to be performed.

(4) If considered necessary by the aerodrome operator or where the type of work can have an impact on aviation safety, the fire services must perform standby duties during such hot work or work with an open flame until the work is completed.

Protection of navigation aids

139.08.17 An aerodrome operator must -

(a) prevent any construction or activity on the aerodrome or surrounding area that the aerodrome operator has authority over, that could have an adverse effect on the operation of any electronic or visual navigation aid or air traffic service facility for the aerodrome; and

(b) prevent, as far as it is within the operator's authority, any interruption of electronic or visual navigation aid or air traffic service facility for the aerodrome.

Notification of aerodrome condition

139.08.18 An aerodrome operator must, as soon as practicable, notify the aeronautical information service provider of any aerodrome operational condition at the aerodrome that may affect the safe operation of aircraft, for the purpose of issuance of a NOTAM.

Unsafe conditions

139.08.19 A holder of an aerodrome certificate or licence must establish procedures for ensuring that aircraft operations are restricted or if necessary, prohibited, on any part of the aerodrome where an unsafe condition may exist.

Discontinuation of certified or aerodrome operations

139.08.20 (1) In order that adequate warning may be given to the users of an aerodrome, the holder of an aerodrome certificate or licence must give the Executive Director at least 60 days written notice of the holder's intention to discontinue the maintenance of the aerodrome or to abandon the aerodrome.

(2) If, after the expiry of the period of notice referred to in subregulation (1), an aerodrome is abandoned or is not being maintained in accordance with the conditions of the certificate or licence, the holder of the certificate or licence must remove, obliterate or modify all aerodrome markings as the Executive Director may direct.

(3) On completion of the task referred to in subregulation (2), the holder must surrender the certificate or licence to the Executive Director.

General duties of aerodrome operator

139.08.21 (1) An aerodrome operator must -

(a) maintain the aerodrome in a serviceable condition;

(b) keep the aerodrome free of unauthorised persons, vehicles and animals which are not under proper control or any other obstructions;

(c) mark all obstructions in accordance with any guidelines provided for in these regulations;

(d) inform the Executive Director of any alterations to obstruction or works on the aerodrome;

(e) install an apparatus to show the surface direction of the wind and ensure that the apparatus is installed and functions satisfactorily;

(f) maintain any markings provided for in these regulations in a conspicuous condition and ensure that they are readily visible to aircraft in the air or manoeuvring on the ground;

(g) ensure the facilities offered to the public are available and in a serviceable condition;

(h) ensure that all apparatus installed by that holder to promote safety in flight, is functioning efficiently;

(i) appropriately mark the unserviceable areas on the landing terrain;

(j) inform the Executive Director whenever the aerodrome becomes unserviceable through any cause or where any portion of the surface of the landing area deteriorates to such an extent that the safe operation of aircraft may be endangered and aircraft operations are limited to those portions of the aerodrome not rendered unsafe by those conditions;

(k) submit to the Executive Director reports on the condition of the aerodrome as may be required from time to time; and

(l) ensure that personnel operating on the airside wear high visibility clothing at all times while on the airside.

(2) A holder of an aerodrome certificate or licence must -

(a) hold at least one complete and current copy of the aerodrome manual referred to in Subpart 7 at the aerodrome;

(b) comply with all procedures detailed in approved manuals;

(c) make each applicable part of the approved manuals available to the personnel who require those parts to carry out their duties; and

(d) continue to comply with the appropriate requirements prescribed in this Part.

(3) A holder of an aerodrome certificate or licence must ensure that -

(a) organisations performing activities at the aerodrome comply with safety procedures specified by the aerodrome operator;

(b) very high frequency (VHF) direction finding (VDF) equipment, when installed on an aerodrome where an air traffic service unit is present, functions in accordance with standards and specifications provided for in these regulations, except that this requirement may be omitted if the air traffic service unit is serviced by surveillance;

(c) the facilities offered to the public are available and in a serviceable condition;

(d) carry out an annual survey on the aerodrome for the purpose of the approval of let-down procedures by the Executive Director.

(4) The holder of an aerodrome certificate or licence must ensure that -

(a) where -

(i) an air traffic service unit is present on the aerodrome;

(ii) scheduled commercial operations are conducted; or

(iii) unscheduled commercial operations exceeding six movements a week are conducted and the maximum certified mass of the aircraft involved exceeds 5700 kilograms,

sensing equipment are installed to provide data to the air traffic services unit, and the specifications of such sensing equipment are in accordance with the standards provided for in these regulations.

[The verb "are" should be "is" to be grammatically correct.]

(b) data provided in terms of paragraph (a) is displayed in the aerodrome control tower or air traffic service unit and at the aeronautical meteorological station, where applicable;

(c) where an air traffic service unit is not in operation and where scheduled commercial operations occur, data provided in terms of paragraph (a) is transmitted automatically to a minimum range of five nautical miles from the aerodrome reference point;

(d) where pilot training operations are being undertaken at the aerodrome, wind direction, speed, surface air temperature and barometric pressure data are made available at a location accessible to pilots prior to take off; and

(e) where the aerodrome is used for flights coming from outside Namibia or for flights departing to a destination outside Namibia, satisfactory office facilities are available for an aeronautical meteorological station.

(5) The holder of an aerodrome certificate or licence must -

(a) furnish the Executive Director with the most current audited year of aerodrome financial data and the aerodrome traffic statistics for each certification or licence period;

(b) in the case of aerodromes which serve aircraft used in international public air transport operations, establish a facilitation committee and compile a facilitation plan in accordance with the provisions of Annex 9 to the Chicago Convention;

(c) monitor aircraft noise on and in the vicinity of an aerodrome, and report any deviations from the technical standards to the Executive Director;

(d) when the air traffic service unit at the aerodrome is not in operation, be responsible for the maintenance of flying discipline on, and in the vicinity of, that aerodrome;

(e) furnish in writing to the Executive Director, as soon as practicably possible, but within 30 days from the day of engagement, employment or contracting, full particulars of the accountable manager referred to in regulation 139.08.3; and

(f) furnish the Executive Director on monthly basis with the statistical data of incidents and accidents occurring on the airside of the aerodrome.

(6) The holder of an aerodrome certificate or licence must ensure that in accordance with the national civil aviation security programme referred to in section 118 of the Act -

(a) all originating hold baggage to be carried on a commercial air transport aircraft engaged in civil aviation operations are screened prior to being loaded onto the aircraft; and

(b) the operator of a commercial air transport aircraft engaged in a scheduled commercial air service does not carry any originating hold baggage, unless such baggage has been screened prior to being loaded into the aircraft.

Removal of obstructions from aerodrome surface

139.08.22 An aerodrome operator must remove from the aerodrome surface any vehicle or other obstruction that is likely to be hazardous to aircraft operations.

Warning notices

139.08.23 When low flying aircraft, at or near an aerodrome or taxiing aircraft are likely to be hazardous to people or vehicular traffic, the aerodrome operator must -

(a) post hazard warning notices on any public road that is adjacent to the manoeuvring area; or

(b) if such a public road is not controlled by the aerodrome operator, inform the authority responsible for posting the notices on the public way that there is a hazard.

SUBPART 9
AERODROME DATA

Applicability of Subpart

139.09.1 (1) This Subpart applies to all aerodromes except where otherwise specified.

(2) This Subpart does not apply to aerodromes used solely as heliports.

Aeronautical data

139.09.2 An aerodrome operator must make arrangements for the determination and reporting of aerodrome-related aeronautical data in accordance with standards prescribed in Document NAM-CATS-AH.

Aerodrome reference point

139.09.3 (1) An aerodrome operator must establish an aerodrome reference point for an aerodrome.

(2) The aerodrome reference point must be located near the initial or planned geometric centre of the aerodrome and must remain where first established.

(3) The position of the aerodrome reference point must be measured and reported to the aeronautical information services in WGS-84 format.

Aerodrome and runway elevation

139.09.4 An aerodrome operator must measure and report to the aeronautical information services, the aerodrome and runway elevations in accordance with standards prescribed in Document NAM-CATS-AH.

Aerodrome reference temperature

139.09.5 An aerodrome operator must determine and notify an aerodrome reference temperature for the aerodrome in accordance with standards prescribed in Document NAM-CATS-AH.

Aerodrome dimensions and related information

139.09.6 An aerodrome operator must measure or describe, as appropriate, and publish the dimensions and related information for each facility provided for use at the aerodrome in accordance with the standards prescribed in Document NAM-CATS-AH.

Strength of pavements

139.09.7 (1) An aerodrome operator must determine and report the bearing strength of pavements at the aerodrome.

(2) The bearing strength of pavements must be determined and reported in accordance with the standards prescribed in Document NAM-CATS-AH.

Pre-flight altimeter check point

139.09.8 An aerodrome operator must establish for the aerodrome, one or more pre-flight altimeter check locations and report such information in accordance with the standards prescribed in Document NAM-CATS-AH.

Declared distances

139.09.9 (1) An operator of a certified or licensed aerodrome must calculate and publish the following distances for the runway or runways at the aerodrome -

(a) take-off run available;

(b) take-off distance available;

(c) accelerate-stop distance available; and

(d) landing distance available.

(2) The declared distances must be calculated in accordance with standards prescribed in Document NAM-CATS-AH.

Condition of movement area and related facilities

139.09.10 (1) An aerodrome operator must -

(a) provide to the aeronautical information services, information on the condition of the movement area and the operational status of related facilities;

(b) provide to the air traffic services units, information of operational significance regarding the condition of the movement area and the operational status of related facilities; and

(c) monitor the condition of the movement area and the operational status of related facilities and provide a report on matters of operational significance affecting aircraft and aerodrome operations.

(2) The aerodrome conditions must be provided and monitored in accordance with standards prescribed in Document NAM-CATS-AH.

Information on disabled aircraft removal

139.09.11 An aerodrome operator must make available in accordance with standards prescribed in Document NAM-CATS-AH, information concerning the capability of the aerodrome to remove an aircraft disabled on or adjacent to the movement area.

Information on rescue and fire fighting level of protection

139.09.12 (1) An aerodrome operator must make available information concerning the level of protection provided at an aerodrome for aircraft rescue and firefighting purposes.

(2) The level of protection available at an aerodrome and any changes in the level of protection must be notified in accordance with the standards prescribed in Document NAM-CATS-AH.

Information concerning visual approach slope indicator systems

139.09.13 An aerodrome operator must make available information concerning the visual approach slope indicator system installed at the aerodrome in accordance with standards prescribed in Document NAM-CATS-AH.

Coordination between aeronautical information services and aerodrome authorities

139.09.14 (1) An operator of a certified or licensed aerodrome must -

(a) make arrangements to provide to aeronautical information services, information regarding the status and condition of the aerodrome and its associated facilities and services;

(b) before introducing changes to the air navigation system, carry out close coordination of such changes with aeronautical information services;

(c) provide raw aeronautical information or data to the aeronautical information services to meet the needs of users.

(2) Coordination between the aerodrome operator and aeronautical information services must be carried out in accordance with standards prescribed in Document NAM-CATS-AH.

SUBPART 10
AERODROME PHYSICAL CHARACTERISTICS

Applicability of Subpart

139.10.1 (1) This Subpart applies to all aerodromes except where otherwise specified.

(2) This Subpart does not apply to aerodromes used solely as heliports.

Runways

139.10.2 An aerodrome operator must ensure that the physical characteristics of the runway or runways at the aerodrome, including the number of runways and orientation, location of the threshold, actual length of the runways, width, slopes on runways, strength and surfaces of runways and the minimum distance between parallel runways, are in accordance with the standards prescribed in Document NAM-CATS-AH.

Runway shoulders

139.10.3 An aerodrome operator must ensure that the physical characteristics of the runway or runways shoulders at an aerodrome including the widths, slopes and strength of the runway shoulders are in accordance with the standards prescribed in Document NAM-CATS-AH.

Runway turn pads

139.10.4 An aerodrome operator must ensure that, where a runway turn pad is required, the physical characteristics and the design of such runway turn pad is in accordance with the standards prescribed in Document NAM-CATS-AH.

[The second use of the verb "is" in this regulation should be "are" to be grammatically correct: "characteristics and… design… are…"**.]**

Runway strips

139.10.5 An aerodrome operator must ensure that a runway at an aerodrome and any associated stopway is included in a strip and that the physical characteristics of that runway strip is in accordance with the standards prescribed in Document NAM-CATS-AH.

[Both uses of the verb "is" in this regulation should be "are" to be grammatically correct: "runway… and… stopway are…"; "characteristics… are…"**.]**

Runway end safety areas

139.10.6 An aerodrome operator must ensure that a runway end safety area is provided at each end of a runway strip where required in accordance with the standards prescribed in Document NAM-CATS-AH, and that the physical characteristics of that runway end safety area is in accordance with the specified standards.

[The verb "is" after the phrase "the physical characteristics of that runway end safety area" should be "are" to be grammatically correct.]

Clearways

139.10.7 An aerodrome operator must ensure that where a clearway is provided for a particular runway at an aerodrome, that clearway is established in accordance with standards prescribed in Document NAM-CATS-AH.

Stopways

139.10.8 An aerodrome operator must ensure that where a stopway is provided for a particular runway at an aerodrome, that stopway is established in accordance with standards prescribed in Document NAM-CATS-AH.

Radio altimeter operating area

139.10.9 An aerodrome operator must ensure that where a radio altimeter operating area is provided at an aerodrome, that radio altimeter operating area is established in accordance with standards prescribed in Document NAM-CATS-AH.

Taxiways

139.10.10 An aerodrome operator must ensure that the design and the physical characteristics of a taxiway provided at an aerodrome are in accordance with the standards prescribed in Document NAM-CATS-AH.

Taxiway shoulders

139.10.11 An aerodrome operator must ensure that the physical characteristics of a taxiway shoulders at an aerodrome are in accordance with the standards prescribed in Document NAM-CATS-AH.

Taxiway strips

139.10.12 An aerodrome operator must ensure that the physical characteristics of taxiway strips are established in accordance with the standards prescribed in Document NAM-CATS-AH.

Holding bays, runway-holding positions, intermediate holding positions and road-holding positions

139.10.13 An aerodrome operator must ensure that when provided, holding bays, a runway-holding position, intermediate holding position and road-holding positions are established in accordance with the standards prescribed in Document NAM-CATS-AH.

Aprons

139.10.14 An aerodrome operator must ensure that the physical characteristics of an apron provided at an aerodrome are in accordance with the standards prescribed in Document NAM-CATS-AH.

Isolated aircraft parking position

139.10.15 (1) An operator of a certified or licensed aerodrome must designate an isolated aircraft parking position at the aerodrome in accordance with the standards prescribed in Document NAM-CATS-AH.

(2) Where an isolated aircraft parking position has not been designated in accordance with subregulation (1), the aerodrome control tower must be advised of an area or areas suitable for the parking of an aircraft which is known or believed to be the subject of an act of unlawful interference or which for other reasons needs isolation from normal aerodrome activities.

SUBPART 11

OBSTACLE RESTRICTION AND REMOVAL

Applicability of Subpart

139.11.1 (1) This Subpart applies to all aerodromes except where otherwise specified.

(2) This Subpart does not apply to aerodromes used solely as heliports.

Erection of obstacles

139.11.2 (1) A person may not cause or permit the erection or growth of an obstacle at, or in the vicinity of, an aerodrome, where the obstacle may prevent an aircraft operation from being conducted safely or the aerodrome from being usable.

(2) The erection of buildings or other objects in the navigable airspace or in the vicinity of an aerodrome or navigation aid must be in accordance with standards prescribed in Document NAM-CATS-AH.

(3) A person may not cause or permit any object, including new or extension of existing objects to penetrate the obstacle limitation surface, established in accordance with regulation 139.11.3, without the written permission of the Executive Director.

Establishment of obstacle limitation surfaces

139.11.3 (1) An aerodrome operator must -

(a) establish obstacle limitation surfaces for the aerodrome;

(b) monitor the established obstacle limitation surfaces around the aerodrome for infringement by objects, buildings or other structures;

(c) establish a systematic means of surveying and monitoring any object that penetrates the obstacle limitation surfaces around the aerodrome and report any penetration immediately to the Executive Director; and

(d) notify, through the aeronautical information services, any object that penetrates obstacle limitation surfaces around the aerodrome.

(2) The operator of an aerodrome must work jointly with the Executive Director to plan and determine the allowable height limits for new developments in the vicinity of, and outside of, the aerodrome and the type of instrument or visual flight operations that may be permitted, taking the obstacle survey plan into account.

Obstacle limitation surfaces

139.11.4 (1) The obstacle limitation surfaces established for an aerodrome must consist of the following:

(a) outer horizontal surface;

(b) conical surface;

(c) inner horizontal surface;

(d) approach surface;

(e) inner approach surface;

(f) transitional surface;

(g) inner transitional surface;

(h) balked landing surface; and

(i) take-off climb surface.

(2) The obstacle limitation surfaces referred to in subregulation (1) must be established in accordance with the standards prescribed in Document NAM-CATS-AH.

Obstacle limitation requirements

139.11.5 (1) An aerodrome operator must establish obstacle limitation surfaces for non-instrument runways, non-precision approach runways and precision approach runways and for runways meant for take-off.

(2) The obstacle limitation surfaces established in terms of subregulation (1) must be in accordance with the standards prescribed in Document NAM-CATS-AH, and must be clear of any penetration of obstacles temporary or otherwise.

Objects outside obstacle limitation surfaces

139.11.6 (1) A person may not construct any building, structure or other objects beyond the limits of the obstacle limitation surfaces of an aerodrome that extend above a height of 45 metres above the mean level of the aerodrome landing areas unless -

(a) that person has had prior consultation with the Executive Director; and

(b) the construction is in accordance with standards prescribed in Document NAM-CATS-AH.

(2) The Executive Director must whenever necessary, permit an aeronautical study to be conducted on the effect of the construction referred to in subregulation (1) on the operation of aircraft.

Removal of obstacles and other objects

139.11.7 (1) A person must remove any object that will adversely affect the optimum siting or performance of visual or non-visual aids or constitute a hazard to aircraft operation as prescribed in Document NAM-CATS-AH.

(2) The Executive Director may direct the removal of any obstacle which, in the opinion of the Executive Director, constitutes a hazard to aircraft operations, and the cost of such removal must be borne by the owner of the obstacle or the person who placed the obstacle at the place where it is removed from.

SUBPART 12
VISUAL AIDS FOR NAVIGATION

Applicability of Subpart

139.12.1 (1) This Subpart applies to all categories of aerodromes except where otherwise specified.

(2) This Subpart does not apply to aerodromes used solely as heliports.

Wind direction indicator

139.12.2 (1) An aerodrome operator must ensure that an aerodrome is equipped with at least one wind direction indicator.

(2) A wind direction indicator required by subregulation (1) must be located so as to be visible from aircraft in flight or on the movement area and in such a way as to be free from the effects of air disturbances caused by nearby objects.

(3) The characteristics of the wind direction indicator must be in accordance with standards prescribed in Document NAM-CATS-AH.

Landing direction indicator

139.12.3 An aerodrome operator must ensure that, where a landing direction indicator is provided at an aerodrome, it is located in a conspicuous place on the aerodrome and the characteristics of such landing direction indicator are in accordance with standards prescribed in Document NAM-CATS-AH.

Signaling lamp

139.12.4 (1) An aerodrome operator must ensure that a signaling lamp is provided in the aerodrome control tower at an aerodrome where air traffic control service is provided to aerodrome traffic.

(2) The characteristics of the signalling lamp must be in accordance with standards prescribed in Document NAM-CATS-AH.

Signal panels and signal areas

139.12.5 Where provided at an aerodrome, the location and characteristics of a signal panel and signal area must be in accordance with standards prescribed in Document NAM-CATS-AH.

Markings

139.12.6 An aerodrome operator must ensure that markings displayed at an aerodrome are conspicuous and such markings are displayed in accordance with standards prescribed in Document NAM-CATS-AH.

Lights

139.12.7 (1) An aerodrome operator must ensure that any lights or emissions that may endanger the safety of aircraft or cause confusion to aircraft operating at an aerodrome are extinguished, screened or otherwise modified so as to eliminate the source of the danger or confusion.

(2) An aerodrome operator must ensure that -

(a) elevated approach, runway, stopway and taxiway lights and their supporting structures, are frangible and are designed in accordance with standards prescribed in Document NAM-CATS-AH;

(b) light fixtures inserted in the surface of runways, stopways, taxiways and aprons are designed and fitted in accordance with standards prescribed in Document NAM-CATS-AH; and

(c) the intensity of the runway lighting at the aerodrome is adequate and compatible with that of the approach lighting system and that suitable intensity control system that allows for the adjustment of the light intensity is provided.

(3) Aerodrome lighting systems provided at an aerodrome must be in accordance with the standards prescribed in Document NAM-CATS-AH.

Signs

139.12.8 (1) An aerodrome operator must provide at an aerodrome, signs to convey a mandatory instruction, information on a specific location or destination on a movement area or to provide other information.

(2) An aerodrome operator must ensure that signs provided at an aerodrome are frangible and that their locations and specifications are in accordance with the standards prescribed in Document NAM-CATS-AH.

Markers

139.12.9 (1) An aerodrome operator must ensure that markers provided at an aerodrome are frangible, and when located near a runway or taxiway must be sufficiently low to preserve clearance for propellers and for the engine pods of jet aircraft.

(2) An aerodrome operator must ensure that location and specifications of markers provided at an aerodrome are in accordance with the standards prescribed in Document NAM-CATS-AH.

SUBPART 13
VISUAL AIDS FOR DENOTING OBSTACLES

Applicability of Subpart

139.13.1 This Subpart applies to all categories of aerodromes unless otherwise specified.

Objects to be marked or lighted

139.13.2 (1) An aerodrome operator must ensure that objects within the lateral boundaries of the obstacle limitation surfaces are marked, as appropriate, and if used at night or in conditions of low visibility, lighted, in accordance with standards prescribed in Document NAM-CATS-AH, except that aircraft servicing equipment and vehicles used only on aprons may be exempted from this requirement.

(2) An aerodrome operator must ensure that obstacles outside the lateral boundaries of the obstacle limitation surfaces are marked and lighted in accordance with standards prescribed in Document NAM-CATS-AH.

Marking and lighting of objects

139.13.3 (1) The presence of objects which must be lighted, as specified in regulation 139.13.2, must be indicated by low, medium or high intensity obstacle lights or a combination of such lights in accordance with specifications prescribed in Document NAM-CATS-AH.

[In the *Government Gazette*, the hyphen is missing between "CATS" and "AH"; it has been inserted above, to facilitate word searches for this term.]

(2) Mobile objects, fixed objects and wind turbines must be marked or lighted in accordance with the standards prescribed in Document NAM-CATS-AH.

SUBPART 14
VISUAL AIDS FOR DENOTING RESTRICTED USE AREAS

Applicability of Subpart

139.14.1 This Subpart applies to all categories of aerodromes.

Closed runways and taxiways or parts thereof

139.14.2 (1) An aerodrome operator must ensure that a closed marking is displayed on a runway or taxiway or portion thereof which is permanently closed to the use of all aircraft.

(2) The location and characteristics of a closed marking required by subregulation (1) must be in accordance with the standards prescribed in Document NAM-CATS-AH.

Non-load-bearing surface

139.14.3 An aerodrome operator must ensure that the boundaries between non-load-bearing surfaces and the load-bearing surfaces are marked in accordance with the standards prescribed in Document NAM-CATS-AH.

Pre-threshold area

139.14.4 Where provided at an aerodrome, the paved surface of a pre-threshold area must be marked in accordance with the standards prescribed in Document NAM-CATS-AH.

Unserviceable areas

139.14.5 (1) An aerodrome operator must -

(a) display conspicuous unserviceability markers on unserviceable areas; and

(b) ensure that unserviceability lights are used on a movement area used at night or in conditions of low visibility.

(2) The location and characteristics of unserviceability markers and lights required by subregulation (1) must be in accordance with the standards prescribed in Document NAM-CATS-AH.

SUBPART 15
ELECTRICAL SYSTEMS

Applicability of Subpart

139.15.1 (1) This Subpart applies to certified aerodromes.

(2) This Subpart also applies to licensed aerodromes where electrical systems are provided for use at the aerodrome.

Electrical power supply systems for air navigation facilities

139.15.2 (1) An operator of an aerodrome must make available, adequate power supply at the aerodromes for the safe functioning of air navigation facilities.

(2) The provision, design and installation of the electrical systems, required under these regulations including power supply connections, the time interval between failure of the primary source of power and the complete restoration of the services and the switch-over times must be in accordance with the standards prescribed in Document NAM-CATS-AH.

(3) An operator of an aerodrome must provide adequate secondary power to ensure essential facilities are automatically connected to power supply upon failure of the primary source of power.

(4) The secondary power provided in accordance with subregulation (3) must be in accordance with the standards prescribed in Document NAM-CATS-AH.

Systems design

139.15.3 (1) An aerodrome operator must ensure that the electrical systems for the power supply, lighting and control of the lighting systems are so designed that an equipment failure will not leave the pilot with inadequate visual guidance or misleading information.

(2) The systems design must be in accordance with the standards prescribed in Document NAM-CATS-AH.

Monitoring

139.15.4 (1) An operator of an aerodrome must have in place, a system for monitoring the operational status of lighting systems at the aerodrome.

(2) The system for monitoring required by subregulation (1) must be in accordance with the standards prescribed in Document NAM-CATS-AH.

SUBPART 16
AERODROME OPERATIONAL SERVICES, EQUIPMENT AND INSTALLATIONS

Applicability of Subpart

139.16.1 (1) This Subpart applies to certified aerodromes.

(2) This Subpart may apply to licensed aerodromes where considered necessary by the Executive Director.

Aerodrome emergency planning

139.16.2 (1) An operator of an aerodrome must establish an aerodrome emergency plan at the aerodrome that -

(a) is commensurate with the aircraft operations and other activities conducted at the aerodrome;

(b) provides for the coordination of the actions to be taken in an emergency occurring at the aerodrome or in its vicinity including -

(i) aircraft emergencies;

(ii) sabotage including bomb threats;

(iii) unlawfully seized aircraft;

(iv) dangerous goods occurrences;

(v) building fires;

(vi) natural disaster; and

(v) public health emergencies such as -

(aa) increased risk of travellers or cargo spreading a serious communicable disease internationally through air transport;

(bb) severe outbreak of a communicable disease potentially affecting a large proportion of aerodrome staff;

(c) coordinates the response or participation of all existing agencies which, in the opinion of the aerodrome operator, could be of assistance in responding to an emergency;

(d) provides for cooperation and coordination with the rescue coordination centre, as necessary;

(e) includes at least the following -

(i) types of emergencies planned for;

(ii) agencies involved in the plan;

(iii) responsibility and role of each agency, the emergency operations centre and the command post for each type of emergency;

(iv) information on names and telephone numbers of offices or people to be contacted in the case of a particular emergency; and

(v) a grid map of the aerodrome and its immediate vicinity;

(f) observes human factor principles;

(g) provides for the establishment of an emergency operations centre and command post;

(h) provides for adequate communication systems;

(i) contains procedures for periodic testing of the adequacy of the plan and the reviewing of the results of such tests;

(j) provides for the testing of the plan through -

(i) full-scale aerodrome emergency exercise; or

(ii) a series of modular tests;

(k) provides for the reviewing of the plan after the testing or after an actual emergency; and

(l) provides for the handling of emergencies in difficult environments.

(2) An aerodrome emergency plan must be established in accordance with standards prescribed in Document NAM-CATS-AH.

Rescue and firefighting services

139.16.3 (1) An operator of an aerodrome must -

(a) provide rescue and firefighting equipment and services at the aerodrome;

(b) designate suitably located and equipped public and private organisations to provide the rescue and firefighting service; and

(c) where the aerodrome is located close to water or swampy areas or difficult terrain, make available, specialist rescue services and firefighting equipment appropriate to the hazard and risk.

(2) An operator of an aerodrome must -

(a) ensure that the established rescue and firefighting services at the aerodrome is capable of providing the required level of protection appropriate to the aerodrome fire services category of the aerodrome;

(b) ensure that the rescue and firefighting services level of protection, extinguishing agents and rescue equipment are determined and established;

(c) ensure that the rescue and firefighting services is capable of meeting the required response times;

[The verb "is" should be "are" to be grammatically correct.]

(d) ensure that emergency access roads, fire stations, communication and alerting systems are provided;

(e) ensure that the number of firefighting vehicles are commensurate with the established aerodrome category;

[The verb "are" should be "is" to be grammatically correct: "number… is…"**.]**

(f) ensure the availability of sufficient trained and competent personnel commensurate with the aerodrome firefighting category;

(g) have in place a rescue and firefighting personnel training programme which includes training in human performance and team coordination; and

(h) ensure that all responding rescue and firefighting personnel are provided with protective clothing and respiratory equipment.

(3) The aerodrome rescue and firefighting services established in accordance with subregulations (1) and (2) must be in accordance with standards prescribed in Document NAM-CATS-AH.

Disabled aircraft removal

139.16.4 An operator of a certified or licensed aerodrome must establish a plan for coordinating the removal of an aircraft disabled on, or adjacent to, the movement area of the aerodrome in accordance with standards prescribed in Document NAM-CATS-AH.

Wildlife hazard management

139.16.5 (1) An operator of a certified or licensed aerodrome must have in place a wildlife management programme that includes -

(a) assessment of the wildlife strike hazard on, or in the vicinity of, an aerodrome; and

(b) monitoring, recording and reporting the presence of wildlife on, or in the vicinity of, an aerodrome.

(2) The wildlife management programme must be established in accordance with standards prescribed in Document NAM-CATS-AH.

(3) The operator of a certified or licensed aerodrome must -

(a) ensure that wildlife strike reports are collected and forwarded to the Executive Director;

(b) adopt measures to minimise the likelihood of collisions between wildlife and aircraft;

(c) take action to eliminate or to prevent the establishment of garbage disposal dumps or any other source which may attract wildlife to the aerodrome or its vicinity, unless an appropriate wildlife assessment indicates that they are unlikely to create conditions conducive to a wildlife hazard problem;

(d) where the elimination of existing sites is not possible, ensure that any risk to aircraft posed by these sites is assessed and reduced to as low as reasonably practicable; and

(e) give due consideration to aviation safety concerns related to land developments in the vicinity of the aerodrome that may attract wildlife.

Apron management service

139.16.6 (1) An operator of a certified or licensed aerodrome may, when warranted by the volume of traffic and operating conditions, provide an appropriate apron management service at the aerodrome.

(2) The apron management service established in terms of subregulation (1) must be in accordance with standards prescribed in Document NAM-CATS-AH.

Ground servicing of aircraft

139.16.7 An aerodrome operator must establish procedures for ground servicing of an aircraft in accordance with standards prescribed in Document NAM-CATS-AH.

Aerodrome vehicle operations

139.16.8 (1) A vehicle must be operated -

(a) on a manoeuvring area only as authorised by the aerodrome control tower; and

(b) on an apron only as authorised by the designated apron management service.

(2) The driver of a vehicle operating on the movement area must -

(a) comply with all mandatory instructions conveyed by markings and signs except where otherwise authorised by -

(i) the aerodrome control tower when on the manoeuvring area; or

(ii) the designated apron management service when on the apron;

(b) comply with all mandatory instructions conveyed by lights;

(c) be appropriately trained for the tasks to be performed;

(d) comply with the instructions issued by -
(i) the aerodrome control tower when on the manoeuvring area; and

(ii) the designated apron management service, when on the apron;

(e) when driving a radio-equipped vehicle, establish satisfactory two-way radio communication with the -

(i) aerodrome control tower before entering the manoeuvring area; and

(ii) designated apron management service before entering the apron;

(f) when driving a radio-equipped vehicle, maintain a continuous listening watch on the assigned frequency when on the movement area.

(3) The aerodrome operator must have procedures in place to guide ground vehicle operations in accordance with standards prescribed in Document NAM-CATS-AH.

Surface movement guidance and control systems

139.16.9 (1) An operator of a certified aerodrome must have surface movement guidance and control system (SMGCS) at the aerodrome in accordance with standards prescribed in Document NAM-CATS-AH.

(2) The characteristics of an surface movement guidance and control system including the design must be in accordance with standards prescribed in Document NAM-CATS-AH.

[The word "an" should be "a".]

Siting of equipment and installations on operational areas

139.16.10 (1) A person may not place any equipment or installation on a runway strip, a runway end safety area, a taxiway strip or on a clearway if it may endanger an aircraft.

(2) Any equipment or installation required for air navigation or for safety of aircraft and which must be located on the areas specified in subregulation (1) must be frangible and must be located in accordance with the standards prescribed in Document NAM-CATS-AH.

Fencing

139.16.11 (1) An operator of a certified or licensed aerodrome must provide a fence or other suitable barrier on an aerodrome to -

(a) prevent the entrance of animals to the movement area; and

(b) to deter the inadvertent or premeditated access of an unauthorised person onto a non-public area of the aerodrome.

(2) The fence or barrier required under subregulation (1) must be provided in accordance with standards prescribed in Document NAM-CATS-AH.

Security lighting

139.16.12 Where it is considered desirable, for security reasons, a fence or other barrier provided at an aerodrome for the protection of civil aviation must be illuminated in accordance with standards prescribed in Document NAM-CATS-AH.

Autonomous runway incursion warning system

139.16.13 Where an autonomous runway incursion warning system (ARIWS) is installed at an aerodrome, the characteristics must be in accordance with the standards prescribed in Document NAM-CATS-AH.

SUBPART 17
AERODROME MAINTENANCE

Applicability of Subpart

139.17.1 This Subpart applies to all aerodromes except where otherwise specified.

Maintenance programme

139.17.2 (1) An operator of a certified or licensed aerodrome must establish a maintenance programme, including preventive maintenance, to maintain aerodrome facilities in a condition which does not impair the safety, regularity or efficiency of air navigation.

(2) The maintenance programme must be established in accordance with standards prescribed in Document NAM-CATS-AH.

Maintenance of pavements and friction measurement

139.17.3 (1) An operator of a certified or licensed aerodrome must establish a maintenance programme for the maintenance of aerodrome facilities.

(2) The aerodrome maintenance programme required by subregulation (1) must be established in accordance with standards prescribed in Document NAM-CATS-AH.

Removal of contaminants

139.17.4 The operator of an aerodrome must remove standing water, mud, dust, sand, oil, rubber deposits and other contaminants from paved surfaces at an aerodrome in accordance with the standards prescribed in Document NAM-CATS-AH.

Runway pavement overlays

139.17.5 (1) An operator of an aerodrome must ensure that projects involving runway pavement overlays are undertaken in accordance with the standards prescribed in Document NAM-CATS-AH.

(2) The aerodrome operator must ensure that the characteristics of a temporary ramp, when constructed for use by aircraft during runway pavement overlay, are in accordance with the standards prescribed in Document NAM-CATS-AH.

Maintenance of visual aids for navigation

139.17.6 (1) An operator of a certified or licensed aerodrome must establish and implement in accordance with the standards prescribed in Document NAM-CATS-AH, a programme for the maintenance of visual aids for navigation that are installed on the aerodrome.

(2) The maintenance programme required by subregulation (1) must include -

(a) a system of preventive maintenance of visual aids;

(b) procedures for ensuring that each visual aid for navigation continues to provide reliable and accurate guidance information to the user in accordance with the applicable standards;

(c) details on the number of lights that may be allowed to be unserviceable in each lighting system to ensure continuity of guidance to the user; and

(d) procedures for restoring any unserviceable or deteriorated item back into service without undue delay.

(3) An operator of a certified or licensed aerodrome must restrict construction or maintenance activities in the proximity of aerodrome electrical systems whenever low visibilityprocedures are in use.

SUBPART 18
REQUIREMENTS SPECIFIC TO HELIPORTS

Applicability of Subpart

139.18.1 (1) This Subpart applies to -

(a) all heliports intended to be used by helicopters; and

(b) areas designated for the exclusive use of helicopters at an aerodrome that is primarily meant for the use of helicopters.

(2) This Subpart covers aspects specific to heliport planning, design and operations.

Definitions for this Subpart

139.18.2 In this Subpart, unless the context otherwise indicates -

"heliport" means an aerodrome or a defined area on a structure intended to be used wholly or in part for the arrival, departure and surface movement of helicopters;

"obstacle" means all fixed (whether temporary or permanent) and mobile objects or parts thereof, that -

(a) are located on an area intended for the surface movement of aircraft;

(b) extend above a defined surface intended to protect aircraft in flight; or

(c) stand outside those defined surfaces and that have been assessed as being a hazard to air navigation.

Heliport reference point

139.18.3 (1) A heliport operator must establish a heliport reference point for a heliport or a landing location not collocated with an aerodrome and when the heliport or landing

location is collocated with an aerodrome, the established aerodrome reference point serves both the aerodrome and heliport or landing location.

(2) The heliport operator must ensure that -

(a) the heliport reference point is located near the initial or planned geometric centre of the heliport or landing location and must normally remain where first established; and

(b) the position of the heliport reference point is measured and reported to the aeronautical information services in degrees, minutes and seconds.

Heliport elevations

139.18.4 A heliport operator must measure and report to the aeronautical information services, the heliport elevation and geoid undulation in accordance with the standards prescribed in Document NAM-CATS-AH.

Heliport dimensions and related information

139.18.5 A heliport operator must measure and provide to aeronautical information services, the dimensions and relevant information on the landing and take-off facilities at the heliport in accordance with the standards prescribed in Document NAM-CATS-AH.

Declared distances

139.18.6 A heliport operator must declare and report to aeronautical information services the following distances for the heliport -

(a) take-off distance available;

(b) rejected take-off distance available; and

(c) landing distance available.

Physical characteristics of surface-level heliports

139.18.7 (1) An operator of a surface-level heliport must ensure that the physical characteristics of a surface- level heliport, including the physical characteristics of the final approach and take-off area, the touchdown and lift-off areas, helicopter clearways, the safety areas, helicopter ground taxiways and taxi routes, helicopter air taxiways and air taxi routes and helicopter stands, are in accordance with the standards prescribed in Document NAM-CATS-AH.

(2) An operator of a surface-level heliport must ensure that -

(a) no fixed object is permitted above the surface of the ground on a helicopter ground taxi-route, except for frangible objects, which, because of their function, must be located thereon;

(b) no mobile object is permitted on a ground taxi-route during helicopter movement; and

(c) objects whose function requires them to be located on a helicopter ground taxi-route comply with the standards prescribed in Document NAM-CATS-AH.

Physical characteristics of elevated heliports

139.18.8 An operator of an elevated heliport must ensure that the physical characteristics of the heliport, including the physical characteristics of the final approach and take-off area, the touchdown and lift off areas, the clearways, the safety areas, taxiways and taxi routes and aprons, are in accordance with the standards prescribed in Document NAM-CATS-AH.

Physical characteristics of helidecks

139.18.9 An operator of helideck must ensure that the physical characteristics of the helideck, including the physical characteristics of the final approach and take-off area and the touchdown and lift off areas, are in accordance with the standards prescribed in Document NAM-CATS-AH.

[The word "a" appears to have been omitted before the first use of the word "helideck".]

Physical characteristics of shipboard heliports

139.18.10 An operator of a shipboard heliport must ensure that the physical characteristics of the heliport, including the physical characteristics of the final approach and take-off area and the touchdown and lift off areas, are in accordance with the standards prescribed in Document NAM-CATS-AH.

Obstacle limitation surfaces and sectors

139.18.11 The obstacle limitation surfaces and sectors for heliports must be established in accordance with the standards prescribed in Document NAM-CATS-AH.

Obstacle limitation requirements

139.18.12 (1) An operator of a surface level heliport must establish the obstacle limitation surfaces in accordance with the standards prescribed in Document NAM-CATS-AH including -

(a) take-off climb surface;

(b) approach surface; and

(c) transitional surfaces.

(2) The surfaces listed in subregulation (1) must be established in accordance with standards prescribed in Document NAM-CATS-AH.

(3) Obstacle limitation surfaces for elevated heliports must conform to the requirements for surface-level heliports specified in subregulations (1) and (2), and must be established in accordance with the standards prescribed in Document NAM-CATS-AH.

(4) An operator of a helideck must ensure that -

(a) the helideck has an obstacle-free sector;

(b) there are no fixed obstacles within the obstacle-free sector above the obstacle-free surface;

(c) obstacle protection are provided for helicopters in the immediate vicinity of the helideck below the helideck level and in accordance with the standards prescribed in Document NAM-CATS-AH; and

[The verb "are" should be "is" to be grammatically correct.]

(d) objects within the TLOF comply with the standards prescribed in Document NAM-CATS-AH.

(5) When helicopter operating areas are provided in the bow or stern of a ship they must conform the obstacle criteria for helidecks.

(6) The obstacle limitation requirements for shipboard heliports including requirements for location of objects within the TLOF and for the winching area must be as prescribed in Document NAM-CATS-AH.

Visual aids

139.18.13 (1) An operator of a heliport must provide visual aids at the heliport including -

(a) wind direction indicators;

(b) markings and markers; and

(c) lights.

(2) The visual aids required by subregulation (1) must be in accordance with the requirements of regulations 139.18.14, 139.18.15 and 139.18.16 and the associated standards prescribed in Document NAM-CATS-AH.

Wind direction indicator

139.18.14 An operator of a heliport must ensure that -

(a) at least one wind direction indicator is provided at the heliport;

(b) the wind direction indicator is located and constructed in accordance with standards prescribed in Document NAM-CATS-AH; and

(c) a wind direction indicator at a heliport intended for use at night is illuminated.

Markings and markers

139.18.15 An operator of a heliport must ensure that markings and markers at the heliport comply with the standards prescribed in Document NAM-CATS-AH.

Lights

139.18.16 An operator of a heliport must ensure that lighting systems at the heliport comply with standards prescribed in Document NAM-CATS-AH.

Heliport emergency planning

139.18.17 (1) An operator of a certified heliport must establish a heliport emergency plan commensurate with the helicopter operations and other activities conducted at the heliport.

(2) The plan established in terms of subregulation (1) must be established in accordance with the standards prescribed in Document NAM-CATS-AH.

Rescue and firefighting

139.18.18 An operator of a certified or licensed heliport must provide rescue and firefighting services in accordance with regulation 139.16.3 and the standards prescribed in Document NAM-CATS-AH.

ORGANISATIONS

PART 140
SAFETY MANAGEMENT SYSTEMS AND RELATED MATTERS

[Part 140 is inserted by GN 293/2018. GN 293/2018 directs that Parts 2 and 3 should be inserted after the heading "ORGANISATIONS" in the regulations. There is no such heading in the body of the regulations, but the table of contents of the regulations suggests that the heading should appear as shown above in green type.]

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SUBPART 1
GENERAL

Applicability

140.01.1 (1) This Part applies to a participant or holder of an aviation document who or that the Executive Director has, by way of an aviation directive, determined that the Part applies.

(2) The participant's or holder's organisation SMS must address the identification of hazards, assessment of risk and development of risk mitigation strategies where applicable.

(3) In this Part the abbreviation "SMS" is used for the expression safety management system within the meaning and context of Annex 19 of the Chicago Convention.

Definitions for this Part

140.01.2 In this Part, unless the context indicates otherwise -

"acceptable level of safety performance (ALoSP)" means the minimum level of safety performance of civil aviation in Namibia, as defined in a participant's or holder's safety management system, expressed in terms of safety performance targets and safety performance indicators;

"change management" means a formal process to manage changes within a participant's or holder's organisation in a systematic manner, so that changes which may impact identified hazards and risk mitigation strategies, are accounted for, before the implementation of such changes;

"defences" means specific mitigating actions, preventive controls or recovery measures put in place to prevent the realisation of a hazard or its escalation into an undesirable consequence;

"large or turbojet aeroplane" means an aeroplane with all-up weight exceeding 5700 kilograms;

"risk mitigation" means the process of incorporating defences or preventive controls to lower the severity or likelihood of a hazard's projected consequence;

"safety data collection and processing systems" (SDCPS) means processing and reporting systems, safety databases, schemes for exchange of information, and recorded information including but not be limited to -

(a) data and information pertaining to accident or incident investigations;

(b) mandatory safety reporting systems;

(c) continuing airworthiness reporting;

(d) operational performance monitoring;

(e) inspections, audits, surveys; or

(f) safety studies and reviews; and

(g) voluntary safety reporting systems and self-disclosure reporting systems including automatic and manual data capturing;

"safety management system" (SMS) means a systematic approach to managing aviation safety, including the necessary organisational structures, accountability, responsibilities, policies and procedures;

"safety oversight" means a function performed by the Authority to ensure that individuals and organisations performing an aviation activity comply with the Act, regulations, technical standards and directives;

"safety performance" means the SSP or a participant's or holder's safety achievement as defined by its safety performance targets and safety performance indicators;

"safety performance indicator" means a data-based safety parameter used for monitoring and assessing safety performance;

"safety performance target" means the SSP or a participant's or holder's planned or intended target for a safety performance indicator over a given period that aligns with the safety objectives;

"safety risk" means the predicted probability and severity of the consequences or outcomes of a hazard;

"State Safety Programme (SSP)" means an integrated set of regulations and activities aimed at improving aviation safety in Namibia; and

"surveillance" means activities through which the Authority proactively verifies through inspections, monitoring, reviews and audits that an aviation document participant or holder continues to meet the established civil aviation requirements and functions at the level of competency and safety required in Namibia.

SUBPART 2
SMS FRAMEWORK

Establishment of SMS

140.02.1 (1) A participant or holder must under the SSP, establish, implement, maintain and adhere to an SMS that is appropriate to the size, nature and complexity of the operations, activities or services authorised to be conducted in terms of the participant's or holder's aviation document and the hazards and risks related to the relevant operations, activities or services.

(2) The SMS of a participant or holder must include its acceptable level of safety performance (ALoSP), the safety oversight framework, safety performance indicators and targets that are acceptable to the Executive Director.

(3) The acceptance of a participant's or holder's SMS by the Executive Director is conditional on proof that it was developed effectively and progressively within the context of the participant's or holder's operational change management and other systems, and in accordance with requirements for SMS implementation specified in regulation 140.02.3.

(4) A participant or holder must comply with the SMS requirements issued under the SSP, liaise with the SSP Committee established under Part 11 when required, and support the

SDCPS to facilitate safety information sharing and exchange and the protection to safety data captured and derived from mandatory and voluntary safety information systems authorised by the Executive Director.

Requirements of SMS

140.02.2 (1) The SMS must follow the framework set out in the safety management manual and include -

(a) safety policy, safety oversight, and objectives, including -

(i) management commitment;

(ii) safety accountability and responsibilities;

(iii) appointment of key safety personnel;

(iv) coordination of emergency response planning (ERP); and

(v) SMS documentation;

(b) safety risk management, including -

(i) hazard identification; and

(ii) safety risk assessment and mitigation;

(c) safety assurance, including -

(i) safety performance monitoring and measurement;

(ii) change management; and

(iii) continuous improvement of the SMS;

(d) safety promotion, including -

(i) training and education; and

(ii) safety communication.

(2) A participant or holder must develop and implement the components and elements listed in subregulation (1) in accordance with the standards prescribed in Document NAM-CATS SMS 140.

Implementation of SMS

140.02.3 (1) The senior accountable manager of a participant or holder must -

(a) ensure that the SMS requirements specified in regulation 140.02.2 are implemented in a planned, structured and effective manner to ensure that the SMS is applied to maintain and improve aviation safety; and

(b) implement the SMS phases in the manner as specified in Document NAM-CATS SMS 140 and in accordance with any other directives issued by the Executive Director.

(2) The time-scale for completion of SMS implementation, for a participant or holder whose aviation document is suspended or made subject to conditions on or after the date this Part comes into effect, must be determined by the Executive Director.

SUBPART 3
SENIOR ACCOUNTABLE MANAGER AND KEY PERSONNEL

Senior accountable manager

140.03.1 (1) The participant or holder by way of a written notice in the manner acceptable to the Executive Director, must nominate a suitably qualified natural person, to be the senior accountable manager who is to have or is likely to have control over the exercise of the privileges under the aviation document in the manner contemplated by sections 66 and 68 of the Act.

(2) On receipt of a nomination, the Executive Director must give due consideration, to the nominated persons, compliance with the qualifications and experience requirements and the conclusion of the fit and proper person test in the manner contemplated by sections 68 and 69 of the Act in particular, and generally required in terms of the Act.

(3) Where applicable, the nominee must meet the other relevant requirements as provided for in the approved operational manual or other documents of the participant or holder as authorised by the Executive Director when approving the application and grant, including any renewal or amendment, of the aviation document concerned.

(4) The Executive Director must, within 21 days of receiving the written notice referred to subregulation (1), inform the participant or holder of the proposed or final determination on whether or not the nominee is fit and proper for the purposes of control over the exercise of the privileges under the aviation document.

(5) If the Executive Director determines that the nominee -

(a) meets the fit and proper requirements, the Executive Director must in writing notify the participant or holder who must designate the person concerned as the senior accountable manager of the participant or holder to carry out the responsibilities under the aviation document irrespective of that person's employment, contractual or other functions at the participant's or holder's organisation; or

(b) does not meet the fit and proper requirements, the Executive Director must in writing notify the participant or holder and the nominee of the determination, giving the reasons for that determination.

(6) Without derogating from the generality of subregulation (5), the senior accountable manager must undertake the participant's or holder's compliance and responsibilities as required under this Subpart, including but not limited to -

(a) unrestricted access to work performed or activities undertaken by all other persons as employees of, and other persons rendering service under contract with, the participant or holder concerned;

(b) full rights of consultation with any other person in respect of compliance required of that person;

(c) powers to order cessation of any activity where such an activity endangers or is likely to endanger civil aviation safety;

(d) a duty to establish liaison mechanisms in writing with the Executive Director with a view to ascertain correct ways of compliance with the safety oversight and performance, SMS requirements and interpretations of those requirements by the Executive Director, and to facilitate regular liaison between the Executive Director and the participant or holder; and

(e) powers to report directly to the management of the participant or holder.

(7) The Executive Director may address any enquiry in relation to a matter connected with the participant's or holder's senior accountable manager, and the senior accountable manager must reply in writing not later than the date specified by the Executive Director.

(8) In the event that the senior accountable manager is replaced as a consequence of employment or other organisational changes, the participant or holder must ensure the nomination of a replacement by notification to the Executive Director within 14 days after the event.

(9) When a replacement in terms of subregulation (8), the procedures set out in subregulations (1) to (5) must be followed.

(10) If the senior accountable manager -

(a) is negligent or incompetent in implementing the SMS and safety oversight, approved manuals, the Act or these regulations or any directive; or

(b) no longer meets the qualifications and experience requirements or no longer satisfies the fit and proper test determinations as required under the Act or this Part,

the Executive Director may, after giving the participant or holder, and the senior accountable manager concerned, an opportunity to be heard, direct the removal of that person from office of senior accountable manager by a specified date and request the nomination for determination of suitability of another person in his or her place by the participant or holder within a specified period.

(11) The Executive Director may, upon the receipt of a written request made by a participant or holder, before the date determined in subregulation (10) and on good cause shown, in writing, grant an extension of time to such participant or holder, for the removal of that person from office as senior accountable manager, but subject to such conditions as the Executive Director may impose.

Key safety personnel

140.03.2 (1) The senior accountable manager must proceed to nominate the key safety personnel identified for designation in the approved manual of the participant or holder issued in terms of technical standards and under an application for and grant of, inclusive of an amendment or renewal, of an aviation document.

(2) Where an approved manual provides for a safety manager as one of the key safety personnel, then the senior accountable manager must nominate a person in a similar manner prescribed in regulation 140.03.1(1) for the fit and proper person test pursuant to sections 68 and 69 of the Act in particular, and generally required in terms of the Act.

(3) The Executive Director may require the name and particulars regarding the qualifications and experience of any other person nominated by the senior accountable manager as key safety personnel, to be submitted for purposes of the fit and proper person test pursuant to sections 68 and 69 of the Act in particular, and generally required in terms of the Act.

(4) The qualifications and experience requirements and the fit and proper testing of any key safety personnel nominee may, at the discretion of the Executive Director, include matters relevant to the standards prescribed in Document NAM-CATS SMS 140 applicable to the participant or holder to enable the Executive Director to determine the fit and proper status of the nominated key safety personnel.

(5) Whenever any one or more, of the key safety personnel -

(a) is negligent or incompetent in implementing the SMS and safety oversight, approved manuals, the Act or these regulations or any directive; or

(b) no longer meets the qualifications and experience requirements or no longer satisfies the fit and proper test determinations as required under the Act or this Part,

the Executive Director may, after giving the senior accountable manager concerned, or, in the absence of a senior accountable manager in the manner set out under regulation 140.03.6, the participant or holder, and the key safety personnel concerned, an opportunity to be heard, direct the removal of that person or persons by the senior accountable manager or participant or holder, as the case may be, from office of key safety personnel by a specified date and request the nomination for determination of suitability of another person or persons in his or her, or their, place by the senior accountable manger or participant or holder, as the case may be, within a specified period.

[The word "manager" in the second use of the phrase "senior accountable manager or participant or holder" is misspelt in the *Government Gazette*, as reproduced above.]

(6) The Executive Director may, upon the receipt of a written request made by the senior accountable manager, or participant or holder, as the case may be, before the date determined in subregulation (5), and on good cause shown, in writing grant an extension of time to such senior accountable manager, or participant or holder, as the case may be, for the removal of that person or persons from the establishment of the key safety personnel, but subject to such conditions as the Executive Director may impose.

SUBPART 4
MISCELLANEOUS MATTERS

Violations and offences

140.04.1 (1) If the participant or holder or the senior accountable manager, as the case may be, fails, without good cause or reason acceptable to the Executive Director obtained beforehand, to nominate a senior accountable manager, or safety manager, or key safety personnel, as required under this Part, or to comply with the directive by the Executive Director for the removal of the senior accountable manager, or the safety manger, or the key safety

personnel, as the case may be, or within the extended period of time, if any, granted by the Executive Director in the manner stipulated in this Part -

[The word "manager" in the second use of the phrase "safety manager" is misspelt in the Government Gazette, as reproduced above.]

(a) the participant or holder or senior accountable manager, as the case may be, is liable to pay the administrative fine upon assessment determined under Part 185, and in accordance with the daily fine provision provided for in that Part, for as long as the non-compliance exists; and

(b) the aviation document may be suspended or revoked or be endorsed under the imposition of a condition in the manner contemplated by sections 42 or 43 of the Act, respectively.

(2) Despite the provisions of subregulation (1), any participant or holder or senior accountable manager, as the case may be, who fails to comply with a directive issued by the Executive Director, commits an offence and is liable to be prosecuted under any one or more of the offences in Parts 13 (General offences) or 14 (Safety Offences) of the Act.

Safety charges

140.04.2 The Authority may impose safety charges, prescribed in Part 187, payable by participants, holders or users of both domestic and international civil aviation services, to ensure safety compliance levels or in relation to any application action required for participation in the civil aviation system.

International general aviation operators of large or turbojet aeroplanes

140.04.3 An international general aviation operator of large or turbojet aeroplanes must establish and maintain an SMS that is appropriate to the size and complexity of the operation that must, as a minimum, include -

(a) a process to identify actual and potential safety hazards and assess the associated risks;

(b) a process to develop and implement remedial action necessary to maintain an acceptable level of safety;

(c) provisions for continuous monitoring and regular assessment of the appropriateness and effectiveness of safety management activities; and

(d) any other information as required by the Executive Director in relation to its operations in the Namibia civil aviation system.

Holder of more than one certificate

140.04.4 Where the participant or holder is the holder of more than one aviation document, it, may with the approval of the Executive Director, integrate the requirements of this Part into a single SMS.

[The comma after the word "it" is misplaced; it should appear after the word "may".]

PART 141
ORGANISATIONS: AVIATION TRAINING ORGANISATIONS

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SUBPART 1
GENERAL

Applicability

141.01.1 (1) This Part shall apply to the approval and operation of organisations conducting -

(a) standard training; and

(b) temporary training.

(2) This Part shall not apply in respect of -

(a) training conducted for familiarisation purposes or training or instruction conducted in the interests of aviation safety: Provided that such training or instruction is not conducted for the issue, renewal, reissue, validation or revalidation of any licence, certificate or rating in terms of the Regulations; and

(b) the tests or the verifications of skill or proficiency conducted by examiners designated by the Director in terms of Part 61, 63, 64,65 or 66, as the case may be.

(3) An aviation training organisation located outside Namibia shall be approved by the Director.

Designation of body or institution

141.01.2 (1) The Director may designate a body or institution to -

(a) exercise control over the aviation training specified in the Regulations, and over the persons conducting such aviation training;

(b) determine standards for such aviation training and for the training of such persons;

(c) issue or confirm certificates for the successful completion of such aviation training, suspend or withdraw any certificate so issued, and keep all records, registers, books or documents regarding such aviation training or persons; and

(d) advise the Director on any matter relating to such aviation training or persons.

(2) The designation referred to in subregulation (1) shall be made in writing and shall be published by the Director in the *Gazette* within 30 days from the date of such designation.

(3) The powers and duties referred to in subregulation (1) shall be exercised and performed according to the conditions, rules, requirements, procedures or standards as prescribed in Document NAM-CATS-ATO.

Requirement for approval

141.01.3 No organisation shall conduct standard training or temporary training except under the authority of, and in accordance with the provisions of, an aviation training organisation approval issued under Subpart 2 or Subpart 3, as the case may be.

Display of approval

141.01.4 The holder of an aviation training organisation approval shall display the approval in a prominent place, generally accessible to the public at such holder's principal place of business and, if a copy of the approval is displayed, shall produce the original approval to an authorised officer, inspector or authorised person if so requested by such officer, inspector or person.

Advertisements

141.01.5 Any advertisement by an organisation indicating that it is an aviation training organisation, shall -

(a) reflect the number of the aviation training organisation approval issued by the Director; and

(b) contain a reference to the aviation training for which such approval was issued.

Safety inspections and audits

141.01.6 (1) An applicant for the issue of an aviation training organisation approval shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits which may be necessary to verify the validity of any application made in terms of regulation 141.02.6 or regulation 141.03.2, as the case may be.

(2) The holder of an aviation training organisation approval shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

Suspension and cancellation of approval and appeal

141.01.7 (1) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, an aviation training organisation approval issued under this Part, if -

(a) after a safety inspection and audit carried out in terms of regulation 141.01.6, it is evident that the holder of the approval does not comply with the requirements prescribed in this Part, and such holder fails to remedy such non-compliance within 30 days after receiving notice in writing from the authorised officer, inspector or authorised person to do so; or

(b) the authorised officer, inspector or authorised person is prevented by the holder of the approval to carry out a safety inspection and audit in terms of regulation 141.01.6; or

(c) the suspension is necessary in the interests of aviation safety.

(2) The authorised officer, inspector or authorised person who has suspended an approval in terms of subregulation (1), shall, deliver a report in writing to the Director, stating the reasons why, in his or her opinion, the suspended approval should be cancelled.

[The comma after the word "shall" is superfluous.]

(3) The authorised officer, inspector or authorised person concerned shall submit a copy of the report referred to in subregulation (2), to the holder of the approval which has been suspended.

(4) The holder of an approval which has been suspended may appeal against such suspension to the Director, within 30 days after such holder becomes aware of such suspension.

(5) An appellant shall deliver an appeal in writing, stating the reasons why, in the opinion of the appellant, the suspension should be varied or set aside, and the appeal shall include, if applicable, full particulars of any remedial action which may have been taken by the appellant to rectify the circumstances which resulted in such suspension.

(6) The Director shall acknowledge receipt of an appeal.

(7) The Director may, within 14 days, subject to such conditions which he or she may determine, confirm, vary or set aside the suspension referred to in subregulation (1), or cancel the approval.

Register of approvals

141.01.8 (1) The Director shall maintain a register of all aviation training organisation approvals issued or renewed in terms of the regulations in this Part.

(2) The register shall contain the following particulars:

(a) The full name of the holder of the approval;

(b) the postal address of the holder of the approval;

(c) the telephone and telefax numbers of the holder of the approval;

(d) the date on which the approval was issued or renewed;

(e) the number of the approval issued;

(f) particulars of the scope of the approval issued to the holder of the approval;

(g) the nationality of the holder of the approval; and

(h) the date on wh1ch the approval was cancelled, if applicable.

(3) The particulars referred to in subregulation (2) shall be recorded by the Director in the register within seven days from the date on which the approval was issued, renewed or cancelled, as the case may be.

(4) The register shall be kept in a safe place at the office of the Director.

(5) A copy of the register shall be furnished by the Director, on payment of the appropriate fee as prescribed in Part 187, to any person who requests the copy.

SUBPART 2
APPROVAL OF ORGANISATION (STANDARD TRAINING)

Manual of procedure

141.02.1 An applicant for the issue of an aviation training organisation approval to conduct standard training, shall provide the Director with its manual of procedure which shall -

(a) comply with the requirements prescribed in this Subpart; and

(b) contain the information as prescribed in Document NAM-CATS-ATO.

Quality assurance system

141.02.2 (1) The applicant shall establish a quality assurance system for the control and supervision of the standard training covered by the application.

(2) The minimum standards for a quality assurance system shall be as prescribed in Document NAM-CATS-ATO.

Personnel requirements

141.02.3 (1) The applicant shall engage, employ or contract -

(a) a senior person identified as the accountable manager and compliance officer of the organisation concerned to whom contractual authority has been granted to ensure that all activities undertaken by the organisation are carried out in accordance with the applicable requirements prescribed in this Subpart, and who shall in addition be vested with the following powers and duties in respect of the compliance with such requirements:

(i) Unrestricted access to work performed or activities undertaken by all other persons as employees of, and other persons rendering service under contract with, the organisation;

(ii) full rights of consultation with any such person in respect of such compliance by him or her;

(iii) powers to order cessation of any activity where such compliance is not effected;

(iv) a duty to establish liaison mechanisms with the Director with a view to ascertain correct manners of compliance with the said requirements, and interpretations of such requirements by the Director, and to facilitate liaison between the Director and the organisation concerned; and

(v) powers to report directly to the management of the organisation on his or her investigations and consultations generally, and in cases contemplated in subparagraph (iii), and with regard to the results of the liaison contemplated in subparagraph (iv);

(b) a competent person who is responsible for quality assurance, and who has direct access to the accountable manager and compliance officer referred to in paragraph (a) on matters affecting training and aviation safety; and

(c) adequate personnel to plan, conduct and supervise the standard training covered by the application.

(2) The applicant shall establish a procedure for initially assessing, and a procedure for maintaining, the competence of those personnel involved in planning, conducting or supervising the standard training covered by the application.

(3) The applicant shall ensure that those personnel responsible for training or assessing students, have a combination of competence and experience adequate for the level of competence required for such training or assessment.

Accommodation, facilities and equipment

141.02.4 The applicant shall ensure that the accommodation, facilities and equipment are adequate to enable the personnel to conduct the standard training covered by the application.

Accreditation

141.02.5 The applicant shall obtain accreditation from the body or institution designated by the Director in terms of regulation 141.01 .2, for conducting the standard training covered by the application.

Application for approval or amendment thereof

141.02.6 An application for the issue of an aviation training organisation approval to conduct standard training, or an amendment thereof, shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ATO; and -

(b) accompanied by -

(i) the appropriate fee as prescribed in Part 187;

(ii) the manual of procedure referred to in regulation 141.02.1; and

(iii) proof of the accreditation referred to in regulation 141.02.5, if applicable.

Issue of approval

141.02.7 (1) The Director shall issue an aviation training organisation approval to conduct standard training, if the applicant complies with the requirements prescribed in regulations 141.02.1 to 141.02.5 inclusive.

(2) The Director shall issue the approval on the appropriate form as prescribed in Document NAM-CATS-ATO.

Scope of approval

141.02.8 An aviation training organisation approval to conduct standard training shall specify the standard training which the holder of the approval is entitled to conduct.

Period of validity

141.02.9 (1) An aviation training organisation approval to conduct standard training, shall be valid for 12 months, calculated from the date of issue or renewal thereof.

(2) The approval shall remain in force until it expires or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Director, in terms of regulation 141.01.7.

(3) The holder of an approval which expires, shall forthwith surrender the approval to the Director.

(4) The holder of an approval which is suspended, shall forthwith produce the approval upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(5) The holder of an approval whid1 is cancelled, shall, within 30 days from the date on which the approval was cancelled, surrender such approval to the Director.

Transferability

141.02.10 (1) Subject to the provisions of subregulation (2), an aviation training organisation approval to conduct standard training, shall not be transferable.

(2) A change in ownership of the holder of an approval to conduct standard training, shall be deemed to be a change of significance referred to in regulation 141.02.11.

Changes in quality assurance system

141.02.11 (1) If the holder of an aviation training organisation approval desires to make any change in the quality assurance system referred to in regulation 141.02.2, which is significant to the showing of compliance with the appropriate requirements prescribed in this Part, including -

(a) the name of the organisation;

(b) the identity of the accountable manager and compliance officer;

(c) the identity of the person referred to in regulation 141.02.3(1)(h); and

(d) the scope of approval,

such holder shall apply to the Director for the approval of such change.

(2) The provisions of regulation 141.02.6 shall apply *mutatis mutandis* to an application for the approval of a change in the quality assurance system.

(3) An application for the approval of a change in the quality assurance system shall be granted by the Director if the applicant satisfies the Director, upon submission of appropriate proposed changes to its manual of procedure, that it will continue to comply with the provisions of regulations 141.02.1 to 141.02.5 inclusive, after the implementation of such approved change.

Renewal of approval

141.02.12 (1) An application for the renewal of an aviation training organisation approval to conduct standard training, shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ATO; and

(b) accompanied by -

(i) the appropriate fee as prescribed in Part 187;

(ii) the manual of procedure referred to in regulation 141.02.1; and

(iii) proof of the accreditation referred to in regulation 141.02.5, if applicable.

(2) The holder of the approval shall at least 30 days immediately preceding the date on which such approval expires, apply for the renewal of such approval.

Duties of holder of approval

141.02.13 The holder of an aviation training organisation approval to conduct standard training, shall -

(a) hold at least one complete and current copy of its manual of procedure referred to in regulation 141.02.1, at each training facility specified in the manual of procedure;

(b) comply with all procedures detailed in the manual of procedure;

(c) make each applicable part of the manual of procedure available to the personnel who require those parts to carry out their duties; and

(d) continue to comply with the appropriate requirements prescribed in this Part.

Documents and records

141.02.14 (1) The holder of an aviation training organisation approval to conduct standard training, shall -

(a) keep copies of all relevant documents which may be necessary-

(i) for the specified standard training conducted by such holder; and

(ii) to determine compliance with the appropriate requirements prescribed in this Subpart; and

(b) establish procedures to control the documents referred to in paragraph (a).

(2) The procedures referred to in subregulation (1)(b) shall ensure that -

(a) all documents are reviewed and authorised by the appropriate personnel before the issue thereof;

(b) current issues of all relevant documents are available to those personnel involved in planning, conducting or supervising the specified standard training undertaken by the holder of the approval;

(c) all obsolete documents are promptly removed from all points of issue or use; and

(d) changes to documents are reviewed and authorised by the appropriate personnel.

(3) The holder of the approval shall establish procedures to identify, collect, index, store and maintain all records which may be necessary -

(a) for the specified standard training conducted by such holder;

(b) to determine compliance with the appropriate requirements prescribed in this Subpart.

(4) The procedures referred to in subregulation (3) shall ensure that -

(a) a record is kept of each quality assurance review of the holder of the approval;

(b) a record is kept of each person who conducts the specified standard training, including particulars of the competence assessments and experience of each such person;

(c) a record is kept of each student being trained or assessed by the holder of the approval, including particulars of enrolment, attendance, modules, instructor comments and any flight or similar practical sessions and assessments of each such student;

(d) all records are legible; and

(e) all records are kept for a period of at least five years calculated from the date of the last entry made in such records.

SUBPART 3
APPROVAL OF ORGANISATION (TEMPORARY TRAINING)

Personnel requirements, facilities and resources

141.03.1 An applicant for the issue of an aviation training organisation approval to conduct temporary training, shall -

(a) engage, employ or contract adequate personnel to plan, conduct and supervise the temporary training covered by the application;

(b) ensure that those personnel responsible for conducting the temporary training, have a combination of competence and experience adequate for the level of competence required for such training;

(c) ensure that the facilities and resources are adequate to enable the personnel to conduct such temporary training; and

(d) have documented procedures for conducting such temporary training.

Application for approval

141.03.2 An application for the issue of an aviation training organisation approval to conduct temporary training, shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ATO; and

(b) accompanied by -

(i) the appropriate fee as prescribed in Part 187; and

(ii) proof of compliance with the requirements prescribed in regulation 141.03.1.

Issue of approval

141.03.3 (1) The Director shall issue an aviation training organisation approval to conduct temporary training, if the applicant complies with the requirements prescribed in regulation 141.03.1.

(2) The Director shall issue the approval on the appropriate form as prescribed in Document NAM-CATS-ATO.

Scope of approval

141.03.4 An aviation training organisation approval to conduct temporary training shall specify the temporary training which the holder of the approval is entitled to conduct.

Period of validity

141.03.5 (1) An aviation training organisation approval to conduct temporary training, shall be valid for the period required to conduct the specified temporary training.

(2) The approval shall remain in force until it expires or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Director, in terms of regulation 141.01.7.

(3) The holder of an approval which expires, shall forthwith surrender the approval to the Director.

(4) The holder of an approval which is suspended, shall forthwith produce the approval upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(5) The holder of an approval which is cancelled, shall, within 30 days from the date on which the approval was cancelled, surrender such approval to the Director.

Transferability

141.03.6 An aviation training organisation approval to conduct temporary training, shall not be transferable.

Duties of holder of approval

141.03.7 The holder of an aviation training organisation approval to conduct temporary training, shall -

(a) continue to comply with the appropriate requirements prescribed in this Part;

(b) ensure that -

(i) a record is kept of each person who conducts the specified temporary training, including particulars of the competence and experience of each such person;

(ii) a record is kept of enrolment, which record shall include particulars of enrolment, attendance, modules and any flight operations covered by the specified temporary training, any flight times, instructor comments and the results of any such training;

(iii) all records are legible; and

(iv) all records are kept for a period of at least five years calculated from the date of the last entry made in such records.

PART 145
ORGANISATIONS: AIRCRAFT MAINTENANCE ORGANISATIONS

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SUBPART 1
GENERAL

Applicability

145.01.1 This Part shall apply to the approval and operation of organisations for the maintenance of aircraft and aircraft components.

Requirement for approval

145.01.2 (1) No organisation shall certify for release to service an aircraft used, or intended to be used, in flight operations, except under the authority of, and in accordance with the provisions of, an aircraft maintenance organisation approval issued under this Part.

(2) No organisation shall carry out maintenance on an aircraft used, or intended to be used, in flight operations, unless the maintenance is carried out under the quality assurance system of an aircraft maintenance organisation appropriately approved under this Part.

(3) No organisation shall certify for release to service an aircraft component fitted, or intended to be fitted, to an aircraft used, or intended to be used, in flight operations, except under the authority of, and in accordance with the provisions of, an aircraft maintenance organisation approval issued under this Part.

(4) No organisation shall carry out maintenance on an aircraft component fitted, or intended to be fitted, to an aircraft used, or intended to be used, in flight operations, unless the maintenance is carried out under the quality assurance system of an aircraft maintenance organisation appropriately approved under this Part.

(5) The provisions of subregulations (1) to (4) inclusive, shall not apply in respect of any amateur-built aircraft, gyroplane, glider, airship, remotely piloted aircraft, manned free balloon or production-built aircraft, unless it is used, or intended to be used, in commercial air transport operations.

Display of aircraft maintenance organisation approval

145.01.3 The holder of an aircraft maintenance organisation approval shall display the approval in a prominent place, generally accessible to the public at such holder's principal place of business and, if a copy of the approval is displayed, shall produce the original approval to an authorised officer, inspector or authorised person if so requested by such officer, inspector or person.

Advertisements

145.01.4 Any advertisement by an organisation indicating that it is an aircraft maintenance organisation, shall reflect the number of the aircraft maintenance organisation approval issued by the Director.

Safety inspections and audits

145.01.5 (1) An applicant for the issuing of an aircraft maintenance organisation approval shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits which may be necessary to verify the validity of any application made in terms of this Part.

(2) The holder of an aircraft maintenance organisation approval shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits, including safety inspections and audits of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

Suspension and cancellation of aircraft maintenance organisation approval and appeal

145.01.6 (1) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, an aircraft maintenance organisation approval issued under this Part, if -

(a) after a safety inspection and audit carried out in terms of regulation 145.01.5, it is evident that the holder of the approval does not comply with the requirements prescribed in this Part, and such holder fails to remedy such non-compliance within 30 days after receiving notice in writing from the authorised officer, inspector or authorised person to do so; or

(b) the authorised officer, inspector or authorised person is prevented by the holder of the approval, or any of its partners or subcontractors, to carry out a safety inspection and audit in terms of regulation 145.01.5; or

(c) the suspension is necessary in the interests of aviation safety.

(2) The authorised officer, inspector or authorised person who has suspended an approval in terms of subregulation (1), shall, within one workday of such suspension, deliver a report in writing to the Director, stating the reasons why, in his or her opinion, the suspended approval should be cancelled.

(3) The authorised officer, inspector or authorised person concerned shall submit a copy of the report referred to in subregulation (2), to the holder of the approval which has been suspended, and shall furnish proof of such submission for the information of the Director.

(4) The holder of an approval who feels aggrieved by the suspension of the approval may appeal against such suspension to the Director, within 30 days after such holder becomes aware of such suspension.

(5) An appellant shall deliver an appeal in writing, stating the reasons why, in his or her opinion, the suspension should be varied or set aside, and the appeal shall include, if applicable, full particulars of any remedial action which may have been taken by the appellant to rectify the circumstances which resulted in such suspension.

(6) The Director shall acknowledge receipt of an appeal.

(7) After hearing the appeal, the Director may, subject to such conditions which the Director may determine, confirm, vary or set aside the suspension referred to in subregulation (1), or cancel the approval.

Register of approvals

145.01.7 (1) The Director shall maintain a register of all aircraft maintenance organisation approvals issued or renewed in terms of the regulations in this Part.

(2) The register shall contain the following particulars:

(a) The full name of the holder of the approval;

(b) the postal address of the holder of the approval;

(c) the telephone and telefax numbers of the holder of the approval;

(d) the date on which the approval was issued or renewed;

(e) the number of the approval issued;

(f) particulars of the scope of approval;

(g) the nationality of the holder of the approval; and

(h) the date on which the approval was cancelled, if applicable.

(3) The particulars referred to in subregulation (2) shall be recorded by the Director in the register within seven days from the date on which the approval was issued, renewed or cancelled, as the case may be.

(4) The register shall be kept in a safe place at the office of the Director.

(5) A copy of the register shall be furnished by the Director, on payment of the appropriate fee as prescribed in Part 187, to any person who requests the copy.

Designation of airworthiness representatives

145.01.8 (1) The Director may designate an airworthiness representative to perform the functions as prescribed in Document NAM-CATS-AMO.

(2) The conditions and requirements for and the rules, procedures and standards connected with a designation referred to in subregulation (1) shall be as prescribed in Document NAM-CATS-AMO.

(3) The Director shall sign and issue to each designated airworthiness representative a document which shall state the full name of such airworthiness representative and contain a statement that -

(a) such airworthiness representative has been designated in terms of subregulation (1); and

(b) such airworthiness representative is empowered to perform the functions referred to in subregulation (1).

Repeal of existing regulations

145.01.9 Subject to the provisions of regulation 183.00.2, the regulations in Chapters 21 and 22 of the Air Navigation Regulations, 1976, as amended, are hereby repealed.

SUBPART 2
APPROVAL OF AIRCRAFT MAINTENANCE ORGANISATION

Manual of procedure

145.02.1 An applicant for the issuing of an aircraft maintenance organisation approval shall provide the Director with its manual of procedure which shall -

(a) comply with the requirements prescribed in this Subpart; and

(b) contain the information as prescribed in Document NAM-CATS-AMO.

Quality assurance system

145.02.2 (1) The applicant shall establish a quality assurance system for the control and supervision of the maintenance of aircraft and aircraft components, covered by the application.

(2) The minimum standards for a quality assurance system shall be as prescribed in Document NAM-CATS-AMO.

Accommodation and facilities

145.02.3 The applicant shall satisfy the Director that·-

(a) it has adequate accommodation and facilities for all maintenance to be carried out by the aircraft maintenance organisation, ensuring in particular, protection from the weather;

(b) specialised work areas are segregated as appropriate to ensure that environmental and work area contamination does not occur;

(c) appropriate office accommodation is provided for the administration of the maintenance carried out and, in particular, for the administration of the organisation's quality, planning and technical records;

(d) the working environment is appropriate for each task carried out and, in particular, complies with any special requirements specified in the applicable airworthiness data;

(e) storage facilities are provided for parts, equipment, tools and materials required by the organisation;

(f) the storage facilities referred to in paragraph (e) provide security for serviceable parts, segregation of serviceable from unserviceable parts, and control deterioration of, and damage to, stored items; and

(g) it has established procedures to ensure compliance with the requirements prescribed in paragraphs (d), (e) and (f).

Personnel requirements

145.02.4 (1) The applicant shall engage, employ or contract -

(a) a senior person identified as the accountable manager and compliance officer of the organisation concerned, to whom contractual authority has been granted to ensure that all activities undertaken by the organisation are carried out in accordance with the applicable requirements prescribed in this Subpart, and who shall in addition be vested with the following powers and duties in respect of the compliance with such requirements:

(i) Unrestricted access to work performed or activities undertaken by all other persons as employees of, and other persons rendering service under contract with, the organisation;

(ii) full rights of consultation with any such person in respect of such compliance by him or her;

(iii) powers to order cessation of any activity where such compliance is not effected;

(iv) a duty to establish liaison mechanisms with the Director with a view to ascertain correct manners of compliance with the said requirements, and interpretations of such requirements by the Director, and to facilitate liaison between the Director and the organisation concerned; and

(v) powers to report directly to the management of the organisation on his or her investigations and consultations generally, and in cases contemplated in subparagraph (iii), and with regard to the results of the liaison contemplated in subparagraph (iv);

(b) a competent person who is responsible for quality assurance, and who has direct access to the accountable manager and compliance officer referred to in paragraph (a) on matters affecting airworthiness and aviation safety; and

(c) adequate personnel to plan, perform, supervise, inspect and certify all maintenance undertaken by such organisation.

(2) The applicant shall establish a procedure for initially assessing, and a procedure for maintaining, the competence of those personnel involved in planning, carrying out, supervising, inspecting or certifying the maintenance undertaken by the organisation.

(3) The applicant shall ensure that -

(a) the personnel in all technical departments are of sufficient numbers and experience and have been given appropriate authority to be able to discharge their allocated responsibilities; and

(b) there is full and efficient coordination between departments and within departments in respect of airworthiness matters.

Equipment, tools and material

145.02.5 The applicant shall satisfy the Director that it has -

(a) the equipment, tools and material necessary to perform adequately the approved scope of work as required by the applicable airworthiness data, its manual of procedure and the regulations in this Part; and

(b) established a procedure to control and, where necessary, calibrate tools and other equipment at a frequency and to a standard acceptable to the Director to ensure serviceability, accuracy and traceability.

Application for approval or amendment thereof

145.02.6 An application for the issuing of an aircraft maintenance organisation approval, or an amendment thereof, shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMO; and

(b) accompanied by -

(i) the appropriate fee as prescribed in Part 187; and

(ii) the manual of procedure referred to in regulation 145.02.1.

Issuing of approval

145.02.7 (1) The Director shall issue an aircraft maintenance organisation approval if the applicant complies with the requirements prescribed in regulations 145.02.1 to 145.02.5 inclusive.

(2) The Director shall issue the approval on the appropriate form as prescribed in Document NAM-CATS-AMO.

Scope of approval

145.02.8 An aircraft maintenance organisation approval shall specify the maintenance activity, varying from that for an aircraft component to that for a complete aircraft, or any combination thereof, and the location for which the approval is held.

Privileges and limitations

145.02.9 (1) The holder of an aircraft maintenance organisation approval may -

(a) maintain any aircraft or aircraft component for which the approval is held, at the location specified in the approval;

(b) arrange for maintenance of any aircraft or aircraft component for which the approval is held, at another organisation which is under its quality assurance system and listed in its manual of procedure;

(c) maintain any aircraft for which the approval is held at any location, if the need arises from -

(i) the unserviceability of the aircraft; or

(ii) the necessity of supporting occasional line maintenance, in which case the maintenance shall only be carried out in accordance with the conditions specified in a procedure included in its manual of procedure;

(d) maintain any aircraft for which it is approved, at a location identified as a line maintenance location capable of supporting minor maintenance, if its manual of procedure both permits such activity and lists such location; and

(e) issue certificates of release to service on completion of the maintenance referred to in paragraphs (a) to (d) inclusive, in accordance with the regulations in Part 43.

(2) The holder of the approval shall ensure that the privileges of the approval are not exercised unless the holder has the necessary facilities, current technical data, tools, equipment, materials and competent personnel to perform the work in accordance with all current requirements regarding the maintenance and airworthiness of the particular type of aircraft or aircraft component for which the approval is held.

(3) Notwithstanding anything to the contrary contained in this Part, the holder of the approval may, in circumstances where -

(a) no appropriately licensed aircraft maintenance engineer; or

(b) no other approved aircraft maintenance organisation,

is available, rectify any defect in a similar type of aircraft for which the approval is held.

(4) Where a defect referred to in subregulation (3) is rectified, the holder of the approval shall notify the Director in writing, within 48 hours from the moment the defect is rectified, of the reason for, and nature of, such rectification.

(5) Where a defect in an aircraft which is not similar to the type of aircraft for which the approval is held, is rectified, such holder shall obtain the prior approval of the Director to effect such rectification.

Period of validity

145.02.10 (1) An aircraft maintenance organisation approval shall be valid for a period not exceeding 12 months, calculated from the date of issuing or renewal thereof.

(2) The approval shall remain in force until it expires or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Director, in terms of regulation 145.01.5.

(3) The holder of an approval which expires, shall forthwith surrender the approval to the Director.

(4) The holder of an approval which is suspended, shall forthwith produce the approval upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(5) The holder of an approval which is cancelled, shall, within 30 days from the date on which the approval was cancelled, surrender such approval to the Director.

Transferability

145.02.11 (1) Subject to the provisions of subregulation (2), an aircraft maintenance organisation approval shall not be transferable.

(2) A change in ownership of the holder of the approval shall be deemed to be a change of significance referred to in regulation 145.02.13.

Renewal of approval

145.02.12 (1) An application for the renewal of an aircraft maintenance organisation approval, shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMO; and

(b) accompanied by -

(i) the appropriate fee as prescribed in Part 187; and

(ii) the manual of procedure referred to in regulation 145.02.1.

(2) The holder of the approval shall at least 60 days immediately preceding the date on which such approval expires, apply for the renewal of such approval.

Changes in quality assurance system

145.02.13 (1) If the holder of an aircraft maintenance organisation approval desires to make any change in the quality assurance system referred to in regulation 145.02.2, which is significant to the showing of compliance with the appropriate requirements prescribed in this Part, including -

(a) the name of the organisation;

(b) the identity of the accountable manager and compliance officer;

(c) the identity of the person referred to in regulation 145.02.4(1)(b); and

(d) the scope of approval,

such holder shall apply to the Director for the approval of such change.

(2) The provisions of regulation 145.02.6 shall apply *mutatis mutandis* to an application for the approval of a change in the quality assurance system.

(3) An application for the approval of a change in the quality assurance system shall be granted by the Director if the applicant satisfies the Director, upon submission of appropriate proposed changes to its manual of procedure, that it will continue to comply with the provisions of regulations 145.02.1 to 145.02.5 inclusive, after the implementation of such approved change.

Duties of holder of approval

145.02.14 (1) The holder of an aircraft maintenance organisation approval shall -

(a) hold at least one complete and current copy of its manual of procedure referred to in regulation 145.02.1, at each workplace specified in the manual of procedure;

(b) comply with all procedures detailed in the manual of procedure;

(c) make each applicable part of the manual of procedure available to the personnel who require those parts to carry out their duties; and

(d) continue to comply with the appropriate requirements prescribed in this Part.

(2) The holder of the approval shall ensure that -

(a) all persons who will be directly in charge of any maintenance or inspection carried out on behalf of the aircraft maintenance organisation;

(b) all personnel who are authorised to issue on behalf of the aircraft maintenance organisation certificates of release to service and certificates relating to the maintenance of an aircraft,

are appropriately licensed in terms of Part 66.

Record of certifying personnel

145.02.15 (1) The holder of an aircraft maintenance organisation approval shall maintain a record of all certifying personnel, which record shall include particulars of the scope of their authorisation.

(2) The holder of the approval shall provide its certifying personnel with evidence of the scope of their authorisation.

(3) The record referred to in subregulation (1) shall be retained by the holder of the approval for a period of five years from the date on which the certifying personnel member ceases to be authorised by such holder.

Maintenance records

145.02.16 (1) The holder of an aircraft maintenance organisation approval shall keep detailed maintenance records and any associated airworthiness data of all maintenance carried out by the aircraft maintenance organisation.

(2) The records referred to in subregulation (1) shall -

(a) indicate the name of each person who performed the work;

(b) indicate the name of each person who inspected the work;

(c) indicate the reference of the aircraft maintenance organisation and certifying person; and

(d) be retained for at least five years from the date on which the aircraft or aircraft component to which the work relates, was released to service.

(3) The holder of the approval shall provide a copy of each certificate of release to service to the operator of the aircraft, together with a copy of any specific airworthiness data used for repairs or modifications carried out.

(4) The holder of the approval shall establish a procedure for recording maintenance details and for the retention of such maintenance records.

Reports on defects or non-airworthy conditions

145.02.17 (1) The holder of an aircraft maintenance organisation approval shall report to the Director and the appropriate design organisation any defect or condition of an aircraft or aircraft component which may hazard the aircraft, within 48 hours from the moment the defect or condition to which the report relates, has been identified.

(2) The holder of the approval shall establish a procedure for reporting such defects or conditions to the Director.

(3) Where the holder of the approval is contracted to carry out maintenance, such holder shall inform the operator or owner of the aircraft of any such defect or condition.

Airworthiness data

145.02.18 (1) The holder of an aircraft maintenance organisation approval shall -

(a) keep all airworthiness data necessary to support the maintenance carried out by the aircraft maintenance organisation; and

(b) make up to date airworthiness data available to all personnel who need access to such data to discharge their allocated responsibilities.

(2) The airworthiness data referred to in subregulation (1) shall include all relevant data issued by -

(a) the Director; and

(b) the holder of a type certificate issued -

(i) in terms of Part 21; or

(ii) by an appropriate authority.

(3) The holder of the approval shall establish a procedure to control and amend the data referred to in subregulations (1) and (2).

(4) If the holder of the approval intends to produce its own airworthiness data, additional to the data referred to in subregulation (1), such holder shall establish a procedure for producing and controlling such additional data.

PART 147
ORGANISATIONS: DESIGN ORGANISATIONS FOR PRODUCTS, PARTS AND APPLIANCES

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SUBPART 1
GENERAL

Applicability

147.01.1 (1) Part shall apply to the approval and operation of design organisations which design -

[A word seems to be missing at the beginning of subregulation (1); it was probably intended to read "This Part…".]

(a) products or changes thereto; and

(b) parts and appliances or changes thereto.

(2) This Part shall not apply in respect of any organisation which designs amateur-built aircraft or production-built aircraft, or changes thereto.

Requirement for design organisation approval

147.01.2 No organisation shall design any -

(a) product or a change thereto; or

(b) part or appliance, or a change thereto,

except under the authority of, and in accordance with the provisions of, a design organisation approval issued under this Part.

Display of design organisation approval

147.01.3 The holder of a design organisation approval shall display the approval in a prominent place, generally accessible to the public at such holder's principal place of business and, if a copy of the approval is displayed, shall produce the original approval to an authorised officer, inspector or authorised person if so requested by such officer, inspector or person.

Advertisements

147.01.4 Any advertisement by an organisation indicating that it is a design organisation, shall reflect the number of the design organisation approval issued by the Director.

Safety inspections and audits

147.01.5 (1) An applicant for the issuing of a design organisation approval shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and flight and ground tests which may be necessary to verify the validity of any application made in terms of regulation 147.02.5 or regulation 147.03.5, as the case may be.

(2) The holder of a design organisation approval shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits, including safety inspections and audits of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

Suspension and cancellation of design organisation approval and appeal

147.01.6 (1) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, a design organisation approval issued under this Part, if -

(a) after a safety inspection and audit carried out in terms of regulation 147.01.5, it is evident that the holder of the approval does not comply with the requirements prescribed in this Part, and such holder fails to remedy such non-compliance within 30 days after receiving notice in writing from the authorised officer, inspector or authorised person to do so; or

(b) the authorised officer, inspector or authorised person is prevented by the holder of the approval, or any of its partners or subcontractors, to carry out a safety inspection and audit in terms of regulation 147.01.5; or

(c) the suspension is necessary in the interests of aviation safety.

(2) The authorised officer, inspector or authorised person who has suspended an approval in terms of subregulation (1), shall, within one workday of such suspension, deliver a report in writing to the Director, stating the reasons why, in his or her opinion, the suspended approval should be cancelled.

(3) The authorised officer, inspector or authorised person concerned shall submit a copy of the report referred to in subregulation (2), to the holder of the approval which has been suspended, and shall furnish proof of such submission for the information of the Director.

(4) The holder of an approval who feels aggrieved by the suspension of the approval may appeal against such suspension to the Director, within 30 days after such holder becomes aware of such suspension.

(5) An appellant shall deliver an appeal in writing, stating the reasons why, in his or her opinion, the suspension should be varied or set aside, and the appeal shall include, if applicable, full particulars of any remedial action which may have been taken by the appellant to rectify the circumstances which resulted in such suspension.

(6) The Director shall acknowledge receipt of an appeal.

(7) After hearing the appeal, the Director may, subject to such conditions which the Director may determine, confirm, vary or set aside the suspension referred to in subregulation (1), or cancel the approval.

Register of approvals

147.01.7 (1) The Director shall maintain a register of all design organisation approvals issued or renewed in terms of the regulations in this Part.

(2) The register shall contain the following particulars:

(a) The full name of the holder of the approval;

(b) the postal address of the holder of the approval;

(c) the telephone and telefax numbers of the holder of the approval;

(d) the date on which the approval was issued or renewed;

(e) the number of the approval issued;

(f) particulars of the terms of approval;

(g) the nationality of the holder of the approval; and

(h) the date on which the approval was cancelled, if applicable.

(3) The particulars referred to in subregulation (2) shall be recorded by the Director in the register within seven days from the date on which the approval was issued, renewed or cancelled, as the case may be.

(4) The register shall be kept in a safe place at the office of the Director.

(5) A copy of the register shall be furnished by the Director, on payment of the appropriate fee as prescribed in Part 187, to any person who requests the copy.

SUBPART 2
APPROVAL OF DESIGN ORGANISATION (PRODUCTS)

Manual of procedure

147.02.1 An applicant for the issuing of a design organisation approval to design products or changes thereto, shall provide the Director with its manual of procedure which shall -

(a) comply with the requirements prescribed in this Subpart; and

(b) contain the information as prescribed in Document NAM-CATS-DO.

Design assurance system

147.02.2 (1) The applicant shall establish a design assurance system for the control and supervision of the design of products or changes thereto, covered by the application.

(2) The minimum standards for a design assurance system shall be as prescribed in Document NAM-CATS-DO.

Personnel requirements

147.02.3 (1) The applicant shall engage, employ or contract -

(a) a senior person identified as the accountable manager and compliance officer of the organisation concerned, to whom contractual authority has been granted to ensure that all activities undertaken by the organisation are carried out in accordance with the applicable requirements prescribed in this Subpart, and who shall in addition be vested with the following powers and duties in respect of the compliance with such requirements:

(i) Unrestricted access to work performed or activities undertaken by all other persons as employees of, and other persons rendering service under contract with, the organisation;

(ii) full rights of consultation with any such person in respect of such compliance by him or her;

(iii) powers to order cessation of any activity where such compliance is not effected;

(iv) a duty to establish liaison mechanisms with the Director with a view to ascertain correct manners of compliance with the said requirements, and interpretations of such requirements by the Director, and to facilitate liaison between the Director and the organisation concerned; and

(v) powers to report directly to the management of the organisation on his or her investigations and consultations generally, and in cases contemplated in subparagraph (iii), and with regard to the results of the liaison contemplated in subparagraph (iv);

(b) a competent person who is responsible for design assurance, and who has direct access to the accountable manager and compliance officer referred to in paragraph (a) on matters affecting airworthiness and aviation safety; and

(c) adequate personnel to plan, perform, supervise and inspect the design of products or changes thereto, undertaken by the design organisation.

(2) The applicant shall establish a procedure for initially assessing, and a procedure for maintaining, the competence of those personnel involved in planning, performing, supervising or inspecting the design of products or changes thereto, undertaken by the design organisation.

(3) The applicant shall ensure that -

(a) the personnel in all technical departments are of sufficient numbers and experience and have been given appropriate authority to be able to discharge their allocated responsibilities; and

(b) there is full and efficient coordination between departments and within departments in respect of airworthiness matters.

Accommodation, facilities and equipment

147.02.4 The applicant shall ensure that the accommodation, facilities and equipment are adequate to enable the personnel to achieve the airworthiness objectives for the product.

Application for approval or amendment thereof

147.02.5 An application for the issuing of a design organisation approval to design products or changes thereto, or an amendment thereof, shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-DO; and

(b) accompanied by -

(i) the appropriate fee as prescribed in Part 187;

(ii) the manual of procedure referred to in regulation 147.02.1; and

(iii) the terms of approval referred to in regulation 147.02.7, for which application is being made.

Issuing of approval

147.02.6 (1) Subject to the provisions of subregulation (2), the Director shall issue a design organisation approval to design products or changes thereto, if the applicant complies with the requirements prescribed in regulations 147.02.1 to 147.02.4 inclusive.

(2) The Director shall refuse to issue the approval if the application concerned is not being made in association with an application for the issuing of a type certificate, a supplemental type certificate or a NAM-TSO authorisation in terms of Part 21.

(3) The Director shall issue the approval on the appropriate form as prescribed in Document NAM-CATS-DO.

Terms of approval

147.02.7 The terms of approval shall -

(a) be issued as part of a design organisation approval;

(b) list the types of design work, the location and the products or changes thereto, for which the approval is held; and

(c) contain the functions and duties which the design organisation is approved to perform with regard to the airworthiness of products.

Privileges

147.02.8 (1) Subject to the provisions of regulation 147.01.5, any document submitted to the Director in terms of Part 21, by the holder of a design organisation approval to design products or changes thereto, for the purpose of obtaining -

(a) a type certificate or the approval of a major change in a type design;

(b) a supplemental type certificate; or

(c) a NAM-TSO authorisation,

may be accepted by the Director without further verification.

(2) The holder of an approval to design products or changes thereto, shall be entitled to, within its terms of approval -

(a) classify design changes as “major” or “minor” under a procedure approved by the Director;

(b) obtain approval of minor design changes under modification procedures approved by the Director and issue corresponding information or instructions containing a statement that the technical content is approved;

(c) when a major change in a type design has been approved by the Director, issue corresponding information or instructions containing a statement that the technical content is approved;

(d) obtain approval of documentary changes to the MMEL and to the aircraft flight manual under a procedure approved by the Director, and issue such changes containing a statement that the changes are approved; and

(e) issue information or instructions not associated with changes except for actions required under Part 21.

Period of validity

147.02.9 (1) A design organisation approval to design products or changes thereto, shall be valid for the period determined by the Director, which period shall not exceed 12 months, calculated from the date of issuing thereof.

(2) The approval shall remain in force until it expires or is suspended by an authorised officer, inspector of authorised person, or cancelled by the Director, in terms of regulation 147.01.6.

(3) The holder of an approval which expires, shall forthwith surrender the approval to the Director.

(4) The holder of an approval which is suspended, shall forthwith produce the approval upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(5) The holder of an approval which is cancelled, shall, within 30 days from the date on which the approval was cancelled, surrender such approval to the Director.

Transferability

147.02.10 (1) Subject to the provisions of subregulation (2), a design organisation approval to design products or changes thereto, shall not be transferable

**[There is no full stop at the end of subregulation (1);
there are no additional words in the *Government Gazette*.]**

(2) A change in ownership of the holder of an approval to design products or changes thereto, shall be deemed to be a change of significance referred to in regulation 147.02.11.

Changes in design assurance system

147.02.11 (1) If the holder of a design organisation approval to design products or changes thereto, desires to make any change in the design assurance system referred to in regulation 147.02.2, which is significant to the showing of compliance with the appropriate requirements prescribed in this Part, or to the airworthiness of the product, including -

(a) the name of the organisation;

(b) the identity of the accountable manager and compliance officer; and

(c) the identity of the person referred to in regulation 147.02.3(1)(b),

such holder shall apply to the Director for the approval of such change.

(2) The provisions of regulation 147.02.5 shall apply *mutatis mutandis* to an application for the approval of a change in the design assurance system.

(3) An application for the approval of a change in the design assurance system shall be granted by the Director if the applicant satisfies the Director, upon submission of appropriate proposed changes to its manual of procedure, that it will continue to comply with the provisions of regulations 147.02.1 to 147.02.4 inclusive, after the implementation of such approved change.

Changes in terms of approval

147.02.12 (1) If the holder of a design organisation approval to design products or changes thereto, desires to make any change in the terms of approval referred to in regulation 147.02.7, such holder shall apply to the Director for the approval of such change.

(2) The provisions of regulation 147.02.5 shall apply *mutatis mutandis* to an application for the approval of a change in the terms of approval.

(3) An application for the approval of a change in the terms of approval shall be granted by the Director if the applicant satisfies the Director that it complies with the appropriate requirements prescribed in this Subpart.

Duties of holder of approval

147.02.13 The holder of a design organisation approval to design products or changes thereto, shall -

(a) hold at least one complete and current copy of its manual of procedure referred to in regulation 147.02.1, at each work location specified in the manual of procedure;

(b) comply with all procedures detailed in the manual of procedure;

(c) make each applicable part of the manual of procedure available to the personnel who require those parts to carry out their duties;

(d) continue to meet the appropriate requirements prescribed in this Part;

(e) determine that the design of products or changes thereto, as the case may be, comply with the appropriate requirements prescribed in Part 21 and have no unsafe feature; and

(f) submit to the Director statements and supporting documents which confirm compliance with the provisions of paragraph (c).

Renewal of approval

147.02.14 (1) An application for the renewal of a design organisation approval to design products or changes thereto, shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-DO; and

(b) accompanied by -

(i) the appropriate fee as prescribed in Part 187; and

(ii) the manual of procedure referred to in Regulation 147.02.1.

(2) The holder of the approval shall at least 60 days immediately preceding the date on which such approval expires, apply for the renewal of such approval.

SUBPART 3
APPROVAL OF DESIGN ORGANISATION (PARTS AND APPLIANCES)

Manual of procedure

147.03.1 An applicant for the issuing of a design organisation approval to design parts or appliances, or changes thereto, shall provide the Director with its manual of procedure which shall -

(a) comply with the requirements prescribed in this Subpart; and

(b) contain the information as prescribed in Document NAM-CATS-DO.

Design assurance system

147.03.2 (1) The applicant shall establish a design assurance system for the control and supervision of the design of parts and appliances, or changes thereto, covered by the application.

(2) The minimum standards for a design assurance system shall be as prescribed in Document NAM-CATS-DO.

Personnel requirements

147.03.3 (1) The applicant shall engage, employ or contract -

(a) a senior person identified as the accountable manager and compliance officer of the organisation concerned, to whom contractual authority has been granted to ensure that all activities undertaken by the organisation are carried out in accordance with the applicable requirements prescribed in this Subpart, and who shall in addition be vested with the following powers and duties in respect of the compliance with such requirements:

(i) Unrestricted access to work performed or activities undertaken by all other persons as employees of, and other persons rendering service under contract with, the organisation;

(ii) full rights of consultation with any such person in respect of such compliance by him or her;

(iii) powers to order cessation of any activity where such compliance is not effected;

(iv) a duty to establish liaison mechanisms with the Director with a view to ascertain correct manners of compliance with the said requirements, and interpretations of such requirements by the Director, and to facilitate liaison between the Director and the organisation concerned; and

(v) powers to report directly to the management of the organisation on his or her investigations and consultations generally, and in cases contemplated in subparagraph(iii), and with regard to the results of the liaison contemplated in subparagraph (iv);

(b) a competent person who is responsible for design assurance, and who has direct access to the accountable manager and compliance officer referred to in paragraph (a) on matters affecting airworthiness and aviation safety; and

(c) adequate personnel to plan, perform, supervise and inspect the design of parts and appliances, or changes thereto, undertaken by the design organisation.

(2) The applicant shall establish a procedure for initially assessing, and a procedure for maintaining, the competence of those personnel involved in planning, performing, supervising or inspecting the design of parts and appliances, or changes thereto, undertaken by the design organisation.

(3) The applicant shall ensure that -

(a) the personnel in all technical departments are of sufficient numbers and experience and have been given appropriate authority to be able to discharge their allocated responsibilities; and

(b) there is full and efficient coordination between departments and within departments in respect of airworthiness matters.

Accommodation, facilities and equipment

147.03.4 The applicant shall ensure that the accommodation, facilities and equipment are adequate to enable the personnel to achieve the airworthiness objectives for the part or appliance.

Application for approval or amendment thereof

147.03.5 An application for the issuing of a design organisation approval to design parts and appliances, or changes thereto, or an amendment thereof, shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-DO; and

(b) accompanied by -

(i) the appropriate fee as prescribed in Part 187;

(ii) the manual of procedure referred to in regulation 147.03.1; and

(iii) the terms of approval referred to in regulation 147.03.7, for which application is being made.

Issuing of approval

147.03.6 (1) Subject to the provisions of subregulation (2), the Director shall issue a design organisation approval to design parts and appliances, or changes thereto, if the applicant complies with the requirements prescribed in regulations 147.02.2 to 147.02.5 inclusive.

(2) The Director shall refuse to issue the approval if such approval is not appropriate for the purpose of assisting applicants for, or holders of, type certificates or supplemental type certificates in showing compliance with the appropriate airworthiness requirements prescribed in Part 21.

(3) The Commissioner shall issue the approval on the appropriate form as prescribed in Document NAM-CATS-DO.

Terms of approval

147.03.7 The terms of approval shall -

(a) be issued as part of a design organisation approval;

(b) list the types of design work, the location and the parts and appliances or changes thereto, for which the approval is held; and

(c) contain the functions and duties which the design organisation is approved to perform with regard to the airworthiness of parts and appliances.

Period of validity

147.03.8 (1) A design organisation approval to design parts and appliances, or changes thereto, shall be valid for the period determined by the Director, which period shall not exceed 12 months, calculated from the date of issuing thereof.

(2) The approval shall remain in force until it expires or is suspended by an authorised officer, inspector of authorised person, or cancelled by the Director, in terms of regulation 147.01.6.

(3) The holder of an approval which expires, shall forthwith surrender the approval to the Director.

(4) The holder of an approval which is suspended, shall forthwith produce the approval upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(5) The holder of an approval which is cancelled, shall, within 30 days from the date on which the approval is cancelled, surrender such approval to the Director.

Transferability

147.03.9 (1) Subject to the provisions of subregulation (2), a design organisation approval to design parts and appliances, or changes thereto, shall not be transferable.

(2) A change in ownership of the holder of an approval to design parts and appliances, or changes thereto, shall be deemed to be a change of significance referred to in regulation 147.03.10.

Changes in design assurance system

147.03.10 (1) If the holder of a design organisation approval to design parts and appliances, or changes thereto, desires to make any change in the design assurance system referred to in regulation 147.03.2, which is significant to the showing of compliance with the appropriate requirements prescribed in this Part, or to the airworthiness of the part or appliance, including -

(a) the name of the organisation;

(b) the identity of the accountable manager and compliance officer; and

(c) the identity of the person referred to in regulation 147.03.3(1)(b),

such holder shall apply to the Director for the approval of such change.

(2) The provisions of regulation 147.03.5 shall apply *mutatis mutandis* to an application for the approval of a change in the design assurance system.

(3) An application for the approval of a change in the design assurance system shall be granted by the Director if the applicant satisfies the Director, upon submission of appropriate proposed changes to its manual of procedure, that it will continue to comply with the provisions of regulations 147.03.1 to 147.03.4 inclusive, after the implementation of such approved change.

Changes in terms of approval

147.03.11 (1) If the holder of a design organisation approval to design parts and appliances, or changes thereto, desires to make any change in the terms of approval referred to in regulation 147.03.7, such holder shall apply to the Director for the approval of such change.

(2) The provisions of regulation 147.03.5 shall apply *mutatis mutandis* to an application for the approval of a change in the terms of approval.

(3) An application for the approval of a change in the terms of approval shall be granted by the Director if the applicant satisfies the Director that it complies with the appropriate requirements prescribed in this Subpart.

Duties of holder of approval

147.03.12 The holder of a design organisation approval to design parts and appliances, or changes thereto, shall -

(a) hold at least one complete and current copy of its manual of procedure referred to in regulation 147.03.1, at each work location specified in the manual of procedure;

(b) comply with all procedures detailed in the manual of procedure;

(c) make each applicable part of the manual of procedure available to the personnel who require those parts to carry out their duties; and

(d) continue to meet the appropriate requirements prescribed in this Part.

Renewal of approval

147.03.13 (1) An application for the renewal of a design organisation approval to design parts and appliances, or changes thereto, shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-DO; and

(b) accompanied by -

(i) the appropriate fee as prescribed in Part 187; and

(ii) the manual of procedure referred to in regulation 147.03.1.

(2) The holder of the approval shall at least 60 days immediately preceding the date on which such approval expires, apply for the renewal of such approval.

PART 148
ORGANISATIONS: MANUFACTURING ORGANISATIONS

LIST OF REGULATIONS

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148.01.1 Applicability
148.01.2 Requirement for approval
148.01.3 Display of approval
148.01.4 Advertisements
148.01.5 Safety inspections and audits
148.01.6 Suspension and cancellation of approval and appeal
148.01.7 Register of approvals
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SUBPART 2: APPROVAL OF MANUFACTURING ORGANISATION

148.02.1 Manual of procedure
148.02.2 Quality assurance system
148.02.3 Personnel requirements
148.02.4 Accommodation, facilities and equipment
148.02.5 Application for approval or amendment thereof
148.02.6 Issue of approval
148.02.7 Scope of approval
148.02.8 Privileges
148.02.9 Period of validity
148.02.10 Transferability
148.02.11 Changes in quality assurance system
148.02.12 Duties of holder of approval
148.02.13 Documentation
148.02.14 Production acceptance test procedure
148.02.15 Renewal of approval

SUBPART 1
GENERAL

Applicability

148.01.1 (1) This Part shall apply to the approval and operation of manufacturing organisations which -

(a) manufacture specified products, parts or appliances;

(b) apply specified processes to products, parts or appliances; and

(c) carry out specified tests on products, parts or appliances.

(2) This Part shall not apply in respect of any organisation which manufactures, applies processes to, or carries out tests on, amateur-built aircraft or production-built aircraft.

Requirement for approval

148.01.2 No organisation other than an aircraft maintenance organisation approved in terms of Part 145, shall manufacture, process or test any product, part or appliance except under the authority of~ and in accordance with the provisions of, a manufacturing organisation approval issued under this Subpart.

Display of approval

148.01.3 The holder of a manufacturing organisation approval shall display the approval in a prominent place, generally accessible to the public at such holder's principal place of business and, if a copy of the approval is displayed, shall produce the original approval to an authorised officer, inspector or authorised person if so requested by such officer, inspector or person.

Advertisements

148.01.4 Any advertisement by an organisation indicating that it is a manufacturing organisation, shall reflect the number of the manufacturing organisation approval issued by the Director.

Safety inspections and audits

148.01.5 (1) An applicant for the issuing of a manufacturing organisation approval shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits which may be necessary to verify the validity of any application made in terms of regulation 148.02.5.

(2) The holder of a manufacturing organisation approval shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits, including safety inspections and audits of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

Suspension and cancellation of approval and appeal

148.01.6 (1) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, a manufacturing organisation approval issued under this Part, if -

(a) after a safety inspection and audit carried out in terms of regulation 148.01.5, it is evident that the holder of the approval does not comply with the requirements prescribed in this Part, and such holder fails to remedy such non-compliance within 30 days after receiving notice in writing from the authorised officer, inspector or authorised person to do so; or

(b) the authorised officer, inspector or authorised person is prevented by the holder of the approval, or any of its partners or subcontractors, to carry out a safety inspection and audit in terms of regulation 148.01.5; or

(c) the suspension is necessary in the interests of aviation safety.

(2) The authorised officer, inspector or authorised person who has suspended an approval in terms of subregulation (1), shall, deliver a report in writing to the Director.

[The comma after the word "shall" is superfluous.]

(3) The authorised officer, inspector or authorised person concerned shall submit a copy of the report referred to in subregulation (2), to the holder of the approval which has been suspended.

(4) The holder of an approval that has been suspended may appeal against such suspension to the Director, within 30 days after such holder becomes aware of such suspension.

(5) An appellant shall deliver an appeal in writing, stating the reasons why, in his or her opinion, the suspension should be varied or set aside, and the appeal shall include, if applicable, full particulars of any remedial action which may have been taken by the appellant to rectify the circumstances which resulted in such suspension.

(6) The Director shall acknowledge receipt of an appeal.

(7) The Director may within 14 days, subject to such conditions which he or she may determine, confirm, vary or set aside the suspension referred to in subregulation (1), or cancel the approval.

Register of approvals

148.01.7 (1) The Director shall maintain a register of all manufacturing organisation approvals issued or renewed in terms of the regulations in this Part.

(2) The register shall contain the following particulars:

(a) The full name of the holder of the approval;

(b) the postal address of the holder of the approval;

(c) the telephone and telefax numbers of the holder of the approval;

(d) the date on which the approval was issued or renewed;

(e) the number of the approval issued;

(f) particulars of the scope of approval;

(g) the nationality of the holder of the approval; and

(h) the date on which the approval was cancelled, if applicable.

(3) The particulars referred to in subregulation (2) shall be recorded by the Director in the register within seven days from the date on which the approval was issued, renewed or cancelled, as the case may be.

(4) The register shall be kept in a safe place at the office of the Director.

(5) A copy of the register shall be furnished by the Director, on payment of the appropriate fee as prescribed in Part 187, to any person who requests the copy.

Repeal of existing regulations

148.01.8 Subject to the provisions of regulation 183.00.2, the regulations in Chapters 23 and 24 of the Air Navigation Regulations, 1976, as amended, are hereby repealed.

SUBPART 2
APPROVAL OF MANUFACTURING ORGANISATION

Manual of procedure

148.02.1 An applicant for the issue of a manufacturing organisation approval shall provide the Director with its manual of procedure which shall -

(a) comply with the requirements prescribed in this Subpart; and

(b) contain the information as prescribed in Document NAM-CATS-MORG.

Quality assurance system

148.02.2 (1) The applicant shall establish a quality assurance system for the control and supervision of the manufacturing, processing or testing of products, parts or appliances, covered by the application.

(2) The minimum standards for a quality assurance system shall be as prescribed in Document NAM-CATS-MORG.

Personnel requirements

148.02.3 (1) The applicant shall engage, employ or contract -

(a) a senior person identified as the accountable manager and compliance officer of the organisation concerned, to whom contractual authority has been granted to ensure that all activities undertaken by the organisation are carried out in accordance with the applicable requirements prescribed in this Subpart, and who shall in addition be vested with the following powers and duties in respect of the compliance with such requirements:

(i) Unrestricted access to work performed or activities undertaken by all other persons as employees of, and other persons rendering service under contract with, the organisation;

(ii) full rights of consultation with any such person in respect of such compliance by him or her;

(iii) powers to order cessation of any activity where such compliance is not effected;

(iv) a duty to establish liaison mechanisms with the Director with a view to ascertain correct manners of compliance with the said requirements, and interpretations of such requirements by the Director, and to facilitate liaison between the Director and the organisation concerned; and

(v) powers to report directly to the management of the organisation on his or her investigations and consultations generally, and in cases contemplated in subparagraph (iii), and with regard to the results of the liaison contemplated in subparagraph (iv);

(b) a competent person who is responsible for quality assurance, and who has direct access to the accountable manager and compliance officer referred to in paragraph (a) on matters affecting airworthiness and aviation safety; and

(c) adequate personnel to plan, perform, supervise and inspect the manufacturing, processing or testing of products, parts or appliances, undertaken by the manufacturing organisation.

(2) The applicant shall establish a procedure for initially assessing, and a procedure for maintaining, the competence of those personnel involved in planning, performing, supervising or inspecting the manufacturing, processing or testing of products, parts or appliances, undertaken by the manufacturing organisation.

(3) The applicant shall ensure that -

(a) the personnel in all technical departments are of sufficient numbers and experience and have been given appropriate authority to be able to discharge their allocated responsibilities; and

(b) there is full and efficient coordination between departments and within departments in respect of airworthiness matters.

Accommodation, facilities and equipment

148.02.4 The applicant shall satisfy the Director that it has -

(a) adequate accommodation, facilities and equipment to enable the personnel to manufacture, process or test the products, parts or appliances for which the approval is required;

(b) the technical literature, equipment, materials and facilities necessary to perform adequately all functions appropriate to the approval required;

(c) suitable accommodation for the proper storage, segregation and protection of the products, parts or appliances concerned and for the materials and supplies to be used;

(d) established a procedure to control and, where necessary, calibrate tools and other equipment at a frequency and to a standard to ensure serviceability, accuracy and traceability; and

(e) adequate accommodation, facilities and equipment to enable the personnel to perform all phases of manufacturing, processing or testing satisfactorily.

Application for approval or amendment thereof

148.02.5 An application for the issue of a manufacturing organisation approval, or an amendment thereof, shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-MORG; and

(b) accompanied by -·

(i) the appropriate fee as prescribed in Part 187; and

(ii) the manual of procedure referred to in regulation 148.02.1.

Issue of approval

148.02.6 (1) The Director shall issue a manufacturing organisation approval if the applicant complies with the requirements prescribed in regulations 148.02.1 to 148.02.4 inclusive.

(2) The Director shall issue the approval on the appropriate form as prescribed in Document NAM-CATS-MORG.

Scope of approval

148.02.7 A manufacturing organisation approval shall specify -

(a) the products, parts or appliances, or combinations thereof; and

(b) the location of manufacturing, processing or testing,

for which the approval is held.

Privileges

148.02.8 The holder of a manufacturing organisation approval shall be entitled to -

(a) manufacture, process or test the products, parts or appliances for which the approval is held; and

(b) provide the Director with such statements of conformity which may be required under Part 21.

Period of validity

148.02.9 (1) A manufacturing organisation approval shall be valid for 12 months, calculated from the date of issue or renewal thereof.

(2) The approval shall remain in force until it expires or is suspended by an authorised officer, inspector of authorised person, or cancelled by the Director, in terms of regulation 148.01.6.

(3) The holder of an approval which expires, shall forthwith surrender the approval to the Director.

(4) The holder of an approval which is suspended, shall forthwith produce the approval upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(5) The holder of an approval which is cancelled, shall, within 30 days from the date on which the approval was cancelled, surrender such approval to the Director.

Transferability

148.02.10 (1) Subject to the provisions of subregulation (2), a manufacturing organisation approval shall not be transferable.

(2) A change in ownership of the holder of an approval shall be deemed to be a change of significance referred to in regulation 148.02.11.

Changes in quality assurance system

148.02.11 (1) If the holder of a manufacturing organisation approval desires to make any change in the quality assurance system referred to in regulation 148.02.2, which is significant to the showing of compliance with the appropriate requirements prescribed in this Part, including -

(a) the name of the organisation;

(b) the identity of the accountable manager and compliance **officer;**

(c) the identity of the person referred to in regulation 148.02.3(1)(b); and

(d) the scope of approval,

such holder shall apply to the Director for the approval of such change.

(2) The provisions of regulation 148.02.5 shall apply *mutatis mutandis* to an application for the approval of a change in the quality assurance system.

(3) An application for the approval of a change in the quality assurance system shall be granted by the Director if the applicant satisfies the Director, upon submission of appropriate proposed changes to its manual of procedure, that it will continue to comply with the provisions of regulations 148.02.1 to 148.02.4 inclusive, after the implementation of such approved change.

Duties of holder of approval

148.02.12 The holder of a manufacturing organisation approval shall -

(a) hold at least one complete and current copy of its manual of procedure referred to in regulation 148.02.1, at each work location specified in the manual of procedure;

(b) comply with all procedures detailed in the manual of procedure;

(c) make each applicable part of the manual of procedure available to the personnel who require those parts to carry out their duties;

(d) continue to comply with the appropriate requirements prescribed in this Part;

(e) have a suitable arrangement with a design organisation approved in terms of Part 147, for the purpose of complying with the appropriate requirements prescribed in terms of Part 21; and

(f) keep records of the calibrations and the standards referred to in regulation 148.02.4(d) for a period of at least five years calculated from the date of the last entry made in such records.

Documentation

148.02.13 (1) The holder of a manufacturing organisation approval shall supply the owner of an aircraft with -

(a) a certificate of airworthiness for the aircraft, or an export airworthiness approval, as the case may be;

(b) a copy of the flight manual, approved by the Director; and

(c) such other documents as such holder or the Director deems necessary for the safe operation of the aircraft.

(2) Subsequent to the issue of any statement of conformity which may be required under Part 21, the holder of the approval shall institute a system whereby maintenance and operational shortcomings and corrective measures are drawn to the attention of the Director and, after the Director has granted approval, made available to aircraft owners.

Production acceptance test procedure

148.02.14 (1) The holder of a manufacturing organisation approval shall establish a production acceptance test procedure and every product, part or appliance manufactured, processed or tested shall be subjected to a test flight in accordance with that procedure.

(2) The procedure referred to in subregulation (1) shall be approved by the Director before it is implemented by the holder of the approval.

Renewal of approval

148.02.15 (1) An application for the renewal of a manufacturing organisation approval shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-MORG; and

(b) accompanied by -

(i) the appropriate fee as prescribed in Part 187; and

(ii) the manual of procedure referred to in regulation 148.02.1.

(2) The holder of the approval shall at least 30 days immediately preceding the date on which such approval expires, apply for the renewal of such approval.

PART 149
ORGANISATIONS: AVIATION RECREATION ORGANISATIONS

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SUBPART 1
GENERAL

Applicability

149.01.1 (1) This Part shall apply to the approval and operation of organisations whose members operate, for aviation recreation purposes -

(a) microlight aeroplanes;

(b) gliders;

(c) free balloons;

(d) gyroplanes;

(e) hang gliders and paragliders;

(f) powered paragliders;

(g) parachutes;

(h) amateur-built aircraft; or

(i) production-built aircraft.

(2) This Part shall not apply in respect of·-

(a) a Part 121, 127 and 135 operator; or

(b) any person exempted by the Director in terms of Part 11.

Designation of body or institution

149.01.2 (1) The Director may designate a body or institution to -

(a) establish safety standards relating to aviation recreation;

(b) exercise control over an aviation recreation organisation approved under the provisions of this Part;

(c) determine standards for the airworthiness or operation of aircraft involved in aviation recreation;

(d) determine standards for the licensing of personnel involved in aviation recreation;

(e) issue licences to such personnel; and

(f) advise the Director on any matter connected with the airworthiness or operation of aircraft or the licensing of personnel involved in aviation recreation.

(2) The designation referred to in subregulation (1) shall be made in writing and shall be published by the Director in the *Gazette* within 30 days from the date of such designation.

(3) The powers and duties referred to in subregulation (1) shall be exercised and performed according to the conditions, rules, requirements, procedures or standards as prescribed in Document NAM-CATS-ARO.

Requirement for approval

149.01.3 No organisation shall undertake aviation recreation except under the authority of, and in accordance with the provisions of, an aviation recreation organisation approval issued under Subpart 2.

Display of approval

149.01.4 The holder of an aviation recreation organisation approval shall display the approval in a prominent place, generally accessible to the public at such holder's principal place of business and, if a copy of the approval is displayed, shall produce the original approval to an authorised officer, inspector or authorised person if so requested by such officer, inspector or person.

Advertisements

149.01.5 Any advertisement by an organisation indicating that it is an aviation recreation organisation, shall -

(a) reflect the number of the aviation recreation organisation approval issued by the Director; and

(b) contain a reference to the aviation recreation for which such approval was issued.

Safety inspections and audits

149.01.6 (1) An applicant for the issue of an aviation recreation organisation approval shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits which may be necessary to verify the validity of any application made in terms of regulation 149.02.5.

(2) The holder of an aviation recreation organisation approval shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

Suspension and cancellation of approval and appeal

149.01.7 (1) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, an aviation recreation organisation approval issued under this Part, if -

(a) after a safety inspection and audit carried out in terms of regulation 149.01.6, it is evident that the holder of the approval does not comply with the requirements prescribed in this Part, and such holder fails to remedy such non-compliance within 30 days after receiving notice in writing from the authorised officer, inspector or authorised person to do so; or

(b) the authorised officer, inspector or authorised person is prevented by the holder of the approval to carry out a safety inspection and audit in terms of regulation 149.01.6; or

(c) the suspension is necessary in the interests of aviation safety.

(2) The authorised officer, inspector or authorised person who has suspended an approval in terms of subregulation (1), shall, deliver a report in writing to the Director.

[The comma after the word "shall" is superfluous.]

(3) The authorised officer, inspector or authorised person concerned shall submit a copy of the report referred to in subregulation (2), to the holder of the approval which has been suspended.

(4) The holder of an approval that has been suspended may appeal against such suspension to the Director within 30 days after such holder becomes aware of such suspension.

(5) An appellant shall deliver an appeal in writing, stating the reasons why, in the opinion of the appellant, the suspension should be varied or set aside, and the appeal shall include, if applicable, full particulars of any remedial action which may have been taken by the appellant to rectify the circumstances which resulted in such suspension.

(6) The Director shall acknowledge receipt of an appeal.

(7) The Director may within 14 days, subject to such conditions which he or she may determine, confirm, vary or set aside the suspension referred to in subregulation (1), or cancel the approval.

Register of approvals

149.01.8 (1) The Director shall maintain a register of all aviation recreation organisation approvals issued or renewed in terms of the regulations in this Part.

(2) The register shall contain the following particulars:

(a) The full name of the holder of the approval;

(b) the postal address of the holder of the approval;

(c) the telephone and telefax numbers of the holder of the approval;

(d) the date on which the approval was issued or renewed;

(e) the number of the approval issued;

(f) particulars of the scope of the approval issued to the holder of the approval;

(g) the nationality of the holder of the approval; and

(h) the date on which the approval was cancelled, if applicable.

(3) The particulars referred to in subregulation (2) shall be recorded by the Director in the register within seven days from the date on which the approval was issued, renewed or cancelled, as the case may be.

(4) The register shall be kept in a safe place at the office of the Director.

(5) A copy of the register shall be furnished by the Director, on payment of the appropriate fee as prescribed in Part 187, to any person who requests the copy.

SUBPART 2
APPROVAL OF AVIATION RECREATION ORGANISATION

Manual of procedure

149.02.1 An applicant for the issue of an aviation recreation organisation approval to undertake aviation recreation, shall provide the Director with its manual of procedure which shall -·

(a) comply with the requirements prescribed in this Subpart; and

(b) contain the information as prescribed in Document NAM-CATS-ARO.

Quality assurance system

149.02.2 (1) The applicant shall establish a quality assurance system for the control and supervision of the aviation recreation covered by the application.

(2) The minimum standards for a quality assurance system shall be as prescribed in Document NAM-CATS-ARO.

Personnel requirements

149.02.3 (1) The applicant shall engage, employ or contract -

(a) a senior person identified as the accountable manager and compliance officer of the organisation concerned, to whom contractual authority has been granted to ensure that all activities undertaken by the organisation are carried out in accordance with the applicable requirements prescribed in this Subpart, and who shall in addition be vested with the following powers and duties in respect of the compliance with such requirements:

(i) Unrestricted access to work performed or activities undertaken by all other persons as employees of, and other persons rendering service under contract with, the organisation;

(ii) full rights of consultation with any such person in respect of such compliance by him or her;

(iii) powers to order cessation of any activity where such compliance is not effected;

(iv) a duty to establish liaison mechanisms with the Director with a view to ascertain correct manners of compliance with the said requirements, and

interpretations of such requirements by the Director, and to facilitate liaison between the Director and the organisation concerned; and

(v) powers to report directly to the management of the organisation on his or her investigations and consultations generally, and in cases contemplated in subparagraph (iii), and with regard to the results of the liaison contemplated in subparagraph (iv);

(b) a competent person who is responsible for quality assurance, and who has direct access to the accountable manager and compliance officer referred to in paragraph (a) on matters affecting airworthiness and aviation safety; and

(c) adequate personnel to carry out and supervise the aviation recreation covered by the application.

(2) The applicant shall -

(a) establish a procedure for initially assessing, and a procedure for maintaining, the competence of those personnel authorised by the applicant to carry out and supervise the aviation recreation covered by the application; and

(b) provide the personnel referred to in paragraph (a) with written proof of the scope of their authorisation.

Resource requirements

149.02.4 The applicant shall ensure that the resources are adequate to enable the personnel to carry out and supervise the aviation recreation covered by the application.

Application for approval or amendment thereof

149.02.5 An application for the issue of an aviation recreation organisation approval to undertake aviation recreation, or an amendment thereof, shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ARO; and

(b) accompanied by -

(i) the appropriate fee as prescribed in Part 187; and

(ii) the manual of procedure referred to in regulation 149.02.1.

Issue of approval

149.02.6 (1) The Director shall issue an aviation recreation organisation approval to undertake aviation recreation, if the applicant complies with the requirements prescribed in regulations 149.02.1 to 149.02.4 inclusive.

(2) The Director shall issue the approval on the appropriate form as prescribed in Document NAM-CATS-ARO.

Scope of approval

149.02.7 An aviation recreation organisation approval to undertake aviation recreation shall specify -

(a) the aviation recreation which the holder of the approval is entitled to undertake; and

(b) the procedures which the holder of the approval is authorised to establish and administer.

Period of validity

149.02.8 (1) An aviation recreation organisation approval to undertake aviation recreation, shall be valid for 12 months calculated from the date of issue or renewal thereof.

(2) The approval shall remain in force until it expires or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Director, in terms of regulation 149.01.7.

(3) The holder of an approval which expires, shall forthwith surrender the approval to the Director.

(4) The holder of an approval which is suspended, shall forthwith produce the approval upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(5) The holder of an approval which is cancelled, shall, within 30 days from the date on which the approval was cancelled, surrender such approval to the Director.

Transferability

149.02.9 An aviation recreation organisation approval to undertake aviation recreation, shall not be transferable.

Changes in quality assurance system

149.02.10 (1) If the holder of an aviation training organisation approval desires to make any change in the quality assurance system referred to in regulation 149.02.2, which is significant to the showing of compliance with the appropriate requirements prescribed in this Part, including -

(a) the name of the organisation;

(b) the identity of the accountable manager and compliance officer;

(c) the identity of the person referred to in regulation 149.02.3(1)(b); and

(d) the scope of approval,

such holder shall apply to the Director for the approval of such change.

(2) The provisions of regulation 149.02.5 shall apply *mutatis mutandis* to an application for the approval of a change in the quality assurance system.

(3) An application for the approval of a change in the quality assurance system shall be granted by the Director if the applicant satisfies the Director, upon submission of appropriate proposed changes to its manual of procedure, that it will continue to comply with the provisions of regulations 149.02.1 to 149.02.4 inclusive, after the implementation of such approved change.

Renewal of approval

149.02.11 (1) An application for the renewal of an aviation recreation organisation approval to undertake aviation recreation, shall be -

(a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ARO; and

(b) accompanied by -

(i) the appropriate fee as prescribed in Part 187; and

(ii) the manual of procedure referred to in regulation 149.02.1.

(2) The holder of the approval shall at least 30 days immediately preceding the date on which such approval expires, apply for the renewal of such approval.

Duties of holder of approval

149.02.12 The holder of an aviation recreation organisation approval to undertake aviation recreation, shall -

(a) hold at least one complete and current copy of its manual of procedure referred to in regulation 149.02.1, at each recreation facility specified in the manual of procedure;

(b) comply with all procedures detailed in the manual of procedure;

(c) make each applicable part of the manual of procedure available to the personnel who require those parts to carry out their duties; and

(d) continue to comply with the appropriate requirements prescribed in this Part.

Technical and regulatory data

149.02.13 (1) The holder of an aviation recreation organisation approval shall keep copies of all relevant equipment manuals, technical bulletins and instructions, legislation, and any other documents which may be necessary to establish procedures for the aviation recreation specified in its manual of procedure.

(2) The holder of the approval shall establish procedures to control and amend the documents referred to in subregulation (1).

(3) The procedures referred to in subregulation (2) shall ensure that -

(a) all documents are reviewed and authorised before the issuing thereof;

(b) changes to documents are reviewed and authorised by the holder of the approval;

(c) the current version of each document can be identified to preclude the use of out of date editions;

(d) current issues of data and documents are held by those personnel within the aviation recreation organisation who require such data and documents to carry out their duties; and

(e) obsolete documents are promptly removed from circulation.

Records

149.02.14 (1) The holder of an aviation recreation organisation approval shall establish procedures to identify, collect, index, store, maintain and dispose of, the records which are necessary for the aviation recreation specified in its manual of procedure.

(2) The procedures referred to in subregulation (1) shall ensure that -

(a) a record is kept of each quality assurance review of the holder of the approval;

(b) all records are legible; and

(c) all records are kept for a period of at least five years calculated from the date of the last entry made in such records.

Operational and maintenance procedures

149.02.15 (1) The holder of an aviation recreation organisation approval which authorises operational and maintenance procedures to be established, shall establish operational and maintenance procedures for the aviation recreation specified in its manual of procedure.

(2) The procedures referred to in subregulation (1) shall -

(a) be relevant and not in cont1ict with the appropriate procedures prescribed in the Regulations; and

(b) be administered to ensure that the requirements -

(i) remain valid for their intended use; and

(ii) are reviewed on a regular basis.

(3) The procedures referred to in subregulation (1) shall include details of -

(a) the manner in which the holder selects launching, flying and landing sites;

(b) the holder’s use of ground signals;

(c) the holder’s use of aerodromes or heliports;

(d) the holder’s launching methods; and

(e) an emergency response plan.

AIR NAVIGATION SERVICES

[The amendments made by GN 89/2020 do not provide for a heading above Part 170. However, it appears from the titles of Parts 170-179 that they may have been intended to be grouped together under the heading "Air Navigation Services". According to regulation 170.01.1, "air navigation services (ANS) Parts" means "Parts 171, 172, 173, 174, 175 and 179".]

PART 170
AIR NAVIGATION SERVICES: GENERAL

[Part 170 is inserted by GN 89/2020.]

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SUBPART 1
GENERAL

Definitions for this Part

170.01.1 For the purpose of this Part -

"air navigation services (ANS) Parts" means Parts 171, 172, 173, 174, 175 and 179;

"air navigation services provider" (ANSP) includes the Air Navigation Services established by section 49 of the Act, and any other person, or entity established for the purpose of providing any of the following air navigation services;

(a) an aeronautical telecommunications (ATEL) service in accordance with Part 171;

(b) an air traffic service (ATS) in accordance with Part 172;

(c) a flight procedure design (FPD) service in accordance with Part 173;

(d) an aviation meteorological (A-MET) service in accordance with Part 174;

(e) an aeronautical information service (AIS) in accordance with Part 175; and

(f) a search and rescue (SAR) service in accordance with Part 179;

"certificate" includes any approval, certificate, designation or any other form of written authorisation issued by the Executive Director, under Part 171, 172, 173, 174, 175 or 179, to any person or entity authorising that person or entity to provide an air navigation service.

Applicability

170.01.2 (1) This Part -

(a) prescribes the regulations and procedures governing the certification or approval of a person providing an air navigation service (ANS) within Namibia;

(b) applies to a person who wants to provide, or is providing, one or more of the following services:

(i) an aeronautical telecommunications (ATEL) service in accordance with Part 171;

(ii) an air traffic service (ATS) in accordance with Part 172;

(iii) a flight procedure design (FPD) service in accordance with Part 173;

(iv) an aviation meteorological (A-MET) service in accordance with Part 174;

(v) provision of aeronautical charts service in accordance with Part 174;

(vi) an aeronautical information service (AIS) in accordance with Part 175; and

(vii) a search and rescue (SAR) service in accordance with Part 179;

(c) applies to the provision of air navigation services -

(i) in Namibia; and

(ii) in the airspace over the high seas or airspaces of undetermined sovereignty administered by Namibia; and

(d) sets out certain administrative rules applying to the Executive Director in the administration of this Part.

(2) This Part does not apply to -

(a) a person who is providing air navigation services to military aircraft within designated military airspaces in the course of his or her or its duties, for the Namibian Defence Force; or

(b) any air navigation services provided to military aircraft within designated military airspaces by the Namibian Defence Force.

Safety and regulatory compliance inspections and audits

170.01.3 (1) An ANS provider must permit an authorised officer, inspector or authorised person to carry out such safety and regulatory compliance inspections and audits, which may be necessary to verify the validity of any application made in terms of the relevant part of the ANS Parts.

(2) An ANS provider must permit an authorised officer, inspector or authorised person to carry out such safety and regulatory compliance inspections and audits, including safety inspections and audits of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements prescribed in the relevant part of the ANS Parts.

Certification for provision of air navigations services

[The heading of this regulation may have been intended to refer to "air navigation services" (with the word "navigation" being singular rather than plural).]

170.01.4 (1) A person may not provide an air navigation service unless that person has been certificated by the Executive Director in terms of the relevant part of the ANS Parts.

(2) The issuance of certificate to provide an air navigation service is subject to compliance with the relevant requirements set out under these regulations, associated technical standards, aviation directives and any other conditions as may be specified or notified by the Executive Director.

[The word "a" appears to have been omitted before the word "certificate".]

(3) The requirements for the issuance, renewal, amendment, suspension, imposition of condition on, or revocation of a certificate must be in compliance with the provisions of Parts 5 and 10 of the Act and these regulations.

Provision of ANS related service requiring certificate

170.01.5 A person may not provide any ANS related service, where a certificate is required for the provision of that service, unless such certificate has been issued by the Executive Director in accordance with procedures, processes or conditions determined by the Executive Director.

SUBPART 2
CERTIFICATION OF AIR NAVIGATION SERVICE PROVIDERS

Requirements for certification of air navigation services provider

170.02.1 (1) A person may not provide air navigation service under any of the ANS Parts unless -

(a) that person holds a certificate issued under any relevant part of the ANS Parts; and

(b) the service is provided in accordance with -

(i) the requirements prescribed under this Part and the relevant part of the ANS Parts; and

(ii) the procedures specified in the air navigation service provider's manual of procedures required under Subpart 3.

(2) Except as provided for in Subpart 6, a person may not provide an air navigation service in those portions of airspace and the aerodromes designated by the Executive Director in terms of Part 71, except under the authority of, and in accordance with the provisions of a certificate issued under the relevant part of the ANS Parts.

Application for certification

170.02.2 An application for the issuing of a certificate to provide an air navigation service, must be -

(a) made to the Executive Director on the appropriate form set out in the relevant part of the ANS Parts; and

(b) accompanied by such documents, information and other matters required under the relevant part of the ANS Parts.

Grant of application and issue of certificate

170.02.3 (1) Upon receipt of an application for the certification of an ANSP, the Executive Director must consider all relevant representations, information and other documents as required under the relevant part of the ANS Parts prior to the grant of the application and issuing of the certificate.

(2) The Executive Director must grant the application and issue a certificate in the appropriate form set out in the relevant part of the ANS Parts, if the Executive Director is satisfied that -

(a) the applicant, and the applicant's senior accountable manager and key personnel, are fit and proper persons;

(b) the granting of the application and issuing of the certificate is not contrary to the interests of aviation safety;

(c) the personnel of the applicant are adequate in number and have the necessary competencies to provide the service;

(d) the manual of procedures prepared and submitted with the application contains all the relevant information;

(e) the facilities, services and equipment are established in accordance with the requirements prescribed in the relevant part of the ANS Parts;

(f) the operating procedures make satisfactory provision for the safety of aircraft;

(g) a safety management system under Part 140 acceptable to the Executive Director is in place;

(h) a quality management system acceptable to the Executive Director is in place;

(i) the applicant has approved procedures to meet the requirements of the applicable aviation security requirements;

(j) the applicant has sufficient resources to provide the service; and

(k) the applicant has applicable liability insurance for the service to be provided.

(3) The granting of an application to provide an air navigation service is subject to compliance with the relevant requirements and standards prescribed in the relevant part of the ANS Parts, and any other conditions as may be specified or notified by the Executive Director in an aviation directive issued under section 38(6) of the Act.

(4) The Executive Director may, when granting an application, include any conditions as may be considered necessary for the nature and type of air navigation service to be provided and which conditions are in the interest of aviation safety.

(5) The Executive Director may decline to grant an application, and where the Executive Director so declines, the Executive Director must notify the applicant in writing, indicating the reasons for the decline, not more than 14 days after making that decision.

(6) The Executive Director must, in the interests of aviation safety, ensure that only one certificate for the same air navigation service is issued to an ANS provider at any time.

Contents of certificate

170.02.4 The Executive Director must issue a certificate in the form set out in the relevant part of the ANS Parts, and the certificate must at least include the following information:

(a) the holder's name, and the physical and mailing address of its principal place of business;

(b) the type of service to be provided, and for an air traffic service, the service to be provided within a particular airspace or controlled aerodrome designated to the provider by the Executive Director;

(c) the location of service to be provided;

(d) conditions of certification, as applicable; and

(e) effective and expiry dates of the certificate.

Validity of certificate

170.02.5 (1) An ANS provider certificate is valid for a period of two years from the date of issuance or renewal.

(2) The certificate remains in force until it expires, or is surrendered, suspended or revoked in accordance with section 42 or 43 of the Act, as the case maybe, and regulation 170.02.12.

[The word "maybe" should be the two words "may be".]

(3) The holder of an ANS provider certificate which has expired must forthwith surrender the certificate to the Executive Director, unless the service provider has applied for renewal of the certificate pursuant to regulation 170.02.7.

Amendment of certificate

170.02.6 (1) The Executive Director may amend a certificate issued under this Part upon -

(a) application made by the holder of the certificate in the appropriate form set out in the relevant part of the ANS Parts; or

(b) the Executive Director's initiative, where the Executive Director considers it necessary.

(2) A holder of a certificate applying to the Executive Director for amendment of the certificate under subregulation (1)(a) must -

(a) attach the completed application form and the proposed amendment to the certificate; and

(b) pay such fee as may be prescribed under Part 187.

(3) Where the Executive Director initiates amendments under subregulation (1)(b), the holder of the certificate must make amendments as necessary, in its manual of procedures.

(4) The Executive Director may in accordance with section 45 of the Act -

(a) amend the certificate in the manner applied for; or

(b) decline the application to amend the certificate applied for.

(5) Where an application for amendment is declined under subregulation (4)(b), the Executive Director must within 14 days of making such decision, inform the applicant in writing, giving reasons for the refusal.

(6) The Executive Director may, pursuant to section 45(2)(c) of the Act, amend an ANS provider certificate to correct any clerical error or obvious mistake on the face of the certificate and where the Executive Director requires the holder of the certificate to produce the certificate for such purpose, the holder must forthwith produce the certificate.

Renewal of certificate

170.02.7 (1) The holder of an ANS provider certificate, if it wishes to continue to provide the service, must at least 90 days immediately preceding the date on which such certificate expires, apply to the Executive Director for the renewal of the certificate.

(2) An application for the renewal of an ANS provider certificate must be -

(a) made to the Executive Director in the appropriate form set out in the relevant part of the ANS Parts; and

(b) accompanied by -

(i) copy of the previous ANS provider certificate; and

(ii) the appropriate fee as prescribed in Part 187.

(3) The renewal of a certificate is subject to compliance with this Part, and the relevant requirements and standards prescribed under the relevant part of the ANS Parts.

Duplicate certificate

170.02.8 (1) If an ANS provider certificate is lost, stolen, damaged or destroyed, the holder thereof, may apply to the Executive Director for the issue of a duplicate certificate.

(2) An application referred to in subregulation (1) must be -

(a) made in the appropriate form set out in the relevant part of the ANS Parts; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

(3) A duplicate of the certificate is issued on the appropriate form set out in the relevant part of the ANS Parts.

Display of certificate

170.02.9 (1) A holder of an ANS provider certificate must display the certificate, or a copy of it, in a conspicuous place, generally accessible to the public at such holder's principal place of business.

(2) Where a copy of the certificate is displayed under subregulation (1), the holder of the certificate must produce the original certificate, if so requested by an authorised officer, inspector or authorised person.

Transfer of certificate

170.02.10 Unless otherwise provided for the in the relevant part of the ANS Parts, a certificate issued under this Part is not transferable.

Surrender of certificate

170.02.11 (1) Subject to subregulation (2) and any conditions as may be specified by the Executive Director when granting the application under the relevant part of the ANS Parts, a holder of an ANS provider certificate may surrender the certificate to the Executive Director at any time.

(2) A holder of an ANS provider certificate who wishes to surrender the certificate must give the Executive Director not less than 180 days' notice in writing, before the date on which the certificate is to be surrendered.

(3) Upon expiry of the period in subregulation (2), the ANS provider may not provide an air navigation service, unless specifically authorised to do so in writing by the Executive Director.

Suspension and revocation of certificate

170.02.12 (1) The Executive Director may under sections 42 and 43 of the Act, suspend or revoke an ANS provider certificate, or impose conditions in respect of any such document, if the Executive Director considers such action necessary for the provision of the air navigation service concerned or in the interests of aviation safety.

(2) Without limitation to the general powers of the Executive Director under the Act to suspend, revoke or impose conditions upon an aviation document the Executive Director may -

(a) suspend, pending further investigation, an ANS provider certificate, if the Executive Director considers that -

(i) a relevant provision of the Act, these regulations or any regulations made under the Act, or a condition in the certificate, has not been or is not being complied with;

(ii) the privileges or duties for which the document has been granted are being utilised or carried out in a careless or incompetent manner;

(iii) false or materially incorrect information was given to the Executive Director in the application for the certification; or

(iv) it is in the public interest to do so; or

(b) revoke a certificate or impose permanent conditions on the certificate, if after an inspection, monitoring or investigation carried out in accordance with this Part, read with Part 13, the Executive Director considers it necessary in the interests of aviation safety.

(3) A person, whose certificate is made subject to permanent conditions must immediately produce the certificate to the Executive Director for the appropriate endorsement to be made.

(4) A holder or any person having the possession or custody of any certificate which has been suspended or revoked in accordance with this Part, must surrender the certificate to the Executive Director within seven days from the date of suspension or revocation.

(5) If an audit directed by the Executive Director finds non-compliance with regulatory requirements or safety standards, the Executive Director must formally notify the ANS provider of the areas or items of non-compliance, through a written notice, specifying a time frame within which the matter of non-compliance is to be rectified.

(6) If following the written notification, and the end of the time of the rectification period specified under subregulation (5), the non-compliances are not addressed, the failure by the holder of the certificate to comply with the relevant regulatory requirements or standards may be taken into account in determining the need for suspension or revocation of the certificate.

(7) For a certificate to be renewed after suspension or revocation, the ANS provider must satisfy the Executive Director, through an audit process, that it has rectified the matters of noncompliance.

(8) The Executive Director may, when considered necessary and in the public interest, designate an alternative service provider for a specified period to provide an air navigation service in respect of a certificate that has been suspended or revoked for the duration of the suspension or revocation in accordance with this Part.

(9) A person in respect of whom a decision is taken under this regulation may seek review of the decision in accordance with Part 13.

Register of certificates

170.02.13 (1) The Executive Director must keep and maintain or cause to be kept and maintained, a register of all ANS provider certificates referred to in regulation 71.10.1.

(2) The register must contain the following particulars:

(a) the full name of the holder of the certificate;

(b) the business address of the holder of the certificate;

(c) the postal address of the holder of the certificate;

(d) the date on which the certificate was issued or renewed;

(e) the type or types of air navigation service in respect of which the certificate was issued;

(f) the date on which the certificate was surrendered, amended, varied, suspended or revoked, if applicable;

(g) the date on which the certificate expires; and

(h) any other particulars as may be considered necessary by the Executive Director.

(3) The particulars of the certificate referred to in subregulation (2), or any changes to the particulars, must be recorded in the register in the manner set out in the registry manual.

(4) The register must be kept in a safe place at the Civil Aviation Registry established under section 52 of the Act, and be accessible to the public in the manner as set out in regulation 3.04.6.

(5) The Executive Director must furnish a copy of the register to any person who requests the copy upon payment of the appropriate fee as prescribed in Part 187.

Notification of organisational changes

170.02.14 A holder of an ANS provider certificate must notify the Executive Director -

(a) in writing; or

(b) in the manner set out in Subpart 3 of Part 140,

of a change of circumstances that materially affect its capacity to provide any of its air navigation service within 14 days after the change occurs.

Change of name of holder of certificate

170.02.15 (1) A holder of an ANS provider certificate must, in the manner determined by the Executive Director, apply to the Executive Director for -

(a) change of name on the certificate; or

(b) an endorsement of the change of name on the certificate.

(2) When applying under subregulation (1), the holder of the certificate must submit to the Executive Director -

(a) the original certificate or a copy thereof;

(b) a court order or other legal document verifying the name change; and

(c) a fee as prescribed under Part 187.

(3) The Executive Director must, where satisfied that the change may be made, re-issue or endorse the certificate with the appropriate changes applied for and provide the amended certificate to the holder of the certificate and retain a copy of the certificate.

Change of address of certificate holder

170.02.16 (1) A holder of an ANS provider certificate must notify the Executive Director of a change in the physical or mailing address of the certificate holder within 14 days of such change.

(2) A person who does not notify the Executive Director of the change in the physical or mailing address of the certificate holder within the time frame specified in subregulation (1) must not exercise the privileges of the certificate as from the date of expiry of the 14 days.

Limitations on certified ANS provider

170.02.17 (1) An ANS provider must only provide services for which it is certified.

(2) An ANS provider may not provide a service for which it is certified, unless such holder has available sufficient resources, including facilities, equipment, tooling, technical data and qualified personnel necessary to maintain the equipment in accordance with its manual of procedures and the requirements prescribed in this Part and under the ANS Parts, as applicable.

Exemption based on certificate issued by another State

170.02.18 (1) Where an applicant for certification holds a certificate as an ANS provider issued by the appropriate authority of another State acceptable to the Executive Director, and there is a reciprocal arrangement for the mutual recognition of certificates issued by the authorities of Namibia and the other State, the Executive Director may, exempt the applicant from certain requirements of this Part or the relevant part of the ANS Parts as the Executive Director may determine.

[The comma after the word "may" is superfluous.]

(2) In making a decision regarding exemptions referred to in subregulation (1), the Executive Director may -

(a) require the applicant to provide evidence of equivalent compliance with the requirements of this Part or the relevant part of the ANS Parts; and

(b) contact the appropriate authority of the State that issued the certificate to validate equivalent compliance.

SUBPART 3
REQUIREMENTS FOR MANUAL OF PROCEDURES

General

170.03.1 (1) An ANS provider must, at all times, maintain a manual of procedures for each service that it provides and that complies with the requirements prescribed in the relevant part of the ANS Parts.

(2) The manual of procedures must be -

(a) type written and in a format that is easy to revise;

(b) include a list of effective pages;

(c) organised in a manner that facilitates the evaluation and certification process taking into account the contents as prescribed in regulation 170.03.2; and

(d) signed by the ANS provider.

(3) An ANS provider must -

(a) submit the manual of procedures to the Executive Director for approval; and

(b) keep at least one approved copy of the manual at its principal place of business.

Contents of manual of procedures

170.03.2 (1) The manual of procedures must contain all information and instructions necessary to enable the personnel of the ANS provider to perform their duties.

(2) Each manual of procedures prepared under this Part must include the following particulars as appropriate to the service provided:

(a) service to be provided, including the location of each facility and airspace covered;

(b) the hours of service for each service provided;

(c) the service provider's organisation structure, including the reporting lines, functions, duties and responsibilities of operational positions;

(d) personnel requirements and their responsibilities;

(e) the methodology for determining the number of staff;

(f) training and performance assessment of staff and how that information is tracked;

(g) the safety management system;

(h) the quality management system;

(i) contingency plans developed for part or total system failure or disruption of services;

(j) compliance with the applicable civil aviation security requirements;

(k) facilities and equipment and how they are maintained;

(l) maintenance and control of documents and records;

(m) search and rescue responsibilities and co-ordination, operations, plan and procedures, as applicable;

(n) systems, processes and procedures in the provision of each air navigation service including, procedures for fault and defect reporting;

(o) procedures to be followed for revising the manual of procedures; and

(p) any other information as may be considered necessary by the ANS provider or as may be required by the Executive Director.

Amendment of manual of procedures

170.03.3 (1) For the purpose of maintaining the accuracy of the information in the manual of procedures, the -

(a) ANS provider must whenever necessary, amend the manual of procedures; and

(b) Executive Director may direct an ANS provider, in writing, within a reasonable period specified in the direction, to amend its manual of procedures in a way specified in the direction.

(2) Despite subregulation (1), the holder of a certificate must submit the proposed amendment to the Executive Director for approval, before the manual is amended.

(3) An ANS provider must -

(a) ensure that its manual of procedures is amended, as required, so that it continues to provide a current description of the ANS provider's organisation, service and facilities;

(b) ensure that any amendments made to its manual of procedures meet the applicable requirements of this Subpart;

(c) comply with the applicable manual of procedures amendment procedures;

(d) provide the Executive Director with a copy of each amendment to its manual of procedures, immediately after the amendment is incorporated into the manual of procedures; and

(e) comply with any direction which the Executive Director may consider necessary in the interests of aviation safety.

(4) Replacement pages must be annotated with a vertical line in the outer margin to indicate the portion, which has been revised as follows:

(a) a vertical line beside text or diagram indicates that the item has been amended;

(b) the specific editorial or typographical changes will not otherwise be marked;

(c) a vertical line beside a blank space in between text indicates that a previous item has been removed; and

(d) the date of amendment will appear at the foot of the page.

(5) Urgent changes or temporary instructions must be notified by the issue of supplementary procedures, which must be regarded as forming a part of the main text until either incorporated therein by a routine amendment or cancelled.

(6) An ANS provider may not make changes to the procedures contained in the manual of procedures except by an amendment or supplementary procedure.

Formatting and administration of manual of procedures

170.03.4 (1) Each page of the manual of procedures must indicate the date of the original document or the date of any subsequent amendment and in addition, each page must indicate the following elements:

(a) the title of the manual of procedures;

(b) the issuing authority; and

(c) the page number.

(2) The ANS provider must review its manual of procedures at regular intervals as specified in the manual of procedures.

Distribution and maintenance of manual of procedures

170.03.5 (1) An ANS provider must make available copies of the manual of procedures to the units providing the services.

(2) The person in charge of an ANS unit is responsible for ensuring incorporation of any amendments or supplementary procedures to the manual of procedures which may be issued from time to time.

Stand-alone documents prepared as attachments to manual of procedures

170.03.6 (1) The procedures, systems and processes required under regulation 170.03.2(2)(n) may be published as stand-alone documents, and such documents are by reference in the manual of procedures, to be considered as attachments to the manual of procedures with the appropriate cross-referencing.

(2) The procedures, systems and processes in accordance with subregulation (1) must include the procedures, systems and processes applicable to the service provided or to be provided under the relevant part of the ANS Parts.

(3) An ANS provider must publish station standing instructions (SSIs), which are applicable to individual units and which contain procedures applicable only at that unit and such SSIs are, in accordance with subregulation (1), to be considered as attachments to the manual of procedures.

SUBPART 4
COMPLIANCE WITH STANDARDS

Safety inspections and audits of air navigation facilities, equipment and documents

170.04.1 The Executive Director, or an authorised officer, inspector or authorised person, may carry out safety inspections and audits of air navigation facilities, services, documents and records of the air navigation service provider which may be necessary to determine compliance with a certificate, and the requirements and standards specified under the relevant part of the ANS Parts.

Unrestricted access to ANS facilities, equipment and documents

170.04.2 An ANS provider must, pursuant to section 48 of the Act, provide the Executive Director, or an authorised officer, inspector or authorised person unrestricted access to the facilities, installations, records and documents of the ANS provider to determine compliance with the requirements of this Part and any requirements made under the relevant part of the ANS Parts.

Resolution of safety concerns

170.04.3 (1) The holder of an ANS provider certificate must, following a regulatory inspection or audit -

(a) submit to the Executive Director for evaluation and acceptance, corrective action plans with timeframes to address non-conformities identified during the inspections and audits; and

(b) ensure that the corrective actions are implemented within the time periods specified in the corrective action plans.

(2) The holder of an ANS provider certificate may, when circumstances demand, amend the timeframes specified in the corrective action plan and submit the amended corrective action plan to the Executive Director for evaluation and acceptance.

(3) An an authorised officer, inspector or authorised person must carry out follow-up inspections or audits to verify that the ANS provider is implementing the corrective action plans submitted to the Executive Director to ensure that non-conformities are being addressed and closed.

[The word "an" at the beginning of subregulation (3) is repeated in the *Government Gazette*, as reproduced above.]

(4) The holder of an ANS provider certificate must, when requested by an authorised officer, inspector or authorised person for the purpose of determining compliance with the regulations and resolution of safety concerns, produce within three days of such request, any relevant documents under the holder's possession.

Imposition of restrictions, prohibitions or conditions

170.04.4 (1) The Executive Director may, by way of an aviation directive issued under section 38(6) of the Act, impose restrictions, prohibitions or conditions on any certificate, where recommended by an authorised officer, inspector or authorised person, if the results of an inspection or an audit has shown non-conformances with the certification requirements or in the event of any unresolved safety concerns.

(2) The Executive Director may in accordance with subregulation (1), impose restrictions, prohibitions or conditions on -

(a) the type or coverage of the air navigation service to be provided;

(b) the method used for delivery of the service; or

(c) the periods during which a service is to be provided.

(3) Where a holder of an ANS provider certificate fails to address non-conformities within the time period specified in the corrective action plan, the Executive Director may carry out enforcement action in accordance with Part 13.

Establishment of facilities and equipment

170.04.5 (1) An ANS provider must establish facilities and equipment that are appropriate to the air navigation service which it provides as listed in its manual of procedures.

(2) The facilities and equipment required by subregulation (1) must be acceptable to the Executive Director.

(3) Despite subregulation (1), an ANS provider must -

(a) provide in the designated portion of airspace and at aerodromes, facilities for the provision of the air navigation service; and

(b) adopt and put into operation the appropriate standard systems and operational practices and rules required for the provision of the service under Part 71 and the relevant part of the ANS Parts.

Approval of facilities and equipment

170.04.6 A person may not install, maintain, contract or operate an air navigation service facility in the airspaces designated under Part 71, and at aerodromes, unless the person has obtained the prior approval of the Executive Director to do so in terms of relevant part of the ANS Parts.

Air navigation services contingency plans

170.04.7 (1) An ANS provider must develop and maintain a contingency plan required under regulation 170.03.2(2)(i) for implementation in the event of disruption or potential disruption of air navigation services in the airspace for which the holder of the certificate is responsible.

(2) An ANS provider must liaise with other air navigation service providers in adjacent or contiguous airspaces while developing contingency plans.

(3) The contingency plan must include -

(a) the actions to be taken by the service provider's personnel responsible for providing the service;

(b) where applicable, alternative arrangements for providing the service; and

(c) the arrangements for resuming normal operations for the service.

(4) Despite subregulation (3), the contingency plan must be prepared in accordance with standards prescribed in the relevant part of the ANS Parts.

Safety management system

170.04.8 (1) An ANS provider must, in accordance with Part 140, establish a safety management system to ensure a systematic approach to managing safety, including policies, procedures, and practices necessary to safely provide the air navigation service covered by its certificate.

(2) The safety management system must be implemented in accordance with the applicable standards prescribed in the relevant part of the ANS Parts.

Quality management system

170.04.9 (1) An ANS provider must establish a quality management system that is acceptable to the Executive Director and which -

(a) focuses on the consistent delivery of each air navigation service it provides;

(b) complies with approved quality performance standards;

(c) includes a quality assurance system for the control, supervision and the management of the air navigation service that it provides; and

(d) complies with standards prescribed under the relevant part of the ANS Parts.

(2) The quality management system established in accordance with subregulation (1) may be integrated with the safety management system required in 170.04.8.

Changes in quality management system

170.04.10 (1) Where an ANS provider desires to make any change in the quality management system required by regulation 170.04.9, and which is significant to the showing of compliance with the appropriate requirements prescribed in the relevant part of the ANS Parts, the ANS provider must apply to the Executive Director for the approval of such change.

(2) The Executive Director may grant an application for the approval of a change in the quality assurance system, if the ANS provider satisfies the Executive Director, upon submission of appropriate proposed changes to its manual of procedures that it will, after the implementation of such approved change, continue to meet an acceptable level of compliance with the provisions of this Part, and the applicable standards prescribed in Part 71 and the relevant part of the ANS Parts.

Internal safety inspection and audit programme

170.04.11 (1) An ANS provider must have in place, a programme for monitoring the performance of the service it provides to verify that the service provided complies with the regulatory standards and meets the air navigation services objectives.

(2) The programme required under subregulation (1) must include -

(a) internal safety inspections and audits of each air navigation service facility listed in its manual of procedures; and

(b) testing and calibration, as applicable, of each equipment listed in its manual of procedures.

(3) An ANS provider -

(a) must review its procedures and processes related to each air navigation service operation through an internal audit process using specified procedures;

(b) may conduct internal audits of its organisation through an entity that is external to the service provider to ensure the independence and objectivity of the audit results;

(c) must develop and use checklists, questionnaires and where appropriate, confidential interviews in conducting internal audit of its service.

(4) In conducting internal safety audits and inspection of its service, an ANS provider

must focus on any matters, including but not limited to, management functions, staffing, compliance with regulations and standards, levels of competency and training.

Security programme

170.04.12 An ANS provider must -

(a) have, and put into effect, a security programme that is acceptable to the Executive Director and that sets out the procedures designed to protect its personnel, and any facility and equipment that it uses, in providing any of its air navigation services; and

(b) if required to do so under section 126 of the Act, have in place an aviation security programme which complies with the requirements of Part 111.

SUBPART 5
GENERAL REQUIREMENTS FOR PROVISION OF AIR NAVIGATION SERVICES

ANS provider organisation

170.05.1 An ANS provider must, at all times, maintain an appropriate organisation with a sound and effective management structure to enable it to provide the air navigation service covered by its certificate and in accordance with requirements prescribed in this Part and the relevant part of the ANS Parts.

Personnel requirements: senior accountable manager and key personnel

170.05.2 (1) The senior accountable manager for the ANS provider, and the suitable key personnel, where relevant, designated in the manner prescribed in Subpart 3 of Part 140, must exercise the privileges under the certificate for the proper functioning and operation of the air navigation service it provides.

(2) The senior accountable manager for the ANS provider's organisation must ensure that every air navigation service listed in its manual of procedures -

(a) can be sufficiently resourced; and

(b) is provided in accordance with the requirements and standards prescribed in this Part and in the relevant part of the ANS Parts.

(3) The senior accountable manager must ensure that all activities listed in the manual of procedures of the ANS provider are carried out in accordance with the requirements of this Part, Part 71 and the relevant part of the ANS Parts.

(4) The senior accountable manager must -

(a) ensure that all the air navigation service activities can be sufficiently resourced and carried out to meet applicable operational requirements;

(b) have unrestricted access to work performed or activities undertaken by all other persons as employees of, and other persons rendering service under contract with, the ANS provider, and full rights of consultation with any of those persons in respect of compliance by each one of them;

(c) order cessation of any activity which the senior accountable manager considers to be unsafe to the operation or delivery of the air navigation service;

(d) establish liaison mechanisms with the Executive Director with a view to ascertain compliance with requirements, and interpretations of such requirements, and to facilitate liaison between the Executive Director and the ANS units under the control of the ANS provider; and

(e) report directly to the Executive Director on matters affecting operation and delivery of the air navigation service.

(5) The senior accountable manager must identify the following key personnel to assist him or her to ensure compliance with the specified requirements:

(a) a safety manager who is responsible for safety across all of the air navigation service, and who has direct access to the accountable manager on matters affecting safety of the air navigation service; and

(b) a quality control officer who is responsible for quality control across all the air navigation service, and who has direct access to the accountable manager on matters affecting quality of the air navigation service,

but, taking into account the size and complexity of an organisation, the safety officer and quality officer functions may be combined.

(6) An ANS provider must, in accordance with regulation 140.03.2, designate key personnel to enable it to provide the service in accordance with its manual of procedures.

(7) An ANS provider must -

(a) ensure the competence of those personnel who are authorised by the service provider to provide the air navigation service, and training and assessment for each service, listed in the service provider's manual of procedures;

(b) define arrangements and processes to be followed to ensure an adequate number of suitably trained and qualified staff are available in respect of each air navigation service it provides;

[The verb "are" should be "is" to be grammatically correct: "number… is…"**.]**

(c) establish arrangements that define the management responsibilities and processes for ensuring adequate supervision of staff;

(d) establish procedures for assessing and maintaining the competence of personnel who are authorised to provide or supervise the air navigation service under this Part, including a mechanism for ensuring that only trained and competent staff undertake the provision of each air navigation service it provides;

(e) maintain a record of all authorised personnel, which record must include particulars of the scope of their authorisations;

(f) describe and provide its authorised staff with, the scope of their authorisation; and

(g) maintain the records required in paragraph (e) for a minimum period of five years from the date on which the personnel ceases to be an employee of the organisation.

(8) An ANS provider must provide all authorised personnel with written evidence of the scope of their authorisation including duties and responsibilities.

Accommodation of air navigation services facilities

170.05.3 An ANS provider must satisfy the Executive Director that -

(a) it has sufficient resources for each service to be performed under its certificate;

(b) the working environment is appropriate for each task carried out and, in particular, complies with requirements covered under its certificate;

(c) appropriate office accommodation is provided for the administration of the services performed, including the administration of the organisation's safety, operational and planning functions and for maintenance of technical records; and

(d) appropriate storage facilities are provided for, equipment, tools and materials required by the organisation.

Training and checking programme

170.05.4 (1) Each ANS provider must, in accordance with the requirements set out in the relevant part of the ANS Parts, implement a training and checking programme to ensure that an individual performing a function in connection with any air navigation service is competent and holds the appropriate qualification to perform the duties which he or she is assigned.

(2) An individual is considered to be competent as required by subregulation (1), if that individual is -

(a) licensed where the function can only be performed by the holder of a licence;

(b) certified where the function can only be performed by the holder of a certificate;

(c) rated and validated, where the function can only be performed by the holder of an appropriate rating and validation;

(d) endorsed, where the function can only be performed by the holder of an appropriate endorsement;

(e) qualified, where the function can only be performed by the holder of an appropriate qualification;

(f) appropriately trained and assessed to be proficient in the performance of their functions;

(g) up-to-date with the current knowledge, skills and information that is or are necessary for the performance of his or her functions; and

(h) has knowledge and skills in emerging matters identified as essential to task performance.

(3) An ANS provider must develop a comprehensive training and checking programme to be approved by the Executive Director, that includes, initial, on-job-training, currency and recurrency, specialised and management training to ensure that each member of the technical personnel maintain the appropriate level of qualification.

(4) An ANS provider must -

(a) carry out training needs assessment to determine individual training needs;

(b) develop periodic training plans for each technical personnel providing an air navigation service at each ANS unit based on the training programme; and

(c) maintain training records for each technical personnel providing an air navigation service at each ANS unit, including records of trainings attended and the dates of training.

(5) In developing training programmes and plans, an ANS provider must consider -

(a) the human factors and human performance requirements for the provision of each air navigation service;

(b) skills, knowledge and attitudes requirements for each air navigation position; and

(c) competency requirements for each air navigation position.

Documents and records

170.05.5 (1) An ANS provider must -

(a) establish a system for records which covers identification, collection, indexing, storage, security, maintenance, access and disposal of records necessary for the provision of the air navigation services it provides;

(b) ensure availability of documents and records, including facility manuals, technical standards, manual of procedures, charts and any other documentation, to the ANS units personnel as necessary for the provision of the air navigation service listed in its certificate; and

(c) ensure availability of documents and records relating to inspections and audits, including records of identified deficiencies and actions taken to resolve such deficiencies.

(2) The records system required by subregulation (1)(a) must provide an accurate chronicle of activities for the purpose of reconstruction of events for investigation, and for safety system analysis.

(3) An ANS provider must, at the request of the Executive Director or of an authorised officer, inspector or authorised person, make the documents and records, or copies, or extracts from them, available for inspection.

Use and retention of documents and records

170.05.6 (1) A person may not -

(a) use a certificate which has been forged, altered, revoked, or suspended, or to which he or she is not entitled;

(b) forge or alter any certificate issued or required by or under a relevant part of the ANS Parts;

(c) lend any certificate or exemption issued or required by or under a relevant part of the ANS Parts to any other person;

(d) make any false representation for the purpose of procuring for himself or herself or any other person the grant, issue, renewal or variation of any such certificate or exemption; or

(e) mutilate, alter, render illegible or destroy any records, or any entry made therein, by an ANS provider, or knowingly make, or procure or assist in the making of, any false entry in any such record, or intentionally omit to make a material entry in such record.

(2) All documents and records required to be maintained by or under this Part, Part 71 or any relevant part of the ANS Parts must be -

(a) kept in a permanent and indelible material;

(b) stored so that they can be retrieved if needed for an aviation safety investigation; and

(c) retained for five years, unless a different period is otherwise provided for in the relevant part of the ANS Parts.

Control of documents and records

170.05.7 (1) An ANS provider must establish and put into effect -

(a) a system for controlling documents and records which cover the authorisation, standardisation, publication, distribution and amendment of all documentation issued by the organisation, or required by the organisation for the air navigation service it provides; and

(b) a procedure to identify, collect, index, store, maintain and dispose of the records that are necessary for, or a result of the provision of an air navigation service.

(2) The document control system established by an ANS provider must ensure that -

(a) documentation is reviewed and authorisation of documents and records is made by the appropriate authority designated by the ANS provider to the provider's management and safety accountability structures;

(b) that the currency of documents can be readily determined and that only current versions are available for operational use;

(c) current issues of relevant documentation are available to personnel at all locations where they need access to such documentation for the provision of the air navigation service;

(d) operationally obsolete documentation is promptly removed from all points of issue or use;

(e) changes to documentation are reviewed and approved by appropriate personnel;

(f) a master copy of relevant documents and records is securely held;

(g) the current version of each item of documentation can be identified to preclude the use of out-of-date editions; and

(h) documents and records are archived where they have been superseded.

(3) An ANS provider must ensure that all documents that are related to and referenced in the manual of procedures are indexed in that manual.

Reports of violations

170.05.8 (1) Any person who knows of a violation of any regulations or directives issued under this Part, must report it to the Executive Director in the form and manner determined by the Executive Director.

(2) The Executive Director may determine the nature and type of investigation or enforcement action that need to be taken in the event of a reported violation in accordance with the provisions of the Act and Parts 13 and 185.

(3) If the person referred to in subregulation (1) is a participant in the Namibia civil aviation system, and that person refuses, fails or neglects to comply with that subregulation, the Executive Director may invoke the provisions of -

(a) sections 42 or 43 of the Act regarding suspension or revocation of aviation documents or the imposition of conditions on those documents; or

(b) Subpart 3 of Part 13 and 185 of these regulations regarding the imposition of administrative fines,

in order to ensure that the person complies with that subregulation.

Failure to comply with directive

170.05.9 (1) The Executive Director may authorise an inspection or investigation, as the case may be, into any allegation of non-compliance with an aviation directive or conditions of a certificate in respect of an ANS provider in accordance with Parts 13 and 185.

(2) A person who fails to comply with an aviation directive or conditions of a certificate in respect of an ANS provider in accordance with Part 13 of the Act commits an offence and is liable to the penalties specified in that Part or to any administrative penalties prescribed in Part 185.

Exemptions from air navigation services requirements

170.05.10 (1) A certified air navigations service provider may apply to be exempted from any particular provision set out in Part 71 or in any part of the ANS Parts in accordance with section 46 of the Act and Part 3.

(2) The Executive Director may in accordance with section 46 of the Act and Part 3, grant an exemption from any of the provisions of this Part, Part 71 or any part of the ANS Parts, taking into account all safety-related aspects of the air navigation service provided.

(3) Where an exemption is granted in accordance with subregulation (2), the Executive Director may determine the conditions necessary to ensure an equivalent level of safety is established, and such conditions must be set out in an endorsement in the ANS provider's manual of operations.

(4) An ANS provider must comply with any conditions specified by the Executive Director under of subregulation (3).

Discontinuation or disruption of air navigation service

170.05.11 (1) A holder of an ANS provider certificate may not temporarily or otherwise, discontinue or disrupt the provision of an air navigation service for which it has been certified, unless it has given the Executive Director at least 180 days' written notice of the discontinuance or disruption.

(2) Subregulation (1) does not apply if, having regard to the provider's circumstances -

(a) it was not reasonably possible for the provider to give at least 180 days' notice; and

(b) the provider gives the notice as soon as reasonably possible.

SUBPART 6
TRANSITIONAL PROVISIONS

Transitional provisions

170.06.1 (1) Where, before the commencement of this Part, an applicant for a certificate required under this Part was already lawfully providing an air navigation service whether in terms of any repealed law or not, the applicant may be exempted from certain requirements of this Part for a specified period as may be determined by the Executive Director.

(2) The Executive Director may, pursuant to section 67(3) of the Act, in the circumstances mentioned in subregulation (1), issue a transitional certificate in writing to the ANS provider to continue providing the services for a specified period which period may not exceed 18 months until a certificate is issued by the Executive Director.

(3) A transitional certificate issued under this Subpart expires -

(a) on the date on which a certificate is issued under Subpart 2;

(b) on the expiry date specified by the Executive Director in the transitional certificate; or

(c) upon withdrawal of the transitional certificate in accordance with subregulation (6),

whichever is the earlier.

(4) The requirements of this Part, apply, subject to changes required by the context to a transitional certificate issued by the Executive Director under this Subpart.

(5) The Executive Director may at any time, withdraw any transitional certificate issued under this Subpart upon recommendation by an authorised officer, inspector or authorised person, where a serious non-compliance which compromises safety is identified, and the air navigation service provider must immediately cease operations.

(6) The holder of a transitional certificate which has been withdrawn by the Executive Director in accordance with subregulation (5) may apply for re-issue of the transitional certificate as soon as the identified non-compliances have been resolved.

PART 171
AIR NAVIGATION SERVICES: AERONAUTICAL TELECOMMUNICATION SERVICES

[Part 171 is inserted by GN 89/2020.]

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SUBPART 1
GENERAL

Definitions and interpretation in this Part

171.01.1 (1) Definitions pertaining to this Part are contained in Document NAM-CATS-ATEL.

(2) For purposes of this Part -

(a) a telecommunication or radio-navigation or surveillance service is provided using one or more facilities at one or more locations, each facility consisting of -

(i) one item of equipment; or

(ii) items of interconnected equipment at a particular location;

(b) a service is interrupted if, during the course of its operation it is -

(i) not operating because it has failed or has been suspended; or

(ii) operating outside its technical specification.

(3) In this Part, aeronautical telecommunication service refers to an air navigation service related to the provision of any of the following:

(a) Radio Navigation Aids in accordance with the provisions of Volume I of Annex 10 to the Chicago Convention, as adopted in this Part;

(b) Communication Procedures including those with Procedures for Air Navigation Services (PANS) Status and Administrative Provisions in accordance with Volume II of Annex 10 to the Chicago Convention, as adopted in this Part;

(c) Communication Systems including digital data communication systems and voice communication systems in accordance with the provisions of Volume III of Annex 10 to the Chicago Convention, as adopted in this Part;

(d) Surveillance and Collision Avoidance Systems in accordance with the provisions of Volume IV of Annex 10 to the Chicago Convention, as adopted in this Part;

(e) Aeronautical Radio Frequency Spectrum Utilisation in accordance with the provisions of Volume V of Annex 10 to the Chicago Convention, as adopted in this Part;

(f) other facilities supporting Air Traffic Services (ATS) provided under Part 172;

(g) other facilities supporting Aeronautical Meteorological (A-MET) services provided under Part 174;

(h) other facilities supporting Aeronautical Information Services (AIS) provided under Part 175; and

(i) other facilities supporting Search And Rescue (SAR) services provided under Part 179.

(4) In this Part reference to -

"Air Traffic Electronic Safety Personnel (ATSEP)" must be construed as reference to any qualified and certified ATEL personnel performing the installation, commissioning, operation, maintenance and decommissioning of CNS facilities;

"Communications, Navigation and Surveillance (CNS) services or systems" must be construed as reference to the ATEL services as described in subregulation (2); and

"Radio Regulations" must be construed as reference to -

(a) the Radio Regulations published by the International Telecommunication Union (ITU), as amended from time to time by the decisions embodied in the Final Acts of World Radio Communication Conferences (WRC), as adopted by the Communications Regulatory Authority of Namibia (referred to as "CRAN" in this Part) established by section 4 of the Communications Act, 2009 (Act No. 8 of 2009);

(b) information on the ITU processes as they relate to aeronautical radio frequency spectrum contained in the Handbook on Radio Frequency Spectrum Requirements for Civil Aviation (Doc 9718).

[In each of the three definitions above, the word "a" appears to have been omitted before the word "reference". Alternatively, the word "reference" may have been intended to read "referring".]

The Constitution and Convention of the International Telecommunication Union (ITU), 1992 has been binding on Namibia since 4 August 1994. Article 4(1) of the Constitution states that the instruments of the ITU are the Constitution, the Convention and the "Administrative Regulations"; ratification of the Constitution and Convention is understood to include consent to be bound by the Administrative Regulations (Art 54(2)). Article 4(3) of the Constitution lists the Administrative Regulations which are binding on all ITU members as being:
(1) the *International Telecommunication Regulations* (which exist in 1998 and 2012 versions) and (2) the *Radio Regulations* (which exist in 1979 and 1995 versions).

Amendments to the Administrative Regulations are provisionally binding on all parties that have signed them from the date of provisional application set out in the amendment, and then finally binding on all parties regardless of signature unless a notice of reservation is sent to the Secretary General within thirty-six months of the date of provisional application.

Although the 1979 Radio Regulations have been largely superseded by the 1995 Radio Regulations, the earlier version continues to have some relevance. Links to online texts of these regulations, as amended, can be found in the Namlex Appendix, under the entry for the *Constitution and Convention of the International Telecommunication Union (ITU), 1992*.]

Applicability

171.01.2 (1) This Part -

(a) prescribes the -

(i) regulatory requirements and standards for the provision, installation, commissioning, operation, maintenance and decommissioning of aeronautical telecommunications (ATEL) services or systems used for air traffic services, and aeronautical radio-navigation (ANAV) services used for air navigation, conjointly referred to as ATEL services; and

(ii) operating and technical standards for ATEL services used for air traffic services, and aeronautical radio-navigation services used for air navigation;

(b) applies to a person, who wishes to become, or is, an ATEL service provider including a person who wishes to provide flight inspection or calibration services.

(2) This Part does not apply to -

(a) a person, including a person who is providing an ATEL service in the course of his or her duties for the Namibian Defence Force; or

(b) any ATEL service provided by and for the sole use of the Namibian Defence Force.

Standards for provision of ATEL services

171.01.3 (1) An ATEL service provider must provide services in full compliance with the -

(a) requirements prescribed in Part 170;

(b) requirements prescribed in this Part;

(c) standards set out in Document NAM-CATS-ATEL;

(d) requirements of any other Parts referred to in this Part;

(e) provisions set out or referred to in ICAO Annex 10;

(f) standards set out or referred to in any relevant ICAO Documents;

(g) provisions of any other relevant Authority documents; and

(h) ATEL provider's manual of procedures.

SUBPART 2
CERTIFICATION OF ATEL SERVICE PROVIDERS

Requirement for certification

171.02.1 A person may not install, maintain, repair, modify, calibrate or decommission an ATEL facility used for air navigation or for the provision of air traffic services except, under the authority of, and in accordance with the provisions of a certificate issued under this Part, the requirements prescribed in Part 170, and the standards set out in Document NAM-CATS-ATEL.

Application for certificate or amendment thereof

171.02.2 An application for the issuing of an ATEL service provider certificate, or an amendment thereof, must be -

(a) made to the Executive Director in the appropriate set out form set out in Document NAM-CATS-ATEL; and

[The phrase "set out" is repeated; it should appear only after the word "form".]

(b) accompanied by the -

(i) manual of procedures referred to in regulation 171.03.1;

(ii) appropriate fee as prescribed in Part 187.

Issue of ATEL service provider certificate

171.02.3 (1) The Executive Director may issue an ATEL service provider certificate, if the Executive Director is satisfied that -

(a) the applicant meets the requirements prescribed in Part 170 and this Part;

(b) the applicant's personnel required by this Part are competent to perform their respective duties;

(c) the applicant's senior personnel have not held a senior position in an organisation whose approval was revoked by the Executive Director; and

(d) the issuing of the certificate is not contrary to the interests of aviation safety.

(2) The ATEL service provider certificate referred to in subregulation (1) is issued in the appropriate form, and contains the information, set out in Document NAM-CATS-ATEL.

Renewal of ATEL service provider certificate

171.02.4 (1) An application for the renewal of an ATEL service provider certificate, must be -

(a) made to the Executive Director on the appropriate form set out in Document NAM-CATS-ATEL; and

(b) accompanied by the -

(i) manual of procedures referred to in 171.03.1; and

(ii) appropriate fee as prescribed in Part 187.

(2) The holder of a certificate must, if it wishes to renew the certificate, at least 90 days immediately preceding the date on which the ATEL service provider certificate expires, apply to the Executive Director for the renewal of such certificate.

Duplicate certificate

171.02.5 (1) An application for a duplicate certificate as contemplated in Part 170 must be -

(a) made in the appropriate form set out in Document NAM-CATS-ATEL; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

(2) A duplicate of the certificate is issued on the appropriate form set out in Document NAM-CATS-ATEL.

Privileges of ATEL service provider certificate holder

171.02.6 The privileges of an ATEL service provider certificate are limited to the services authorised by the certificate and the appropriate specifications set out in Document NAM-CATS-ATEL.

SUBPART 3
GENERAL REQUIREMENTS FOR PROVISION OF AERONAUTICAL TELECOMMUNICATION SERVICES

Manual of procedures

171.03.1 The holder of an ATEL service provider certificate must at all times, maintain a manual of procedures that -

(a) complies with the requirements of this Part and of Part 170; and

(b) contains the information set out in Document NAM-CATS-ATEL.

ATEL organisation

171.03.2 An ATEL service provider must, at all times, maintain an appropriate organisation with a sound and effective management structure to enable it to provide, in accordance with requirements prescribed in this Part and the requirements set out in Document NAM-CATS-ATEL, the aeronautical telecommunication (ATEL) services covered by its certificate.

Personnel requirements

171.03.3 (1) An ATEL service provider must engage, employ or contract sufficient, competent and qualified personnel as required under Part 170, to provide the ATEL services required under this Part.

(2) In relation to the personnel referred to subregulation (1), an ATEL service provider must -

(a) provide them with appropriate trainings; and

(b) certify them as air traffic electronic safety personnel (ATSEP) with written evidence of the scope of their authorisation before they can exercise their duties.

(3) An ATEL service provider must engage or contract, competent and qualified personnel as required under Part 170, to perform the installation, commissioning, operation,

maintenance and decommissioning of communications, navigation and surveillance (CNS) facilities.

(4) An ATEL service provider must provide in its manual of procedures, an analysis of the ATSEP required to perform the ATEL services listed in its certificate taking into account the duties and workload required.

(5) An ATEL service provider must -

(a) define a method for determining the required number of ATSEP and the procedure for their recruitment and progression; and

(b) develop and include in its manual of procedures, job descriptions for ATSEP involved in the provision of ATEL services.

Training and certification of ATEL personnel

171.03.4 (1) An ATEL service provider must ensure that a person does not perform a function related to the installation, commissioning, operation, maintenance or decommissioning of any CNS system unless -

(a) that person has successfully completed training in the performance of that function;

(b) the ATEL service provider, with supported documentation, is satisfied that the person is competent in performing that function; and

(c) that person has been certified as an ATSEP with written evidence of the scope of his or her authorisation before the person can exercise his or her duties

**[There is no full stop at the end of paragraph (c);
there are no additional words in the *Government Gazette*.]**

(2) An ATEL service provider must -

(a) develop an overall training policy, programme and plan for the ATSEP in accordance with regulation 170.05.4; and

(b) maintain individual training records for each of its ATSEP in accordance with regulation 170.05.4.

(3) An ATEL service provider must develop a training programme with initial qualification and continuation training for certification of the ATSEP personnel to ensure that all those engaged in the installation, commissioning, operation, maintenance, inspection or decommissioning of CNS facilities are appropriately authorised or certified.

ATEL facilities, equipment, tools, material and procedures

171.03.5 Before issuing a certificate to an ATEL service provider, the Executive Director must satisfy himself or herself that the service provider's facilities, equipment, tools, material and procedures meet the requirements of this Part and Subpart 5 of Part 170.

Services records

171.03.6 (1) An ATEL service provider must keep adequate records of all services performed on its facilities and equipment.

(2) The records referred to in subregulation (1) must -

(a) indicate the name of each person who performed the work;

(b) indicate the name of each person who inspected the work; and

(c) be retained for five years from the date on which the facility to which the work relates, was released to service.

(3) An ATEL service provider must provide a copy of each certificate of release to service together with a copy of any specific facility specification used for repairs or modifications carried out, to the operator of the facility.

(4) An ATEL service provider must establish a procedure for recording maintenance details and for the retention of such maintenance records.

ATEL facility requirements

171.03.7 (1) An ATEL service provider must ensure that -

(a) each aeronautical telecommunication (ATEL) facility listed in its manual of procedures -

(i) is designed and installed in accordance with the provisions of Part 139 relating to the siting and construction of equipment and installations on operational areas;

(ii) is commissioned to meet the applicable operational specifications for that facility;

(iii) conforms to the applicable system characteristics and specifications standards set out in NAM-CATS-ATEL;

(iv) is operated, maintained, available and reliable in accordance with the required standards; and

(v) has been allocated an identification code or call sign, if a code or call sign is required under this Part;

(b) information on the operational status of each ATEL facility listed in its manual of procedures, that is essential for the en-route, approach, landing, and take-off phases of flight is provided to meet the operational needs of the service being provided;

(c) each ATEL facility listed in its manual of procedures is installed with suitable power supplies and means to ensure continuity of operation appropriate to the needs of the air traffic service or radio navigation service being supported;

(d) each ATEL facility listed in its manual of procedures is provided with equipment redundancy or increased maintenance staffing to ensure reliability and availability

of operation appropriate to the needs of the air traffic service or radio navigation service being supported;

(e) each ATEL facility listed in its manual of procedures has sufficient and suitable spares to ensure continuity of operation appropriate to the needs of the air traffic service or radio navigation service being supported;

(f) a security programme required under regulation 170.04.12 is established for each facility to minimise any risk of destruction of, damage to, or interference with the operation of the facility; and

(g) any critical site area of any ATEL facility listed in its manual of procedures is -

(i) clearly identified on the site drawings for the ATEL facilities; and

(ii) physically protected by suitable signposts on the site; and

(iii) protected by written agreements with the site owner, aerodrome operator, and air traffic control unit, as appropriate, to ensure that site restrictions are not infringed by buildings, fences, vehicles, machinery or aircraft.

(2) An ATEL service provider who intends to operate a temporary ATEL facility to carry out site tests must establish a procedure for conducting those tests in accordance with regulation 171.04.4.

Documents and records to be maintained

171.03.8 (1) An ATEL service provider must hold and maintain the following documents:

(a) any technical manual used by the service provider at the facility; and

(b) any documents of a kind listed in Document NAM-CATS-ATEL that relate to the provider's service.

(2) For the purpose of subregulation (1)(a), a technical manual means -

(a) a document, other than the manual of procedures, that contains technical information about the operation and maintenance of a facility; and

(b) document or documents that may have been created by the equipment or facility of the manufacturer.

(3) An ATEL service provider must ensure that -

(a) a master copy of each document mentioned in this regulation is kept safely;

(b) copies of documents are kept in a form that enables amendments to be made; and

(c) any document that has been replaced cannot be used by mistake.

(4) An ATEL service provider must retain each document that -

(a) is given to, or is created by or for, contracted service providers;

(b) relates to aviation safety; and

(c) provides a history of events that relate to the design, installation, testing, operation, maintenance, modification or repair of, or changes to, each facility.

(5) A "document" for purposes of this Part includes any record of a kind mentioned in this Part and Document NAM-CATS-ATEL that is given to, or created by the ATEL service provider for use in the provision of services.

[There should be a comma after the phrase "or created by" to offset that phrase properly.]

(6) A document retained under this regulation must be stored so it can be retrieved if needed for the period prescribed in regulation 170.05.6.

(7) An ATEL provider must establish a procedure for the control of the documentation required under this regulation and Part 170.

ATEL facility performance

171.03.9 An ATEL service provider must establish a procedure to ensure that no ATEL facility listed in its manual of procedures is placed into operational service unless -

(a) the person placing the ATEL facility into operational service is assessed as competent and authorised according to the procedures required under regulations 170.05.4 and 171.03.4;

(b) the appropriate checks detailed in the operating and maintenance instructions required under this Part have been carried out to verify the performance of the ATEL facility; and

(c) the ATEL facility record has been completed according to the procedures required under regulation 171.03.8.

Inspection, measuring and test equipment

171.03.10 (1) An ATEL service provider must satisfy the Executive Director that it has the equipment, tools and material necessary to perform adequately the approved scope of work as required by the applicable equipment specifications, its manuals, and the regulations in this Part.

(2) An ATEL service provider must ensure that appropriate inspection tools, measuring and test equipment are available for the ATSEP to maintain the operation of each ATEL facility listed in its manual of procedures.

(3) An ATEL service provider must establish a procedure to control, calibrate, and maintain all the inspection tools, measuring, and test equipment to ensure that each item of equipment has the precision and accuracy that is necessary for the measurements and tests to be performed.

(4) The procedure required under subregulation (3) must require that each item of test equipment required for the measurement of critical performance parameters is -

(a) calibrated before use or at intervals set out in Document NAM-CATS-ATEL or by the Executive Director with the calibration traceable to an appropriate Namibian standard issued under the Standards Act, 2005 (Act No. 18 of 2005);

(b) identified with a suitable indicator to show its calibration status; and

(c) controlled to -

(i) safeguard against adjustments that would invalidate the calibration setting; and

(ii) ensure that the handling, preservation, and storage of the test equipment are such that its accuracy and fitness for use is maintained.

(5) If hardware and software systems are used for the performance testing of any ATEL facility, the procedures under subregulation (3) must require the functions of those testing systems to be checked -

(a) before being released for use; and

(b) at intervals set out in Document NAM-CATS-ATEL or as determined by the Executive Director,

to establish that those testing systems are capable of verifying the true performance of the ATEL facility.

Notification of ATEL facility status

171.03.11 (1) A person operating an ATEL facility must, as soon as possible -

(a) forward to the aeronautical information services (AIS) -

(i) information on the operational details of any new ATEL facility, for publication in the aeronautical information publication; and

(ii) information concerning any change in the operational status of any existing ATEL facility, for the issue of a NOTAM;

(b) check and ensure that the information forwarded to the AIS under paragraph (a) has been accurately published; and

(c) notify the Executive Director, as appropriate, of any incidents affecting the status of published information.

(2) An ATEL service provider must establish a procedure to ensure that the requirements of subregulation (1) are met for each applicable ATEL facility listed in its manual of procedures.

(3) The procedure required under subregulation (2) must include a means to confirm that -

(a) the operational details of the ATEL facility as notified to the AIS have been accurately published in the AIP; and

(b) any change to the operational status of the ATEL facility has been published by a NOTAM.

Interruption to services

171.03.12 An ATEL service provider must -

(a) establish procedures to be used in the event of interruption to CNS facilities;

(b) establish procedures to be used when upgrading CNS facilities; and

(c) specify an acceptable recovery time for each service.

Periodic maintenance, inspection and testing

171.03.13 (1) An ATEL service provider must establish a procedure for the periodic maintenance, inspection and testing of the ATEL facilities listed in its manual of procedures to verify that each facility meets the applicable operational requirements and performance specifications for that facility.

(2) The procedure required under subregulation (1) must -

(a) include ground maintenance, inspections and tests, and if necessary flight tests;

(b) include the criteria for establishing or changing the interval between the periodic tests for each ATEL facility listed in the manual of procedures, having regard to -

(i) any applicable information published by the Executive Director;

(ii) any applicable reliability data for the ATEL facility; and

(iii) information on the proven reliability performance of the ATEL facility, and of other similar aeronautical facilities, and the stability of the ATEL facility's operating environment; and

(c) ensure that the grounds for establishing or changing the interval between the periodic tests for each ATEL facility listed in the manual of procedures are documented.

(3) An ATEL service provider must establish a programme of periodic -

(a) ground maintenance, inspections and tests for each ATEL facility listed in its manual of procedures;

(b) flight tests for each ATEL facility listed in its manual of procedures; and

(c) ground check and flight tests for each radio navigation aid listed in it manual of procedure in accordance with the maximum periodicity requirements specified in subregulation (4).

(4) The maximum periodicity of ground check and flight tests of radio navigation aids referred to in subregulation (3)(c) are as follows:

(a) Conventional Very High Frequency Omni-directional Range (CVOR) must be ground-checked once in six months and flight tested once in 12 months;

(b) Doppler Very High Frequency Omni-directional Range (DVOR) must be ground-checked once in six months and flight tested once in 12 months;

(c) Distance Measuring Equipment (DME) must be ground-checked once in six months and flight tested once in 12 months; and

(d) Instrument Landing System (ILS) must be ground-checked once in three months and flight tested once in six months.

(5) An ATEL service provider must publish a NOTAM and notify the Executive Director of any radio navigation aid that has not undergone the scheduled periodic flight tests.

ATEL facility check after accident or incident

171.03.14 (1) An ATEL service provider must establish a procedure to check and accurately record the operating condition of any ATEL facility operated under its certificate that may have been used by an aircraft, or an air traffic service, that is involved in an accident or incident.

(2) The procedure required under subregulation (1) must require that -

(a) a person is designated by the service provider to coordinate the checks;

(b) the persons carrying out the checks required in paragraph (a) must not include anyone who was the last person to work on the facility;

(c) the checking of the ATEL facility's operating condition is carried out as soon as possible after notification of the accident or incident to the holder of the ATEL service provider certificate;

(d) the record of that check, and the recorded history of the ATEL facility, is kept in a secure place for possible use by any subsequent accident or incident investigation; and

(e) the records required to be secured under paragraph (d) are retained for 10 years from the date of the last entry made on that record.

Facility malfunction and safety incidents

171.03.15 (1) An ATEL service provider must establish procedures for the reporting, collection, investigation and notification of facility malfunction and safety incidents.

(2) The procedures for notification required by subregulation (1) must include a procedure for notifying the Executive Director, as soon as possible, of any facility malfunction and safety incidents.

(3) The ATEL service provider must periodically compile and review reports of facility malfunctions and safety incidents in accordance with subregulation (1) to -

(a) determine the cause of the incidents and determine any adverse trends;

(b) implement corrective and preventive actions to eliminate the cause of a facility malfunction incident and prevent recurrence of the incidents; and

(c) implement any measures to improve the safety performance of the CNS systems.

(4) The ATEL service provider must report any serious service failure or safety incident to the Executive Director for investigation in order to understand how and why the incident happened, including possible organisational contributing factors and to recommend actions to prevent a recurrence.

Records maintenance procedures

171.03.16 (1) An ATEL service provider must establish procedures to identify, collect, index, store, maintain, and dispose of the records covering -

(a) the performance and maintenance history of each ATEL facility;

(b) the establishment of the periodic test programmes for each ATEL facility;

(c) each item of test equipment required for the measurement of critical performance parameters;

(d) each reported or detected ATEL facility malfunction;

(e) each internal quality assurance review; and

(f) each person who is authorised to place ATEL facilities into operational service.

(2) The procedures required under subregulation (1) must require that accurate records of the following are maintained:

(a) for each ATEL facility, a record -

(i) documenting the operating performance of the ATEL facility; and

(ii) providing a history of the maintenance, and the periodic inspections and tests of the ATEL facility, that are traceable to the person or persons responsible for each of the recorded activities;

(b) for each ATEL facility, a record of the establishment of, or a change in, the periodic tests required under this Part;

(c) for each item of test equipment that is used for the measurement of an ATEL facility's critical performance parameters, a record that includes a traceable history of the location, maintenance, and the calibration checks for the item of test equipment;

(d) for each ATEL facility malfunction incident reported, a record that includes -

(i) details of the nature of the malfunction;

(ii) the findings of the investigation;

(iii) the follow up corrective actions; and

(iv) if applicable, a copy of the report submitted to the Executive Director;

(e) for each person who is authorised in accordance with this Part to place ATEL facilities into operational service, a record that includes details of the person's experience, qualifications, training, competence assessments, and current authorisations.

(3) The procedures required under subregulation (1) must require -

(a) all records to be legible and of a permanent nature; and

(b) all ATEL facility records required under subregulation (2)(a) to be retained for a period of at least five years.

Quality management system

171.03.17 An ATEL service provider must establish -

(a) a quality management system in accordance with regulation 170.04.9;

(b) a quality assurance system for the control, supervision and the management of ATEL services that it provides in accordance regulation 170.04.9.

[The word "with" has been omitted after "in accordance" in paragraph (b).]

Security programme

171.03.18 An ATEL provider must, if so required under the Act or these regulations, establish a security programme referred to in regulation 170.04.12, in accordance with the standards set out in Document NAM-CATS-ATEL.

Common reference systems for use in ATEL

171.03.19 Subject to any standard units of measurement prescribed under Part 2, an ATEL service provider must use -

(a) the Gregorian calendar and Coordinated Universal Time (UTC) expressed in hours' minutes and seconds of the 24-hour day where midnight is designated as 2400 for the end of the day and 0000 for the beginning of the day, as the temporal reference system;

[It appears that the apostrophe after the word "hours" should be a comma, unless this refers to a technical method of time notation.]

(b) Mean Sea Level (MSL) as the vertical reference system; and

(c) World Geodetic System: 1984 (WGS-84) as the horizontal (geodetic) reference system.

SUBPART 4

OPERATING REQUIREMENTS

Continued compliance

171.04.1 An ATEL service provider must -

(a) continue to meet the standards and comply with the certification requirements prescribed in this Part and Part 170;

(b) continue to meet the requirements of this Part and the standards for communication, navigation and surveillance systems; and

(c) comply with all procedures specified in its manual of procedures and associated technical manuals and procedures.

Operating and maintenance instructions

171.04.2 (1) An ATEL service provider must -

(a) have operating and maintenance instructions that set out the requirements for operating and maintaining each ATEL facility listed in its manual of procedures; and

(b) provide the operating and maintenance instructions required under paragraph (a) for the use and guidance of its personnel.

(2) The operating and maintenance instructions required under subregulation (1)(a) must include -

(a) details of the critical performance parameters for each ATEL facility;

(b) the associated minimum performance levels for those critical performance parameters referred to in paragraph (a);

(c) details of the test equipment required for the measurement of those critical performance parameters referred to in paragraph (a); and

(d) details of the mandatory inspection and test procedures for the operation and maintenance of each ATEL facility.

Deviations

171.04.3 (1) If an emergency, including a disruption, necessitates immediate action for the protection of life, property and the environment and the action involves an aircraft operation, the holder of an ATEL service certificate may, subject to limitations of its certificate, deviate from any requirement of this Part.

(2) The holder of an ATEL service certificate who deviates from a requirement of this Part under subregulation (1) must -

(a) provide a written report to the Executive Director as soon as possible, but in any event not later than 14 days, after the emergency; and

(b) include in the report required under paragraph (a) the cause, if known, nature, extent, and duration of the deviation.

Temporary ATEL facility

171.04.4 If a temporary ATEL facility is operated for the purpose of a site test, an ATEL service provider is not required to comply with certification requirements of Subpart 3, except that the ATEL service provider must -

(a) establish procedures for conducting those tests;

(b) ensure that the operation of the facility does not cause interference with any other operating ATEL facility;

(c) forward information regarding operation of the temporary facility to the AIS for the issuance of a NOTAM; and

(d) ensure that an appropriate NOTAM has been published before operating the temporary facility.

Limitations on ATEL service provider

171.04.5 (1) Except for the operation of a temporary ATEL facility for site tests, an ATEL service provider may not permit an ATEL facility to continue in operational service if the provider has any cause to suspect or doubt the integrity of the information being provided by the facility.

(2) An ATEL service provider may not operate a radio transmitting ATEL facility on an aeronautical radio frequency except under a radio apparatus licence granted by CRAN.

(3) Except where a deviation is required under or a site test is carried out according to the procedures required under this Part, an ATEL service provider may not operate an ATEL facility under the authority of that certificate unless -

(a) the ATEL facility is listed in the service provider's manual of procedures;

(b) the performance of the ATEL facility meets the applicable information published for that facility under this Part and in Document NAM-CATS-ATEL;

(c) the performance of the ATEL facility meets the applicable requirements of this Part and of Document NAM-CATS-ATEL;

(d) any integrity monitoring system for the ATEL facility is fully functional;

(e) all the periodic maintenance for the ATEL facility are completed according to the programmes established under this Part;

[The verb "are" should be "is" to be grammatically correct: "maintenance… is…"**.]**

(f) the ATEL facility is included in the service provider's security programme;

(g) the destruction, damage, or interference with the ATEL facility is not likely to endanger the safety of an aircraft in flight; and

(h) where paragraph (f) applies, the requirements of the security programme for the ATEL facility are being complied with.

Interface arrangement for support services

171.04.6 An ATEL service provider must formalise interface arrangements where applicable with external organisations in the form of service level agreements, detailing the following:

(a) the interface and functional specifications of the support service;

(b) the service level of the support service such as continuity, availability, accuracy, integrity and recovery time of failure of service; and

(c) the monitoring and reporting of the operational status of the service to the service provider.

Operation and maintenance plan

171.04.7 (1) An ATEL service provider must establish an overall operation and maintenance programme to ensure continuous operation and monitoring of the ATEL services it provides.

(2) All ATEL facilities must -

(a) be maintained for normal operations on a routine basis;

(b) meet the required level of continuity, reliability and availability;

(c) provide for the timely and appropriate detection and warning of system failures and degradations;

(d) include documentation on the consequences of system, sub-system and equipment failures and degradations; and

(e) include measures to control the probability of failures and degradations.

(3) In addition to the overall operation and maintenance programme, the ATEL service provider must establish an operation and maintenance plan for each facility which must include -

(a) a procedure for the periodic maintenance, inspection and testing of each ATEL facility to verify that it meets the operational and performance specifications of that facility;

(b) details of any flight test, if necessary, such as the standards and procedures to be used and flight test interval;

(c) the interval between the periodic maintenance, inspection and the flight test and the basis for that interval including changes to such interval and the reasons for the changes;

(d) the operation and maintenance instructions for each ATEL facility;

(e) an analysis of the number of personnel required to operate and maintain each ATEL facility taking into account the workload required;

(f) the corrective plan and procedures for each ATEL facility, including, whether the repair of modules and component are undertaken in-house or by equipment manufacturers; and

[The verb "are" should be "is" to be grammatically correct ("repair… is"), **and the word "component" should be plural.]**

(g) the spare support plan for each ATEL facility.

(4) Where the system established by the ATEL service provider allows for continuous monitoring of all CNS systems from a centralised management control room which allows for immediate detection and alerting of malfunctions or deviations from specified performance requirements, the routine ground testing of the ATEL facilities may not be necessary.

Safety case

171.04.8 An ATEL service provider must ensure that a safety case, or equivalent, is conducted for critical systems before commissioning and periodic maintenance in accordance with the requirements set out in Document NAM-CATS-ATEL.

Commissioning of new facilities

171.04.9 (1) An ATEL service provider must ensure that each new ATEL facility is -

(a) commissioned to meet the specification standards for that facility; and

(b) installed in compliance with the requirements prescribed in this Part and the specification standards set out in Document NAM-CATS-ATEL before commissioning.

(2) The ATEL service provider must ensure that the system performance of the new ATEL facility has been validated by the necessary tests, and that all parties involved with the operations and maintenance of the ATEL facility, including its maintenance contractors have accepted and are satisfied with the results of the tests.

(3) The ATEL service provider must ensure that procedures include documentation of tests conducted on the ATEL facility prior to the commissioning, including those that test the compliance of the facility with the applicable standards set out in Document NAM-CATS-ATEL and any flight check required in compliance with this Part.

Radio site approval

171.04.10 (1) A person may not install a radio site, unless that person has obtained the prior approval of the Executive Director to do so.

(2) An application to install a radio site must be submitted to the Executive Director in accordance with requirements set out in Document NAM-CATS-ATEL.

(3) The Executive Director must grant a certificate of approval if the Executive Director is satisfied -

(a) as to the intended purpose of the equipment; and

(b) that the person or organisation is competent to install or operate the equipment and that the equipment is fit for its intended purpose.

(4) The person applying for an approval must notify the Executive Director of the type, and availability, of any service which is available for use by any aircraft.

(5) The Executive Director may approve a person or organisation to provide particular services in connection with approved equipment.

(6) The Executive Director may require the flight calibration and commissioning of such equipment by an authorised person or organisation.

(7) The Executive Director may require that the information in subregulation (4) be published in a NOTAM or in the AIP.

Frequencies, identification codes and call signs

171.04.11 (1) A person may not operate -

(a) a radio navigation aid, unless the radio navigation aid has been assigned an operating frequency and identification code by the Executive Director;

(b) a radio communication transmitter on an aeronautical radio frequency spectrum, unless it has been assigned an operating frequency and call sign by the Executive Director,

and a radio apparatus licence has been granted by CRAN.

(2) The Executive Director must allocate an identification code for a navigation aid or call sign for an aeronautical radio communication facility if he or she is satisfied that the allocation of a code or call sign is not contrary to the interest of aviation safety.

Protection of radio sites

171.04.12 (1) A radio site must be protected in accordance with requirements set out in Document NAM-CATS-ATEL.

(2) A person may not allow a structure or object, whether natural or artificial, which has the potential of interfering or degrading radio signals for the purpose of aviation safety, to come in existence or to move or be moved within the surfaces and slopes of radio navigation aids sites.

Interference with radio signals

171.04.13 (1) An ATEL provider must notify the Executive Director as soon as possible, of any electromagnetic interference to any facility providing radio signals, or any source of interference degrading radio signals.

(2) The Executive Director must upon being notified of the interference with radio signals in terms of subregulation (1), require CRAN to investigate, or cause to be investigated, all reports of interference, and may require further action to be taken.

(3) The ATEL service provider must ensure that -

(a) there is no intentional transmission of unnecessary or anonymous radio signals, messages or data by any of its radio stations;

(b) arrangements are made with CRAN to address occurrence of radio frequency interference and for reporting of any frequency interference occurrence; and

(c) radio frequency interference occurrences are investigated and follow-up actions are taken to prevent recurrence.

Information provided by ATEL facility

171.04.14 A person may not allow a facility providing radio signals for the purpose of aviation safety to continue in operation, if there is any reasonable cause to suspect that the information being provided by that facility is erroneous.

Test transmissions

171.04.15 (1) An ATEL service provider may make a test transmission if -

(a) the transmission is necessary to test a service, ATEL facility or equipment; and

(b) within a reasonable time before commencing the transmission, the users have been informed about the transmission.

(2) An ATEL service provider must ensure that -

(a) no test transmission for the purpose of evaluating a radio site, or the operational viability of an ATEL facility or equipment, for the purpose of aviation safety, is done without the prior approval of the Executive Director;

(b) the Executive Director is notified as to the purpose and duration of such test transmission;

(c) the test transmission contains information indicating that it is a test transmission and complies with any requirements set out in Document NAM-CATS-ATEL;

(d) frequencies allocated for the purpose of testing are valid for the duration of the test only; and

(e) the operation of a temporary ATEL facility does not cause any interference with any other operational facility.

Safety management system

171.04.16 An ATEL service provider must establish, implement, and maintain a system for safety management in accordance with Part 170.

Station (site) logs

171.04.17 An ATEL service provider must keep site logs for all facilities used to provide an ATEL service or a radio navigation service as set out in Document NAM-CATS-ATEL.

SUBPART 5
STANDARDS FOR ATEL FACILITIES AND SERVICES

Radio navigation aids

171.05.1 (1) An ATEL service provider must ensure that radio navigation aids used for air navigation comply with the specification standards set out in Document NAM-CATS-ATEL.

(2) An ATEL service provider must observe human factor principles in the design and certification of radio navigation aids.

Communication procedures including those with PANS status

171.05.2 An ATEL service provider must ensure that communication procedures including those with Procedures for Air Navigation Services (PANS) status comply with the specification standards set out in Document NAM-CATS-ATEL.

Communication systems

171.05.3 (1) An ATEL service provider must ensure that digital data communication systems provided for use in air navigation comply with specifications standards set out in Document NAM-CATS-ATEL.

(2) An ATEL service provider must ensure that voice communication systems provided for air navigation including air-to-ground, ground-to-air and ground-to-ground communication systems comply with specification standards set out in Document NAM-CATS-ATEL.

(3) An ATEL service provider must observe human factor principles in the design and certification of communication systems.

Surveillance and collision avoidance systems

171.05.4 (1) An ATEL service provider must ensure that surveillance and collision avoidance systems provided for air navigation comply with specification standards set out in Document NAM-CATS-ATEL.

(2) An ATEL service provider must observe human factor principles in the design and certification of surveillance and collision avoidance systems.

Aeronautical radio frequency spectrum utilisation

171.05.5 An ATEL service provider must ensure that the utilisation of aeronautical radio frequency spectrum in air navigation complies with specification standards set out in Document NAM-CATS-ATEL.

Other facilities used to provide ATS, MET, AIS, SAR and PANS-OPS

171.05.6 An ATEL service provider must ensure that all facilities used to provide ATS, AIS, SAR, MET and PANS-OPS comply with specification standards set out in Document NAM-CATS-ATEL.

PART 172
AIR NAVIGATION SERVICES: AIR TRAFFIC SERVICES

[Part 172 is substituted by GN 89/2020.]

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SUBPART 1
GENERAL

Definitions for this Part

172.01.1 (1) Definitions pertaining to this Part are contained in Document NAM-CATS- ATS.

(2) In this Part, "air traffic service (ATS)" means an air traffic service as described in regulation 172.04.3.

Applicability

172.01.2 (1) This Part -

(a) prescribes the general and operating requirements for organisations providing an air traffic service (ATS) in Namibia and in the Windhoek Flight Information Region;

(b) prescribes the specific technical standards for the provision of air traffic services in Namibia and in the Windhoek Flight Information Region;

(c) applies to the provision of air traffic services -

(i) at aerodromes in Namibia;

(ii) in the airspaces over Namibia; and

(iii) in the airspace over the high seas administered by Namibia;

(d) applies to a person who wishes to become, or is, an air traffic service provider; and

(e) sets out certain administrative rules applying to the Executive Director in the administration of this Part;

(2) This Part does not apply to -

(a) a person who is providing air traffic services to military aircraft within designated military airspaces in the course of their duties, for the Namibian Defence Force; or

(b) any air traffic services provided to military aircraft within designated military airspaces for the Namibian Defence Force.

Standards for provision of air traffic services

172.01.3 An ATS provider must provide services in full compliance with -

(a) the general requirements prescribed in Part 170;

(b) the requirements prescribed in this Part;

(c) the requirements of any other Parts referred to in this Part;

(d) the provisions set out or referred to in the current version of ICAO Annex 11;

(e) the standards set out or referred to in the current version of ICAO Doc 4444 and any relevant ICAO Documents;

[Note that there is no paragraph labelled (f) in the *Government Gazette*.]

(g) any applicable standards set out in Document NAM-CATS-ATS;

(h) the provisions of the Authority's Procedures for Air Traffic Management and any other relevant Authority documents; and

(i) the ATS provider's manual of procedures.

SUBPART 2
CERTIFICATION OF ATS PROVIDERS

Requirement for certification

172.02.1 A person may not provide an air traffic service except, under the authority of, and in accordance with the provisions of a certificate issued under this Part, the requirements prescribed in Part 170, and the standards set out in Document NAM-CATS-ATS.

Application for certificate or amendment thereof

172.02.2 An application for the issuing of an ATS service provider certificate, or an amendment thereof, must be -

(a) made to the Executive Director in the appropriate form set out in Document NAM-CATS-ATS; and

(b) accompanied by the -

(i) manual of procedures referred to in regulation 172.03.1;

(ii) appropriate fee as prescribed in Part 187.

Issue of ATS provider certificate

172.02.3 (1) The Executive Director may issue an ATS provider certificate, if the Executive Director is satisfied that -

(a) the applicant meets the requirements prescribed in Part 170 and this Part;

(b) the applicant's personnel required by this Part are competent to perform their respective duties;

(c) the applicant's senior personnel have not held a senior position in an organisation whose certificate was revoked by the Executive Director; and

(d) the issuing of the certificate is not contrary to the interests of aviation safety.

(2) The ATS provider certificate referred to in subregulation (1) is issued in the appropriate form, and contains the information, set out in Document NAM-CATS-ATS.

Renewal of ATS provider certificate

172.02.4 (1) An application for the renewal of an ATS provider certificate, must be -

(a) made to the Executive Director on the appropriate form set out in Document NAM-CATS-ATS; and

(b) accompanied by the -

(i) manual regulation of procedures referred to in 172.03.1; and

(ii) appropriate fee as prescribed in Part 187.

(2) The holder of a certificate must, if it wishes to renew the certificate, at least 90 days immediately preceding the date on which the ATS provider certificate expires, apply to the Executive Director for the renewal of such certificate.

Duplicate certificate

172.02.5 (1) An application for a duplicate certificate as contemplated in Part 170 must be -

(a) made in the appropriate form set out in Document NAM-CATS-ATS; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

(2) A duplicate of the certificate is issued on the appropriate form set out in Document NAM-CATS-ATS.

Privileges of ATS provider certificate holder

172.02.6 The privileges of an ATS provider certificate are limited to the services authorised by the certificate and the appropriate specifications set out in Document NAM-CATS-ATS.

SUBPART 3
GENERAL OBLIGATIONS OF AIR TRAFFIC SERVICE PROVIDERS

Manual of procedures

172.03.1 The holder of an ATS provider certificate must at all times, maintain a manual of procedures that -

(a) complies with the requirements of this Part and of Part 170; and

(b) contains the information set out in Document NAM-CATS-ATS.

ATS provider organisation

172.03.2 (1) An ATS provider must, at all times, maintain an appropriate organisation with sound and effective management structure to enable it to provide, in accordance with the standards set out in Document NAM-CATS-ATS, the services covered by its certificate.

(2) An ATS provider must establish in its organisational structures, ATS systems, functions and activities and management and operational positions necessary for the safe and efficient provision of the air traffic services.

Personnel requirements

172.03.3 (1) An ATS provider must engage, employ or contract sufficient, competent and qualified personnel as required under Part 170, to provide the air traffic services.

(2) An ATS provider must establish a procedure for determining the required number of air traffic service personnel and the procedures for their recruitment and progression.

(3) An ATS provider must establish procedures to -

(a) ensure the competence of those personnel who are authorised by the ATS provider to provide the air traffic services, and training and assessment for those services, listed in its manual of procedures;

(b) provide those authorised personnel with written evidence of the scope of their authorisation;

(c) ensure that those authorised personnel hold appropriate current licences and ratings issued under the Act and in accordance with Part 65;

(d) ensure, where practicable, that authorised personnel only exercise the privileges of their rating or ratings if they are familiar with all relevant and current information;

(e) facilitate, for rated air traffic service licence holders, compliance with the current experience requirements of Part 65; and

(f) ensure, where practicable, that an air traffic controller does not exercise the privileges of his or her rating or ratings -

(i) unless he or she complies with any endorsements on his or her medical certificate; and

(ii) when any decrease in his or her medical fitness might render him or her unable to safely exercise those privileges.

Training and competency of ATS personnel

172.03.4 (1) An ATS provider may not give to a person responsibility for an air traffic control function to be performed in connection with any air traffic service that it provides unless the person -

(a) holds an ATS licence with a rating issued in terms of Part 65 for the function and an endorsement for the controlled aerodrome for which, or the airspace in relation to which, the person performs the function; or

(b) performs the function under the supervision of another person who holds an ATS licence with a rating issued in terms of Part 65 for the function and an endorsement

for the controlled aerodrome for which, or the airspace in relation to which, the person performs the function.

(2) An ATS provider may not give to a person the responsibility for providing an air traffic control function in connection with any air traffic service that it provides, if the person is subject to a direction in terms of Part 65.

(3) An ATS provider may not give to a person responsibility for an air traffic control function, unless that person undergoes regular competency training in accordance with Parts 65 and 170, and any requirements set out in Document NAM-CATS-ATS.

(4) An ATS provider must have in place a training policy and programme with basic, specialisation, and continuation trainings to ensure that all air traffic service activities can be performed.

(5) An ATS provider must maintain individual training records for each of its staff in accordance with the provisions of Part 170.

ATS facilities and equipment

172.03.5 (1) An ATS provider must, at all times, make available for use by its personnel the equipment and facilities necessary for providing, in accordance with the standards set out in Document NAM-CATS-ATS, the air traffic services covered by its certificate.

(2) An ATS provider must establish ATS systems, including facilities and equipment, accommodation and all types of communications, navigation and surveillance equipment required to accomplish the air traffic service objectives.

(3) The equipment and facilities required by this regulation must be in accordance with the standards set out in Document NAM-CATS-ATS.

(4) If the ATS provider uses a control tower in providing an air traffic service, the provider must ensure the control tower is designed, sited, constructed, equipped and maintained in accordance with the standards set out in Document NAM-CATS-ATS.

Agreements with aeronautical telecommunications service providers

172.03.6 (1) An ATS provider, other than an ATS provider that is also an aeronautical telecommunications service provider, must have an agreement with an ATEL service provider for the provision of any aeronautical telecommunication services provided to it by the aeronautical telecommunications service provider.

(2) An agreement, required under subregulation (1), must be in accordance with standards set out in Document NAM-CATS-ATS.

Agreements with aerodrome operators

172.03.7 (1) An ATS provider, other than an ATS provider that is also an aerodrome operator, providing an air traffic service for a controlled aerodrome, must have an agreement with the aerodrome operator covering the arrangements for controlling aircraft, vehicles and people on the manoeuvring area of the aerodrome.

(2) An agreement, under subregulation (1), must be in accordance with the standards set out in Document NAM-CATS-ATS.

Arrangements for transfer of information

172.03.8 (1) An ATS provider must have, at all times, adequate arrangements to ensure that it gets, and will continue to get, the services and information necessary to provide the air traffic services covered by its certificate.

(2) An ATS provider must have, at all times, adequate arrangements to ensure that it is able, and will continue to be able, to provide information in connection with any of those air traffic services to another person whose duties or functions reasonably require that information.

Quality management system

172.03.9 An ATS provider must establish a quality management system in accordance with the -

(a) requirements of Part 170; and

(b) standards set out in Document NAM-CATS-ATS.

Fatigue management system

172.03.10 (1) If required to do so, an ATS provider must have, and put into effect, a system that includes the policies, procedures and rostering practices necessary to facilitate the management of fatigue among operational staff, and in particular, those staff providing air traffic control services.

(2) An ATS provider must either -

(a) comply with all of the duty period limitations and rest requirements; or

(b) implement a comprehensive fatigue risk management system (FRMS) that provides an equivalent level of safety to the duty period and rest requirements.

(3) The the maximum and minimum duty hours or days and rest periods are prescribed in Part 65.

[The word "the" is repeated in the *Government Gazette*, as reproduced above.]

(4) The ATS provider when establishing a system for the management of fatigue related safety risks must follow the requirements set out in Document NAM-CATS-ATS.

Security programme

172.03.11 An ATS provider must, if so required under the Act or these regulations, establish a security programme referred to in regulation 170.04.12, in accordance with the standards set out in Document NAM-CATS-ATS.

ATS station standing instructions

172.03.12 An ATS provider must provide for each air traffic service unit listed in its manual of procedures station standing instructions which must -

(a) set out the procedures for the operation of the air traffic service unit concerned; and

(b) contain the information set out in Document NAM-CATS-ATS.

Documentation

172.03.13 An ATS provider must provide each air traffic service unit listed in its manual of procedures with copies of the documentation set out in Document NAM-CATS-ATS.

Documents and records

172.03.14 An ATS provider must -

(a) keep documents and records of the kinds set out in Document NAM-CATS-ATS;

(b) retain documents or records for the periods set out in Document NAM-CATS-ATS for particular kind of document or record; and

(c) at the request of the Executive Director or of an authorised officer, inspector or authorised person, make the documents and records, or copies of them or extracts from them, available for inspection.

Documents and records control system

172.03.15 (1) An ATS provider must establish, and put into effect, a system for controlling documents and records relating to the air traffic services that it provides, including the policies and procedures for making, amending, preserving and disposing of those documents and records.

(2) The documents and records control system must be in accordance with the requirements of Part 170 and the standards set out in Document NAM-CATS-ATS.

Deviation from air traffic service standards

172.03.16 (1) An ATS provider must ensure that any air traffic service that it provides is provided in accordance with this Part, the associated technical standards, the procedures for air traffic management and the procedures and practices in the provider's ATS manual of procedures.

(2) Any deviation from the standards must comply with the requirements set out in Document NAM-CATS-ATS.

SUBPART 4
ESTABLISHMENT AND PROVISION OF AIR TRAFFIC SERVICES

Provision of air traffic services

172.04.1 (1) The Executive Director must determine and publish under Part 71 -

(a) the portions of airspace and the aerodromes which must be provided with air traffic services;

(b) the level and the type of air traffic services to be provided in portions of airspace or at aerodromes determined in accordance with paragraph (a).

(2) The Executive Director, by mutual agreement, may -

(a) delegate to another State, the responsibility for establishment and provision of air traffic services in the flight information region, control areas or control zones extending over the territory of Namibia; and

(b) where such responsibility has, under paragraph (a), been delegated to another State, that State must provide the services in accordance with this Part.

(3) Where the Executive Director in accordance with subregulation (2) has delegated to another State the responsibility for provision of air traffic services, the Executive Director -

(a) must establish such facilities and services as may be required by the providing State; and

(b) may not withdraw or modify such facilities and services without prior consultation with the providing State.

(4) Where the provision of air traffic services has been delegated to another State in accordance with this regulation, both the Executive Director and the providing State may terminate the agreement between them at any time.

(5) The Executive Director must, on the basis of regional air navigation agreements, establish and ensure provision of air traffic services to those portions of airspace over the high seas or in airspace of undetermined sovereignty.

(6) The Executive Director must -

(a) determine the need for the provision of air traffic services in the airspace referred to in subregulation (5); and

(b) designate the air traffic services authority responsible for establishing and providing such services in that airspace.

(7) The establishment and provision of air traffic services to either part or whole of a flight along a route or portion of a route must be in accordance with the standards set out in Document NAM-CATS-ATS.

(8) Where air traffic services are established, the Executive Director must publish the information in the aeronautical information publication (AIP) as necessary to permit the utilisation of such services.

Objectives of air traffic services

172.04.2 The objectives of an air traffic service are to -

(a) prevent collisions between aircraft;

(b) prevent collisions between aircraft on the manoeuvring area and obstruction on that area;

(c) maintain a safe, orderly and expeditious flow of air traffic;

(d) provide advice and information useful for the safe and efficient conduct of flights; and

(e) notify appropriate organisations regarding aircraft in need of search and rescue aid and assist such organisations as required.

Divisions of air traffic services

172.04.3 Air traffic services comprise of the following three services:

[The word "of" after "comprise" is superfluous.]

(a) the air traffic control service, to accomplish the objectives set out in regulation 172.04.2(1)(a), (b) and (c), and this service is divided in three parts as follows:

(i) area control service: the provision of air traffic control service for controlled flights, except for those parts of such flights described in subparagraphs (ii) and (iii), in order to accomplish the objectives set out in regulation 172.04.2(1) (a) and (c);

(ii) approach control service: the provision of air traffic control service for controlled flights associated with arrival or departure, in order to accomplish the objectives set out in regulation 172.04.2 (1)(a) and (c); and

(iii) aerodrome control service: the provision of air traffic control service for aerodrome traffic, except for those parts of flights described in subparagraph (ii), in order to accomplish the objectives set out regulation 172.04.2 (1)(a), (b) and (c);

(b) flight information service: to accomplish the objective set out in regulation 172.04.2 (1)(d); and

(c) alerting service: to accomplish the objective set out in regulation 172.04.2 (1)(e).

Determination of need for air traffic services

172.04.4 The Executive Director must determine the need for the provision of an air traffic service in a given area or location in accordance with the standards set out in Document NAM-CATS-ATS.

Designation of portions of airspace and controlled aerodromes for provision of air traffic services

172.04.5 Subject to compliance with the provisions of Part 71, the Executive Director must designate particular portions of the airspace and controlled aerodromes in accordance with the standards set out in Document NAM-CATS-ATS.

Classification of airspace

172.04.6 Subject to compliance with the provisions in Part 71, the Executive Director must classify and designate ATS airspaces appropriate to the needs of Namibia in accordance with the standards set out in Document NAM-CATS-ATS.

Performance-based navigation (PBN) operations

172.04.7 (1) The Executive Director must determine navigation specifications for use in the application of performance-based navigation as required under Part 90 and in accordance with the standards set out in Document NAM-CATS-ATS.

(2) Where it is determined that performance-based navigation operations are required in a specified airspace or at an aerodrome, the ATS provider responsible for the provision of air traffic services within that airspace, or at that aerodrome, must implement performance based navigation in accordance with requirements determined by the Executive Director.

Performance-based communication (PBC) operations

172.04.8 An ATS provider must ensure that the requirements for, and application of performance-based communication (PBC) operations are in accordance with the standards set out in Document NAM-CATS-ATS.

Performance-based surveillance (PBS) operations

172.04.9 An ATS provider must ensure that the requirements for, and application of performance-based surveillance (PBS) operations are in accordance with the standards set out in Document NAM-CATS-ATS.

Establishment and designation of units providing air traffic services

172.04.10 An ATS provider must establish and designate units providing air traffic services in accordance with the standards set out in Document NAM-CATS-ATS.

Specifications for flight information regions, control areas and control zones

172.04.11 (1) The delineation of the airspace wherein air traffic services are to be provided, and the specifications thereof must be in accordance with the standards set out in Document NAM-CATS-ATS.

(2) The Executive Director may enter into agreements with neighbouring States to permit the delineation of airspace lying across national boundaries to facilitate the provision of air traffic services.

Identification of air traffic service units and airspaces

172.04.12 An ATS provider must establish and identify air traffic services units and airspaces in accordance with the standards set out in Document NAM-CATS-ATS.

Establishment and identification of air traffic service routes

172.04.13 An ATS provider must establish and identify air traffic service routes in accordance with the standards set out in Document NAM-CATS-ATS.

Establishment of change-over points

172.04.14 An ATS provider establish change-over points on air traffic service route segments in accordance with the standards set out in Document NAM-CATS-ATS.

Establishment and identification of significant points

172.04.15 An ATS provider must establish and identify significant points in accordance with the standards set out in Document NAM-CATS-ATS.

Establishment and identification of standard routes for taxiing aircraft

172.04.16 An ATS provider must establish and identify standard routes for taxiing aircraft in accordance with the standards set out in Document NAM-CATS-ATS.

Coordination between air traffic services and operators

172.04.17 An ATS provider must establish procedures for coordination between air traffic services and aircraft operators in accordance with the standards set out in Document NAM-CATS-ATS.

Coordination between air traffic services and military authorities

172.04.18 An ATS provider must establish procedures for coordination between air traffic services and military authorities in accordance with the standards set out in Document NAM-CATS-ATS.

Coordination of activities potentially hazardous to civil aircraft

172.04.19 An ATS provider must establish procedures for coordination of activities potentially hazardous to civil aircraft in accordance with the standards set out in Document NAM-CATS-ATS.

Determination and reporting of ATS related aeronautical data

172.04.20 An air traffic service provider must determine and report air traffic services-related aeronautical data in accordance with the standards set out in Document NAM-CATS-ATS.

Coordination between meteorological and air traffic services authorities

172.04.21 An ATS provider must establish procedures for coordination between the meteorological services and a unit providing air traffic services in accordance with the standards set out in Document NAM-CATS-ATS.

Coordination between aeronautical information services and air traffic services authorities

172.04.22 An ATS provider must establish procedures for coordination between aeronautical information services and a unit providing air traffic services in accordance with the standards set out in Document NAM-CATS-ATS.

Minimum flight altitudes

172.04.23 An ATS provider must determine and establish minimum flight altitudes for each air traffic services route and control area in accordance with the standards set out in Document NAM-CATS-ATS.

Service to aircraft in case of emergency

172.04.24 An ATS provider must establish procedures to guide air traffic services units to assist aircraft in a state of emergency in accordance with the standards set out in Document NAM-CATS-ATS.

In-flight contingencies: strayed or unidentified aircraft

172.04.25 An ATS provider must establish procedures in accordance with the standards set out in Document NAM-CATS-ATS, for use by air traffic services units to enable them to assist and safeguard the flight of strayed or unidentified aircraft.

In-flight contingencies: interception of civil aircraft

172.04.26 An ATS provider must establish procedures for use by an air traffic services unit, on becoming aware that an aircraft is being intercepted either within or outside its area of responsibility in accordance with the standards set out in Document NAM-CATS-ATS.

Time in air traffic services

172.04.27 An ATS provider must establish procedures to ensure that air traffic services units use Coordinated Universal Time (UTC) in accordance with the standards set out in Document NAM-CATS-ATS.

Requirements for carriage and operation of pressure-altitude reporting transponders

172.04.28 An ATS provider must establish procedures for the carriage and operation of pressure-altitude reporting transponders within defined portions of airspace in accordance with the standards set out in Document NAM-CATS-ATS.

Safety management and prevention of runway incursions

172.04.29 (1) An ATS provider must establish and maintain a safety management system acceptable to the Executive Director, for the management of safety in accordance with the standards set out in Document NAM-CATS-ATS and the requirements prescribed in Parts 140 and 170.

(2) An ATS provider must as part of its ATS safety management, put in place measures aimed at minimizing the potential for inadvertent runway incursions in accordance with the standards set out in Document NAM-CATS-ATS.

(3) An ATS provider must ensure that the measures established in accordance with subregulation (2) are integrated with the runway safety programme established by the aerodrome operator.

Common reference systems

172.04.30 (1) Subject to any standard units of measurement prescribed under Part 2, an ATS provider must use the following common reference systems in the provision of air traffic services:

(a) World Geodetic System - 1984 (WGS-84) must be used as the horizontal (geodetic) reference system for air navigation;

(b) Mean Sea level (MSL) datum must be used as the vertical reference system for air navigation; and

(c) the Gregorian calendar and Coordinated Universal Time (UTC) must be used as the temporal reference system for air navigation.

(2) The common reference systems referred to in subregulation (1) must be used in accordance with the standards set out in Document NAM-CATS-ATS.

Language proficiency

172.04.31 An ATS provider must ensure that -

(a) only the English language is used for radio telephony communication, coordination and transmission of aeronautical information; and

(b) air traffic controllers speak and understand the English language for radiotelephony communications as specified in Document NAM-CATS-FCL 65.

Contingency arrangements

172.04.32 (1) An ATS provider must develop and publish a contingency plan or plans for implementation in the event of disruption, or potential disruption, of air traffic services and related supporting services in the airspace for which the ATS provider is responsible for the provision of such services.

(2) The contingency plans required by subregulation (1) must be developed in close coordination with the air traffic services authorities responsible for the provision of services in adjacent portions of airspace and with airspace users concerned.

(3) The contingency plans must be developed in accordance with the standards set out in Document NAM-CATS-ATS.

Identification and delineation of prohibited, restricted and danger areas

172.04.33 Prohibited areas, restricted areas and danger areas must be identified and delineated in accordance with the standards set out in Document NAM-CATS-ATS.

Flight procedure design service

172.04.34 (1) Flight procedure design services must be provided in accordance with requirements prescribed in Part 173.

(2) When provided, the flight procedure design service must be established in accordance with the standards set out in Document NAM-CATS-ATS.

SUBPART 5
REQUIREMENTS FOR PROVISION OF AIR TRAFFIC CONTROL SERVICES

Provision of air traffic control service

172.05.1 An air traffic control service must be provided to controlled flights in accordance with the standards set out in Document NAM-CATS-ATS.

Air traffic control units

172.05.2 (1) Air traffic control services provided to controlled flights, must be provided by air traffic control units described in, and in accordance with, the standards set out in Document NAM-CATS-ATS.

(2) Despite subregulation (1), the task of providing specified services on the apron such as apron management, may be assigned to an aerodrome control tower or to a separate air traffic control unit.

Operation of air traffic control service

172.05.3 The requirements for the operation of air traffic control service must be in accordance with the standards set out in Document NAM-CATS-ATS.

Separation minima

172.05.4 An ATS provider must ensure that the separation minima used in air traffic control service complies with the standards set out in Document NAM-CATS-ATS.

[The verb "complies" should be "comply" to be grammatically correct.]

Responsibility for control of aircraft

172.05.5 An ATS provider must ensure that responsibility for control of aircraft is carried out in accordance with the standards set out in Document NAM-CATS-ATS.

Transfer of responsibility for control

172.05.6 An ATS provider must establish procedures for the transfer of responsibility for the control of an aircraft between two air traffic control units and the coordination thereof, in accordance with the standards set out in Document NAM-CATS-ATS.

Air traffic control clearances

172.05.7 An air traffic control unit must ensure that air traffic control clearances issued to aircraft are issued in accordance with the standards set out in Document NAM-CATS-ATS.

ATS system capacity and air traffic flow management

172.05.8 An ATS provider must establish ATS system capacity and where required, air traffic flow management in accordance with the standards set out in Document NAM-CATS-ATS.

Control of persons and vehicles at aerodromes

172.05.9 An ATS provider must establish procedures for use by the ATS units, for the control of persons and vehicles on the manoeuvring area of an aerodrome, including procedures for operation during periods of low visibility, in accordance with the standards set out in Document NAM-CATS-ATS.

Provision of radar and ADS-B alert and warning systems

172.05.10 An ATS provider must ensure that the provision of radar and automatic dependent surveillance-broadcast (ADS-B) alert and warning systems is in accordance with the standards set out in Document NAM-CATS-ATS.

Use of surface movement radar

172.05.11 An ATS provider may, in accordance with the standards set out in Document NAM-CATS-ATS, provide for the use of surface movement radar (SMR) to supplement visual observation of the manoeuvring area.

SUBPART 6
REQUIREMENTS FOR FLIGHT INFORMATION SERVICE

Application of flight information service

172.06.1 A flight information service must be provided to all aircraft which are likely to be affected by the information in accordance with the standards set out in Document NAM-CATS-ATS.

Scope of flight information service

172.06.2 (1) The scope of flight information service to be provided by an air traffic services unit must include the provision of pertinent information and other information likely to affect safety of aircraft operations.

(2) The scope of flight information service to be provided by an air traffic services unit must be in accordance with the standards set out in Document NAM-CATS-ATS.

Operational flight information service broadcasts

172.06.3 An ATS provider must make arrangements for the provision of operational flight information service broadcasts in accordance with the standards set out in Document NAM-CATS-ATS.

VOLMET broadcasts and D-VOLMET service

172.06.4 An ATS provider must make arrangements for the provision of VOLMET broadcast and D-VOLMET service in accordance with the standards set out in Document NAM-CATS-ATS and the provisions of Part 174.

SUBPART 7
REQUIREMENTS FOR ALERTING SERVICE

Application of alerting service

172.07.1 An ATS provider must make arrangements for the provision of alerting service to all aircraft in accordance with the standards set out in Document NAM-CATS-ATS.

[In the *Government Gazette*, the hyphen is missing between "NAM" and "CATS"; it has been inserted above to facilitate word searches for this term.]

Notification of rescue coordination centres

172.07.2 An ATS provider must establish procedures for notifying the rescue coordination centre and other centres as appropriate, of aircraft considered to be in a state of emergency in accordance with the procedures set out in Document NAM-CATS-ATS.

Use of communication facilities

172.07.3 An ATS provider must establish procedures to ensure that the use of communication facilities by ATS units is in accordance with the standards set out in Document NAM-CATS-ATS.

Plotting aircraft in state of emergency

172.07.4 An ATS provider must, in accordance with the standards set out in Document NAM-CATS-ATS, establish procedures to ensure that air traffic service units plot the flight of an aircraft involved in an emergency and the flights of other aircraft known to be operating in the vicinity of the aircraft involved in an emergency.

Information to operator of aircraft in emergency

172.07.5 An ATS provider, must establish procedures to ensure that the area control centre or a flight information centre, when possible, advise the aircraft operator, when the centre determines that an aircraft is in an emergency, in accordance with the standards set out in Document NAM-CATS-ATS.

Information to aircraft operating in vicinity of aircraft in state of emergency

172.07.6 An ATS provider must establish procedures to ensure that ATS units, having established that an aircraft is in a state of emergency, inform other aircraft known to be operating in the vicinity of the aircraft involved, in accordance with the standards set out in Document NAM-CATS-ATS.

Handling and reporting accidents and incidents

172.07.7 (1) An ATS provider must report to the Executive Director any accident or incident reported to, or witnessed by, the ATS provider in accordance with the standards set out in Document NAM-CATS-ATS.

(2) An ATS provider must publish in its ATS manual of procedures, and in accordance with the standards set out in Document NAM-CATS-ATS, the procedures to be followed by air traffic service units in handling and reporting of accident and incidents and procedures for coordination with adjacent ATS units that might be affected by the accident or incident.

SUBPART 8
AIR TRAFFIC SERVICES REQUIREMENTS FOR COMMUNICATION

Aeronautical mobile service (air-ground communication)

172.08.1 An ATS provider must make arrangements for the provision of air-ground communication facilities to be used for the provision of air traffic services, including automatic recordings of air traffic control communications, in accordance with the standards set out in Document NAM-CATS-ATS.

Aeronautical fixed service (ground-ground communication)

172.08.2 (1) An ATS provider must make arrangements for the provision of ground to ground communications to be used for the provision of air traffic services in accordance with the standards set out in Document NAM-CATS-ATS.

(2) The ATS provider must -

(a) ensure that facilities used for ground to ground communications between air traffic services units and between air traffic services units and other units within the flight information region meet the requirements set out in Document NAM-CATS-ATS;

(b) ensure that communication between its flight information centre and area control centre with other adjacent flight information centres and area control centres meet the requirements set out in Document NAM-CATS-ATS;

(c) have in place suitable facilities to ensure automatic exchange of data; and

(d) make arrangements for the recordings and retention of data for a period of not less than 30 days.

Surface movement control service

172.08.3 (1) An ATS provider must make arrangements for the provision of communication facilities for use by the aerodrome control tower for the purpose of controlling of vehicles on manoeuvring areas at a controlled aerodrome.

(2) The movement of vehicles control on the manoeuvring areas of a controlled aerodrome must be in accordance with the standards set out in Document NAM-CATS-ATS.

Aeronautical radio navigation service

172.08.4 An ATS provider must have arrangements in place to ensure that surveillance data from radar equipment or other surveillance systems used as an aid to air traffic services, are automatically recorded and retained in accordance with the standards set out in Document NAM-CATS-ATS.

SUBPART 9
AIR TRAFFIC SERVICE REQUIREMENTS FOR INFORMATION

Meteorological information

172.09.1 (1) An ATS provider must have in place arrangements for the supply of up-to-date meteorological information to its air traffic service units, as necessary for the performance of their functions, in accordance with the standards set out in Document NAM-CATS-ATS.

(2) An ATS provider and a unit providing meteorological information to air traffic service units and to communication stations must ensure that the information provided meets the requirements of Part 174.

Information on aerodrome conditions and operational status of associated facilities

172.09.2 (1) An ATS provider must have in place arrangements for the provision of information on aerodrome conditions and the operational status of associated facilities to the aerodrome control towers and units providing approach control service.

(2) The provision of information required by subregulation (1) must be in accordance with the standards set out in Document NAM-CATS-ATS.

Information on operational status of navigation services

172.09.3 An ATS provider must have in place arrangements for air traffic service units to be kept currently informed of the operational status of radio navigation services and visual aids essential for operation of aircraft in accordance with the standards set out in Document NAM-CATS-ATS.

Information on RPA

172.09.4 An ATS provider must, in accordance with the standards set out in Document NAM-CATS-ATS -

(a) have in place arrangements for air traffic service units to be provided with information regarding the operation of remotely piloted aircraft (RPA); and

(b) publish in its ATS manual of procedures, actions to be taken by an ATS unit upon receipt of a notification of the intended flight of a medium or heavy RPA within its area of responsibility.

Information concerning volcanic activity

172.09.5 An ATS provider must, in accordance with the standards set out in Document NAM-CATS-ATS -

(a) have in place arrangements for air traffic service units to be provided with information concerning volcanic activity; and

(b) establish and publish in its ATS manual of procedures, procedures for use by ATS units when a volcanic ash cloud is reported or forecast.

Information concerning radioactive materials and toxic chemical "clouds"

172.09.6 An ATS provider must have in place arrangements for notifying air traffic service units of information regarding the release into the atmosphere of radioactive materials and toxic chemical clouds and for transmitting to aircraft such information, in accordance with the standards set out in Document NAM-CATS-ATS.

SUBPART 10
SPECIAL PROCEDURES

General

172.10.1 (1) An ATS provider must publish in its ATS manual of procedures, for the guidance of air traffic service personnel, special procedures to enable them to manage non-standard or special situations.

(2) The special procedures must be published in accordance with the standards set out in Document NAM-CATS-ATS.

Fuel dumping

172.10.2 An ATS provider must publish in its ATS manual of procedures, for the guidance of ATS personnel, procedures to be followed during fuel dumping by aircraft in accordance with the standards set out in Document NAM-CATS-ATS.

Photographic survey flights

172.10.3 An ATS provider must publish in its ATS manual of procedures, for the guidance of air traffic service personnel, procedures for the conduct of photographic survey flights, in accordance with the standards set out in Document NAM-CATS-ATS.

Repetitive flight plans

172.10.4 An ATS provider must publish in its ATS manual of procedures, procedures for the use of repetitive flight plans in accordance with the standards set out in Document NAM-CATS-ATS.

Letters of agreement

172.10.5 (1) An ATS provider must establish and maintain letters of agreement (LOA) to aid in coordination between adjacent ATS units and neighbouring flight information regions.

(2) The letters of agreement referred to in subregulation (1) must be established and maintained in accordance with the standards set out in Document NAM-CATS-ATS.

Coordination in cases of aircraft experiencing degradation of area navigation

172.10.6 An ATS provider must establish and publish in its ATS manual, and in accordance with the standards set out in Document NAM-CATS-ATS, procedures for coordination, in case of aircraft experiencing degradation of area navigation (RNAV).

Coordination in cases of State aircraft without RNAV capability

172.10.7 An ATS provider must establish and publish in its ATS manual of procedures, and in accordance with the standards set out in Document NAM-CATS-ATS, coordination procedures in case of State aircraft operating without RNAV capability.

Coordination in provision of air traffic advisory service

172.10.8 Where air traffic advisory services are provided, an ATS provider must publish coordination procedures in respect of such flights and provide such services in accordance with the standards set out in Document NAM-CATS-ATS.

Coordination between ATS units and aeronautical telecommunication stations

172.10.9 An ATS provider must establish and publish in its ATS manual of procedures, and in accordance with the standards set out in Document NAM-CATS-ATS, procedures for coordination between ATS units and the aeronautical telecommunication stations.

Radio communication failure

172.10.10 An ATS provider must establish and publish in its ATS manual of procedures, and in accordance with the standards set out in Document NAM-CATS-ATS, procedures to be followed when either an airborne or ground-based radio station experiences radio communication failure.

Degradation of aircraft position source data

172.10.11 An ATS provider must establish and publish its manual of procedures, and in accordance with the standards set out in Document NAM-CATS-ATS, contingency procedures to be followed by control positions and air traffic service units in the event of degradation of aircraft position data sources.

Emergency descent

172.10.12 An ATS provider must establish and publish its manual of procedures, and in accordance with the standards set out in Document NAM-CATS-ATS, procedures to be followed by an air traffic service unit whenever an aircraft is making an emergency descent through other air traffic.

Other ATC contingency procedures

172.10.13 An ATS provider must establish and publish its manual of procedures, and in accordance with the standards set out in Document NAM-CATS-ATS, procedures for the handling of other contingency situations such as emergency separation, short-term conflict alerts, airborne collision avoidance system warnings, minimum safe altitude warnings, autonomous runway incursion warnings and change of radio telephony call sign for aircraft.

Loss of Vertical Navigation Performance Required for Reduced Vertical Separation Minimum (RVSM)

172.10.14 An ATS provider must include in its ATS manual of procedures, and in accordance with the standards set out in Document NAM-CATS-ATS, procedures to be followed when an RVSM-approved aircraft experiences loss of vertical navigation performance required for operation in Reduced Vertical Separation Minimum (RVSM) airspace.

Air traffic service messages

172.10.15 An ATS provider must establish and publish in its ATS manual of procedures, and in accordance with the standards set out in Document NAM-CATS-ATS, procedures and information regarding transmission of air traffic service messages.

Responsibility in regard to military traffic

172.10.16 An ATS provider must publish in its ATS manual of procedures, and in accordance with the standards set out in Document NAM-CATS-ATS, procedures regarding responsibility for control of military traffic within its area of jurisdiction.

Air traffic incident reports

172.10.17 An ATS provider must publish in its ATS manual of procedures, the procedures for reporting of air traffic incidents related to the provision of air traffic services in accordance with the standards set out in Document NAM-CATS-ATS.

Strategic lateral offset procedures

172.10.18 An ATS provider must publish in its ATS manual of procedures, the strategic lateral offset (SLOP) procedures for implementation by air traffic services units in accordance with the standards set out in Document NAM-CATS-ATS.

Notification of suspected communicable diseases or public health risk aboard aircraft

172.10.19 An ATS provider must publish in its ATS manual of procedures, procedures for notification of suspected communicable diseases or other public health emergencies aboard an aircraft in accordance with the standards set out in Document NAM-CATS-ATS.

Coordination in respect of provision of ATC service

172.10.20 The coordination and transfer of control of a flight between successive ATS units and control sectors must be in accordance with the standards set out in Document NAM-CATS-ATS.

Coordination in respect of provision of flight information service and alerting service

172.10.21 An ATS provider must publish in its manual of procedures and in accordance with requirements specified in Document NAM-CATS-ATS, procedures for coordination in respect of the provision of flight information and alerting services.

Procedures for ATS units when volcanic ash cloud is reported or forecast

172.10.22 An ATS provider must publish in its manual of procedures and in accordance with the requirements specified in Document NAM-CATS-ATS, standardised procedures to be followed by ATS units when a volcanic ash cloud is reported or forecast within the airspace for which the ATS unit is responsible.

Responsibility in regard to unmanned free balloons

172.10.23 An ATS provider must publish in its manual of procedure and in accordance with requirements specified in Document NAM-CATS-ATS, standardised procedures for the guidance of ATS units on responsibility regarding operation of unmanned free balloons within their areas.

SUBPART 11
ADMINISTRATIVE PROCEDURES

Opening and closing of control positions

172.11.1 An ATS provider must establish procedures and instructions for opening and closing of control positions as specified in Document NAM-CATS-ATS.

Fire prevention and facility evacuation

172.11.2 An ATS provider must maintain a fire prevention plan in accordance with the standards set out in Document NAM-CATS-ATS.

ATS unit forms, logs, libraries and directives

172.11.3 An ATS provider must -

(a) provide and maintain a comprehensive list, including copies, of relevant forms, unit logs, unit libraries and directives in accordance with the requirements set out in Document NAM-CATS-ATS; and

(b) establish procedures in its manual of procedures on the use and maintenance of the air traffic service unit forms, logs, libraries and directives in accordance with the requirements set out in Document NAM-CATS-ATS.

PART 173
AIR NAVIGATION SERVICES: FLIGHT PROCEDURE DESIGN SERVICES

[Part 173 is inserted by GN 89/2020.]

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SUBPART 1
GENERAL

Definitions for this Part

173.01.1 (1) Definitions pertaining to this Part are contained in Document NAM-CATS-FPD.

(2) Despite subregulation (1), in this Part, unless the context otherwise indicates -

"design work", in relation to a flight procedure, means any of the following work -

(a) designing the procedure or a part of the procedure;

(b) verifying, maintaining, reviewing, amending or adapting the procedure;

(c) supervising a person carrying on any work mentioned in paragraph (a) or (b);

"flight procedure design (FPD) approval" means an authorisation that -

(a) is granted by the Executive Director to a person under this Part; and

(b) certifies that the person is approved to carry out design work on a flight procedure of a type covered by the approval subject to any conditions set out in the approval; and

"flight procedure design (FPD) organisation" means an organisation or entity to whom a flight procedure design approval has been granted in accordance with this Part and whose approval authorises the design, verification, validation, and maintenance of the particular type of flight procedure.

Applicability

173.01.2 (1) This Part -

(a) prescribes the regulations and procedures governing the development, validation, approval, registration, publication and maintenance of flight procedures used at aerodromes;

(b) applies to -

(i) the design, maintenance, revision, amendment and adaptation of flight procedures; and

(ii) the approval and operation of organisations conducting flight procedure design, maintenance, revision, amendment or adaptation; and

(c) sets out certain administrative rules relating to the Executive Director in the administration of this Part.

(2) This Part does not apply to -

(a) the design of flight procedures for use by aircraft in circumstances where one or more engines of the aircraft have become inoperative while on an IFR flight;

(b) a person that carries out flight procedure design on procedures for use by aircraft in circumstances where one or more engines of the aircraft have become inoperative while on an IFR flight;

(c) a person who is providing flight procedure design services to military aircraft within designated military airspaces in the course of their duties, for the Namibian Defence Force; and

(d) any flight procedure design services provided to military aircraft within designated military airspaces for the Namibian Defence Force.

SUBPART 2
APPROVAL TO PROVIDE FLIGHT PROCEDURE DESIGN SERVICES

Requirement for approval

173.02.1 (1) A person may not design, maintain, review, amend or adapt flight procedures that are intended for use by civil aircraft operating within the territorial limits of Namibia, except under the authority of, and in accordance with the provisions of, a flight procedure design approval with the appropriate rating issued under this Part and in accordance with the requirements prescribed in Part 170.

(2) The Executive Director may -

(a) as part of the organisational functions of the Authority, provide a flight procedure design service;

(b) agree with one or more States to provide a joint flight procedure design service;

(c) delegate the provision of the service to an external agency or agencies; or

(d) approve an agency to a provide flight procedure design service.

[The word “a” before “provide” is superfluous.]

(3) In all cases mentioned in subregulation (2), the Executive Director remains responsible for all flight procedures for aerodromes and airspaces under the authority of Namibia.

(4) Flight procedures must be designed in accordance with the approved design criteria described in regulation 173.04.9.

(5) A flight procedure design organisation intending to design an instrument flight procedure for aerodromes or airspace under the authority of Namibia, must meet the requirements prescribed in this Part.

(6) A flight procedure design organisation must utilise a quality management system at each stage of the flight procedure design process.

(7) A flight procedure design organisation must maintain and conduct periodic review of flight procedures for aerodromes and airspace under the authority of the Namibia and such reviews must be conducted at intervals of periods not exceeding five years.

[Some words have been omitted in the phrase "under the authority of the Namibia"; it may have been intended to read "under the authority of Namibia" as subregulations (3) and (5).]

Application for flight procedure design approval or amendment thereof

173.02.2 (1) An application for a flight procedure design approval, or an amendment thereof, must be -

(a) made to the Executive Director in the appropriate form set out in Document NAM-CATS-FPD; and

(b) accompanied by -

(i) the manual of procedures referred to in regulation 173.03.1;

(ii) a written statement specifying the type or each type of flight procedure proposed to be covered by the flight procedure design approval;

(iii) a written statement setting out the name, qualifications and relevant experience of the individual who is proposed to be the chief designer for the applicant's organisation;

(iv) a written statement setting out the qualifications and relevant experience of any other member of the applicant's personnel whose duties would, if the approval were granted to the applicant, include carrying on design work under the approval; and

(v) the appropriate fee as prescribed in Part 187.

(2) Where an applicant was previously issued with a flight procedure design approval, and the approval was revoked, the applicant must include with the application any information to prove that the applicant would be in a position to comply with all requirements pertaining to the design of flight procedures of the rating or ratings concerned.

(3) The Executive Director may require demonstrations of procedures or equipment in relation to a procedure design approval.

Safety and regulatory compliance inspections and audits

173.02.3 (1) In addition to permitting the safety and regulatory compliance inspections and audits in terms of regulation 170.01.3, a flight procedure design organisation must permit an authorised officer, inspector or authorised person to -

(a) observe the practices and procedures of the organisation in performing flight procedure design; and

(b) inspect and test any systems and equipment used for, or in relation to, flight procedure design.

[There are no subregulations additional to subregulation (1) in the *Government Gazette*.]

Facilities, equipment and resource requirements

173.02.4 (1) A flight procedure design organisation must satisfy the Executive Director that it has facilities and equipment necessary to perform adequately the approved scope of flight procedure design, including -

(a) equipment that is appropriate for the design, verification, validation, and maintenance of the types of flight procedure to be covered in its approval, including flight procedures design software and other software licensed to the flight procedures design organisation;

(b) access to all necessary data including, but not limited to -

(i) accurate and current databases or charts detailing terrain and obstacle information;

(ii) accurate and current navigation aid coordinate data; and

(iii) accurate and current aerodrome survey data;

(c) ready access to copies of relevant documentation comprising technical standards, practices, and instructions, and any other documentation that may be necessary for the design, design verification, validation, and maintenance of the types of flight procedures specified in its manual of procedures.

(2) A flight procedure designer must establish a procedure for ensuring that -

(a) personnel have access to the data referred to in subregulation (1)(b) for the types of flight procedure specified in its manual of procedures; and

(b) the data referred to in subregulation (1)(b) is current, traceable, and meets the required level of verifiable accuracy for the design, verification, validation and maintenance of instrument flight procedures specified in its manual of procedures.

(3) The flight procedure organisation must, if an aeronautical database and aeronautical data is utilised for designing flight procedures, have, and put into effect, procedures to ensure the integrity of the database and the data.

Issue of flight procedure design approval

173.02.5 (1) The Executive Director may issue a flight procedure design approval, if the Executive Director is satisfied that -

(a) the applicant meets the requirements prescribed in Part 170 and in this Part;

(b) the applicant's personnel required by this Part are competent to perform their respective duties;

(c) the applicant's senior personnel have not held a senior position in an organisation whose approval was revoked by the Executive Director; and

(d) the granting of the approval is not contrary to the interests of aviation safety.

(2) The flight procedures design approval referred to in subregulation (1) is issued in the appropriate form, and contains the information, set out in Document NAM-CATS-FPD.

(3) The Executive Director may, in accordance with section 46 of the Act and Part 3, approve a variation to the requirements of this Part or of Document NAM-CATS-FPD where a flight procedure certified organisation can demonstrate an equivalent outcome and at least an equivalent level of safety.

Imposition of conditions on approval

173.02.6 The Executive Director may impose conditions on any flight procedure design approval, including a condition that restricts -

(a) the kind of flight procedures that can be designed;

(b) the equipment used to provide the design service; or

(c) the method by which procedures are validated or publicised.

Renewal of flight procedure design approval

173.02.7 (1) An application for the renewal of a flight procedure design approval, must be -

(a) made to the Executive Director on the appropriate form set out in Document NAM-CATS-FPD; and

(b) accompanied by -

(i) the manual of procedures referred to in 173.03.1; and

(ii) the appropriate fee as prescribed in Part 187.

(2) The holder of a flight procedure design approval must, if it wishes to renew the approval, at least 90 days immediately preceding the date on which a flight procedure design approval expires, apply to the Executive Director for the renewal of such approval.

Duplicate approval

173.02.8 (1) An application for a duplicate approval as contemplated in Part 170 must be -

(a) made in the appropriate form set out in Document NAM-CATS-FPD; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

(2) A duplicate of a flight procedure design approval is issued on the appropriate form set out in Document NAM-CATS-FPD.

Privileges of flight procedure design approval holder

173.02.9 (1) A flight procedure design approval issued under this Part authorises the holder of the approval to -

(a) design, validate, and maintain flight procedures for use within Namibia; and

(b) make available for publication and operational use by aircraft, aeronautical information relating to flight procedures that have been validated and approved.

(2) A flight procedure design approval is limited to the type of flight procedure design listed in the approval.

SUBPART 3
REQUIREMENTS TO BE COMPLIED WITH BY APPROVED FLIGHT PROCEDURE DESIGN ORGANISATIONS

Manual of procedures

173.03.1 (1) A flight procedure design organisation must, at all times, maintain a manual of procedures that complies with the requirements of Part 170.

(2) The manual of procedures for a flight procedure design organisation must in addition to the requirements prescribed in Part 170, include the -

(a) specific standards set out in Document NAM-CATS-FPD;

(b) means of meeting equipment requirements, accessing relevant and current data and accessing copies of relevant documentation as required under this Part;

(c) means of meeting the requirements regarding flight procedures not requiring flight validation; and

(d) procedures required to be established under this Part.

Flight procedure design organisation

173.03.2 (1) A flight procedure design organisation must, at all times, maintain an appropriate organisation with a sound and effective management structure to enable it to provide the flight procedure design services covered by its approval.

(2) The flight procedure design organisation must -

(a) maintain an appropriate instrument design office to enable the instrument flight procedure designer to carry on design work in flight procedures in the design office;

(b) ensure that the quality and safety of the flight procedure design products are assured through the review, verification, coordination and validation at appropriate points in the process;

(c) ensure that the designs of the flight procedure are in accordance with -

(i) applicable standards set out or referred to in the current version of the ICAO Procedure for Air Navigation Procedures Flight Operations(Doc 8168); and

(ii) applicable standards as set out in this Part;

(d) make provision for a person trained in flight procedure designing to check and verify independently the plans of each flight procedure designed; and

(e) ensure only the latest version of the organisation's procedures design software is used.

Personnel and qualification requirements

173.03.3 (1) A flight procedure design organisation must engage, employ or contract -

(a) a person identified as the senior accountable manager (chief flight procedure designer) of the organisation concerned, to whom contractual authority has been granted to ensure that -

(i) all activities undertaken by the organisation are carried out in accordance with the applicable requirements prescribed in this Part; and

(ii) any flight procedure design covered by the approval is performed as prescribed in this Part;

(b) a senior person responsible to the chief flight procedure designer to ensure that the organisation complies with its approved manual of procedures; and

(c) sufficient qualified and competent flight procedure designers to plan, design, verify and maintain the flight procedures covered by the approval.

(2) The chief flight procedure designer, senior personnel and other personnel involved in flight procedure design must meet the minimum qualification requirements as set out in Document NAM-CATS-FPD.

(3) A flight procedure design organisation may not engage, employ or contract a person to design flight procedures for use in a designated airspace or at aerodromes within Namibia unless that person has completed approved training in the construction of visual and instrument flight procedures and has been approved by the Executive Director to do so.

(4) A flight procedure design organisation must -

(a) establish a procedure for initially assessing, and for maintaining the competence of those personnel involved in planning, design, verification and maintenance of the flight procedures;

(b) develop job descriptions for its flight procedure design technical staff;

(c) ensure that the personnel referred to in paragraph (a) meet the minimum qualifications set out in Document NAM-CATS-FPD;

(d) carry out initial, periodic and recurrent training of the flight procedure design personnel in accordance with the standards set out in Document NAM-CATS-FPD; and

(e) ensure that newly employed or engaged flight procedure design personnel undergo, supervised on-the-job training before undertaking unsupervised flight procedure design tasks.

Obligations of approval holder in designing flight procedures

173.03.4 (1) A flight procedure design organisation must ensure that flight procedures are designed to the appropriate standard and in accordance with this Part.

(2) In performing flight procedure design, a flight procedure design organisation must -

(a) design each flight procedure in accordance with the standards set out in Document NAM-CATS-FPD;

(b) verify each designed flight procedure as prescribed in this Part;

(c) submit flight procedures designed and verified as referred to in paragraphs (a) and (b) to the Executive Director for ground and flight validation as prescribed in this Part;

(d) adhere to the defined approval process; and

(e) ensure that flight procedures submitted as required in paragraph (c) are accompanied by the appropriate fee as prescribed in Part 187.

(3) A flight procedure design organisation must maintain each flight procedure periodically at intervals specified in regulation 173.02.1(7).

(4) A flight procedure design organisation must ensure that a flight procedure covered by its approval does not make use of a ground-based radio-navigation aid other than one that is operated and approved in terms of Part 171.

(5) If the flight procedure design organisation intends to cease to perform flight procedure design of a particular type, it must notify the Executive Director for an amendment of the approval in accordance with the requirements of regulation 170.02.6.

(6) If the flight procedure design organisation ceases to be responsible for the maintenance of a flight procedure, it must give written notice to that effect to the Executive Director as soon as possible after ceasing to perform the flight procedure design concerned.

Transferability of maintenance of flight procedures

173.03.5 (1) A flight procedure design organisation may transfer its responsibility for maintaining a flight procedure to another organisation whose flight procedure design approval authorises that organisation to design flight procedures of the same rating as the flight procedure concerned.

(2) If another organisation referred to in subregulation (1) accepts responsibility for the maintenance of a flight procedure under this Part, the organisation concerned must -

(a) give written notice to the transferor to that effect;

(b) give written notice of the transfer to the Executive Director within 14 days after the transfer; and

(c) include in the notices referred to in paragraphs (a) and (b), the date on which the transfer takes effect.

(3) If the flight procedure design organisation transfers its responsibility for maintaining a flight procedure, it must give written notice of the transfer to the Executive Director within 14 days after the transfer.

Training and checking programme

173.03.6 (1) A flight procedure design organisation must establish and maintain a training and checking programme for all personnel referred to in this Subpart that will ensure such personnel are adequately trained and qualified to perform their assigned duties.

(2) The Executive Director must approve the training programme referred to in subregulation (1), if the training and checking programme meets the requirements of this regulation and of Part 170.

(3) A flight procedure design organisation must ensure that -

(a) prior to assignment to duty, each person required to receive training in accordance with this Subpart, must, whether employed on a full or part time basis, receive such training as appropriate to his or her duties; and

(b) the training facilities, equipment and personnel are acceptable to the Executive Director and, in the case of training facility has been approved by the Executive Director in accordance with the standards set out in Document NAM-CATS-FPD.

[The phrase "in the case of training facility" should have the word "a" before "training facility", and it should be followed by a comma.]

(4) The training and checking programme referred to in subregulation (1) must include a system for maintaining of training records for flight procedure design personnel.

(5) A flight procedure design organisation must develop and maintain the training and checking programme referred to in subregulation (1).

(6) A flight procedure design organisation must submit for the approval of the Executive Director its training and checking programme and any amendments to the programme.

(7) A flight procedure design organisation must provide training to its personnel that includes at least the following training components:

(a) flight procedure design training on an initial basis pertinent to the design type listed in the approval; and

(b) recurrent flight procedure training.

(8) Only approved training must be considered for the initial and recurrent training referred to in subregulation (7).

(9) The training required by subregulation (7)(b) must be provided on a recurrent basis and at specified intervals not exceeding three years, or any period as may be determined by the Executive Director.

Quality management system

173.03.7 (1) A flight procedure design organisation must have, and put into effect, a quality assurance and quality management system that includes the policies, procedures, and practices necessary for managing design work on flight procedures under its approval.

(2) The quality assurance and management system must be in accordance with the requirements of Part 170 and the standards set out in Document NAM-CATS-FPD.

(3) The quality assurance and quality management system may be integrated with the safety management system required under Part 170.

Management of records

173.03.8 (1) A flight procedure design organisation must establish procedures for the control of documentation including identification, collection, indexing, storage, safekeeping, accessibility, maintenance and disposal of records in accordance with requirements prescribed in Part 170.

(2) A flight procedure design organisation must establish a procedure for the management of records that are required for the organisation's functions relating to the design, certification and maintenance of flight procedures.

(3) A flight procedure design organisation must establish procedures to identify, collect, index, store and maintain all records which may be necessary -

(a) for the specified flight procedure design conducted by the organisation; and

(b) to determine compliance with the appropriate requirements prescribed in this Part.

(4) The procedure referred to in subregulation (2) must provide for the following to be recorded for every flight procedure that is approved and maintained:

(a) details to be published in the AIP for the flight procedure;

(b) details of the flight procedure design carried out, including but not limited to design verification, amendment, validation, justification for not validating, and certification activities;

(c) details of the publication and checking activities;

(d) details of any actions taken regarding errors and non-conformances in the flight procedure; and

(e) details of every maintenance review and validation carried out, in accordance with this Part.

(5) The procedure required by subregulation (2) must also provide that records maintained must -

(a) include details of the qualifications, experience, training, assessments, and authorisations, if applicable, for personnel required under this Part;

(b) be legible, accurate, permanent, and retrievable in a legible format; and

(c) be retained for at least five years after the associated flight procedure is withdrawn from use.

(6) The flight procedure design organisation must comply with any additional standards for the management of records set out in Document NAM-CATS-FPD.

Safety management system

173.03.9 A flight procedure design organisation must establish, implement, and maintain a system for safety management in accordance with Parts 140 and 170 and the standards set out in Document NAM-CATS-FPD.

SUBPART 4
REQUIREMENTS FOR DESIGN OF FLIGHT PROCEDURES

General requirements

173.04.1 (1) A flight procedure design organisation must develop flight procedures to be used by aircraft operating in the designated airspace and aerodromes covered by its approval.

(2) A flight procedure design organisation providing a flight procedure service must establish procedures for ensuring that every flight procedure is -

(a) designed or amended using methods which ensure that the procedure meets the applicable requirements of this Part;

(b) independently verified before validation where applicable, by a qualified person who is not the person directly responsible for the design;

(c) validated by a qualified person who is not the person directly responsible for the design to ensure that -

(i) the flight procedure allows aircraft using the procedure to manoeuvre consistently within safe operating practices and pilot workloads for the categories of aircraft that the procedure is intended for;

(ii) the flight procedure provides azimuth and distance information, and vertical guidance information for a precision approach, for the operation of aircraft to ensure that an aircraft using the procedure remains clear of obstacles; and

(iii) visual guidance systems and cues for the runway are appropriate for the flight procedure and are not confused by lighting, laser sky displays or any other visual distraction.

(3) A flight procedure design organisation must comply with the requirements of regulation 173.04.2, and the standards set out in Document NAM-CATS-FPD.

Standards for design of flight procedures

173.04.2 (1) A flight procedure design organisation designing an instrument flight procedure under the organisation's procedure design approval must ensure that the procedure is designed in accordance with -

(a) the design requirements set out in the current version of the ICAO PANS-OPS (Doc 8168);

(b) the design requirements set out or referred to in the current version of the ICAO Required Navigation Performance Authorisation Required Procedure Design Manual (Doc 9905);

(c) the quality assurance, training, and validation and associated requirements set out in the current version of the ICAO Quality Assurance Manual for Flight Procedure Design (Doc 9906) – Volume 1 to Volume 6; and

(d) any applicable standards and requirements set out in Document NAM-CATS-FPD.

(2) A flight procedure design organisation must establish procedures for ensuring that the processes of design, maintenance, or transfer of data of a flight procedure comply with the standards specified or referred to in Document NAM-CATS-FPD.

(3) A flight procedure design organisation may use alternative standards equivalent to the standards specified in this Part provided that the standards are acceptable to the Executive Director.

Verification of flight procedures

173.04.3 (1) A flight procedure design organisation must establish a procedure for verifying every flight procedure that it proposes to design, make available for operational use, and publish the flight procedure in the AIP.

(2) The procedure required by subregulation (1) must include -

(a) details of the checks to be carried out by a senior person, who is authorised to verify and certify the particular type of flight procedure, to ensure that the flight procedure meets the applicable requirements and standards prescribed by this Part; and

(b) the means for providing the Executive Director with the information required under this Part for approval of the procedure and for the entry of the flight procedure into the register.

(3) A person who is authorised to verify and certify a flight procedure may not verify or certify a flight procedure that the person has designed.

(4) In this Part, a reference to verifying a flight procedure is a reference to the process of checking the procedure, including all data, computations and drawings for the procedure, in accordance with any applicable standards set out in this Part.

Procedures for validation of flight procedures

173.04.4 (1) A flight procedure design organisation must ensure that the designed flight procedures undergo the validation process as applicable in accordance with the standards set out in Document NAM-CATS-FPD and subject to any conditions as are specified in the approval.

(2) Where a flight procedure design organisation has been approved to conduct validation of flight procedures, it must ensure that each flight procedure designed under its approval is validated in accordance with this Part and applicable standards set out in Document NAM-CATS-FPD.

(3) Where a flight procedure design organisation has not been approved to conduct validation of flight procedures, the organisation must ensure that each flight procedure it designs is validated by an approved flight procedure design entity prior to being submitted to the Executive Director for approval.

(4) A flight procedure design organisation that has been approved to conduct validation of flight procedures must establish procedures for conducting the validation of flight procedures as required under this Part.

(5) The procedures established in accordance with subregulation (4) must include the use of equipment that -

(a) has the precision, and accuracy traceable to appropriate standards, that are necessary for the validation being performed;

(b) has known measurement uncertainties including, but not limited to, the software, firmware and crosswind uncertainties;

(c) where flight validation is required, records the actual flight path of the validation aircraft; and

(d) is checked before being released for use, and at intervals not exceeding the calibration intervals recommended by the manufacturer, to establish that the system is capable of verifying the integrity of the flight procedure.

(6) A flight procedure design organisation must ensure that all flight procedures that it designs undergo ground validation and flight validation.

(7) Despite the requirement of subregulation (6), the flight validation of a flight procedure design may be excluded where the flight procedure design organisation can verify through ground validation, the accuracy and completeness of all obstacle and navigation data considered in the procedure design, and any other factors normally considered in the flight validation.

(8) The process to be used for ground and flight validation must be as described in Document NAM-CATS-FPD.

(9) Conditions under which flight validation is required must be as set out in Document NAM-CATS-FPD.

Process for approval of flight procedures

173.04.5 (1) Each flight procedure intended for use by aircraft operating within the territorial limits of Namibia must be approved by the Executive Director.

(2) The procedures for design submission and approval must be as set out in Document NAM-CATS-FPD.

(3) Before approving a flight procedure the Executive Director must be satisfied that the flight procedure -

(a) has been developed and validated in compliance with the applicable requirements of this Part, and any standards set out in Document NAM-CATS-FPD;

(b) has been developed and validated by a flight procedure design organisation approved by, and in compliance with regulations and standards of, another State acceptable to the Executive Director;

(c) is safe for use in aviation generally; and

(d) will be maintained by an approved flight procedures organisation.

(4) The Executive Director must indicate approval of each flight procedure in writing.

(5) An approval granted under this Part, is valid for a maximum period of two years unless it is suspended or revoked in accordance with Part 170.

(6) An approval granted under this Part is not transferable.

Entry of flight procedures into register

173.04.6 (1) The Executive Director must enter or cause to be entered each flight procedure intended for use by aircraft operating under IFR within the territorial limits of Namibia into the register referred to in regulation 71.10.1.

(2) For the purpose of subregulation (1), the following information is required by the Executive Director for every entry of a flight procedure into the register:

(a) the name or other appropriate identifier that is acceptable to the Executive Director to uniquely identify the flight procedure;

(b) aeronautical data that is acceptable to the Executive Director to define and describe the flight procedure;

(c) the date that the flight procedure is intended to come into effect;

(d) a statement signed by the senior person referred to in regulation 173.04.3(2)(a), certifying that the flight procedure meets the applicable standards and requirements prescribed by this Part; and

(e) a statement signed by a senior person referred to in paragraph (d), of the appropriate flight procedure organisation certifying that the flight procedure is to be maintained in accordance with the organisation's procedures required by this Part.

Publication of flight procedures

173.04.7 (1) A flight procedure design organisation must give -

(a) each flight procedure designed under its approval; and

(b) a certificate by the flight procedure design organisation's chief designer to the effect that the procedure is designed and validated in accordance with any applicable requirements prescribed in this Part and the standards set out in Document NAM-CATS-FPD,

to the aeronautical information service (AIS) for publication of the flight procedure in the AIP.

(2) A flight procedure design organisation must establish procedures to ensure that -

(a) a flight procedure is not published or made available for operational use, unless it has been validated and approved by the Executive Director;

(b) the initial publication of, or any change to, a flight procedure has been accurately published;

(c) the date that the flight procedure is intended to come into effect is clearly stated;

(d) the flight procedures designs or charts, are provided to the Aeronautical Information Service (AIS) provider for publication in the AIP; and

(e) the designs or charts published in the AIP are produced in accordance with the standards set out in Document NAM-CATS-FPD.

(3) The procedure required in subregulation (2) must include details of the means -

(a) for coordinating with the aeronautical information service provider and the publishing of the flight procedure in the AIP; and

(b) to check that the initial publication of, or any change to, a flight procedure published under subregulation (1) has been accurately published in the AIP.

(4) A flight procedure design organisation must -

(a) keep the aeronautical charts included in the AIP up-to-date by means of replacement sheets, where necessary; and

(b) clearly indicate in the revised charts, any significant amendments or revisions in the flight procedure.

(5) Where required, coding of flight procedures will be conducted in accordance with the standards set out in NAM-CATS-FPD.

Maintenance of flight procedures

173.04.8 (1) A flight procedure design organisation must maintain a flight procedure in accordance with the schedule set out in Document NAM-CATS-FPD.

(2) A flight procedure design organisation providing maintenance of a flight procedure must record, investigate, correct, and report, any identified error, and any identified non-conformance or suspected non-conformance in accordance with the standards set out in Document NAM-CATS-FPD.

Design criteria for flight procedures

173.04.9 (1) A flight procedure design organisation must design, validate and publish every flight procedure in accordance with the requirements of this Part and in accordance with the appropriate design processes, standards, guidelines, and aeronautical data quality requirements contained in the following materials:

(a) the current versions of ICAO Documents -

(i) Procedures for Air Navigation Services - Aircraft Operations - Volume I Flight Procedures and Volume II, Construction of Visual and Instrument Flight Procedures (Doc 8168);

(ii) Aeronautical Chart Manual (Doc 8697);

(iii) Manual of All-Weather Operations (Doc 9365);

(iv) Performance-Based Navigation Manual - Volume I Concept and Implementation Guidance and Volume II Implementing RNAV and RNP(Doc 9613);

(v) Guidelines for Electronic Terrain, Obstacle and Aerodrome Mapping Information (Doc 9881);

(vi) Manual on the Use of the Collision Risk Model (CRM) for ILS operations (Doc 9274 -.AN/904);

[The punctuation inside the last set of brackets is reproduced as it appears in the *Government Gazette*.]

(vii) Instrument Flight Procedure Construction Manual (Doc 9368 - AN/911);

(viii) Quality Assurance Manual for Flight Procedure Design (Doc 9906 - AN/472);

(ix) World Geodetic System 1984 (WGS-84) Manual (Doc 9674 - AN/946);

(x) Manual on Airspace Planning Methodology for the Determination of Separation Minima (Doc 9689);

(xi) Global Navigation Satellite System (GNSS) Manual (Doc 9849);

(b) the applicable requirements of Parts 91, 139, 172 and 175; and

(c) any other guideline or standard that is applicable to a particular type of flight procedure.

(2) The design criteria for flight procedures must be in accordance with the criteria described in ICAO Doc 8168 referred to in subregulation (1)(a)(i) for the development of -

(a) standard instrument departure (SID) and standard instrument arrival (STAR) procedures;

(b) approach procedures;

(c) circling procedures;

(d) en-route procedures;

(e) holding procedures;

(f) noise abatement procedures;

(g) altimeter setting procedures; and

(h) procedures for simultaneous operations on parallel runways.

(3) A flight procedure design organisation for the development of flight procedures, including the procedures listed in subregulation (2), must submit to the Executive Director the procedures for publication in the AIP in the format prescribed in Part 175.

(4) For purposes of subregulations (1), (2) and (3), the applicable -

(a) design processes, standards, guidelines, to be used must meet the criteria set out in Document NAM-CATS-FPD; and

(b) aeronautical data quality and integrity requirements, must meet the criteria prescribed in Part 175.

(5) The design of a procedure must -

(a) be coordinated with all appropriate air traffic service providers;

(b) be compatible with any air traffic service and associated procedure that is provided within the area or areas of airspace where the instrument flight procedure is intended to be established;

(c) comply with -

(i) noise abatement and environmental requirements described in ICAO Document 9888: Noise Abatement Procedures; and

(ii) any other legislation restricting aircraft operations;

(d) not impact on any adjacent airspace that may be affected by the procedure, unless appropriate coordination has been undertaken during the design phase; and

(e) take into account the effect that the proposed flight procedure may have on any other flight procedure established in the same airspace.

(6) A flight procedure may not be designed using a ground based ATEL facility unless the -

(a) ATEL facility is installed and operated under the authority of an aeronautical telecommunication service provider certificate issued under Part 171; and

(b) ATEL service provider agrees in writing that the ATEL facility can be used for the intended flight procedure.

(7) A flight procedure design organisation must ensure that the accuracy and integrity of data is maintained throughout the data process in accordance with the standards prescribed in Part 175.

[The verb "is" should be "are" to be grammatically correct.]

(8) A flight procedure may not be designed for an aerodrome or heliport, unless the operator of the aerodrome or heliport agrees in writing that the aerodrome or heliport may be used for IFR and VFR operations using the intended flight procedure.

Information acquisition

173.04.10 (1) A flight procedure design organisation must ensure that the survey and, the collection of data or information and subsequent flight procedure design activities and processes are controlled and monitored by a person or persons trained in flight procedure design.

(2) In the obstacle survey for procedure design, the flight procedure design organisation must consider that -

(a) all obstacles be accounted for, and items, such as trees and heights of tall buildings must be accounted for either by physical examination of the site or by addition of a suitable margin above terrain contours; and

(b) the accuracy of the vertical and horizontal data obtained may be adjusted by adding an amount equal to the specified survey error to the height of all measured obstructions and by making a corresponding adjustment for specified horizontal error.

(3) The procedure design information must be coordinated with all relevant stakeholders, and as input for the procedure design process the following aspects need to be assessed:

(a) airport, navigation aid, obstacle, terrain coordinate and elevation data, based on verified surveys;

(b) airspace requirements;

(c) user requirements - the needs of air traffic service provider and operators who will use this procedure;

(d) airport infrastructure such as runway classification, lighting, communications, runway markings, and availability of local altimeter setting;

(e) environmental considerations; and

(f) any other potential issue associated with the procedure.

(4) For the purpose of this regulation, "stakeholder" includes -

(a) the Authority;

(b) air navigation services providers;

(c) air traffic service providers;

(d) aircraft operators;

(e) aerodrome and airport operators;

(f) aviation associations;

(g) environmental authorities responsible for administering or regulation of matters relating to the environment;

(h) flight procedure design organisations; and

(i) any other persons or entities determined to be stakeholders by the Executive Director for the purpose of this regulation.

Procedure design automation

173.04.11 (1) A flight procedure design organisation must ensure that the software packages used in the design of procedures has been validated.

[The verb "has" should be "have" to be grammatically correct.]

(2) A flight procedure design organisation must ensure that a description of the procedures to be used to ensure that all equipment, including software is operated in accordance with the manufacturer's operating instructions and manuals, is readily available to the flight procedure designer.

(3) The flight procedure design organisation must ensure that the provisions of ICAO Doc 9906 referred to in regulation 173.04.9(1)(a)(viii) are adhered to in terms of software validation and use.

General criteria and procedures for establishment of aerodrome operating minima

173.04.12 A flight procedure design organisation must comply with the General Criteria and Procedures for the establishment of the Aerodrome Operating Minima specified in Document NAM-CATS-FPD.

SUBPART 5
GENERAL OPERATING REQUIREMENTS

Continued compliance

173.05.1 (1) A flight procedure design organisation must -

(a) hold at least one complete and current copy of its manual of procedures at the organisation's principal location;

(b) comply with every procedure and standard detailed in its manual of procedures;

(c) make each applicable part of the exposition available to personnel who require the applicable part to carry out their duties;

(d) continue to meet the standards and comply with the requirements of this Part and the standards set out in NAM-CATS-FPD and the requirements of Part 170; and

(e) notify the Executive Director of any change in its postal address, address for service, telephone number, email address or facsimile number within 14 days of the change.

(2) The flight procedure design organisation must -

(a) ensure that it's manual of procedures is amended in accordance with the requirements of Part 170 so that it remains a current description of the holder's organisation;

[The word "it's" should be "its".]

(b) ensure that any amendment made to its exposition meets the applicable requirements of Part 170;

(c) comply with the amendment procedures contained in its manual of procedures;

(d) forward to the Executive Director for retention a copy of each amendment that the organisation makes to its exposition as soon as possible after the amendment is incorporated into its manual of procedures; and

(e) amend its manual of procedures as the Executive Director may consider necessary in the interests of aviation safety.

(3) Before a flight procedure design organisation changes any of the following, prior written approval by the Executive Director is required -

(a) the person identified as the senior accountable manager in accordance with Part 170;

(b) the title or name of any senior person specified in the manual of procedures;

(c) the types of flight procedure specified on the organisation's approval; and

(d) the system for safety management, if the change is a material change.

(4) The Executive Director may impose conditions under which the flight procedure design organisation must operate during or following any of the changes specified in subregulation (3).

(5) The flight procedure design organisation must comply with any condition imposed by the Executive Director under subregulation (4).

(6) Where any of the changes under subregulation (3) requires an amendment to the flight procedure approval, the flight procedure design organisation must submit the approval to the Executive Director for endorsement of the change as soon as possible.

Cessation of maintenance of flight procedure service

173.05.2 Where a flight procedure design organisation that has been approved by the Executive Director for the maintenance of flight procedure design wishes to discontinue the

maintenance of a flight procedure as required under this Part, the organisation must notify the Executive Director in writing of the intention to discontinue the maintenance at least 90 days before the expiry of the procedure's scheduled maintenance period.

Design submission template

173.05.3 A flight procedure design organisation must, when submitting a flight procedure, do so using a template set out in Document NAM-CATS-FPD.

PART 174
AIR NAVIGATION SERVICES: AVIATION METEOROLOGICAL SERVICES

[Part 174 is substituted by GN 89/2020.]

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SUBPART 1
GENERAL

Definitions and interpretation in this Part

174.01.1 (1) Definitions pertaining to this Part are contained in Document NAM-CATS-MET.

(2) For purposes of these regulations "A-MET service" includes, unless the context indicates otherwise, the entity that has been designated and certified under this Part as the A-MET Authority and any other MET service provider that has been certified under this Part to provide aviation meteorological services in terms of these regulations.

(3) Unless otherwise specified in this Part, where any act is required or expected to be performed or anything is required or expected to be done by the A-MET service in terms of these regulations, that act must be performed or thing must be done by the A-MET authority and by each of the certified A-MET service providers.

(4) Subregulation (3) does not apply where the A-MET authority or an A-MET service provider has been exempted from performing the act or doing the thing by the Executive Director under these regulations.

Applicability

174.01.2 (1) This Part -

(a) prescribes -

(i) regulations and procedures governing the certification and operation of the A-MET authority and other organisations providing aviation meteorological services for air navigation within Namibia; and

(ii) requirements governing the provision of basic weather reports for aviation in accordance with Annex 3 to the Chicago Convention;

(b) applies to the entity that has been designated and certified as the A-MET Authority and to any other organisation that applies to be certified or has been certified as an aviation meteorological service provider pursuant to these regulations and to Annex 3 to the Chicago Convention; and

(c) sets out certain administrative rules applying to the Executive Director in the administration of this Part.

(2) This Part does not apply to -

(a) a person who is providing aviation meteorological services to military aircraft in the course of his or her duties for the Namibian Defence Force; or

(b) any aviation meteorological services provided to military aircraft by the Namibian Defence Force.

SUBPART 2
DESIGNATION AND CERTIFICATION AS A-MET SERVICE

Requirement for certification

174.02.1 (1) A person may not provide an aviation meteorological service in Namibia unless that person has been -

(a) designated and certified as the A-MET authority under regulation 174.02.2; or

(b) certified as a meteorological services provider under regulation 174.02.3,

and provides the service under the authority of, and in accordance with the provisions of a certificate issued in terms of this Part, and any additional requirements prescribed in Part 170.

(2) The A-MET service, in providing meteorological services for air navigation, must do so in accordance with the -

(a) requirements specified in this Part;

(b) technical standards set out in Document NAM-CATS-MET;

(c) manual of procedures referred in regulation 174.03.1; and

(d) applicable standards of the World Meteorological Organisation (WMO).

Designation and certification of A-MET authority

174.02.2 (1) The Namibian Meteorological Services (NMS) which is part of the Ministry is, for purposes of these regulations and of Annex 3 to the Chicago Convention, designated as the MET authority for Namibia.

(2) The A-MET authority -

(a) in conjunction with other A-MET service providers, is responsible for the provision of meteorological services for international air navigation in Namibia;

(b) is, unless exempted under paragraph (c), subject to the certification requirements of this Part; and

(c) may be exempted from certain certification requirements of this Part by the Executive Director in accordance with section 46 of the Act and Part 3.

Certification of other A-MET service providers

174.02.3 The Executive Director may issue a certificate authorising a person or an entity to provide A-MET services in Namibia, and the services to be provided may vary from a single aviation meteorological service to a range of aviation meteorological services.

Application for A-MET services provider certificate or amendment thereof

174.02.4 An application for an A-MET services provider certificate, or an amendment thereof, must be -

(a) made to the Executive Director in the appropriate form set out in Document NAM-CATS-MET; and

(b) accompanied by -

(i) the manual of procedures referred to in regulation 174.03.1;

(ii) the appropriate fee as prescribed in Part 187.

Issue of A-MET services provider certificate

174.02.5 (1) The Executive Director may issue an A-MET services provider certificate, if the Executive Director is satisfied that -

(a) the applicant meets the requirements prescribed in Part 170 and in this Part;

(b) the applicant's personnel required by this Part are competent to perform their respective duties;

(c) the applicant's senior personnel have not held a senior position in an organisation whose certificate was revoked by the Executive Director; and

(d) the issuing of the certificate is not contrary to the interests of aviation safety.

(2) The A-MET services provider certificate referred to in subregulation (1) is issued in the appropriate form, and contains the information, set out in Document NAM-CATS-MET.

Renewal of A-MET services provider certificate

174.02.6 (1) An application for the renewal of an A-MET services provider certificate, must be -

(a) made to the Executive Director on the appropriate form set out in Document NAM-CATS-MET; and

(b) accompanied by -

(i) the manual of procedures referred to in 174.03.1; and

(ii) the appropriate fee as prescribed in Part 187.

(2) The holder of an A-MET services provider certificate must if it wishes to renew the certificate, at least 90 days immediately preceding the date on which the certificate expires, apply to the Executive Director for the renewal of such certificate.

Duplicate certificate

174.02.7 (1) An application for a duplicate certificate as contemplated in Part 170 must be -

(a) made in the appropriate form set out in Document NAM-CATS-MET; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

(3) A duplicate of an A-MET services provider certificate is issued on the appropriate form set out in Document NAM-CATS-MET.

[This subregulation is incorrectly numbered in the *Government Gazette*; It should be subregulation (2).]

Privileges of A-MET service provider certificate holder

174.02.8 The privileges of an A-MET service provider certificate are limited to the services authorised by the certificate and the appropriate specifications set out in Document NAM-CATS-MET.

SUBPART 3
REQUIREMENTS TO BE COMPLIED WITH BY A-MET SERVICE IN RELATION TO AVIATION METEOROLOGICAL SERVICES

Manual of procedures and station standing instructions

174.03.1 (1) The A-MET service must prepare a manual of procedures as required by, and in accordance with, the provisions of Part 170 and the standards set out in Document NAM-CATS-MET.

(2) The A-MET service must prepare standing station instructions (SSI) or their equivalent for each meteorological office listed in its manual of procedures.

(3) The standing station instructions form part of, and may be integrated with, the service provider's manual of procedures as required under Part 170.

(4) The station standing instructions must set out the procedures for the operation and maintenance of the meteorological office and associated facilities in accordance with requirements set out in Document NAM-CATS-MET.

A-MET service organisation

174.03.2 (1) The A-MET service must, at all times, maintain an appropriate organisation with sound and effective management structure to enable it to provide, in accordance with the standards set out in Document NAM-CATS-MET, the services covered by its designation or certificate.

(2) The A-MET service must establish in its organisation structures, MET systems, functions and activities and management and operational positions necessary for the safe and efficient provision of aviation meteorological services.

Personnel requirements

174.03.3 (1) The A-MET service must engage, employ or contract sufficient, competent and qualified personnel in accordance with the requirements prescribed in Part 170.

(2) The A-MET service must develop and publish job descriptions for all technical staff involved in the provision of MET services for air navigation.

(3) The A-MET service must comply with the personnel and qualification requirements set out in Document NAM-CATS-MET.

Training and checking programme

174.03.4 (1) The A-MET service must establish a training and checking programme as required under Part 170, and in accordance with requirements specified in Document NAM-CATS-MET, including procedures, for assessing the competence of personnel who are authorised to provide meteorological services.

(2) The A-MET service must comply with the requirements of the World Meteorological Organisation in respect of qualifications and training of meteorological personnel providing service for international air navigation.

(3) The A-MET service, in establishing a training and checking programme, must take into consideration the training and qualification requirements prescribed in WMO Publication No. 49, Technical Regulations, Volume I: General Meteorological Standards and Recommended Practices, Part VI: Education and Training.

[Namibia is a party to the Convention of the World Meteorological Organization (WMO), 1947. Article 8(d) of that Convention authorises the World Meteorological Congress to "determine regulations prescribing the procedures of the various bodies of the Organization, in particular the General, Technical, Financial and Staff Regulations". In terms of Article 9(a) of the Convention, all members must "do their utmost to implement the decisions of Congress"; however, Article 9(b) states that any Member that finds it impracticable to give effect to a requirement in a technical resolution adopted by Congress shall inform the Secretary-General of the WMO "whether its inability to give effect to it is provisional or final, and state its reasons therefor".

WMO Publication No. 49, Volume I, can be found online at:
<www.wmo.int/pages/prog/hwrp/publications/technical_regulations/WMO_N49_TechnReg_Vol1.pdf**>.**

The Introduction to Volume I provides the following explanation:

"4. The Technical Regulations comprise *standard* practices and procedures and *recommended* practices and procedures.

5. The definitions of these two types of Regulations are as follows:

The *standard* practices and procedures:
(a) Shall be the practices and procedures which it is necessary that Members follow or implement; and therefore
(b) Shall have the status of requirements in a technical resolution in respect of which Article 9(b) of the Convention is applicable; and
(c) Shall invariably be distinguished by the use of the term *shall* in the English text, and by suitable equivalent terms in the French, Spanish and Russian texts.

The *recommended* practices and procedures:
(a) Shall be the practices and procedures which it is desirable that Members follow or implement; and therefore
(b) Shall have the status of recommendations to Members, to which Article 9(b) of the Convention shall not be applied;
(c) Shall be distinguished by the use of the term *should* in the English text (except where otherwise provided by decision of Congress) and by suitable equivalent terms in the French, Russian and Spanish texts.

6. In accordance with the above definitions, Members shall do their utmost to implement the standard practices and procedures. In accordance with Article 9(b) of the Convention and in conformity with the provisions of Regulation 125 of the General Regulations, Members shall formally notify the Secretary-General, in writing, of their intention to apply the standard practices and procedures of the Technical Regulations, except those for which they have lodged a specific deviation. Members shall also inform the Secretary-General, at least three months in advance, of any change in the degree of their implementation of a *standard practice or procedure* as previously notified and the effective date of the change.

7. Members are urged to comply with *recommended* practices and procedures, but it is not necessary to notify the Secretary-General of non-observance except with regard to those contained in sub-section C.3.1.**"]**

(4) The A-MET service must maintain individual training records for each of its staff in accordance with the requirements of Part 170.

Site requirements

174.03.5 The A-MET service must establish procedures to ensure that -

(a) each of the meteorological offices and facilities listed in its manual of procedures is -

(i) sited and configured in accordance with security measures designed to prevent unlawful or accidental interference; and

(ii) provided with suitable power supplies and means to ensure appropriate continuity of service; and

(b) each of the remote weather sensing facilities listed in its manual of procedures is installed and maintained in a technically appropriate position to ensure that the facility provides an accurate representation of the local meteorological conditions.

Communication requirements

174.03.6 (1) The A-MET service must establish communication systems and procedures to ensure that each of the meteorological offices and facilities listed in its manual of procedures can provide the meteorological information for which it is intended.

(2) The communication systems and procedures must be capable of handling the volume and nature of the meteorological information being communicated so that no meteorological information is delayed to the extent that the information becomes out-of-date.

(3) The communication systems and procedures must be in accordance with the standards set out in Document NAM-CATS-MET.

Facility requirements

174.03.7 (1) Where the A-MET service is required to provide a basic weather report, it must -

(a) utilise equipment that is suitable for the observations being made;

(b) employ a system for checking the equipment referred to in paragraph (a); and

(c) ensure personnel are trained to provide accurate basic weather reports.

(2) The A-MET service must establish procedures to ensure that all electronic data processing facilities used in the acquisition, compilation, computing, access or dissemination of meteorological information are of a nature, configuration and capability to ensure the adequacy, accuracy and timeliness of that meteorological and related information.

(3) The meteorological instruments and equipment must meet the standards set out in Document NAM-CATS-MET and the related World Meteorological Organisation requirements.

Document and record control system

174.03.8 (1) The A-MET service must establish a system for the control of documents and records in accordance with Part 170 and the standards set out in Document NAM-CATS-MET.

(2) The A-MET service must put in place a system for the retention of documents and records in accordance with Part 170 and the standards set out in Document NAM-CATS-MET.

Input meteorological information

174.03.9 (1) The A-MET service must establish procedures to obtain input meteorological information appropriate for the meteorological services being provided.

(2) The procedures referred to in subregulation (1) must ensure that each meteorological office and facility listed in the A-MET service's manual of procedures that provides -

(a) a forecast service, has continuing access to appropriate historical, real-time, and other meteorological information for the A-MET service's forecast areas;

(b) a meteorological briefing service in person or by any other interactive visual means, has adequate display and briefing resources available for the briefings;

(c) a meteorological reporting service, has adequate observing systems to supply adequate, accurate and timely meteorological reports;

(d) a meteorological watch service, has adequate meteorological information to supply an adequate, accurate and timely meteorological watch service; and

(e) a climatology service, has adequate meteorological information for the preparation of climatological information.

Output meteorological information

174.03.10 (1) The A-MET service must -

(a) identify the output meteorological information provided by each meteorological service listed in its manual of procedures; and

(b) determine the standards and formats for that output meteorological information.

(2) The A-MET service must establish procedures to ensure that the meteorological information supplied by each meteorological office and facility listed in its manual of procedures complies with the standards and formats determined under subregulation (1)(b).

Verification, periodic inspection, testing and calibration

174.03.11 (1) The A-MET service must establish procedures for -

(a) routine verification of meteorological information it provides;

(b) periodic inspection of each meteorological office listed in the manual of procedures;

(c) the periodic inspection, testing and calibration of each facility listed in its manual of procedures.

(2) The procedures established in accordance with subregulation (1) must ensure that -

(a) the systems required for the routine verification of meteorological information have the capability and integrity necessary for verifying the meteorological information;

(b) appropriate inspection equipment and systems are available to personnel for the inspection of each meteorological office;

(c) appropriate inspection, measuring and test equipment and systems are available to personnel for the inspection, testing and calibration of each facility;

(d) the inspection, measuring and test equipment and systems have the precision and accuracy necessary for the inspections, measurements and tests being carried out; and

(e) all meteorological sensing facilities are calibrated and configured so that the environmental sensors fitted or incorporated yield, as far as possible, reliable, accurate and representative meteorological information.

Release of meteorological information

174.03.12 (1) The A-MET service must establish procedures for -

(a) the release of meteorological information and for placing of facilities listed in its manual of procedures into operational service;

(b) the release of meteorological information from each meteorological office listed in its manual of procedures; and

(c) the placing of facilities listed in its manual of procedures into operational service.

(2) The procedures referred to in subregulation (1) must ensure that persons authorised to supervise the production and release of meteorological information and persons authorised to place meteorological facilities into operational service have been assessed as competent.

Notification of meteorological office and facility status

174.03.13 (1) The A-MET service must establish procedures to notify the users of its services of relevant operational information and of any change in the operational status of each meteorological office or facility listed in its manual of procedures.

(2) The A-MET service must ensure that the procedures established in accordance with subregulation (1) require -

(a) the operational information for each of its meteorological services that support the Namibian air navigation system or an air traffic service (ATS) to be forwarded to the

aeronautical information services (AIS) for publication in the aeronautical information publication (AIP);

(b) the users of a meteorological office or facility to be notified without delay of any change in the operational status of the meteorological office or facility, if the change may affect the safety of air navigation;

(c) the information regarding any change to the operational status of meteorological offices and facilities published in the AIP to be forwarded to the AIS for the issue of a NOTAM.

Meteorological information checks after accident or incident

174.03.14 (1) The A-MET service must establish procedures for checking the adequacy, accuracy and timeliness of any of its meteorological information that may have been used by an aircraft or an air traffic service involved in an accident or incident.

(2) The procedures referred to in subregulation (1) must ensure that -

(a) a person is designated to coordinate the checks;

(b) the persons carrying out the checks required by paragraph (c) must not include anyone who was the last person to work on the equipment providing the meteorological information;

(c) the checks are carried out as soon as possible after notification to the A-MET service of such an accident or incident; and

(d) copies of the meteorological information are kept in a secure place for possible use by any subsequent investigation.

Malfunctions and erroneous information

174.03.15 The A-MET service must establish procedures -

(a) to identify, record, notify, investigate and rectify any report of erroneous meteorological information;

(b) to identify, record, notify, investigate and rectify any detected malfunction in the facilities and meteorological services listed in its manual of procedures that may result in the supply of erroneous meteorological information;

(c) to notify without delay all users that have received the erroneous meteorological information;

(d) to notify the Executive Director, within 12 hours, of those malfunctions that cannot be remedied within 72 hours; and

(e) for the continuation of malfunction status reports in the event that such reports are required by the Executive Director.

Records

174.03.16 (1) The A-MET service must establish procedures to identify, collect, index, store, maintain and dispose of the records that are necessary for the supply of the meteorological services listed in its manual of procedures.

(2) The procedures referred to in subregulation (1) must be established in accordance with the requirements set out in Document NAM-CATS-MET.

Safety management system

174.03.17 The A-MET service must establish, implement, and maintain a system for the management of safety in accordance with Parts 140 and 170 and the standards set out in Document NAM-CATS-MET.

Standards for provision of A-MET services

174.03.18 (1) The A-MET service must provide meteorological information for air navigation in accordance with -

(a) provisions of this Part;

(b) the standards set out in Document NAM-CATS-MET;

(c) the standards set by the World Meteorological Organisation, as varied by the AIP; and

(d) the procedures and practices in the A-MET service's manual of procedures.

(2) The A-MET service may not provide meteorological information where the information provided does not meet the requirements specified in this Part and where limitations as specified in Document NAM-CATS-MET exist.

(3) The A-MET service must, before providing the service, be satisfied that -

(a) the personnel are adequate in number and have the necessary competency to provide the service;

(b) the manual of procedures contains all the relevant information;

(c) the facilities, services and equipment are established in accordance with these regulations;

(d) the operating procedures make satisfactory provision for the safety of air navigation; and

(e) an approved quality management system is in place.

SUBPART 4
GENERAL

Objective, determination and provision of meteorological services

174.04.1 The A-MET service must -

(a) provide services with the sole objective of contributing to the safety, regularity and efficiency of air navigation;

(b) supply meteorological information to users including aircraft operators, flight crew members, air traffic services units, search and rescue services units, aerodromes management and others concerned with the conduct or development of air navigation to enable them to perform their functions;

(c) determine the meteorological services it will provide to meet the needs of air navigation; and

(d) in providing meteorological services for air navigation, comply with the standards set out in Document NAM-CATS-MET and the applicable requirements of the World Meteorological Organisation.

Supply, use and quality management of meteorological information

174.04.2 (1) The A-MET service must -

(a) liaise closely with the users of meteorological information in accordance with the standards set out in Document NAM-CATS-MET; and

(b) establish, implement and demonstrate compliance with a quality system to provide for the quality management of meteorological information supplied to those concerned with the conduct or development of air navigation.

(2) The quality system required under subregulation (1)(b) must be established and implemented in accordance with the standards set out in Document NAM-CATS-MET.

Notification required from operators

174.04.3 (1) The A-MET service must establish procedures for receiving and responding to requests from operators regarding meteorological services or changes in existing meteorological service.

(2) An operator requiring a meteorological service or changes in an existing meteorological service must notify, sufficiently in advance, the A-MET service or the aerodrome meteorological office concerned in accordance with the standards set out in Document NAM-CATS-MET.

SUBPART 5
GLOBAL SYSTEMS, SUPPORTING CENTRES AND METEOROLOGICAL OFFICES

World area forecast system

174.05.1 If the A-MET service, has been assigned or has accepted responsibility for providing aeronautical meteorological en-route forecasts within the framework of the world area forecast system (WAFS), the A-MET service must arrange to provide the services in accordance with the standards set out in Document NAM-CATS-MET.

World area forecast centres

174.05.2 If the A-MET service, has been assigned or has accepted responsibility for providing a world area forecast centre (WAFC) within the framework of the world area forecast system, the A-MET service must arrange to provide the services in accordance with the standards set out in Document NAM-CATS-MET.

Aerodrome meteorological offices

174.05.3 (1) The A-MET service must, in accordance with the standards set out in Document NAM-CATS-MET -

(a) establish meteorological offices for the provision of the meteorological service for air navigation; and

(b) make arrangements at the aerodromes for which aerodrome meteorological offices have not been established.

(2) The aerodrome meteorological offices established in terms of subregulation (1) must carry out their functions in accordance with the standards set out in Document NAM-CATS-MET.

(3) Aerodromes for which landing forecasts are required must be determined on the basis of regional air navigation agreements.

Meteorological watch offices

174.05.4 (1) The A-MET service must establish one or more meteorological watch offices to provide meteorological information within the flight information region or control areas for which Namibia has been assigned, or has accepted the responsibility for the provision of air traffic services.

(2) The meteorological watch offices established under subregulation (1) must carry out their functions in accordance with the standards set out in Document NAM-CATS-MET.

Volcanic ash advisory centres

174.05.5 (1) If the A-MET service has been assigned or has accepted the responsibility for providing a volcanic ash advisory centre (VAAC) within the framework of the international airways volcano watch, the A-MET service must arrange to provide that service in accordance with the standards set out in Document NAM-CATS-MET.

(2) In case of interruption of the operation of a VAAC, the A-MET service must ensure that the functions of the VAAC are carried out by another VAAC or meteorological centre.

Volcano observatories

174.05.6 The A-MET service must make arrangements for the monitoring, observation and reporting of active or potentially active volcanoes as set out in Document NAM-CATS-MET.

Tropical cyclone advisory centre

174.05.7 If the A-MET service has been assigned or has accepted responsibility for providing a tropical cyclone advisory centre (TCAC), the A-MET service must arrange to provide

the services within its area of responsibility in accordance with the standards set out in Document NAM-CATS-MET.

Space weather centres

174.05.8 If the A-MET service has been assigned or has accepted the responsibility for providing a space weather centre (SWXC), the A-MET service must arrange for that centre to monitor and provide advisory information on space weather phenomena in its area of responsibility by arranging for that centre in accordance with the standards set out in Document NAM-CATS-MET.

SUBPART 6
METEOROLOGICAL OBSERVATIONS AND REPORTS

Aeronautical meteorological stations and observations

174.06.1 (1) The A-MET service must, at aerodromes in Namibia, establish such aeronautical meteorological stations as it determines to be necessary to comply with the requirements of these regulations.

(2) An aeronautical meteorological station must be established and equipped in accordance with the standards set out in Document NAM-CATS-MET.

(3) The aeronautical meteorological stations established in accordance with subregulation (1) must make routine observations as set out in Document NAM-CATS-MET.

Agreement between A-MET service and ATS provider

174.06.2 (1) The A-MET service must enter into an agreement with ATS providers for the provision of meteorological information and systems necessary for the provision of air traffic services.

(2) The agreement between the A-MET service and ATS providers must cover those services and systems necessary for the provision of meteorological information as set out in Document NAM-CATS-ATS.

Routine observations and reports

174.06.3 (1) The A-MET service must make routine observations at aerodromes, at such times and intervals as specified in Document NAM-CATS-MET.

(2) Routine observations and reports must be issued in accordance with the standards set out in Document NAM-CATS-MET.

Special observations and reports

174.06.4 (1) The A-MET service must establish the criteria for reporting of special observations by the ATS service provider, operators and others concerned.

(2) Reports of special observations must be issued in accordance with the standards set out in Document NAM-CATS-MET.

Contents of reports

174.06.5 The A-MET service must ensure that the contents of meteorological reports, which include local routine and special reports, current aerodrome routine meteorological reports (METAR) and aerodrome special meteorological reports (SPECI) that it issues, comply with the standards set out in Document NAM-CATS-MET.

Observing and reporting meteorological elements

174.06.6 The A-MET service must ensure that observation and reporting of the following meteorological elements is carried out in accordance with the standards set out in Document NAM-CATS-MET:

[The verb "is" should be "are" to be grammatically correct.]

(a) surface wind;

(b) visibility;

(c) runway visual range;

(d) present weather;

(e) clouds;

(f) air temperature and dew-point temperature;

(g) atmospheric pressure; and

(h) any other supplementary information.

Reporting meteorological information from automatic observing systems

174.06.7 The A-MET service must ensure that meteorological information, such as METAR, SPECI, local routine and special reports, received from automatic observing systems is reported in accordance with the standards set out in Document NAM-CATS-MET.

Observations and reports of volcanic activity

174.06.8 The A-MET service must ensure that the observation and reporting of volcanic activity is carried out in accordance with the standards set out in Document NAM-CATS-MET.

[The verb "is" should be "are" to be grammatically correct.]

SUBPART 7
AIRCRAFT OBSERVATIONS AND REPORTS

Obligation for reporting of observations

174.07.1 The A-MET service, with the concurrence of the air traffic services (ATS) provider, must make arrangements for -

(a) observations to be made by aircraft registered in Namibia and operating on international air routes; and

(b) the recording and reporting of observations made by aircraft as contemplated in paragraph (a).

Types of aircraft observations

174.07.2 Observations made by aircraft in accordance with regulation 174.07.1, must include -

(a) routine aircraft observations during en-route and climb-out phases of the flight; and

(b) special and other non-routine aircraft observations during any phase of the flight.

Routine aircraft observations and designation

174.07.3 Routine aircraft observations and the designation of aircraft for the purpose of making routine aircraft observations must be in accordance with the standards set out in Document NAM-CATS-MET.

Routine aircraft observations and data link

174.07.4 An aircraft may not make routine aircraft observations unless it is equipped with air-ground data link.

Special aircraft observations

174.07.5 All aircraft that is operating within the airspace of Namibia must make special aircraft observations in accordance with standards set out in Document NAM-CATS-MET.

Other non-routine aircraft observations

174.07.6 The pilot-in-command of an aircraft when encountering other meteorological conditions as specified in Document NAM-CATS-MET which, in his or her opinion, may affect the safety or efficiency of other aircraft operations, must advise the appropriate air traffic services unit as soon as possible.

Reporting of aircraft observations during flight

174.07.7 Aircraft observations during flight must be reported in accordance with the standards set out in Document NAM-CATS-MET.

Relay of air reports by ATS units

174.07.8 The A-MET service, with the concurrence of an ATS provider, must have arrangements in place to ensure that ATS units receiving air reports relay them to the A-MET service in accordance with the standards set out in Document NAM-CATS-MET.

Recording and post-flight reporting of aircraft observations of volcanic activity

174.07.9 The A-MET service must have in place, arrangements for the recording and post-flight reporting of aircraft observations of volcanic activity in accordance with the standards set out in Document NAM-CATS-MET.

SUBPART 8
FORECASTS

Interpretation and use of forecasts

174.08.1 The A-MET service must ensure that the interpretation and use of forecasts comply with the standards set out in Document NAM-CATS-MET.

Aerodrome forecasts

174.08.2 The A-MET service must -

(a) prepare aerodrome forecasts for aerodromes for which it has the responsibility to provide MET services; and

(b) ensure that aerodrome forecasts are prepared, issued and amended in accordance with the standards set out in Document NAM-CATS-MET.

Landing forecasts

174.08.3 The A-MET service must, for aerodromes for which they have MET service responsibility, prepare a landing forecast in accordance with the standards set out in Document NAM-CATS-MET.

Forecasts for take-off

174.08.4 The A-MET service must, for those aerodromes for which they have the responsibility to provide MET services, prepare a forecast for take-off in accordance with the standards set out in Document NAM-CATS-MET.

Area forecasts for low-level flights

174.08.5 The A-MET service must prepare and issue area forecasts for low-level flights in accordance with the standards set out in Document NAM-CATS-MET.

SUBPART 9
SIGMET AND AIRMET INFORMATION, AERODROME WARNINGS AND WIND SHEAR WARNINGS AND ALERTS

SIGMET information

174.09.1 The meteorological watch office must ensure that significant meteorological (SIGMET) information is issued in accordance with the standards set out in Document NAM-CATS-MET.

AIRMET information

174.09.2 The meteorological watch office must ensure that airmen's meteorological (AIRMET) information is issued in accordance with the standards set out in Document NAM-CATS-MET.

Aerodrome warnings

174.09.3 The meteorological watch office must ensure that aerodrome warnings are issued in accordance with the standards set out in Document NAM-CATS-MET.

Wind shear warnings and alerts

174.09.4 The meteorological watch office must ensure that wind shear warnings are issued in accordance with the standards set out in Document NAM-CATS-MET.

SUBPART 10
AERONAUTICAL CLIMATOLOGICAL INFORMATION

General provisions

174.10.1 The A-MET service must prepare and supply to the users, aeronautical climatological information required for the planning of flight operations as agreed between the A-MET service and those users in accordance with requirements set out in Document NAM-CATS-MET.

Aerodrome climatological tables

174.10.2 The A-MET service must -

(a) make arrangements for collecting and retaining the necessary observational data; and

(b) have the capability to prepare and make available to the users, aerodrome climatological tables in accordance with the standards set out in Document NAM-CATS-MET.

Aerodrome climatological summaries

174.10.3 The A-MET service must ensure that aerodrome climatological summaries are prepared in accordance with the procedures specified by the World Meteorological Organisation and the standards set out in Document NAM-CATS-MET.

Copies of meteorological observational data

174.10.4 The A-MET service must, upon request and to the extent practicable, make available to operators and to other persons concerned with the application of meteorology to air navigation, meteorological observational data required for research, investigation or operational analysis.

SUBPART 11
SERVICE FOR OPERATORS AND FLIGHT CREW MEMBERS

General provisions

174.11.1 The A-MET service must supply meteorological information to operators and flight crew members in accordance with the standards set out in Document NAM-CATS-MET.

Briefing, consultation and display

174.11.2 The A-MET service must provide briefing or consultation, on request, to flight crew members or other flight operations personnel in accordance with the standards set out in Document NAM-CATS-MET.

Flight documentation

174.11.3 The A-MET service must make available flight documentation comprising meteorological information in accordance with the standards set out in Document NAM-CATS-MET.

Automated pre-flight information systems for briefing, consultation, flight planning and flight documentation

174.11.4 The A-MET service must ensure that automated pre-flight information systems for briefing, consultation, flight planning and flight documentation are in accordance with the standards set out in Document NAM-CATS-MET.

Information for aircraft in flight

174.11.5 A meteorological office or a meteorological watch office must ensure that meteorological information for aircraft in flight is supplied to its associated air traffic services unit in accordance with the standards set out in Document NAM-CATS-MET.

SUBPART 12
INFORMATION FOR AIR TRAFFIC SERVICES, SEARCH AND RESCUE SERVICES AND AERONAUTICAL INFORMATION SERVICES

Information for air traffic services units

174.12.1 The A-MET service must ensure that the established -

(a) aerodrome meteorological office; or

(b) meteorological watch office,

associated with each air traffic services unit supplies up-to-date meteorological information to the air traffic service unit as necessary for the conduct of its functions in accordance with the standards set out in Document NAM-CATS-MET.

Information for search and rescue services units

174.12.2 The A-MET service must supply search and rescue (SAR) services units with the meteorological information they require in a form established by mutual agreement and for this purpose, the A-MET service must maintain liaison with the search and rescue services units throughout a search and rescue operation.

Information for aeronautical information services units

174.12.3 The A-MET service must arrange for the supply of up-to-date meteorological information to relevant air information services AIS units, as necessary, for the conduct of the functions of the AIS units.

SUBPART 13

REQUIREMENTS FOR AND USE OF COMMUNICATIONS

Requirements for communications

174.13.1 The A-MET service must make available, suitable telecommunications facilities to permit the supply of the required meteorological information to air traffic services units in accordance with the standards set out in Document NAM-CATS-MET.

Use of aeronautical fixed service communications: meteorological bulletins in alphanumeric format

174.13.2 Meteorological bulletins containing operational meteorological information to be transmitted via the aeronautical fixed service must be originated in accordance with the standards set out in Document NAM-CATS-MET.

Use of aeronautical fixed service communications: WAFS products

174.13.3 The A-MET service must make arrangements for the use of aeronautical fixed service communications for the transmission of world area forecast system (WAFS) products in accordance with the standards set out in Document NAM-CATS-MET.

Use of aeronautical mobile service communications

174.13.4 The A-MET service must make arrangements for the use of aeronautical mobile service communications for the transmission of meteorological information in accordance with the standards set out in Document NAM-CATS-MET.

Use of aeronautical data link service: contents of D-VOLMET

174.13.5 The A-MET service must make arrangements for the use of aeronautical data link services for the transmission of current aerodrome routine meteorological reports which include METAR, SPECI, aerodrome forecasts (TAF), SIGMET, special air-reports not covered by SIGMET and, where available, AIRMET, in accordance with the standards set out in Document NAM-CATS-MET.

Use of aeronautical broadcasting service: contents of VOLMET broadcasts

174.13.6 The A-MET service must make arrangements for the use of aeronautical broadcasting service for the transmission of current METAR, SPECI, TAF, and SIGMET in accordance with the standards set out in Document NAM-CATS-MET.

PART 175
AIR NAVIGATION SERVICES: AERONAUTICAL INFORMATION SERVICES AND AERONAUTICAL CHARTS

[Part 175 is substituted by GN 89/2020.]

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175.09.1 Applicability
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SUBPART 1
GENERAL

Definitions for this Part

175.01.1 (1) Definitions pertaining to this Part are contained in Document NAM-CATS-AIS.

(2) In this Part, reference to an "aeronautical information service (AIS) provider" means a person certified under this Part, to provide aeronautical information services and aeronautical charts for air navigation.

Applicability

175.01.2 (1) This Part -

(a) applies to the provision of aeronautical information services and aeronautical charts within Namibia;

(b) sets out certain administrative rules relating to the Executive Director in the administration of this Part.

(2) This Part does not apply to -

(a) a person who is providing an aeronautical information service or aeronautical charts to military aircraft in the course of his or her duties for the Namibian Defence Force; or

(b) any aeronautical information services and aeronautical charts provided to military aircraft by the Namibian Defence Force.

Standards for provision of aeronautical information services

175.01.3 (1) An AIS provider must provide aeronautical information services in accordance with -

(a) the requirements prescribed in Part 170;

(b) the requirements prescribed in this Part;

(c) the requirements of any other Parts referred to in this Part;

(d) the provisions set out or referred to in the current versions of ICAO Annexes 4 and 15;

[This refers to Annexes to the Convention on International Civil Aviation, 1944 (the "Chicago Convention").]

(e) the standards set out or referred to in current versions of ICAO Docs 10066, 8126, and 8697 and any other relevant ICAO documents;

(f) any applicable standards set out in Document NAM-CATS-AIS;

(g) the provisions of the Authority's Procedures for Aeronautical Information Management and any other relevant Authority documents; and

(h) the AIS provider's manual of procedures.

(2) An AIS provider may deviate from the standards prescribed under this Part if an emergency, or any other circumstance, arises that makes the deviation necessary in the interests of aviation safety.

(3) The AIS provider must, as soon as possible, inform the Executive Director of any deviation referred to in subregulation (2) and how long the deviation is likely to last.

Common reference systems for air navigation

175.01.4 The common reference systems to be used for air navigation must be in accordance with the standards set out in Document NAM-CATS-AIS.

Miscellaneous specifications

175.01.5 An AIS provider must ensure that aeronautical information products intended for international distribution are in accordance with the standards set out in Document NAM-CATS-AIS.

SUBPART 2
CERTIFICATION OF AIS PROVIDERS

Requirement for certification

175.02.1 A person may not provide an aeronautical information service, including aeronautical charts, except -

(a) under the authority of, and in accordance with the provisions of a certificate issued under Part; the requirements prescribed in Part 170, and the standards set out in Document NAM-CATS-AIS; or

(b) where the aeronautical information service is provided in accordance with the provisions of regulation 175.04.1.

Application for AIS provider certificate or amendment thereof

175.02.2 An application for an AIS provider certificate, or an amendment thereof, must be -

(a) made to the Executive Director in the appropriate form set out in Document NAM-CATS-AIS; and

(b) accompanied by -

(i) the manual of procedures referred to in regulation 175.03.1;

(ii) the appropriate fee as prescribed in Part 187.

Issue of AIS provider certificate

175.02.3 (1) The Executive Director may issue an AIS provider certificate, if the Executive Director is satisfied that -

(a) the applicant meets the requirements prescribed in Part 170 and in this Part;

(b) the applicant's personnel required by this Part are competent to perform their respective duties;

(c) the applicant's senior personnel have not held a senior position in an organisation whose certificate was revoked by the Executive Director; and

(d) the issuing of the certificate is not contrary to the interests of aviation safety.

(2) The AIS provider certificate referred to in subregulation (1) is issued in the appropriate form, and contains the information, set out in Document NAM-CATS-AIS.

Renewal of AIS provider certificate

175.02.4 (1) An application for the renewal of an AIS provider certificate, must be -

(a) made to the Executive Director on the appropriate form set out in Document NAM-CATS-AIS; and

(b) accompanied by -

(i) the manual of procedures referred to in 175.03.1; and

(ii) the appropriate fee as prescribed in Part 187.

(2) The holder of an AIS provider certificate must if it wishes to renew the certificate, at least 90 days immediately preceding the date on which the certificate expires, apply to the Executive Director for the renewal of such certificate.

Duplicate certificate

175.02.5 (1) An application for a duplicate certificate as contemplated in Part 170 must be -

(a) made in the appropriate form set out in Document NAM-CATS-AIS; and

(b) accompanied by the appropriate fee as prescribed in Part 187.

(2) A duplicate of an AIS services provider certificate is issued on the appropriate form set out in Document NAM-CATS-AIS.

Privileges of AIS provider certificate holder

175.02.6 The privileges of an AIS provider certificate are limited to the services authorised by the certificate and the appropriate specifications set out in Document NAM-CATS-AIS.

Limitations on certificate holder

175.02.7 An AIS provider may not provide aeronautical information where -

(a) the input data or information required to provide that aeronautical information is not available;

(b) the operational performance of the aeronautical information service office or facility producing that aeronautical information does not meet the applicable requirements;

(c) any integrity monitoring system associated with that aeronautical information is not fully functional;

(d) any required verification or validation, relating to that aeronautical information has not been completed; or

(e) there is any cause whatsoever to suspect the integrity of that aeronautical information.

SUBPART 3
REQUIREMENTS TO BE COMPLIED WITH BY AIS PROVIDERS

Manual of procedures

175.03.1 The holder of an AIS provider certificate must at all times, maintain a manual of procedures that -

(a) complies with the requirements of this Part and of Part 170; and

(b) contains the information set out in Document NAM-CATS-AIS.

AIS provider organisation

175.03.2 (1) An AIS provider must, at all times, maintain an appropriate organisation with a sound and effective management structure to enable it to provide, in accordance with the standards set out in Document NAM-CATS-AIS, the services covered by its certificate.

(2) An AIS provider must establish in its organisation structures, aeronautical information service systems, functions and activities and management and operational positions necessary for the safe and efficient provision of aeronautical information services.

Personnel requirements

175.03.3 An AIS provider must -

(a) employ, contract or engage aeronautical information service personnel in accordance with Parts 140 and 170;

(b) establish aeronautical information service qualification and training requirements to ensure that each member of the aeronautical information service personnel maintains the appropriate level of qualification;

(c) define the method by which staffing levels are determined in relation to the aeronautical information services to be provided and the procedure for their recruitment and progression; and

(d) develop and include in its manual of procedures, job descriptions for technical personnel involved in the provision of aeronautical information services.

Station standing instructions

175.03.4 (1) An AIS provider must provide a station standing instructions (SSI) for each AIS office listed in its manual of procedures.

(2) The SSI referred to in subregulation (1) must set out the procedures for the operation and maintenance of the AIS office and associated facilities and must include information on -

(a) the aeronautical information service information and services provided;

(b) the minimum acceptable operating parameters and standards for facilities;

(c) the minimum data and information inputs required;

(d) the minimum performance and quality levels for output aeronautical information service information and services provided; and

(e) any mandatory check procedures for releasing aeronautical information service information.

(3) The SSI may be integrated with the AIS provider's manual of procedures.

Training and checking programme

175.03.5 (1) An AIS provider must develop and implement a training and checking programme that is of an adequate standard to ensure that AIS personnel maintain their competence and are provided with ongoing training appropriate to their duties.

(2) The training and checking programme must include a training policy and programme with basic, specialisation, and continuation trainings and training plan to ensure that all aeronautical information service activities can be performed.

(3) The AIS provider must maintain individual training records for each of its staff in accordance with Part 170.

AIS provider facilities and equipment

175.03.6 An AIS provider must provide and maintain adequate facilities and equipment necessary for providing the services listed in its manual of procedures, including -

(a) providing premises and equipment appropriate for the AIS provider's employees to carry out their work; and

(b) ensuring that employees have access to all necessary aeronautical data and aeronautical information.

Safety management system

175.03.7 The AIS provider must implement a safety management system in accordance with Part 170.

Publication of aeronautical charts

175.03.8 (1) An AIS provider must ensure the publication of aeronautical charts that are operationally suitable for the following phases of flight:

(a) taxiing from aircraft stand to take-off point;

(b) take-off and climb to en-route air traffic services (ATS) route structure;

(c) en-route ATS structure;

(d) descent to approach;

(e) approach to land and missed approach; and

(f) landing and taxiing to aircraft stand.

(2) An AIS provider must ensure that the aeronautical information and aeronautical data published on the aeronautical charts are published in accordance with -

(a) the standards, format, resolution and quality set out or referred to in -

(i) Subpart 9; and

(ii) applicable standards set out in Document NAM-CATS-AIS;

(b) the accuracy standards set out or referred to in -

(i) Part 172 and NAM-CATS-ATS; and

(ii) Part 139 and NAM-CATS-AH.

Error correction and notification

175.03.9 (1) An AIS provider must establish procedures to record, investigate, correct and report any errors concerning aeronautical information and aeronautical data published.

(2) The procedures in accordance with subregulation (1) must ensure that -

(a) the error is corrected by the most appropriate means relative to the operational significance of the error;

(b) the corrected aeronautical data or aeronautical information is clearly identified;

(c) the source of the error is identified; and

(d) processes are established to eliminate the source of the error.

Directive to amend published aeronautical data and aeronautical information

175.03.10 The Executive Director may, in writing, direct an AIS provider to amend published aeronautical information or data if it is necessary in the interests of aviation safety.

Documents and records

175.03.11 (1) An AIS provider must establish a system for the maintenance of documents and records in accordance with the requirements prescribed in Part 170.

(2) The AIS provider must -

(a) establish procedures to record, collect, index, store, secure, maintain, access and dispose of the records that are necessary for the aeronautical information services listed its manual of procedures; and

(b) establish, and put into effect, a system for controlling documents and records relating to the aeronautical information services that it provides, including the policies and procedures for making, amending, preserving and disposing of those documents and records.

SUBPART 4
RESPONSIBILITIES AND FUNCTIONS

Responsibilities of Executive Director

175.04.1 (1) The Executive Director may -

(a) provide an aeronautical information service;

(b) agree with one or more other States for the provision of a joint service; or

(c) delegate the authority for the provision of the aeronautical information service to a non-governmental agency provided that the service is provided in accordance with this Part and the standards set out in Document NAM-CATS-AIS.

(2) The Executive Director must make arrangements for the provision of aeronautical data and aeronautical information covering the territory of Namibia and those areas over the high seas for which Namibia is responsible for the provision of air traffic services.

(3) The Executive Director must ensure that -

(a) the provision of aeronautical data and aeronautical information is in accordance with standards set out in Document NAM-CATS-AIS;

(b) the entity providing aeronautical data and aeronautical information is certified in accordance with the requirements of Part 170.

(4) Despite the requirements of subregulations (1), (2) and (3), the Executive Director remains responsible for aeronautical data and aeronautical information provided for and on behalf of Namibia.

AIS provider responsibilities and functions

175.04.2 An AIS provider must ensure that aeronautical data and aeronautical information necessary for the safety, regularity and efficiency of air navigation is made available in accordance with the standards set out in Document NAM-CATS-AIS.

Exchange of aeronautical data and aeronautical information

175.04.3 An AIS provider must make arrangements for the exchange of aeronautical data and aeronautical information in accordance with the standards set out in Document NAM-CATS-AIS.

Copyright

175.04.4 An AIS provider may, as determined by the Executive Director, apply copyright to its products in accordance with the standards set out in Document NAM-CATS-AIS and any other applicable laws of Namibia.

Cost recovery

175.04.5 An AIS provider must make arrangements for the recovery of the overhead costs of collecting and compiling aeronautical data and information in accordance with the standards set out in Document NAM-CATS-AIS.

SUBPART 5
AERONAUTICAL INFORMATION MANAGEMENT

Information management requirements

175.05.1 An AIS provider must establish adequate information management resources and processes to ensure the timely collection, processing, storing, integration, exchange and delivery of quality-assured aeronautical data and aeronautical information within the air traffic management (ATM) system.

Data quality specifications

175.05.2 An AIS provider must ensure that aeronautical data quality specifications are in accordance with the standards set out in Document NAM-CATS-AIS.

Aeronautical data and aeronautical information verification and validation

175.05.3 An AIS provider must establish procedures and processes for validation and verification of aeronautical data and aeronautical information in accordance with the standards set out in Document NAM-CATS-AIS.

Data error detection

175.05.4 An AIS provider must use digital data error detection techniques during the transmission or storage of aeronautical data and digital data sets in accordance with the standards set out in Document NAM-CATS-AIS.

[In the *Government Gazette*, the hyphen is missing between "NAM" and "CATS"; it has been inserted above to facilitate word searches for this term.]

Use of automation

175.05.5 An AIS provider must apply automation in order to ensure the quality, efficiency and cost-effectiveness of aeronautical information services in accordance with the standards set out in Document NAM-CATS-AIS.

Quality management system

175.05.6 An AIS provider must implement and maintain a quality management system encompassing all functions of an AIS provider as described in regulation 175.04.2 and in accordance with the standards set out in Document NAM-CATS-AIS.

Human factors considerations

175.05.7 An AIS provider must, in the management and distribution of aeronautical data and aeronautical information, take into consideration human factors principles in accordance with the standards set out in Document NAM-CATS-AIS.

SUBPART 6
SCOPE OF AERONAUTICAL DATA AND AERONAUTICAL INFORMATION

Scope of aeronautical data and aeronautical information

175.06.1 An AIS provider must ensure that the scope of aeronautical data and aeronautical information it receives and manages is in accordance with the standards set out in Document NAM-CATS-AIS.

Metadata

175.06.2 An AIS provider must in accordance with the standards set out in Document NAM-CATS-AIS -

(a) collect metadata for aeronautical data processes and exchange points; and

(b) ensure that metadata collection is applied throughout the aeronautical information data chain.

SUBPART 7
AERONAUTICAL INFORMATION PRODUCTS AND SERVICES

General

175.07.1 (1) An AIS provider must provide aeronautical information in the form of aeronautical information products and associated services.

(2) The AIS provider must ensure that the specifications of aeronautical data provided for each aeronautical information complies with the standards set out in Document NAM-CATS-AIS.

[The verb “complies” should be “comply” to be grammatically correct.]

(3) Where aeronautical data and aeronautical information are provided in multiple formats, the AIS provider must implement processes to ensure data and information consistency between formats.

Aeronautical information in standardised presentation

175.07.2 (1) The aeronautical information provided in a standardised presentation must include, Aeronautical Information Publication (AIP), AIP Amendments, AIP Supplements, Aeronautical Information Circulars (AICs), NOTAMs and Aeronautical Charts.

(2) The specifications for, and provision of, the information provided in terms of subregulation (1) must be in accordance with the standards set out in Document NAM-CATS-AIS.

Digital data sets

175.07.3 (1) An AIS provider must ensure that digital data is provided in the form of data sets.

(2) The specifications, contents and provision of the data sets must be in accordance with the standards set out in Document NAM-CATS-AIS.

Distribution services

175.07.4 An AIS provider must make arrangements for the distribution of -

(a) aeronautical information products, including NOTAMs, in the form and manner described in Document NAM-CATS-AIS; and

(b) AIP, AIP amendments, AIP supplements and AIC by the most expeditious means.

Pre-flight information service

175.07.5 An AIS provider, providing a service for any aerodrome or heliport used for international air operations must make arrangements for the provision of pre-flight information service to personnel concerned with flight operations in accordance with the standards set out in Document NAM-CATS-AIS.

Post-flight information service

175.07.6 An AIS provider, providing a service for any aerodrome or heliport used for international air operations must make arrangements for the provision of post-flight information service in accordance with the standards set out in Document NAM-CATS-AIS.

SUBPART 8
AERONAUTICAL INFORMATION UPDATES

General specifications

175.08.1 An AIS provider must make arrangements to keep up to date, aeronautical data and aeronautical information.

Aeronautical information regulation and control

175.08.2 (1) An AIS provider must establish procedures for the use of the regulated system (AIRAC) based upon a series of common effective dates at intervals of 28 days as described in Document NAM-CATS-AIS.

(2) The AIRAC system must be used when distributing aeronautical information concerning the establishment, withdrawal or significant changes in accordance with the standards set out in Document NAM-CATS-AIS.

Aeronautical information product updates

175.08.3 An AIS provider must make arrangements for the updates of the AIP, NOTAMs and data sets in accordance with the standards set out in Document NAM-CATS-AIS.

SUBPART 9
AERONAUTICAL CHARTS

Applicability

175.09.1 (1) The specifications in this Subpart apply to all charts developed after 19 November 2009.

(2) An AIS provider must ensure that all aeronautical charts published in accordance with this Part and bearing the aeronautical information date of 19 November 2009 or later conform to the standards relevant to the particular chart.

Availability

175.09.2 An AIS provider must make available all information and charts relating to the territory of Namibia and ensure that such information and charts comply with the standards set out in Document NAM-CATS-AIS.

General specifications for charts

175.09.3 An AIS provider must ensure that each chart provides relevant, appropriate and accurate operational information and that the specifications comply with the standards set out in Document NAM-CATS-AIS.

ICAO charts

175.09.4 An AIS provider must ensure that the following aeronautical charts comply with the standards set out in Document NAM-CATS-AIS -

(a) Aerodrome Obstacle Chart– ICAO Type A (Operating limitations);

(b) Aerodrome Obstacle Chart– ICAO Type B;

(c) Aerodrome terrain and obstacle chart – ICAO (Electronic);

(d) Precision Approach Terrain Chart – ICAO;

(e) En-route Chart – ICAO;

(f) Area Chart – ICAO;

(g) Standard Departure Chart – Instrument (SID) – ICAO;

(h) Standard Arrival Chart – Instrument (STAR) – ICAO;

(i) Instrument Approach Chart – ICAO;

(j) Visual Approach Chart – ICAO;

(k) Aerodrome/Heliport Chart – ICAO;

(l) Aerodrome Ground Movement Chart – ICAO;

(m) Aircraft Parking/Docking Chart – ICAO;

(n) World Aeronautical Chart – ICAO 1: 1 000 000;

(o) Aeronautical Chart – ICAO 1: 500 000;

(p) Aeronautical Navigation Chart – ICAO Small Scale;

(q) Plotting Chart – ICAO;

(r) Electronic Aeronautical Chart Display – ICAO;

(s) ATC Surveillance Minimum Altitude Chart – ICAO.

PART 179
AIR NAVIGATION SERVICES: SEARCH AND RESCUE SERVICES

[Part 179 is inserted by GN 89/2020.]

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SUBPART 1
GENERAL

Definitions for this Part

179.01.1 (1) Definitions pertaining to this Part are contained in Document NAM-CATS-SAR.

(2) In this Part, -

"COSPAS-SARSAT" refers to a satellite-based search and rescue (SAR) distress alert detection and information distribution system, established and operated by Canada, France, the United States and Russia; and

"search and rescue organisation" means the composite organisation of persons and entities that include the SAR coordinating agency, search and rescue units and all other public governmental or private bodies or institutions, including voluntary organisations, that individually or collectively are involved in one way or another in the provision of search and rescue services in Namibia.

Applicability

179.01.2 This Part -

(a) prescribes regulations and procedures governing the provision of search and rescue (SAR) services in the Namibian search and rescue region (SRR);

(b) applies to -

(i) all aircraft operating within the Namibia search and rescue region including areas over the high seas to which Namibia has accepted responsibility under the regional air navigation plan, and requiring search and rescue services;

(ii) each person employed by, in the service of, or performing functions on behalf of, the SAR coordinating agency, a SAR rescue coordination centre, a rescue coordination sub-centre, and a search and rescue unit;

(iii) all pilots-in-command who intercept a distress transmission or who observe another person, aircraft or a surface craft in distress;

(iv) each owner, operator or pilot-in-command of an aircraft that has been requested by the SAR coordinating agency to assist in search and rescue activities;

(v) SAR authorities of neighbouring States who wish their search and rescue units to enter the territory of Namibia for search and rescue purposes; and

(c) sets out certain administrative rules applying to the Executive Director in the administration of this Part.

Restrictions on provision of search and rescue service

179.01.3 A person may not provide an aeronautical search and rescue service in Namibia unless that person is -

(a) the SAR coordinating agency designated under this Part;

(b) acting for or on behalf of a search and rescue coordination centre, rescue coordination sub-centre, or a search and rescue unit established in terms of this Part; or

(c) acting pursuant to regulation 179.03.7,

and provides that service in compliance with the provisions of this Part.

SUBPART 2
SEARCH AND RESCUE ORGANISATION

Search and rescue coordinating agency

179.02.1 (1) There is established an agency known as the Search and Rescue (SAR) coordinating agency whose main objective is to ensure a coordinated and effective aeronautical search and rescue service within Namibia.

(2) The SAR coordinating agency acts as the responsible authority for the purposes of Annex 12 to the Chicago Convention, and the International Convention on Maritime Search and Rescue adopted on 12 April 1979 by the Maritime and Safety Committee of the International Maritime Organisation.

[Namibia is a party to the International Convention on Maritime Search and Rescue, 1979. See the entry on this Convention in the Namlex Appendix.]

(3) The SAR coordinating agency, which is responsible for the coordination and operational functions required for aeronautical search and rescue services in Namibia, consists of representatives from such government, voluntary and private institutions as the Executive Director may determine including representative from the following:

(a) the Ministry;

(b) the Authority;

(c) the Namibian Defence Force;

(d) the Namibian Police; and

(e) the Namibia Ports Authority.

(4) The head of the Air Navigation Services referred to in section 49(2) of the Act is the chairperson of the SAR coordinating agency.

(5) The designation to provide search and rescue service under subregulation (1) is subject to compliance with the relevant requirements prescribed in this Part and in Part 170, associated standards and any other conditions as may be specified or notified by the Executive Director.

Provision of search and rescue services

179.02.2 (1) The SAR coordinating agency, either acting individually, or in cooperation with another State, is responsible to the Executive Director for the establishment and prompt provision of search and rescue services within the Namibian search and rescue region, including portions of the high seas where Namibia has accepted the responsibility to provide search and rescue services on the basis of regional air navigation agreements.

(2) The SAR coordinating agency has the authority to call for the collaboration and support of other State resources during search and rescue operations.

(3) The Minister may conclude agreements concerning the provision of assistance with -

(a) local and regional government authorities;

(b) suitable private agencies or persons; or

(c) search and rescue authorities of other States,

for the purpose of search and rescue operations.

(4) The SAR coordinating agency and any public authorities, private agencies or persons providing search and rescue services within the territory of Namibia or areas over the high seas for which Namibia has accepted responsibility to provide search and rescue services must provide the services in accordance with the provisions of this Part.

(5) The SAR coordinating agency must provide search and rescue services in accordance with requirements of this Part and any standards set out in Document NAM-CATS-SAR.

(6) The costs, connected with the conduct of a search and rescue operation, must not be allowed to interfere with its prompt and effective execution.

Establishment of Namibian search and rescue region

179.02.3 (1) The Namibian SAR region, as determined by the Executive Director, and published in the *Gazette* and in the Namibian Aeronautical Information Publication (AIP) must -

(a) be coincident to the Windhoek Flight Information Region (AIP); and

(b) cover the Namibia maritime search and rescue region, including the high seas, as laid down by the ICAO and the International Maritime Organisation.

(2) The Executive Director must establish the Namibian search and rescue region with the objective of ensuring the provision of adequate communication infrastructure, efficient distress alert routing and proper operational coordination to effectively support search and rescue services in Namibia.

(3) The Executive Director must determine the delineation of the Namibia search and rescue regions on the basis of technical and operational considerations and that may not necessarily be related to the territorial boundaries of Namibia.

(4) The Executive Director must establish the Namibian search and rescue region so as to comprise -

(a) the airspace, and land and sea areas contained within the Windhoek Flight Information Region (FIR), except where agreements have been made with another State for search and rescue services to be provided by a neighbouring State; and

(b) additional airspace volumes and land and sea areas within the territorial boundaries of Namibia as may be determined by the Executive Director.

Establishment of rescue coordination centre and rescue sub-centres

179.02.4 (1) The SAR coordinating agency must -

(a) establish a rescue coordination centre and as appropriate, a sufficient number of rescue sub-centres to provide search and rescue services within the Namibian search and rescue region;

(b) following the establishment of a rescue coordination centre and appropriate rescue sub-centres, publish in the AIP, information regarding such establishment; and

(c) ensure that search and rescue services are available on a 24-hour basis.

(2) The rescue coordination centre and, as appropriate, rescue sub-centres, must be established in accordance with the standards set out in Document NAM-CATS-SAR.

Search and rescue communication

179.02.5 (1) The SAR coordinating agency must ensure that the rescue coordination centre and, as necessary, the rescue sub-centres have means of rapid and reliable two-way communications with the relevant units, centres and agencies involved in search and rescue operations.

(2) The communication systems and procedures for the rescue coordination centre and the rescue sub-centres must be established in accordance with the standards set out in Document NAM-CATS-SAR.

Search and rescue units

179.02.6 (1) The SAR coordinating agency must designate as search and rescue units, elements of public or private persons and entities, suitably located and equipped for search and rescue operations.

(2) The SAR coordinating agency must designate as part of the search and rescue plan of operation, elements of public or private persons or entities, that do not qualify as search and rescue units but are able to participate in search and rescue operations.

(3) The establishment of search and rescue units must be in accordance with the standards set out in Document NAM-CATS-SAR.

Search and rescue equipment

179.02.7 (1) The SAR coordinating agency must ensure that designated search and rescue units are provided with, or have made arrangements to access the necessary equipment for locating promptly, and for providing adequate assistance at the scene of an accident.

(2) Each aircraft involved in search and rescue operations must have necessary equipment for communication on the aeronautical distress, on-scene and other frequencies and devices for homing on distress frequencies.

(3) The equipment to be provided to search and rescue units and to aircraft must be as set out in Document NAM-CATS-SAR.

Register of search and rescue units and other SAR service providers

179.02.8 (1) The SAR coordinating agency must keep a register of all the designated search and rescue units and other rescue service providers which may from time to time be tasked to assist in search and rescue operations.

(2) The register referred to in subregulation (1) must contain relevant particulars of the units or organisations including -

(a) full name;

(b) address; and

(c) the type or types of search and rescue service to be provided;

[The semicolon at the end of paragraph (c) should be a full stop; there are no additional items in the list in the *Government Gazette*.]

(3) The SAR coordinating agency must keep or cause to be kept the register in a safe place at the rescue coordination centre and at rescue sub-centres.

SUBPART 3
REQUIREMENTS TO BE COMPLIED WITH BY SAR COORDINATING AGENCY

Search and rescue operations manual

179.03.1 (1) The SAR coordinating agency must, as part of its manual of procedures required under Part 170, develop and maintain a search and rescue operations manual covering the operations of the rescue coordination centre and associated rescue sub-centres.

(2) The search and rescue operations manual must contain a description of procedures and practices for the provision of search and rescue services within Namibia, including -

(a) organisational structure, including management structure, search and rescue resources and provisions for domestic, military and foreign aircraft during search and rescue operations;

(b) communications, including interactions and responses to emergency signalling devices such as COSPAS-SARSAT and Inmarsat-E EPIRB, inter-unit and interagency communications and coordination, and communications infrastructure and procedures;

(c) awareness and initial action*s*, including search and rescue stages, emergency phases, sequence of search and rescue events, and information gathering and assessment;

(d) search planning and evaluation, including search planning steps, search stages, and factors affecting search and rescue response;

(e) search techniques and operations, including search area coverage, search patterns, electronic searches and search and rescue crew briefing and de-briefing;

(f) rescue planning and operations, including preparation, medical assistance, rescue on land or at sea, and supply dropping;

(g) conclusion of search and rescue operations, including suspension of search, resumption of search, records and reports, and performance review;

(h) training and exercises, including national training framework, training of search and rescue units, and liaison visits; and

(i) emergency assistance other than search and rescue, where requested or required.

Personnel requirements

179.03.2 (1) The SAR coordinating agency must, in addition to the personnel requirements specified in Part 170, ensure that -

(a) the planning of search and rescue services is properly coordinated and all the components of the SAR organisation comply with the requirements specified in the search and rescue operations manual;

(b) there is sufficient and qualified staff to operate the rescue coordination centre or rescue coordination sub-centres during normal operations, and during search and rescue events.

(2) The SAR coordinating agency must -

(a) ensure that all rescue coordination centre and rescue sub-centres personnel are competent and hold appropriate qualifications to perform the duties which they are assigned;

(b) ensure that personnel are appropriately trained and assessed through a formal process by a person who is qualified;

(c) give each of the rescue coordination centre and rescue sub-centre personnel a certificate that -

(i) includes the names of the personnel;

(ii) describes the functions that the personnel is authorised to perform; and

(iii) states the period during which the certificate is effective and valid;

(d) develop a comprehensive training programme and periodic training plans to ensure that each member of the rescue coordination centre and rescue sub-centres personnel maintain the appropriate level of qualification;

(e) maintain training records for all search and rescue personnel in accordance with Part 170;

(f) establish a process to confirm that all personnel from other agencies that will be engaged to respond to a search and rescue event are competent and hold appropriate qualifications to perform the duties which they are assigned, except that responsibility for initial and recurrent training and qualification of agency personnel remains with the SAR agency;

(g) establish arrangements that define the person responsible and the process to be followed to ensure an adequate number of suitably trained and qualified staff are available in respect of search and rescue services;

(h) define the method by which staffing levels are determined in relation to the search and rescue services to be provided; and

(i) establish arrangements that define the management responsibilities and process for ensuring adequate staff supervision, and such arrangements must include the mechanisms that ensure only trained and competent staff undertake the provision of search and rescue services.

(3) Where rescue coordination centre and rescue sub-centres staff or other search and rescue-related personnel are not permanently employed in search and rescue activities, but are seconded from other government institutions or agencies as required from time to time, the SAR coordinating agency must ensure that the seconded staff are appropriately qualified, and that appropriate recurrent training is provided on a regular basis to maintain competence.

Co-ordination requirements

179.03.3 (1) A SAR coordinating agency must establish systems and procedures for ensuring effective co-ordination between itself and the following entities:

(a) the Authority's safety division;

(b) SAR coordinating agencies of other States, rescue coordination centres and sub-centres and search and rescue units of other States, if applicable;

(c) maritime rescue coordination centres;

(d) aeronautical telecommunication service providers;

(e) air traffic service providers;

(f) the A-MET service;

(g) aeronautical information service providers;

(h) aircraft operators;

(i) aerodrome operators;

(j) SAR service providers and authorities in neighbouring States;

(k) the Namibian Defence Force;

(l) the Namibian Police;

(m) disaster management entities established by the Disaster Risk Management Act,2012 (Act No. 10 of 2012) and other emergency response units of Namibia; and

(n) the COSPAS-SARSAT mission control centre.

(2) The SAR coordinating agency must ensure that each rescue sub-centre has means of rapid and reliable two-way communication with -

(a) the rescue coordination centre;

(b) adjacent rescue sub-centres;

(c) a meteorological office or meteorological watch office;

(d) search and rescue units; and

(e) alerting posts.

Standards for provision of search and rescue services

179.03.4 (1) The SAR coordinating agency must provide services in full compliance with the regulations prescribed in this Part and any standards set out in Document NAM-CATS-SAR.

(2) The SAR coordinating agency must provide services in full compliance with the applicable -

(a) standards set out by the International Aeronautical and Maritime Search and Rescue Manual, as varied by the AIP; and

(b) procedures and practices published in the SAR coordinating agency's manual of procedures.

(3) The SAR coordinating agency must, in addition ensure that the search and rescue service that it provides, meets the -

(a) requirements prescribed in Part 170;

(b) requirements prescribed in this Part;

(c) requirements of any other Parts referred to in this Part;

(d) provisions set out or referred to in ICAO Annex 12;

(e) standards set out or referred to in any relevant ICAO Documents;

(f) applicable standards set out in Document NAM-CATS-SAR; and

(f) provisions of any other relevant Authority's documents.

[There are two paragraphs labelled as (f) in the *Government Gazette*; the last paragraph should be paragraph (g).]

(4) Despite subregulations (1), (2) and (3), the SAR coordinating agency may deviate from the standards if an emergency or other circumstance, arises that makes the deviation necessary in the interests of aviation safety.

(5) The SAR coordinating agency must, as soon as is possible, notify the Executive Director of the deviation and how long it is likely to last.

Notification of search and rescue facility status

179.03.5 (1) The SAR coordinating agency must establish procedures to notify the users of the search and rescue services, about relevant operational information of any change in the operational status of the search and rescue facilities.

(2) The procedures required by subregulation (1) must be notified through the Aeronautical Information Publication.

Safety management system

179.03.6 The SAR coordinating agency must ensure that those -

(a) search and rescue services that come under the authority of an ATS provider; or

(b) aspects of search and rescue services which would have direct implications on air traffic services,

are coordinated with the ATS provider concerned for inclusion in the scope of their safety management systems.

Obligation to provide assistance

179.03.7 (1) Any person involved in the provision of search and rescue services must, in providing assistance to aircraft and survivors of aircraft accidents, do so to all aircraft and persons involved regardless of their nationality and status.

(2) The owner, operator or pilot-in-command of an aircraft must conduct search and rescue operations required by the SAR coordinating agency whenever necessary, if the condition of the aircraft so allows.

(3) Each owner, operator or pilot-in-command of an aircraft that has been requested by the SAR coordinating agency to assist in search and rescue activities need not obtain formal authorisation from the Executive Director under this Part in order to assist in search and rescue activities.

SUBPART 4
COOPERATION

Cooperation with other States

179.04.1 (1) The SAR coordinating agency must, in conjunction with the Executive Director -

(a) coordinate its search and rescue organisation with those of neighbouring States;

(b) as necessary, coordinate its search and rescue operations with those of neighbouring States, when these operations are proximate to adjacent search and rescue regions;

(c) as far as practicable, develop common search and rescue plans and procedures to facilitate coordination of search and rescue operations with those of neighbouring States;

(d) enter into agreements with other States to strengthen search and rescue cooperation and coordination;

(e) make arrangements for joint training exercise to promote search and rescue efficiency; and

(f) make arrangements for periodic liaison visits by its rescue coordination centre and rescue sub-centres personnel to centres of neighbouring or other States.

(2) The SAR coordinating agency must authorise its rescue coordination centre to undertake its coordinative roles with other States in accordance with the standards set out in Document NAM-CATS-SAR.

(3) The coordination of search and rescue services, with other States including the grant of entry permits, assistance, arrangement for liaison visits, customs and immigration must be in accordance with the requirements set out in Document NAM-ATS- SAR.

Entry into Namibian territory by other States parties

179.04.2 (1) The SAR coordinating agency must coordinate with relevant government authorities or institutions in order to permit entry into the Namibian territory, search and rescue units of other States for the purpose of search and rescue.

(2) Other State parties to the Chicago Convention who wish their search and rescue units to enter the territory of Namibia for search and rescue purposes, must transmit a request, giving full details of the projected mission and the need for it, to the Executive Director.

(3) The coordination of entry into Namibian territory by search and rescue units of other States must be in accordance with requirements set out in Document NAM-CATS-SAR.

Cooperation with other services

179.04.3 (1) The SAR coordinating agency, after consultation with the Executive Director, must -

(a) arrange for all aircraft, vessels and local services and facilities which do not form part of the SAR organisation to cooperate fully with the search and rescue organisation for purposes of assistance to survivors of accidents;

(b) ensure close coordination with the directorate responsible for maritime affairs in the Ministry to provide for the most effective and efficient search and rescue services;

(c) ensure cooperation between its rescue coordination centre and the Directorate;

(d) cooperate with those responsible for the care of those who have suffered some injury resulting from the accident;

(e) when practicable, ensure that rescue units are accompanied by staff members of the Directorate; and

(f) designate and publish in the AIP, a search and rescue point of contact for the receipt of COSPAS-SARSAT distress data.

(2) The SAR coordinating agency must undertake the activities described in subregulation (1) in accordance with requirements set out in Document NAM-CATS-SAR.

Dissemination of information

179.04.4 The SAR coordinating agency must as described in Document NAM-CATS-SAR-

(a) publish in the AIP, arrangements and information necessary for the entry into Namibia, of search and rescue units of other States;

(b) make available, information regarding the search and rescue plans of operation;

(c) disseminate, where considered desirable, information to the general public and to emergency response authorities regarding actions to be taken when there is reason to believe that an aircraft's emergency situation may become dangerous or require a general emergency response.

SUBPART 5
PREPARATORY MEASURES

Preparatory information

179.05.1 (1) The SAR coordinating agency must in accordance with procedures set out in Document NAM-CATS-SAR -

(a) make readily available, at all times, up to-date information in respect of its search and rescue region, search and rescue units, rescue coordination centre, rescue sub-centres and alerting posts, and air traffic services units;

(b) ensure that the rescue coordination centre have readily available all other information of interest to search and rescue; and

(c) in cooperation with other States, and in cooperation with the directorate of maritime affairs in the Ministry arrange communication links with automated mutual-assistance vessel rescue system (AMVERS) or regional maritime vessel reporting systems to facilitate search and rescue operations at sea.

(2) The rescue coordination centre must coordinate with the marine search and rescue units to have ready access to information regarding the positions, course and speed of a maritime vessel at sea that may be able to provide assistance to aircraft in distress and information on how to contact such vessel.

Search and rescue plan of operation

179.05.2 (1) The SAR coordinating agency must prepare detailed plans of operation for the conduct of search and rescue operations within the search and rescue region as set out in the NAM-CATS-SAR.

(2) The search and rescue plans of operation must contain details regarding actions to be taken by those persons engaged in search and rescue, as set out in Document NAM-CATS-SAR.

(3) Search and rescue plans of operation must be integrated with aerodrome emergency plans and air operator's emergency response plans to provide for rescue services in the vicinity of aerodromes and in water areas.

(4) To facilitate the implementation of the search and rescue plan, the SAR coordinating agency must prepare and keep updated, a search and rescue manual containing the necessary procedures for search and rescue operations and matters connected therewith.

Search and rescue units

179.05.3 The SAR coordinating agency must ensure that each search and rescue unit is cognisant and prepared for the search and rescue operations as set out in Document NAM-CATS-SAR.

Training and exercises

179.05.4 The SAR coordinating agency must provide for regular training of their search and rescue personnel and arrange appropriate search and rescue exercises as set out in Document NAM-CATS-SAR.

Wreckage

179.05.5 The SAR coordinating agency, in coordination with the Directorate and other concerned authorities, must ensure that wreckage resulting from aircraft accidents -

(a) within Namibia territory; or

(b) in the case of accidents in areas of the sea, within the search and rescue region for which it is responsible,

is removed, obliterated or charted following completion of the accident investigation, if its presence might constitute a hazard or confuse subsequent search and rescue operations.

SUBPART 6
OPERATING PROCEDURES

Information concerning emergencies and alerting services

179.06.1 (1) Any person or any component of the search and rescue organisation having reason to believe that an aircraft is in a state of emergency must immediately alert and give all available information to the rescue coordination centre.

(2) The rescue coordination centre must, immediately upon receipt of information concerning aircraft in emergency, evaluate such information and assess the extent of the operation required.

(3) When information and alerts concerning aircraft in distress is received from other sources than ATS providers, the rescue coordination centre must determine to which alerts or emergency phase the situation corresponds and must apply the procedures applicable to that phase as outlined in 179.06.2.

[The verb "is" should be "are" to be grammatically correct.]

Procedures for rescue coordination centre during emergency phases

179.06.2 (1) The procedures for a rescue coordination centre during the three emergency phases and the order of the actions are as set out in Document NAM-CATS-SAR.

(2) If an emergency phase is declared in respect of an aircraft whose position is unknown and may be in one of two or more search and rescue regions, the initiation of the search and rescue actions are as set out in Document NAM-CATS-SAR.

Initiation of search and rescue action in respect of aircraft whose position is unknown

179.06.3 If an emergency phase is declared in respect of an aircraft whose position is unknown and may be in one of two or more search and rescue regions, the rescue coordination centre must take action as set out in the Document NAM-CATS-SAR.

Procedures where responsibility for operations extends to two or more rescue coordination centres

179.06.4 Where the conduct of operations over the entire search and rescue region is the responsibility of more than one rescue coordination centre, each involved rescue coordination centre must take action in accordance with the relevant plan of operations when so requested by the rescue coordination centre of the region.

Passing of information to aircraft in respect of which emergency phase has been declared

179.06.5 When applicable, the rescue coordination centre responsible for search and rescue action must forward to an ATS provider, information of the search and rescue action initiated, in order that such information can be passed to the aircraft.

Procedures where responsibility for operations extends to two or more neighbouring States

179.06.6 Where the conduct of operations over the Namibian search and rescue region involves search and rescue centres of other States, those search and rescue centres must take action in accordance with their relevant plan of operations when so requested by the rescue coordination centre of the region.

Procedures for authorities in field

179.06.7 The relevant SAR authority immediately directing the conduct of search and rescue operations in the field or any part thereof must -

(a) give instructions to the units under its direction and inform the rescue coordination centre of such instructions; and

(b) keep the rescue coordination centre informed of any developments.

Search and rescue frequencies

179.06.8 The frequencies 3 023 kHz and 5 680 kHz must be used where the use of high frequencies is required for search and rescue scene of action coordination purposes, and the ICAO Handbook on Radio Frequency Spectrum Requirements for Civil Aviation (Doc 9718) must be used as a reference.

Procedures for rescue coordination centre: termination and suspension of operations

179.06.9 The procedure for rescue coordination centre for termination and suspension of operation is as set out in Document NAM-CATS-SAR.

Procedures at scene of accident

179.06.10 The procedures to be followed by the rescue coordination centre or rescue sub-centre, the pilot-in-command and search and rescue aircraft when at the scene of the accident must be as set out in Document NAM-CATS-SAR.

Procedures for pilot-in-command intercepting distress transmission

179.06.11 If a pilot-in-command of an aircraft intercepts a distress transmission, the pilot-in-command must follow the procedure for intercepting a distress transmission set out in Document NAM-CATS-SAR.

SUBPART 7
SEARCH AND RESCUE SIGNALS

General requirements

179.07.1 (1) The air-to-surface and surface-to-air visual signals set out in Document NAM-CATS-SAR must be used for the purpose of search and rescue and when used, must have the meaning indicated therein.

(2) The signals must be used only for the purpose indicated and other signals likely to be confused may not be used with them.

(3) Upon observing any of the signals, the pilot-in-command of an aircraft must take such action as may be required by the interpretation of the signal given.

Signals with surface craft

179.07.2 The signals to be used to indicate that the aircraft wishes to direct a surface craft towards an aircraft or a surface craft in distress must be as set out in Document NAM-CATS-SAR.

Ground-air visual signal code

179.07.3 (1) The ground-air visual signals to be used by survivors and by rescue units must be as set out in Document NAM-CATS-SAR.

(2) Survivors and rescue units may use any available means to form the visual signals to attract attention.

Air-ground visual signals

179.07.4 The signals to be used by aircraft to indicate that they have understood the ground signals must be as set out in Document NAM-CATS-SAR.

SUBPART 8
MAINTENANCE OF RECORDS, APPRAISALS AND INFORMATION SHARING

Records to be maintained

179.08.1 (1) The rescue coordination centre must keep a record of the operational efficiency of level and prepare appraisals of the actual search and rescue operations in the Namibian search and rescue region.

(2) The SAR coordinating agency must prepare appraisals of actual search and rescue operations within the Namibian search and rescue region, and those appraisals must comprise -

(a) any pertinent remarks on the procedures used and on the emergency and survival equipment; and

(b) any suggestions for improvement of the procedures and equipment referred to in paragraph (a).

(3) The SAR coordinating agency must submit those appraisals which are likely to be of interest to other States to the Executive Director who must forward the same to ICAO for information and dissemination as appropriate.

Documents to be held by SAR coordinating agency

179.08.2 (1) The SAR coordinating agency must hold and maintain certain documentation essential to the effective provision of search and rescue services.

(2) The documents to be held and maintained by the SAR coordinating agency must be those set out in Document NAM-CATS-SAR.

Document and data control process

179.08.3 (1) The SAR coordinating agency must establish a document control system which covers the authorisation, standardisation, publication, distribution and amendment of all documentation issued in connection with the provision of search and rescue services.

(2) The document control process must be as prescribed in Part 170.

Search and rescue event: records and reports

179.08.4 (1) The SAR coordinating agency must ensure that all actions taken in relation to a search and rescue event are recorded in a search and rescue log maintained in the rescue coordination centre managing the search and rescue event.

(2) The records referred to in subregulation (1) must include but are not limited to -

(a) calls, documents, other correspondences and communications;

(b) times of termination of the search and rescue event;

(c) time of suspending the search and rescue event if applicable;

(d) relevant records of aircraft;

(e) applicable charts; and

(f) any records relating to the search and rescue actions.

(3) The records referred to (1) must be maintained in the manner set out in Document NAM-CATS-SAR.

ADMINISTRATION

PART 183
ADMINISTRATION: GENERAL

LIST OF REGULATIONS

183.00.1 Powers and duties of Director
183.00.2 Transitional provisions
183.00.3 Short title

Powers and duties of Director

183.00.1 Subject to the provisions of the Act -

(a) the Director shall administer and enforce the Regulations;

(b) all powers granted to and duties imposed on the Director in terms of the Regulations may be exercised or performed by the Director in person, or by an authorised officer, inspector or authorised person designated by the Director to act for him or her;

(c) the Director shall sign and issue to each authorised officer, inspector or authorised person a document which shall state the full name of such authorised officer, inspector or authorised person and contain a statement indicating that -

(i) such authorised officer, inspector or authorised person has been designated in terms of section 5(2)(a) of the Act; and

(ii) such authorised officer, inspector or authorised person is empowered to exercise any power entrusted to him or her in terms of the Regulations.

Transitional provisions

183.00.2 (1) Anything done, or omitted, under, in terms of or by virtue of a provision of a regulation withdrawn by the Regulations, shalt, unless the context otherwise indicates, or except where it is clearly inappropriate, be deemed to have been done, or omitted, as the case may be, under, in terms of or by virtue of a corresponding provision of these Regulations: Provided that where an applicable period of validity has on the date of the coming into operation of such corresponding provision not yet expired, such validity shall continue -

(a) for the remaining unexpired applicable period of validity; or

(b) or a period of six months after the coming into operation of such corresponding provision,

whichever period is the lesser period.

(2) The provisions of subregulation (1) shall *mutatis mutandis* apply in cases where qualifying periods of time or periods of time for purposes of crediting are involved.

(3) Notwithstanding the provisions of the regulations in Subpart 4 of Part 11, the Director may exempt the holder of any licence, certificate, rating, permit, approval, authorisation or other document issued under, in terms of or by virtue of a provision of a regulation withdrawn by the Regulations, from compliance with any requirement prescribed in these Regulations, if such holder applies for the issuing of a licence, certificate, rating, permit, approval, authorisation or other document in terms of these Regulations.

(4) An exemption referred to in subregulation (3), shall only be granted if the Director is satisfied that -

(a) the requirement has been substantially complied with and that further compliance is unnecessary; or

(b) events have occurred which make the requirement unnecessary or inappropriate in the particular case; and

(c) granting the exemption wilt not jeopardise aviation safety.

(5) Notwithstanding the provisions of the regulations in Subpart 4 of Part 11, the Director may, for a period not exceeding six months after the coming into operation of the Regulations, exempt any person who is affected by a provision of the Regulations, from compliance with such provision.

(6) An exemption referred to in subregulation (5), shall only be granted if the Director is satisfied that granting the exemption -

(a) will not jeopardise aviation safety; and

(b) will facilitate the transition.

Short title

183.00.3 These regulations shall be called the Namibian Civil Aviation Regulations (NAM-CARS) 2001.

PART 185
OFFENCES, FINES AND RELATED MATTERS

[Part 185 is substituted by GN 293/2018.]

LIST OF REGULATIONS

SUBPART 1: OFFENCES

185.01.1 Presumptions and evidence
185.01.2 Offences

SUBPART 2: ADMINISTRATIVE FINES

185.02.1 Applicability
185.02.2 Threshold amounts and conditions
185.02.3 Criteria and determinations for imposition of administrative fines

Appendix 1: Assessment determinations matrix
Appendix 2: Administrative fines amounts

SUBPART 1
OFFENCES

Presumptions and evidence

185.01.1 In criminal proceedings under the Act and these regulations the evidence on documentation must, in addition to the law regulating procedure and the admissibility of evidence in criminal matters, be dealt with subject to necessary changes required by the context as set out in regulation 13.02.02.

Offences

185.01.2 (1) A person commits an offence if that person -

(a) hinders or obstructs an authorised officer, inspector or authorised person or an aviation medical examiner (AME) in the exercise of his or her powers or the performance of his or her duties;

(b) when called upon by an authorised officer, inspector or authorised person to do so, refuses or fails to give his or her name and address or gives a false name or address;

(c) obstructs or impedes any other person acting in the exercising or performance of any privileges, powers or duties conferred on such other person by or under the regulations;

(d) makes or causes to be made, either orally or in writing -

(i) any fraudulent, misleading or false statement for the purpose of obtaining any licence, rating, certificate, permit, approval, authorisation, exemption or other document in terms of these regulations;

(ii) any fraudulent, misleading or false entry in any logbook, record or report which is required to be kept, maintained, made or used to show compliance with any provision of these regulations;

(e) falsifies, counterfeits, alters, defaces or mutilates or adds anything to, any licence, rating, certificate, permit, approval, authorisation, exemption or other document issued in terms of these regulations;

(f) does or causes, or permits to be done or caused, any act contrary to, or who fails to comply with any provision of these regulations or a direction given or a prohibition made or a condition imposed or a rule, an order or a directive made in terms thereof;

(g) exercises a privilege granted by, or uses any, licence, rating, certificate, permit, approval, authorisation, exemption or other document issued under these regulations, of which he, she or it is not the holder;

(h) unless otherwise authorised by these regulations, permits a licence, rating, certificate, permit, approval, authorisation, exemption or other document issued under these regulations, of which he, she or it is the holder, to be used, or a privilege granted thereby, to be exercised, by any other person;

(i) operates or attempts to operate any aircraft in respect of which no valid certificate of registration or a valid certificate of airworthiness have been issued;

(j) commits any act, whether by interference with any flight crew member, air traffic service (ATS) personnel member or by tampering with any aircraft or any part thereof or by disorderly conduct or otherwise, which is likely to endanger the safety of any aircraft or its occupants;

(k) without the permission of an aerodrome or heliport operator, enters any place within the boundaries of a certified or licensed aerodrome or heliport or other aerodrome regulated under Part 139, which has been closed to the public; or

(l) gives false information pertaining to the investigation of any aviation accident or incident.

(2) Any person who is convicted of an offence in terms of subregulation (1) is liable the penalties stipulated in section 54(2)(c)(ii) of the Act.

SUBPART 2
ADMINISTRATIVE FINES

Applicability

185.02.1 (1) The offences set out in regulation 185.01.2 are applicable for purposes of this Subpart as if it is a violation of these regulations subject to the threshold amounts for administrative fines as set out in this Subpart.

(2) The offences in Parts 13, 14, 15 and 16 of the Act are applicable for purposes of this Subpart as if it is a violation of these regulations subject to the threshold amounts for administrative fines as set out in this Subpart.

Threshold amounts and conditions

185.02.2 (1) For the purposes of regulation 185.02.1, the maximum administrative fine that may be imposed by the Authority under these regulations is N$200 000, but subject to compliance with the administrative fine notice requirements provided for in regulation 13.03.3.

(2) In addition to the requirements of regulation 13.04.1 on the resolution of an internal review, the Executive Director may impose administrative daily fines not exceeding N$2000 for each day of non-compliance which amount may not exceed the threshold set out in subregulation (1) in respect of each case of a violation.

(3) The administrative fine amounts imposed in terms of this Subpart may -

(a) be suspended by the Executive Director wholly or in part;

(b) be imposed to run concurrently with another administrative fine already imposed by the Executive Director; or

(c) run consecutively with an administrative fine imposed for another violation of these regulations before or after the administrative fine imposed on the current matter or be separated from it, at the discretion of the Executive Director,

and subject to any conditions as determined by the Executive Director in each instance.

(3) If any person fails to pay an administrative fine imposed on that person in terms of these regulations within the specified period, the Executive Director may recover such administrative fine from that person in the manner contemplated in section 65 of the Act.

[There are no subregulations numbered (4) or (5) in the *Government Gazette*.]

(6) In the event that the holder or participant seeks the review of a decision taken by the Executive Director to impose an administrative fine in terms of Subpart 4 of Part 13 or by way of appeal to the High Court, the Executive Director may not implement or enforce that decision until the appeal or review process is concluded and must waive the administrative fine amount during the review process.

(7) An administrative fine already paid may be refunded, if so recommended as a result of an investigation conducted pursuant to section 41 of the Act or upon reversal of the Executive Director's decision by a competent court.

Criteria and determinations for imposition of administrative fines

185.02.3 (1) The Executive Director may consider any or all of the following criteria and determinations when appraising or taking a decision to impose an administrative fine on holders or participants, inclusive of a decision on an aviation document, as the case may be:

(a) nature of the violation;

(b) the extent to which the violation was intentional, deliberate or negligent;

(c) the seriousness or severity of the violation;

(d) whether the violation has the potential of hindering the Executive Director or an authorised officer, inspector or authorised person from ensuring civil civil aviation safety and security;

[The word "civil" is repeated in the *Government Gazette*, as reproduced above.]

(e) the duration and frequency of the violation;

(f) the behaviour of the holder or participant after the violation;

(g) whether the holder or participant brought the violation to the attention of the Authority, the Executive Director, an inspector authorised officer or authorised person or any law enforcement agency;

[A comma appears to be missing between the word "inspector" and the term "authorised officer".]

(h) whether the holder or participant has taken reasonable steps to put in place effective remedial steps or corrective action, to discontinue the violation;

(i) if prior actions taken by the Authority in the form of an infringement notice, warning, meeting or order, proved ineffective to deter the violation;

(j) previous records and compliance history of the holder or participant, or his or her predecessor in title in its operations within the 12 months period immediately before the violation;

(k) whether the holder or participant derived any economic benefit from the violation or had safety and economic impact on any other third party;

(l) the general status of the holder or participant regarding operations or ability to comply with the aviation document at the time of the imposition of the administrative fine or during any on-site or off-site investigation; and

(m) whether the violation will or has the potential of introducing any risks in the relevant holder's or participant's operational manual or any other manual required under the aviation document.

(2) The Executive Director may consider any other criteria or determination not listed under subregulation (1), if it is considered material and appropriate when appraising or taking a decision to impose an administrative fine.

(3) The criteria and determinations referred to in subregulations (1) and (2) and coupled with the mitigating factors with various weights assigned to each criteria and determination and factor and summarised in Appendix 1 must be applied using the format set out therein to determine the appropriate assessed amount for payment of the administrative fine.

(4) The appropriate administrative fine amount is outlined in Appendix 2 and is dependent on the score obtained from Appendix 1.

(5) In determining the violation and the appropriate administrative fine to be imposed, it must be presumed that each violation relying on the same or similar facts, or intent, constitutes a single violation such that only a single administrative fine amount as specified in regulation 185.02.2 may be imposed for such violation.

**[Regulation 187.00.23 is substituted by GN 210/2018.
The substituted regulation includes the following two appendices.]**

APPENDIX 1

ASSESSMENT DETERMINATIONS MATRIX
(Regulation 185.02.3(3))

[A] Assessment determination	**0**	**1**	**2**	**3**	**4**	**5**	**Weight [A]+[B] 1**	**Severity score**	**Value (Weight x severity)**
[B] Severity levels of violation	**None**	**Low level**	**Medium-low level**	**Medium (moder-ate) level**	**High-medium level**	**High level**			
Intent	None	Should have known	-	Non-malicious intent		Deliber-ate	5		
Likelihood of recurrence	None	Unlikely		Likely		Signifi-cant like-lihood	5		

Hindrance	None	Low impact	Medium to low impact	Medium (mod-erate impact)	High-medium impact	High impact	4		
Duration (after notification)	Zero/ immedi-ate	2 weeks	One month	6 weeks	Two months	10 weeks	4		
Frequency	Zero	One violation	-	Two violations		Several violations	4		
Previous records / compliance history	None	Prior cautionary advices	Prior warn- ing for similar violation	Minor case of prior warning for similar violation	Investi-gation launched for violation	Adverse finding on inves-tigation outcome	3		
Continuation after notification/ warning	No noti-fication/ warning received	Ceased immedi-ately	Ceased within one weeks	Ceased within 2 weeks		Ceased within 3 weeks	4		
Informed NCAA about compliance delay	Immedi-ately	Less than 24 hours	Less than two days	Not later than one week	Not later than two weeks	Not later than three weeks	4		
Cooperation with NCAA	Full timely coop-eration & corrective action	Accept-able coopera-tion		Significant coopera-tion	Insig-nificant coopera-tion	Unac-ceptable coopera-tion	4		
Benefits derived	None	Minimum benefit to partici-pant	-	Moderate benefit		Significant benefit	3		
Level of negligence	Oblivious			Ignorant	Deviant	Negligent	4		
History of previous fines	None	Prior cau-tionary advices	Prior warning for similar violations		More than two prior warnings for similar violation	More than three violations	3		
Operations & documents usage abilities	Docu-mentation inad-equate	Docu-mentation not available		Docu-mentation defaced or breached		No reporting on docu-mentation lost/ misplaced/ no report-ing	3		
Voluntary information to NCAA	Contra-vention observed / detected by NCAA	Contra-vention reported by 3rd party		Delay in reporting violation		Compre-hensively informed NCAA; full facts disclosed	-3		
Corrective actions/ plans	None	Submit-ted one week beyond required deadline	Submit-ted two weeks beyond required deadline	Submit-ted two weeks late and incom-plete	Not submitted within extended deadline period	Failure to submit despite warning issued to submit	-4		

Compliance program levels	None	Support-ive infor-mation lacking	Support-ive infor-mation provided	Manuals in some respects complied with.	Manuals in many respects complied with	Manuals fully complied with	-5		
TOTALS									

Assessment total score

TOTAL	
Divided by 4	
Grand total	

APPENDIX 2

ADMINISTRATIVE FINEA AMOUNTS
[The word "FINE" is misspelt in the *Government Gazette*.]
(Regulation 185.02.3(4))

Violations severity Points lower bound	**Violations severity Points upper bound**	**Admin fine lower bound** Max N$	**Admin fine upper bound** Max N$	**Recommended administrative fine** N$
1-11	12-20	2001	20000	
21-41	42-60	20001	80000	
61-71	72-80	80001	100000	
81-91	82-90	100001	150000	
91-95	96-100	150001	200000	

Recommended

Date

_____
Designated inspector/authorised officer /authorised person

Approved

Date

_____
EXECUTIVE DIRECTOR

[Government Notice 89/2020 amends the regulations globally to substitute the expression "authorised officer, inspector or authorised person" for the expression "designated inspector, authorised officer or authorised person". No change has been made here to the phrase "Designated inspector/authorised officer /authorised person" which appears above the signature, but the intention may have been for this term to be substituted by the term "Authorised officer /inspector/authorised person".]

PART 187
FEES

[Part 187 is substituted by GN 57/2006, amended by GN 201/2006, substituted by GN 80/2017 and amended by GN 210/2018.]

LIST OF REGULATIONS

187.00.1 Fees relating to Part 11
187.00.2 Fees relating to Part 21
187.00.3 Fees relating to Part 34
187.00.4 Fees relating to Part 36
187.00.5 Fees relating to Part 47
187.00.6 Fees relating to Part 61
187.00.8 Fees relating to Part 63
187.00.9 Fees relating to Part 64
187.00.10 Fees relating to Part 65
187.00.11 Fees relating to Part 66
187.00.12 Fees relating to Part 67
187.00.13 Fees relating to Part 121
187.00.14 Fees relating to Part 127
187.00.15 Fees relating to Part 135
187.00.16 Fees relating to Part 139
187.00.17 Fees relating to Part 141
187.00.18 Fees relating to Part 145
187.00.19 Fees relating to Part 147
187.00.20 Fees relating to Part 148
187.00.21 Fees relating to Part 149
[regulations 187.00.1-187.00.21 most recently substituted in table format by GN 80/2017]
187.00.22 Fees and charges relating to Parts 71, 170 to 175 and 179
[regulation 187.00.22, including its heading, substituted by GN 210/2018]
187.00.23 Charges relating to Part 140
[regulation 187.00.23, including its heading, substituted by GN 210/2018]

[regulations 187.00.1-187.00.21 were most recently substituted in table format by GN 80/2017.

Reg Part	Reg No.	Description	NAM 2016 proposals (N$)
Fee relating to Part 11	**187.00.1**	**The following fee shall be payable upon application:**	
		(a) For an exemption regulation 11.04.1(2)(b)	**850.00**
Fee relating to Part 21	**187.00.2**	**The following fees shall be payable upon application:**	
		(a) For a copy of the register of certificates referred to in regulation 21.01.7(5)	**2.00**
		(b) For the issuing of a type certificate for a Class I product or an amendment thereof referred to in regulation 21.02.2(1)	**745.00**
		(c) For the issuing of a type certificate for a Class I product or an amendment thereof referred to in regulation 21.04.2	**745.00**
		(d) For the issuing of a supplemental type certificate regulation 21.05.2	**745.00**
		(e) For the issuing of a production certificate or an amendment thereof regulation 21.07.2	**745.00**
		(f) For the issuing of a standard or restricted certificate of airworthiness referred to in regulation 21.08.2(2)	**745.00**
		(g) For the amendment of a standard or restricted certificate of airworthiness referred to regulation 21.08.2(.2)	**350.00**
		(h) For the issuing of an experimental certificate of airworthiness referred to in regulation 21.08.2(3)	**745.00**
		(i) For the amendment of an experimental certificate of airworthiness referred to in regulation 21.08.2(3)	**350.00**
		(j) For the issuing of a special flight permit regulation 21.08.2(4)	**745.00**
		(k) For the amendment of a special flight permit regulation 21.08.2(4)	**350.00**
		(l) For the renewal of a certificate of airworthiness referred to in regulation 21.08 11(1)	**350.00**
		(m) For the validation of a certificate of airworthiness issued by an appropriate authority referred to in regulation 21.08.12(2)	**350.00**
		(n) For the issuing of a **NAM-PMA** referred to in regulation 21.09.3(2)	**745.00**
		(o) For the issuing of an export airworthiness approval referred to in regulation 21.11.2(3)	**745.00**
		(p) For the issuing of a **NAM-TSO** authorisation referred to in regulation 21.12.2(2)	**745.00**
		(q) For the approval to deviate from any performance standard of a NAM-TSO referred to in regulation 21.12.5(2)	**150.00**

		(r) For the issuing of a NAM-TSO design approval referred to in regulation 21.12.8(1)	**745.00**
		(s) For the issuing of a duplicate of any certificate approval or authorization issued under Part 21	**150.00**
Fee relating to Part 34	**187.00.3**	**The following fees shall be payable upon application:**	
		(a) For a copy of the register of fuel venting certificates and engine emission certificates referred to in regulation 34.01.4(5)	**2.00**
		(b) For the issuing of a fuel venting certificate referred to in regulation 34.02.3	**215.00**
		(c) For the issuing of an engine emission certificate referred to in regulation 34.03.3	**215.00**
		(d) For the issuing of a duplicate fuel venting certificate or engine emission certificate	**150.00**
Fee relating to Part 36	**187.00.4**	**The following fees shall be payable upon application:**	
		(a) For the issuing of a noise certificate regulation 36.00.5	**215.00**
		(b) For a copy of the register of noise certificates regulation 36.00.11(5)	**2.00**
		(c) For the issuing of a duplicate noise certificate	**150.00**
Fee relating to Part 43	**187.00.4 (A)**	**The following fees shall be payable upon application:**	
		(a) For the approval of modification, repairs and installation on an aircraft referred to in regulation 43.02.15	**200.00**
		(b) For the evaluation of documentation for purposes of an approval of modifications, repairs and installation on an aircraft	**500.00**
Fee relating to Part 47	**187.00.5**	**The following fees shall be payable upon application:**	
		(a) For the registration of an aircraft referred to in regulation 47.00.5(2);	**745.00**
		(b) For the amendment of a certificate of registration referred to in regulation 47.00.8(2);	**350.00**
		(c) For the issuing of a duplicate certificate of registration referred to in regulation 47.00.9(2);	**215.00**
		(d) For the cancellation of a certificate of registration referred to in regulation 47.00.11(2);	**500.00**
		(e) For the cancellation of a certificate of registration referred to in regulation 47.00. 11(4); and	**500.00**
		(f) For a copy of the register of Namibian aircraft referred to in regulation 47.00.14(5).	**2.00**
Fee relating	**187.00.6**	**The following fees shall be payable upon application:**	

to Part 61			
		(a) Application for the validation of a pilot licence and rating issued by an appropriate authority referred to in regulation 61.01.10(2)	**300.00**
		(b) Application for the issuing of a pilot licence and rating by virtue of military service referred to in regulation 61.01.11(4)	**300.00**
		(c) Application for the conversion of a pilot license and rating issued by an appropriate authority referred to in regulation 61.01.12(2)	**300.00**
		(d) Application for the issuing of a new pilot licence and rating referred to in regulation 61.01.21(2)(b)	**300.00**
		(e) Notification of the surrender or replacement of a pilot licence and rating referred to in regulation 61.01.22(3)	**200.00**
		(f) Application for the issuing of a duplicate pilot licence and rating referred to in regulation 61.01.24(2)	**200.00**
		(g) Application for a copy of the register of pilot licences referred to in regulation 61.01. 28(5)	**2.00**
		(h) Application for - (i) the issuing of a student pilot licence referred to in regulation 61.02.2; (ii) the reissuing of a student pilot licence referred to in regulation 61.02.9	**300.00** **200.00**
		(i) Application for - (i) the issuing of a private pilot licence (aeroplane) referred to in regulation 61.03.6 (ii) the issuing of a private pilot licence (helicopter) referred to in regulation 61.04.6 (iii) the issuing of a commercial pilot licence (aeroplane) referred to in regulation 61.05.6 (iv) the issuing of a commercial pilot licence (helicopter) referred to in regulation 61.06.6 (v) the issuing of airline transport pilot licence (aeroplane) referred to in regulation 61.07.6	**300.00 (all categories below)**

		(vi) the issuing of airline transport pilot licence (helicopter) referred to in regulation 61.08.6 (vii) the issuing of a microlight aeroplane pilot licence referred to in regulation 61.09.6 (viii) the issuing of a glider pilot licence referred to in regulation 61.10.7 (ix) the issuing of a free balloon pilot licence referred to in regulation 61.11.6 (x) the issuing of a free balloon pilot licence, for commercial purposes, referred to in regulation 61.12.6 (xi) the issuing of airship pilot licence referred to in regulation 61.13.6 (xii) the issuing of airship pilot licence, for commercial purposes, referred to in regulation 61.14.6; and (xiii) the issuing of a gyroplane pilot licence referred to in regulation 61.16.6	
		(j) Application for - (i) the issuing of a type rating referred to in regulation 61.16.5(1); (ii) the renewal of a type rating referred to in regulation 61.16.11(4); (iii) the re-issuing of a type rating referred to in regulation 61.18.12(4).	**300.00** **200.00** **200.00**
		(k) Application for - (i) the issuing of an instrument rating referred to in regulation 61.17.6(1); (ii) the renewal of an instrument rating referred to in regulation 61.17.(11)(4); and (iii) the re-issuing of an instrument rating referred to in regulation 61.17.12(4).	**300.00** **200.00** **200.00**

		(l) Application for - (i) the issuing of a Grade I aeroplane flight instructor rating referred to in regulation 61.18.6(b); (ii) the renewal of a Grade I aeroplane flight instructor rating referred to in regulation 61.18.10 (4)(b); and (iii) the re-issuing of a Grade I aeroplane flight instructor rating referred to in regulation 61.18.11(4).	**300.00** **200.00** **200.00**
		(m) Application for - (i) the issuing of a Grade II aeroplane flight instructor rating referred to in regulation 61.19.9(b); (ii) the renewal of a Grade II aeroplane flight instructor rating referred to in regulation 61.19.10 (4)(b); and (iii) the re-issuing of a Grade II aeroplane flight instructor rating referred to in regulation 61.19.11(4).	**300.00** **200.00** **200.00**
		(n) Application for - (i) the issuing of a Grade III aeroplane flight instructor rating referred to in regulation 61.20.5(b); (ii) the renewal of a Grade III aeroplane flight instructor rating referred to in regulation 61.20.9 (4)(b); and (iii) the re-issuing of a Grade III aeroplane flight instructor rating referred to in regulation 61.20.10(4)(b).	**300.00** **200.00** **200.00**
		(o) Application for - (i) the issuing of an aeroplane simulator flight instructor rating referred to in regulation 61.21.5(b); (ii) the renewal of an aeroplane simulator flight flight instructor rating referred to in regulation 61.21.9 (4)(b); and (iii) the re-issuing of an aeroplane simulator flight instructor rating referred to in regulation 61.21.10(4)(b).	**300.00** **200.00** **200.00**

		(p) Application for - (i) the issuing of a Grade I helicopter flight instructor rating referred to in regulation 61.18.6(b); (ii) the renewal of a Grade I helicopter flight instructor rating referred to in regulation 61.18.10 (4)(b); and (iii) the re-issuing of a Grade I helicopter flight instructor rating referred to in regulation 61.18.11(4).	**300.00** **200.00** **200.00**
		(q) Application for - (i) the issuing of a Grade II helicopter flight instructor rating referred to in regulation 61.23.6(b); (ii) the renewal of a Grade II helicopter flight instructor rating referred to in regulation 61.23.10 (4)(b); and (iii) the re-issuing of a Grade II helicopter flight instructor rating referred to in regulation 61.23.11(4) (b).	**300.00** **200.00** **200.00**
		(r) Application for - (i) the issuing of a Grade III helicopter flight instructor rating referred to in regulation 61.24.5(b)(iv); (ii) the renewal of a Grade III helicopter flight instructor rating referred to in regulation 61.24.9 (4)(b)(iv); and (iii) the re-issuing of a Grade III helicopter flight instructor rating referred to in regulation 61.24.10(4) (b).	**300.00** **200.00** **200.00**
		(s) Application for - (i) the issuing of an helicopter simulator flight instructor rating referred to in regulation 61.25.5(b) (iv); (ii) the renewal of an helicopter simulator flight flight instructor rating referred to in regulation 61.25.9 (4)(b)(iv); and (iii) the re-issuing of an helicopter simulator flight instructor rating referred to in regulation 61.25.10(4)(b)(iv).	**300.00** **200.00** **200.00**

		(t) Application for - (i) the issuing of a Grade I microlight flight instructor rating referred to in regulation 61.26.5(b)(iv); (ii) the renewal of a Grade I microlight flight instructor rating referred to in regulation 61.26.9 (4)(b)(iv); and (iii) the re-issuing of a Grade I microlight flight instructor rating referred to in regulation 61.26.10(4)(b)(iv).	**300.00** **200.00** **200.00**
		(u) Application for - (i) the issuing of a glider flight instructor rating referred to in regulation 61.27.6(b); (ii) the renewal of a glider flight instructor rating referred to in regulation 61.27.10 (4)(b); and (iii) the re-issuing of a glider flight instructor rating referred to in regulation 61.27.11(4).	**300.00** **200.00** **200.00**
		(v) Application for - (i) the issuing of a Grade I free balloon flight instructor rating referred to in regulation 61.28.5(b) (iv); (ii) the renewal of a Grade I free balloon flight instructor rating referred to in regulation 61.28.9 (4)(b)(iv); and (iii) the re-issuing of a Grade I free balloon flight instructor rating referred to in regulation 61.28.10(4)(b)(iv).	**300.00** **200.00** **200.00**
		(w) Application for - (i) the issuing of a Grade I airship flight instructor rating referred to in regulation 61.29.5(b)(iv); (ii) the renewal of a Grade I airship flight instructor rating referred to in regulation 61.29.9 (4)(b)(iv); and (iii) the re-issuing of a Grade I airship flight instructor rating referred to in regulation 61.29.10(4)(b)(iv).	**300.00** **200.00** **200.00**

		(x) Application for - (i) the issuing of a Grade I gyroplane flight instructor rating referred to in regulation 61.30.5(b)(iv); (ii) the renewal of a Grade I gyroplane flight instructor rating referred to in regulation 61.30.9 (4)(b)(iv); and (iii) the re-issuing of a Grade I gyroplane flight instructor rating referred to in regulation 61.30.10(4)(b)(iv).	**300.00** **200.00** **200.00**
		(y) Application for - (i) the issuing of a night rating referred to in regulation 61.31.5(1)(b)(v); (ii) a Class I flight test rating referred to in regulation 61.32.4 (1)(b)(v); and (iii) the re-issuing of a Grade I free balloon flight instructor rating referred to in regulation 61.33.4 (1)(b)(v).	**300.00** **200.00** **200.00**
		(z) Application for - (i) a tug pilot rating referred to in regulation 61.34.3.(1)(b)(v); (ii) an external-load (helicopter) rating referred to in regulation 61.35.4(1)(b)(iv); (iii) a winching rating (helicopter) referred to in regulation 61.36.4(1)(b)(iv); (iv) a game or livestock cull rating (helicopter) referred to in regulation 61.37.4(1)(b)(iv); (v) an agriculture pilot rating referred to in regulation 61.38.4(1)(b)(v); (vi) a cloud flying rating referred to in regulation 61.39.5(1)(b)(v); and (vii) a safety pilot rating referred to in regulation 61.40.3(1)(b)(iv).	**300.00** **200.00** **200.00** **300.00** **300.00** **300.00** **300.00**
		(aa) For examinations arranged by the Director in respect of any pilot licence or rating, per subject cost plus	**300.00**
		(bb) For the remark of examination papers by the Director in respect of any pilot license or rating, per subject cost plus	**300.00**
Fee relating to Part 63	**187.00.8**	**The following fees shall be payable upon application :**	

		(a) For the validation of a flight engineer licence and rating issued by an appropriate authority referred to in regulation 63.(1 l-6(2)(a)	**300.00**
		(b) For the issuing of a flight engineer licence and rating by virtue of military service referred to in regulation 63.01.7(2)(b) (vi)	**300.00**
		(c) For the conversion of a flight engineer licence and rating issued by an appropriate authority referred to in regulation 63.01.8(2)(b)(iii)	**300.00**
		(d) For the issuing of a new flight engineer licence and rating referred to in regulation 63.01.15(2)(b)(iv)	**200.00**
		(e) For the issuing of a duplicate flight engineer licence and rating referred to in regulation 63.01.16(2)(b)(iii)	**200.00**
		(f) For a copy of the register of flight Engineer licences referred to in regulation 63.01.19(5) **[capitalisation as in *Gazette*]**	**2.00 (pp)**
		(g) For the issuing of a flight engineer licence referred to in rregulation 63.02.6(b)(vii) **[“regulation” is misspelt in *Gazette*]**	**300.00**
		(h) For the issuing of a type rating referred to in regulation 63.03.5(1)(b)(iv)	**300.00**
		(i) For the renewal of a type rating referred to in regulation 63.03.9(4)(b)(iv)	**200.00**
		(j) For the reissuing of a type rating referred to in regulation 63.03.10(4)(b)(iv)	**200.00**
		(k) For the issuing of a flight engineer (instructor rating referred to in regulation 63.04.5(b)(v) **[superfluous bracket as in *Gazette*]**	**300.00**
		(l) For the reissuing of a flight engineer [instructor rating referred to in regulation 63.04.10(4)(b)(iv) **[superfluous bracket as in *Gazette*]**	**200.00**
		(m) For the reissuing of a flight engineer [instructor rating referred to in regulation 63.04.10(4)(b)(iv)	**200.00**
		(n) For examinations arranged by the Director in respect of a flight engineer licence or any rating, per subject cost plus	**300.00**
		(o) For the remarking of examination papers by the Director in respect of a flight engineer licence or any rating, per subject cost plus	**300.00**
Fee relating to Part 64	**187.00.9**	**The following fees shall be payable on application:**	
		(a) For the issuing of a new cabin crew member licence and rating referred to in regulation 64.01.11(2)(b)(iv)	**200.00**
		(b) For the issuing of a duplicate cabin crew member licence and rating referred to in regulation 64.01.12(2)(b)(iii))	**200.00**
		(c) For a copy of the register of cabin crew member licences referred to in regulation 64. 01.15(5)	**2.00 (pp)**
		(d) For the issuing of a cabin crew member licence referred to in regulation 64.02.6(b)(vi)	**300.00**
		(e) For the issuing of a type rating referred to in regulation 64.03.5(1)(b)(iv)	**300.00**

		(f) For the renewal of a type rating referred to in regulation 64.03.9(4)(b)(iv)	**200.00**
		(g) For the reissuing of a type rating referred to in regulation 64.03.10(4)(b)(iv)	**200.00**
		(h) For the issuing of a cabin crew instructor rating referred to in regulation 64.04.5(b) (v)	**300.00**
		(i) For the renewal of a cabin crew instructor rating referred to in regulation 64.04.9(4) (b)(iv)	**200.00**
		(j) For the reissuing of a cabin crew instructor rating referred to in regulation 64.04.10 (4)(b)(iv)	**200.00**
Fee relating to Part 65	**187.00.10**	**The following fees shall be payable upon application:**	
		(a) For the conversion of an air traffic service licence or rating issued by an appropriate authority referred to in regulation 65.01.3(2)	**300.00**
		(b) For a copy of the register of air traffic service licences referred to in (regulation 65.01.7(5)	**2.00 (pp)**
		(c) For the issuing of an air traffic services licence and rating by virtue of military service referred to in regulation 65.01.13(2)	**300.00**
		(d) For the issuing of a new air traffic service licence and rating referred to in regulation 65.01.15(2)	**200.00**
		(e) For the issuing of a duplicate air traffic service licence and rating referred to in regulation 65.01.16(2)	**200.00**
		(f) For the issuing of an air traffic service license referred to in regulation 65.02.4	**300.00**
		(g) For the issuing of an air traffic service assistant rating referred to in regulation 65.03.3	**300.00**
		(h) For the validation of an air traffic service assistant rating referred to in regulation 65.03.6	**200.00**
		(i) For the renewal of an air traffic service assistant rating referred to in regulation 65.03.11(2)	**200.00**
		(j) For the issuing of an aerodrome control rating referred to in regulation 65.04.3	**300.00**
		(k) For the validation of an aerodrome control rating referred to in regulation 65.04.6	**200.00**
		(l) For the renewal of an aerodrome control rating referred to in regulation 65.04.11 (2)	**200.00**
		(m) For the issuing of an approach control irating referred to in regulation 65.05.3	**300.00**
		(n) For the validation of an approach control rating referred to in regulation 65.05.6	**200.00**
		(o) For the renewal of an approach control rating referred to in regulation 65.05.11(2)	**200.00**
		(p) For the issuing of an area control rating referred to in regulation 65.06.3(b)(iii)	**300.00**
		(q) For the validation of an area control rating referred to in regulation 65.06.6	**200.00**

		(r) For the renewal of an area control rating referred to in regulation 65.06.11(2)	**200.00**
		(s) For the issuing of an approach control (radar) rating referred to in regulation 65.07.3	**300.00**
		(t) For the validation of an approach control (radar) rating referred to in regulation 65 .07.6	**200.00**
		(u) For the renewal of an approach control (radar) rating referred to in regulation 65.07.11(3)	**200.00**
		(v) For the issuing of an area control (radar) rating referred to in regulation 65.08.3	**300.00**
		(w) For the validation of an area control (radar) rating referred to in regulation 65.08.6	**200.00**
		(x) For the renewal of an area control (radar) rating referred to in regulation 65.08.11(2)	**200.00**
		(y) For the issuing of an air traffic services instructor (operational) rating referred to in regulation 65.09.3	**300.00**
		(z) For the validation of an air traffic service instructor (operational) rating referred to in regulation 65.09.6	**200.00**
		(aa) For the renewal of an air traffic service instructor (operational) rating referred to in regulation 65.09.10(2)	**300.00**
		(bb) For the issuing of an air traffic service instructor (training organisation) certificate referred to in regulation 65.10.3(b)(iii)	**300.00**
		(cc) For the renewal of an air traffic service instructor (training organisation) certificate referred to in regulation 65.10.7	**200.00**
		(dd) For examinations arranged by the Director in respect of an air traffic service licence or any rating, per paper cost plus	**300.00**
		(ee) For the remarking of examination papers by the Director in respect of an air traffic service licence or any rating per paper plus costs	**300.00**
Fee relating to Part 66	**187.00.11**	**The following fees shall be payable upon application:**	
		(a) For the validation of an aircraft maintenance engineer licence issued by an appropriate authority referred to in regulation 66.01.9(2)	**300.00**
		(b) For a copy of the register of aircraft maintenance engineer licences referred to in regulation 66.01.10(5)	**2.00 (pp)**
		(c) For the issuing of a Class II aircraft maintenance engineer licence with a Category A rating referred to in regulation 66.02.5	**300.00**
		(d) For the issuing of a Class II aircraft maintenance engineer licence with a Category A rating referred to in regulation 66.02.5(2)	**300.00**
		(e) For the renewal of a Class II aircraft maintenance engineer licence with a Category A rating referred to in regulation 66.02.9(2)	**300.00**
		(f) For the issuing of Class II aircraft maintenance engineer licence with a Category A rating referred to in regulation 66.02.10(10)	**300.00**

		(g) For the issuing of a Class II aircraft maintenance engineer licence with a Category C rating referred to in regulation 66.03.5(1)	**300.00**
		(h) For the amendment of a Class II aircraft maintenance engineer licence with a Category C rating referred to in regulation 66.03.5(2)	**300.00**
		(i) For the renewal of a Class II aircraft maintenance engineer licence with a Category C rating referred to in regulation 66.03.9(2)	**220.00**
		(j) For the reissuing of a Class II aircraft maintenance engineer licence with a Category C rating referred to in regulation 66.03.10(2)	**220.00**
		(k) For the issuing of a Class II aircraft maintenance engineer licence with a Category C rating referred to in regulation 66.04.5(1)	**300.00**
		(l) For the renewal of a Class II aircraft maintenance engineer licence with a Category W rating referred to in regulation 66.04.9(2)	**300.00**
		(m) For the issuing of a Class II aircraft maintenance engineer licence with a Category W rating referred to in regulation 66.04.5(1)(b)(iv))	**300.00**
		(n) For the amendment of a Class II aircraft maintenance engineer licence with a Category W rating referred to in regulation 66.04.5(2)(b)(iv))	**220.00**
		(o) For the renewal of a Class II aircraft maintenance engineer licence with a Category B rating referred to in regulation 66.04.9(2)(b)(ii))	**300.00**
		(p) For the amendment of a Class I aircraft maintenance engineer licence with a Category B rating referred to in regulation 66.05.5(2)	**220.00**
		(q) For the renewal of a Class I aircraft maintenance engineer licence with a Category B rating referred to in regulation 66.05.9(2)	**220.00**
		(r) For the reissuing of a Class I aircraft maintenance engineer licence with a Category B rating referred to in regulation 66.05.10(1)	**220.00**
		(s) For the renewal of a Class I aircraft maintenance engineer licence with a Category B rating referred to in regulation 66.06.5(1)	**300.00**
		(t) For the amendment of a Class I aircraft maintenance engineer licence with a Category D rating referred to in regulation 66.06.5(2)	**220.00**
		(u) For the renewal of a Class I aircraft maintenance engineer licence with a Category D rating referred to in regulation 66.06.9(2)	**220.00**
		(v) For the reissuing of a Class I aircraft maintenance engineer licence with a Category D rating referred to in regulation 66.06.10(1)	**220.00**
		(w) For the issuing of a Class I aircraft maintenance engineer licence with a Category X rating referred to in regulation 66.07.9(5)(1)	**300.00**

		(x) For the amendment of a Class I aircraft maintenance engineer licence with a Category X rating referred to in regulation 60.07.5(2)	**220.00**
		(y) For the renewal of a Class I aircraft maintenance engineer licence with a Category X rating referred to in regulation 66 07.9(2)	**220.00**
		(z) For the reissuing of a Class I aircraft maintenance engineer licence with a Category X rating referred to in regulation 66.07.10(1)	**220.00**
		(aa) For the reissuing of a Grade I aircraft maintenance instructor rating referred to in regulation 66.08.5	**220.00**
		(bb) For the issuing of a Grade I aircraft maintenance instructor rating referred to in regulation 66.08.9(2).	**150.00**
		(cc) For the issuing of a Grade II aircraft maintenance instructor rating referred to in regulation 66.09.5	**220.00**
		(dd) For the renewal of a Grade II aircraft maintenance instructor rating referred to in regulation 66.09.9(2)	**150.00**
		(ee) For the issuing of a duplicate aircraft maintenance engineer license	**220.00**
		(ff) For examinations arranged by the Director in respect of any maintenance engineer's licence or rating, per subject cost plus	**300.00**
		(gg) For the remarking of examination papers by the Director in respect of any maintenance engineer's licence or any rating, per subject cost plus	**300.00**
Fee relating to Part 67	**187.00.12**	**The following fees shall be payable upon application:**	
		(a) For an appeal, against being found medically unfit, referred to in regulation 67.00.10(1)	**900.00**
		(b) For designation of medical examiners.	**500.00**
Fee relating to Part 121	**187.00.13**	**The following fees shall be payable upon application:**	
		(a) For the issuing of an air operator certificate referred to in regulation 121.06.5(1): For aeroplanes of mass class: - (i) 5701 kg - 20,000 kg - (ii) 20001 kg - 130,000kg - (iii) Greater than 130,000kg	 **9,000.00** **12,000.00** **15,000.00**
		(b) For the amendment of an air operator certificate referred to in regulation 121.06.5(1)	**2,000.00**
		(c) For the renewal of an air operator certificate referred to in regulation 121.06.15(1): For aeroplanes of mass class: - (i) 5701 kg - 20,000 kg - (ii) 20001 kg - 130,000kg - (iii) Greater than 130,000kg	 **7,000.00** **10,000.00** **14,000.00**
		(d) For a copy of the register of air operator certificates referred to in regulation 121.06.18(5)	**2.00 (pp)**

		(e) For the issuing of a Foreign air operator permit referred to in regulation 121.07.2(1) (b)(m)	**(see (a) above.)**
		(f) For the amendment of a Foreign air operator permit referred to in regulation 121.07.2(4)(b)	**(See (b) above.)**
		(g) For the renewal of a Foreign air operator permit referred to in regulation 121.07.7(2)	**(see (c) above.)**
		(h) For a copy of the register of Foreign air operator permits referred to in regulation 121. 07.10(5)	**2.00 (pp)**
Fee relating to Part 127	**187.00.14**	**The following fees shall be payable upon application:**	
		(a) For the issuing of an air operator certificate referred to in regulation 127.06.5(1)(b): For helicopters of mass class: - (i) below 1500 kg - (ii) 1501 kg – 5,700 kg - (iii) Greater than 5,700kg	 **5,000.00** **6,000.00** **7,000.00**
		(b) For the amendment of an air operator certificate referred to in regulation 127.06.5(1): For helicopters of mass class: - (i) below 1500 kg - (ii) 1501 kg – 5,700 kg - (iii) Greater than 5,700kg	 **2,000.00** **3,000.00** **4,000.00**
		(c) For the renewal of an air operator certificate referred to in regulation 127.06.15(1): For helicopters of mass class: - (i) below 1500 kg - (ii) 1501 kg – 5,700 kg - (iii) Greater than 5,700kg	 **3,000.00** **5,000.00** **6,000.00**
		(d) For a copy of the register of air operator certificates referred to in regulation 127.06.18(5)	**2.00 (pp)**
		(e) For the issuing of a Foreign air operator permit referred to in regulation 127.07.2(1)	**(see (a) above**
		(f) For the amendment of a Foreign air operator permit referred to in regulation 127.07.2(4)	**(See (b) above)**
		(g) For the renewal of a Foreign air operator permit referred to in regulation 127.07.7(1)	**(see (c) above)**
		(h) For a copy of the register of Foreign air operator permits referred to in regulation 127 .07.10(5)	**2.00 (pp)**
Fee relating to Part 135	**187.00.15**	**The following fees shall be payable upon application:**	
		For the issuing of an air operator certificate referred to in regulation 135.06.5(1) (ie., aeroplanes of mass class below 5700 kg)	**4,500.00**
		(a) For the amendment of an air operator certificate referred to in regulation 135.06.5(1)	**2,000.00**

		(b) For the renewal of an air operator certificate referred to in regulation 135.06.15(1)	**3,000.00**
		(c) For a copy of the register of air operator certificates regulation 135.06.18(5)	**2.00 (pp)**
		(d) For the issuing of a Foreign air operator permit referred to in regulation 135.07.2(1)	**4,500.00**
		(e) For the amendment of a Foreign air operator permit referred to in regulation 135.07.2(4)	**2,000.00**
		(f) For the renewal of a Foreign air operator permit referred to in regulation 135.07.7(1)	**3,000.00**
		(g) For a copy of the register of Foreign air operator permits referred to in regulation 135.07.10(5)	**2.00 (pp)**
Fee relating to Part 139	**187.00.16**	**The following fees shall be payable upon application:**	
		(a) For a copy of the register of aerodrome licences, heliport approvals and heliport licences referred to in regulation 139.01.7(5)	**2.00 (pp)**
		(b) For the issuing of an aerodrome license, or an amendment thereof referred to in regulation 139.02.10(1)	**(National: 5,000.00)** **Interna-tional: 20,000.00)**
		(c) For the renewal of an aerodrome license referred to in regulation 139.02.17(1)	**2,300.00**
		(d) For the issuing of a license of intent referred to in regulation 139.02.18(1)	**2,300.00**
		(e) For the issuing of a heliport licence referred to in regulation 139.03.10	**3,100.00**
		(f) For the renewal of a heliport licence referred to in regulation 139.03.17(1)	**2,300.00**
		(g) For the issuing of a licence of inter t (regulation 139.03.18(1)	**2,300.00**
		(h) For the issuing of a duplicate aerodrome licence or a duplicate heliport approval of licence	**250.00**
Fee relating to Part 141	**187.00.17**	**The following fees shall be payable upon application:**	
		(a) For a copy of the register of aviation training organisation approvals referred to in regulation 141.01.8(5)	**2.00 (pp)**
		(b) For the issuing of an aviation training organisation approval to conduct standard aviation training, or an amendment thereof referred to in regulation 141.02.6	**3,100.00**
		(c) For the renewal of an aviation training organisation approval to conduct standard aviation training referred to in regulation 141.02.12(1)	**2,300.00**

		(d) For the issuing of an aviation training organisation approval to conduct temporary aviation training referred to in regulation 141.03.2	**1,200.00**
		(e) For the issuing of a duplicate aviation training organisation approval	**250.00**
Fee relating to Part 145	**187.00.18**	**The following fees shall be payable upon application:**	
		For a copy of the register of aircraft maintenance organisation approvals (regulation 145.01.7(5))	**2.00 (pp)**
		For - (a) the issuing of an aircraft maintenance organisation approval referred to in regulation 145.02.6(a); and (b) the amendment of an aircraft maintenance organisation approval as referred to in regulation 145.02.5	**3,000.00** **550.00**
		For the renewal of an aircraft maintenance organisation approval referred to in regulation 145.02.12(1)	**2,000.00**
		For the issuing of a duplicate aircraft maintenance organisation approval	**250.00**
Fee relating to Part 147	**187.00.19**	**The following fees shall be payable upon application:**	
		(a) For a copy of the register of design organisation approvals referred to in regulation 147.01.7(5)	**2.00 (pp)**
		(b) (i) For the issuing of a design organisation approval to design products or changes thereto referred to in regulation 147.02.5; and (ii) For the amendment of a design organisation approval to design products or changes thereto as referred to in regulation 147.02.5	**3,100.00** **2,300.00**
		(c) For the renewal of a design organisation approval to design products or changes thereto referred in regulation 147.02.14(1)	**2,300.00**
		(d) (i) For the issuing of a design organisation approval to design parts and appliances, or changes thereto referred to in regulation 147.03.5; and (ii) For the amendment of a design organisation approval to design parts and appliances, or changes thereto referred to in regulation 147.03.5	**3,100.00** **2,300.00**
		(e) For the renewal of a design organisation approval to design parts and appliances, or changes thereto referred to in regulation 147.03.13(l)	**2,300.00**
		(f) For the issuing of a duplicate design organisation approval	**250.00**
Fee relating to Part 148	**187.00.20**	**The following fees shall be payable upon application:**	

		(a) For a copy of the register of manufacturing organisation approvals referred to in regulation 148.01.7(5)	**2.00 (pp)**
		(b) For - (i) the issuing of a manufacturing organisation approval referred to in regulation 148.02.5; and (ii) the amendment of a manufacturing organisation approval referred to in regulation 148.02.5	**3,100.00** **2,300.00**
		(c) For the renewal of a manufacturing organisation approval referred to in regulation 148.02.15(1)	**2,300.00**
		(d) For the issuing of a duplicate manufacturing organisation approval	**250.00**
Fee relating to Part 149	**187.00.21**	**The following fees shall be payable upon application:**	
		(a) For a copy of the register of aviation recreation organisation approvals (regulation 149.01.8(5)	**2.00 (pp)**
		(b) For - (i) the issuing of an aviation recreation organisation approval referred to in regulation 149.02.5; and (ii) the amendment of a recreation organisation approval referred to in regulation 149.02.5	**3,100.00** **2,300.00**
		(c) For the renewal of an aviation recreation organisation referred to in regulation 149.02.11(l)	**2,300.00**
		(d) For the issuing of a duplicate aviation recreation organisation.	**250.00**

Note that some of the Parts referred to in the table have been inserted or substituted subsequent to this table, so some of the cross-references may no longer be correct.]

**[regulation 187.00.22 is substituted by GN 210/2018.
Note that all of the Parts referred to have been inserted or substituted subsequent to this table, so the cross-references may no longer be correct.]**

Fees and charges relating to Parts 71, 170 to 175 and 179:

	Fee category: **Fees payable upon application**	**Values / units** **N$**
187.00.22	(1) The following fees shall be payable on application: (a) for a copy of the register of air traffic service unit approvals referred to in regulation 172.01.7(5))	**2.00 (per page)**
	(b) for - (i) the issuing of an air traffic service unit approval referred to in regulation 172.03.5; and (ii) the amendment of an air traffic service unit approval referred to in regulation 172.03.5;	**3 100.00** **3 100.00**

	(c) for the renewal of an air traffic service unit approval referred to in regulation 172.03.9(l);	**2 300.00**
	(d) for the issuing of a duplicate air traffic service unit approval;	**250.00**
	(e) for the approval of -	
	(i) an aerodrome control service; (ii) an approach control service; (iii) an area control service; (iv) a flight information service; (v) an approach surveillance service; (vi) an area surveillance service; or (v) an aerodrome flight information service.	**10 000.00** **12 000.00** **12 000.00** **12 000.00** **18 000.00** **18 000.00** **4 000.00**
	Charges relating to air navigation services: **Charge category**	
	En-route charges (2) An en-route charge shall be calculated using the following formula: (a) where the MTOW of an aircraft is greater or equal to 5700 kg: Constant $C_1 = 0.055$; and (b) where the MTOW of an aircraft is less than 5700 kg: Constant $C_1 = 0.02$; (c) the Constant is subject to periodic review by the Authority and, upon approval by the Minister, the publication thereof in the *Gazette*; (d) no en-route charge shall be payable to the Authority in respect of any aircraft engaged in a flight which commences and terminates at the same airport for training purposes; and (e) no en-route charge shall be payable in respect of any aircraft engaged in a military, customs, police or search and rescue flight, or test flights ordered by the Executive Director of the Authority to determine the serviceability of aircraft systems or flights.	**En-route Charge = Distance x √ MTOW (Maximum Take Off Weight) x C_1** **Where -** **MTOW is in kilograms (kg), distance in nautical miles (nm) C_1 is a constant and the Charge in N$**
	Terminal Control Area charge (3) The terminal control area (TMA) charge shall be calculated using the following formula: (a) constant $C_2 = 0.3$; (b) the constant is subject to periodic review by the Authority and, upon approval by the Minister, the publication thereof in the *Gazette;*	**TMA Charge = MTOW^0.8 x C_2** **Where -** **MTOW is in kilograms (kg), C_2 is a constant and the Charge in N$**

	(c) the TMA charge in respect of a helicopter or a fixed-wing flight which is engaged solely for the purpose of aircrew training, shall be 20 per cent of the TMA charge calculated using the TMA charge formula specified above; and (d) no TMA charge shall be payable in respect of any aircraft engaged in a military, customs, police or search and rescue flight, or test flights ordered by the Executive Director to determine the serviceability of aircraft systems or flights.	
	Aerodrome Charge (4) The following Aerodrome (ADR) charge shall be calculated using the following formula: (a) constant $C_3 = 0.2$; (b) the constant is subject to periodic review by the Authority and, upon approval by the Minister, the publication thereof in the *Gazette*; (c) the ADR charge in respect of a helicopter or a fixed-wing flight which is engaged solely for the purpose of aircrew training, shall be 20 per cent of the ADR charge calculated using the ADR charge formula specified above; and (d) no ADR charge shall be payable in respect of any aircraft engaged in a military, customs, police or search and rescue flight, or test flights ordered by the Executive Director to determine the serviceability of aircraft systems or flights.	**ADR Charge = MTOW^0.8 x C_3** **Where -** **MTOW is in kilograms (kg) and the Charge in N$**

[regulation 187.00.23 substituted by GN 210/2018]

Charges relating to Part 140

	Civil Aviation Safety charges: **Liability to pay civil aviation safety charges**	
187.00.23	(1) A civil aviation safety charge amounting to N$30.00 per available seat for domestic flights and N$54.00 per available seat for international flights is payable. (2) Value Added Tax is not payable on the civil aviation safety charge. (3) The civil aviation safety charge becomes due to the Authority by a holder or participant and inclusive of an owner or operator, providing air services on the departure of a flight from an aerodrome within the territory of Namibia.	**N$30.00 per available seat - Domestic flight** **N$54.00 per available seat - International flight**

	(4) The owner or operator providing air services shall pay, directly to the Authority, the civil aviation safety charge, within 30 days of the invoice date. (5) Information relating to the total number of departures and type of aircraft per owner or operator on domestic and international flights, as contemplated in subregulation (4), shall be provided monthly – (a) by the Air Navigation Services Unit of the Authority, in respect of flights departing from aerodromes manned by air traffic controllers; and (b) by the relevant aerodrome licence holder or operator of an aerodrome in respect of flights departing from aerodromes not manned by air traffic controllers. (6) The Authority shall, on receipt of the information referred to in subregulation (5), verify the accuracy and completeness of data received from the operators of aerodromes involved and Air Navigation Services Unit of the Authority. (7) The owner or operator of the relevant air services shall be subjected to a compliance audit as instructed or done by the Authority at any time determined by the Executive Director. (8) Without prejudice to subregulation (7) it shall be the responsibility of the aircraft owner or operator providing air services to provide the Authority with correct information on the number of departures and type of aircraft used in case of conflicting data, for verification purposes.	