



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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## General Notice

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### MINISTRY OF WORKS, TRANSPORT AND COMMUNICATION

No. 226

1997

#### PROPOSED CIVIL AVIATION REGULATIONS :

#### PART 149 - ORGANISATIONS : AVIATION RECREATION ORGANISATIONS

The Ministry of Works, Transport and Communication recently initiated the project to update the current Namibian aviation legislation. There are two main reasons for updating the aviation legislation, namely, the current legislation does not adequately reflect the policies of Namibia for the aviation sector and does not reflect recent developments within SADC. The project further aims to enhance the safety of civil aviation by ensuring that the Namibian legislation complies with the minimum standards prescribed by the International Civil Aviation Organization.

Part of the short-term legislative reform involves the updating of the regulations made under the Aviation Act, 1962 (Act 74 of 1962).

Due to the nature and extensive range of subjects which need to be regulated, this part of the project will be executed in phases and regulations will be published accordingly. The proposed structure of the Civil Aviation Regulations is set out in Schedule 1.

All the definitions for the proposed civil aviation regulations will be contained and published in Part 1. The definitions for each Part will however be published with each set of proposed regulations, to facilitate the interpretation thereof. The definitions associated with the proposed regulations on aviation recreation organisations are set out in Schedule 2.

The Director : Civil Aviation invites all interested parties to comment on the proposed structure of the Civil Aviation Regulations, the proposed definitions associated with the proposed regulations, as well as the proposed regulations on Aviation Recreation Organisations set out in Schedule 3. The proposed regulations represent Part 149 of the proposed structure.

The proposed regulations on Aviation Recreation Organisations make provision for certain information to be contained in a document called Document NA-CATS-ARO. The compilation of the document does not form part of this project, but it is envisaged as a document that will contain all the technical standards regarding aviation recreation organisations.

Comments or representations should be lodged in writing and should reach the Ministry not later than **90 days** from the date of publication of this notice. Correspondence should be addressed to:

The Director : Civil Aviation

Ministry of Works, Transport and Communication

Department of Transport

Private Bag 12003

WINDHOEK

Attention : Mr Louis Lourens

Telephone : 208-2159

Fax : 238-884

Upon expiry of the aforementioned 90 day period, all comments which have been received will be evaluated for possible incorporation into the proposed regulations on Aviation Recreation Organisations and if necessary, a workshop will be held to finalise the proposed regulations.

**SCHEDULE 1**  
**NAMIBIAN CIVIL AVIATION REGULATIONS STRUCTURE**

<p><b>DEFINITIONS</b></p> <p>Part 1 Definitions</p> <p><b>PROCEDURES</b></p> <p>Part 11 Procedures for making regulations, issuing technical Standards and granting exemptions</p> <p>Part 12 Aviation accidents and incidents</p> <p>Part 13 Enforcement procedures</p> <p><b>AIRCRAFT</b></p> <p>Part 21 Certification procedures for products and parts</p> <p>Part 34 Engine Emissions</p> <p>Part 36 Noise certification</p> <p>Part 43 General maintenance rules</p> <p>Part 47 Aircraft registration and marking</p> <p><b>PERSONNEL</b></p> <p>Part 61 Pilot licensing</p> <p>Part 63 Flight engineer licensing</p> <p>Part 64 Cabin crew licensing</p> <p>Part 65 Air traffic service personnel licensing</p> <p>Part 66 Aircraft maintenance engineer licensing</p> <p>Part 67 Medical requirements</p> <p><b>RULES OF THE AIR AND GENERAL OPERATING RULES</b></p> <p>Part 91 General operating and flight rules</p> <p>Part 92 Conveyance of dangerous goods</p> <p>Part 98 Operation of powered paragliders</p> <p>Part 100 Operation of gyroplanes</p> <p>Part 101 Operation of unmanned balloons, kites, rockets, pilotless and model aircraft</p> <p>Part 102 Operation of free balloons and airships</p> <p>Part 103 Operation of microlight aeroplanes</p> <p>Part 104 Operation of gliders</p> <p>Part 105 Parachuting operations</p> <p>Part 106 Operation of hang gliders</p>	<p><b>CERTIFICATED AIRCRAFT OPERATORS AND OTHER FLIGHT OPERATIONS</b></p> <p>Part 121 Air transport operations - large aeroplanes</p> <p>Part 127 Air transport operations - helicopter</p> <p>Part 133 Helicopters external load operations</p> <p>Part 135 Air transport operations - small aeroplanes</p> <p>Part 137 Agricultural aircraft operations</p> <p>Part 138 Emergency medical services operations</p> <p><b>ORGANISATIONS</b></p> <p>Part 141 Aviation training organisations</p> <p>Part 145 Aircraft maintenance organisations</p> <p>Part 147 Design organisations</p> <p>Part 148 Manufacturing organisations</p> <p>Part 149 Aviation recreation organisations</p> <p><b>AERODROMES AND HELIPORTS</b></p> <p>Part 139 Licensing</p> <p>Part 139 General standards</p> <p><b>AIR TRAFFIC SERVICES</b></p> <p>Part 172 Airspace and air traffic services</p> <p><b>AERONAUTICAL INFORMATION AND RELATED SERVICES</b></p> <p>Part 174 Meteorological information services</p> <p>Part 175 Aeronautical information services</p> <p><b>ADMINISTRATION</b></p> <p>Part 183 General</p> <p>Part 185 Offences</p> <p>Part 187 Fees</p>
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## SCHEDULE 2

### Definitions

In these regulations, unless the context otherwise indicates -

“aerobatic flight” means an intentional manoeuvre involving an abrupt change in an aircraft’s altitude, or an abnormal altitude, or an abnormal acceleration, not necessary for normal flight;

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

“airworthiness standards” includes maintenance standards;

“aviation recreation” means microlighting, gliding, ballooning, gyroplaning, hang-gliding, parachuting or involvement in aviation events;

“balloon” means a non-power-driven lighter-than-air aircraft;

“Document NA-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 the Act;

“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, excluding a hang glider;

“gyroplane” means a heavier-than-air aircraft supported in flight by the reactions

of the air on one or more non-power-driven rotors on substantially vertical axes;

“hang 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 which is capable of being carried, foot launched and landed safely by the energy and use of the pilot’s legs; and

“microlight aeroplane” means an aeroplane the empty mass of which does not exceed 450 kilograms.

**SCHEDULE 3**  
**LIST OF REGULATIONS**

**SUBPART 1 : GENERAL**

- 149.01.1      Applicability
- 149.01.2      Designation of body or institution
- 149.01.3      Display of aviation recreation organisation approval
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**SUBPART 2 : APPROVAL OF AVIATION RECREATION ORGANISATION**

- 149.02.1      Requirement for approval
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- 149.02.12     Renewal of approval
- 149.02.13     Duties of holder of approval
- 149.02.14     Technical and regulatory data
- 149.02.15     Records
- 149.02.16     Operational and maintenance procedures

**SUBPART 1****GENERAL****Applicability**

- 149.01.1** (1) This Part shall apply to the approval and operation of organisations whose members operate for recreational purposes -
- (a) microlight aeroplanes and powered paragliders;
  - (b) gliders;
  - (c) free balloons;
  - (d) gyroplanes;
  - (e) hang gliders and non-powered paragliders;
  - (f) parachutes; or
  - (g) non-certificated aircraft.
- (2) This Part shall not apply in respect of -
- (a) the holder of an air carrier's licence issued in terms of the Air Services Act, 1949 (Act 51 of 1949);
  - (b) any person who wishes to operate an air service as defined in section 1 of the Air Services Act, 1949; or



- (c) 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 operation or airworthiness of aircraft involved in aviation recreation;
- (d) issue special flight permits;
- (e) determine standards for the licensing of personnel involved in aviation recreation;
- (f) issue licences to such personnel; and
- (g) advise the Director on any matter connected with the operation or airworthiness 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 NA-CATS-ARO.

### **Display of aviation recreation organisation approval**

**149.01.3** 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**

**149.01.4** 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**

**149.01.5** (1) An applicant for the issuing 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 149.02.6.

(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 aviation recreation organisation approval and appeal**

**149.01.6** (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 149.01.5, 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 to carry out a safety inspection and audit in terms of regulation 149.01.5; 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, 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.

(6) 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.

(7) The authorised officer, inspector or authorised person concerned may, within 30 days of receipt of the copy of the appeal referred to in subregulation (6), deliver his or her written reply to such appeal to the Director.

(8) The Director may -

- (a) adjudicate the appeal on the basis of the documents submitted to him or her;
- (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.

(9) The Director may confirm, vary or set aside the suspension referred to in subregulation (1).

(10) The Director shall -

- (a) if he or she confirms the suspension in terms of subregulation (9); or
- (b) if an approval is suspended in terms of subregulation (1) and the holder thereof does not appeal against such suspension in terms of subregulation (4),

cancel the approval concerned.

### **Register of approvals**

**149.01.7** (1) The Director shall maintain a register of all aviation recreation organisation approvals 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 approval;
  - (b) the postal address of the holder of the approval;
  - (c) the date on which the approval was issued;
  - (d) particulars of the scope of the approval issued to the holder of the approval; and

(e) the nationality of the holder of the approval.

(3) The particulars referred to in subregulation (2) shall be recorded in the register within seven days from the date on which the approval is issued 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.

**SUBPART 2****APPROVAL OF AVIATION RECREATION ORGANISATION****Requirement for approval**

**149.02.1** 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 this Subpart.

**Manual of procedure**

**149.02.2** An applicant for the issuing 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 NA-CATS-ARO.

**Quality assurance system**

**149.02.3** (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 NA-CATS-ARO.

**Personnel requirements**

- 149.02.4** (1) The applicant shall engage, employ or contract -
- (a) a senior person identified as the accountable manager who has the authority within the aviation recreation organisation to ensure that all aviation recreation undertaken by such organisation are carried out according to the appropriate requirements prescribed in this Subpart;
  - (b) a competent person who is responsible for quality assurance, and who has direct access to the accountable manager 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**

**149.02.5** 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**

**149.02.6** An application for the issuing 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 NA-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 149.02.2.

**Issuing of approval**

**149.02.7** (1) The Director shall issue an aviation recreation organisation approval to undertake aviation recreation, if the applicant complies with the requirements prescribed in regulations 149.02.2 to 149.02.5 inclusive.

(2) The Director shall issue the approval on the appropriate form as prescribed in Document NA-CATS-ARO.

**Scope of approval**

**149.02.8** 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**

**149.02.9** (1) An aviation recreation organisation approval to undertake aviation recreation, shall be valid for the period determined by the Director, which period shall not exceed five years, 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 149.01.6.

(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**

**149.02.10** (1) Subject to the provisions of subregulation (2), an aviation recreation organisation approval to undertake aviation recreation, shall not be transferable.

(2) A change in ownership of the holder of an approval to undertake aviation recreation, shall be deemed to be a change of significance referred to in regulation 147.02.11.

### **Changes in quality assurance system**

**149.02.11** (1) If the holder of an aviation recreation organisation approval to undertake aviation recreation, desires to make any change in the quality assurance system referred to in regulation 149.02.3, which is significant to the showing of compliance with the appropriate requirements prescribed in this Part, such holder shall apply to the Director for the approval of such change.

(2) The provisions of regulation 149.02.6 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 149.02.2 to 149.02.5 inclusive, after the implementation of such approved change.

### **Renewal of approval**

**149.02.12** (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 NA-CATS-ATO; and
- (b) accompanied by -
  - (i) the appropriate fee as prescribed in Part 187; and
  - (ii) the manual of procedure referred to in regulation 149.02.2.

(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.

### **Duties of holder of approval**

**149.02.13** 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 149.02.2, 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**

**149.02.14** (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**

**149.02.15** (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**

**149.02.16** (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 conflict with the appropriate procedures prescribed in the Regulations; and
  - (b) be administered to ensure that the requirements -
  - (c) remain valid for their intended use; and
  - (d) 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.