



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$4.53

WINDHOEK - 19 August 1997

No. 1645

CONTENTS

	<i>Page</i>
GENERAL NOTICE	
No. 228 Proposed Civil Aviation Regulations: Part 92 - Rules of the air and general operating rules: Conveyance of dangerous goods	1

General Notice

MINISTRY OF WORKS, TRANSPORT AND COMMUNICATION

No. 228

1997

PROPOSED CIVIL AVIATION REGULATIONS :
PART 92 - RULES OF THE AIR AND GENERAL OPERATING
RULES : CONVEYANCE OF DANGEROUS GOODS

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 the conveyance of dangerous goods 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 the Conveyance of Dangerous Goods, set out in Schedule 3. The proposed regulations represent Part 92 of the proposed structure.

The proposed regulations on the Conveyance of Dangerous Goods make provision for certain information to be contained in a document called Document NA-CATS-DG. 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 the conveyance of dangerous goods.

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 the Conveyance of Dangerous Goods, and if necessary, a workshop will be held to finalise the proposed regulations.

SCHEDULE 1
NAMIBIAN CIVIL AVIATION REGULATIONS STRUCTURE

<p>DEFINITIONS</p> <p>Part 1 Definitions</p> <p>PROCEDURES</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>AIRCRAFT</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>PERSONNEL</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>RULES OF THE AIR AND GENERAL OPERATING RULES</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>CERTIFICATED AIRCRAFT OPERATORS AND OTHER FLIGHT OPERATIONS</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>ORGANISATIONS</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>AERODROMES AND HELIPORTS</p> <p>Part 139 Licensing</p> <p>Part 139 General standards</p> <p>AIR TRAFFIC SERVICES</p> <p>Part 172 Airspace and air traffic services</p> <p>AERONAUTICAL INFORMATION AND RELATED SERVICES</p> <p>Part 174 Meteorological information services</p> <p>Part 175 Aeronautical information services</p> <p>ADMINISTRATION</p> <p>Part 183 General</p> <p>Part 185 Offences</p> <p>Part 187 Fees</p>
---	--

SCHEDULE 2**Definitions**

In these regulations, unless the context otherwise indicates -

“air traffic service unit” means an air traffic control unit, flight information centre or air traffic service reporting office;

“cargo aircraft” means any aircraft, other than a passenger aircraft, which is carrying goods or property;

“crew member” means a person assigned by an operator to do duty in an aircraft during flight;

“dangerous goods” means articles or substances which are capable of posing significant risk to health, safety or property when conveyed by air;

“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 inspector” means a person designated as a dangerous goods inspector in terms of regulation 92.00.6;

“dangerous goods incident” means 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 which seriously

jeopardizes the aircraft or its occupants;

“dangerous goods transport document” means a document referred to in regulation 92.00.13;

“Document NA-CATS-DG” means a document on the Namibian Civil Aviation Technical Standards relating to the conveyance of dangerous goods by air, which is published by the Director in terms of the Act;

“flight crew member” means a licensed crew member charged by the operator with duties essential to the operation of an aircraft;

“freight container for radioactive materials” means an article of transport equipment designed to facilitate the carriage of goods, either packaged or unpackaged, by one or more modes of transport without intermediate reloading;

“operator” means a person, organization or enterprise engaged in or offering to engage in an aircraft operation;

“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;

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

“packaging” means a receptacle and any other component or material necessary for the receptacle to perform its containment function and to ensure compliance with the requirements and standards as prescribed in Document NA-CATS-DG;

“packing” means the process whereby an article or substance is enveloped in a wrapping, enclosed in a packaging or otherwise secured;

“passenger aircraft” means an aircraft that carries any person other than a crew member, an operator’s employee in an official capacity, an authorized officer, inspector or authorised person, or a person accompanying a consignment or other cargo;

“pilot-in-command” means the pilot responsible for the operation and safety of the aircraft during flight time;

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

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

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

“state aircraft” means an aircraft used for military, customs, police or other government services;

“the Act” means the Aviation Act, 1962 (Act 74 of 1962);

“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.

SCHEDULE 3
LIST OF REGULATIONS

92.00.1	Applicability
92.00.2	Conveyance of dangerous goods forbidden
92.00.3	Exemption
92.00.4	Classification, division and listing of dangerous goods
92.00.5	Designated body or institution
92.00.6	Designation of dangerous goods inspectors
92.00.7	Powers of dangerous goods inspectors
92.00.8	Training
92.00.9	Validation of foreign certificates
92.00.10	Packing and packaging
92.00.11	Responsibility of shipper
92.00.12	Labelling and marking
92.00.13	Dangerous goods transport document
92.00.14	Acceptance procedures
92.00.15	Information to be provided
92.00.16	Inspection for damage or leakage by operator
92.00.17	Storage and loading
92.00.18	Loading restrictions in cabin or on flight deck
92.00.19	Separation and segregation
92.00.20	Securing of dangerous goods
92.00.21	Loading in cargo aircraft
92.00.22	Dangerous goods accident and incident reporting
92.00.23	Dangerous goods accident and incident investigation
92.00.24	Dangerous goods accident and incident information
92.00.25	Notification of undeclared or misdeclared dangerous goods
92.00.26	Retention of documents
92.00.27	Dangerous goods carried by passengers or crew members
92.00.28	Information to passengers

Applicability

92.00.1 (1) This Part shall apply to -

(a) any aircraft used for the conveyance of dangerous goods;

(b) any person who -

(i) offers dangerous goods for conveyance by air;

(ii) conveys dangerous goods by air; or

(iii) accepts dangerous goods conveyed by air; and

(c) any passenger or crew member on board or to be taken on board an aircraft.

(2) This Part shall not apply in respect of -

(a) military aircraft;

(b) military personnel who perform their official duties on board a military aircraft;

(c) 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 agricultural, horticultural, forestry or pollution control operations; or
 - (iv) for purposes of game and livestock management during a flight;
- (d) 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: Provided that articles and substances intended as replacements for such articles and substances, shall be conveyed in accordance with the requirements and standards as prescribed in Document NA-CATS-DG;
- (e) articles and substances which would otherwise constitute dangerous goods but which are on board the aircraft for the specialised purposes as prescribed in Document NA-CATS-DG; and
- (f) articles and substances intended for the personal use of passengers and crew members to the extent as prescribed in Document NA-CATS-DG.

Conveyance of dangerous goods forbidden

92.00.2 No person shall offer for conveyance in an aircraft, convey in an aircraft or accept for conveyance in an aircraft -

- (a) the dangerous goods specifically identified by name or by generic description in Document NA-CATS-DG as being forbidden for conveyance by air under any circumstances;
- (b) the dangerous goods identified in Document NA-CATS-DG as being forbidden for conveyance by air under normal circumstances;
- (c) any other dangerous goods, unless in accordance with the provisions of the Act, this Part and the requirements and standards as prescribed in Document NA-CATS-DG; and
- (d) infected live animals.

Exemption

92.00.3 (1) The 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 regulation 92.00.2(b), in the case of -

- (a) extreme urgency;
- (b) other forms of conveyance being inappropriate; or

- (c) full compliance with the provisions of this Part being contrary to aviation safety.

(2) The Director may grant an exemption referred to in subregulation (1), under such conditions and for such period which the Director may determine, but only after the applicant has made every effort to achieve the overall level of safety required by the Act, this Part and Document NA-CATS-DG.

(3) In the event of an exemption being granted for a period exceeding 90 days, the Director shall, within 30 days from the date on which the exemption has been granted, publish the full particulars thereof in the *Gazette*.

Classification, division and listing of dangerous goods

92.00.4 The classes, divisions and listing of dangerous goods shall be as prescribed in Document NA-CATS-DG.

Designated body or institution

92.00.5 (1) The body or institution designated under Part 12 shall, in addition to the powers and duties referred to in regulation 12.00.3 -

- (a) promote the safety of the conveyance of dangerous goods by air and an awareness thereof; and
- (b) advise the Director on any matter connected with the safe conveyance of dangerous goods by air.

(2) 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-DG.

Designation of dangerous goods inspectors

92.00.6 (1) The Director may designate dangerous goods inspectors to exercise the powers referred to in regulation 92.00.7.

(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 NA-CATS-DG.

(3) The Director shall sign and issue to each designated dangerous goods inspector a document which shall state the full name of such inspector and contain 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 92.00.7.

Powers of dangerous goods inspectors

92.00.7 (1) A designated dangerous goods inspector may -

- (a) enter and inspect any -
 - (i) aerodrome or hangar;

- (ii) premises where goods intended for conveyance by air are made, produced or manufactured or where goods or baggage intended for conveyance by air are packed, held or received or where goods or baggage are received after being conveyed by air; and
- (iii) aircraft, vehicle, freight container or unit load device used for the conveyance of dangerous goods,

in order to ensure that the provisions of the Act, this Part and the requirements and standards as prescribed in Document NA-CATS-DG, are complied with; and

- (b) request any person to produce or furnish him or her with all documents and information 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 any baggage, consignment, freight container or unit load device contains goods which may not, in terms of the provisions of the Act, this Part and the requirements and standards as prescribed in Document NA-CATS-DG, be conveyed by air, or goods which constitute a danger or potential danger to persons, aircraft or any other property, may inspect such baggage, consignment, freight container or unit load device and, if he or she deems it necessary in the interest of aviation safety, order that such goods be detained and not be loaded in an aircraft.

(3) A designated dangerous goods inspector may at any time -

(a) search -

(i) any baggage, consignment, freight container or unit load device presented or accepted for conveyance by air;

(ii) any baggage, consignment, freight container or unit load device received after being conveyed 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 have been or are to be conveyed by air, and a search referred to in subparagraph (iii) shall be conducted with strict regard to decency and order and a person shall be searched only by a person of the same gender;

(b) satisfy himself or herself that the mass, quantity or composition of any -

(i) goods or baggage offered or presented for conveyance in any consignment;

(ii) passengers' baggage;

- (iii) freight container or unit load device;
 - (iv) stores conveyed by the 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 NA-CATS-DG;
- (c) satisfy himself or herself that the requirements and standards as prescribed in Document NA-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 conveyance by air or which has been conveyed by air, or any other document specified in Document NA-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 require-

ments and standards as prescribed in Document NA-CATS-DG relating to the handling of such dangerous goods; and

- (g) condemn any dangerous goods which, in his or her opinion, are not in a good condition, or the storage or use of which he or she deems to be dangerous and order any such dangerous goods to be destroyed forthwith, in which case the owner of goods so condemned, shall have no claim against such inspector or against the State for the loss thereof and shall, in connection with the destruction of explosives, be responsible for any expense incurred.

Training

92.00.8 (1) Any -

- (a) shipper of dangerous goods, including a packer and shipper's agent;
- (b) operator; and
- (c) agency -
 - (i) which performs the act of accepting, handling, loading, unloading, transferring or other processing of cargo, on behalf of an operator;

- (ii) located at an aerodrome, which performs the act of processing passengers on behalf of an operator;
- (iii) not located at an aerodrome, which performs the act of checking in passengers on behalf of an operator;
- (iv) other than an operator, involved in processing cargo; and
- (v) engaged in the security screening of passengers and their baggage,

shall ensure that the following categories of personnel in his, her or its employ successfully complete initial dangerous goods training and refresher dangerous goods training:

- (i) Cargo personnel;
- (ii) personnel engaged in the ground handling, storage and loading of dangerous goods;
- (iii) passenger handling personnel;
- (iv) security personnel who deal with the screening of passengers and their baggage;
- (v) crew members;

- (vi) packers;
- (vii) shippers; and
- (viii) shipper's agents.

(2) 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.

(3) The subject matter of initial dangerous goods training and refresher dangerous goods training shall be as prescribed in Document NA-CATS-DG.

(4) Any person, employee or agency, referred to in subregulation (1) shall complete refresher dangerous goods training every 24 months, calculated from the date of the successful completion of the initial dangerous goods training or the preceding refresher dangerous goods training, as the case may be.

(5) Upon the successful completion of the initial dangerous goods training or the refresher dangerous goods training referred to in subregulation (3), the dangerous goods training organisation concerned shall issue to the candidate a certificate in the handling of dangerous goods to be conveyed by air.

Validation of foreign certificates

92.00.9 (1) The Director may validate any foreign certificate issued in the handling of dangerous goods to be conveyed by air, if the holder of the certificate -

- (a) has obtained such certificate from an approved foreign training organisation; and

- (b) has successfully completed the refresher dangerous goods training referred to in regulation 92.00.8(3).

(2) The provisions of regulation 92.00.8(4) and (5) shall apply *mutatis mutandis* to the holder of a certificate referred to in subregulation (1).

Packing and packaging

92.00.10 (1) A shipper shall ensure that all dangerous goods which the shipper prepares or offers for conveyance by air, are packed in accordance with the provisions of this Part and the requirements and standards as prescribed in Document NA-CATS-DG.

(2) A shipper shall ensure that any packaging used for the conveyance of dangerous goods by air shall -

- (a) comply with the material and construction specifications of, and be tested initially in accordance with the requirements and standards as prescribed in Document NA-CATS-DG; and
- (b) be of good quality and constructed and securely closed so as to prevent leakage caused by changes in temperature, humidity, pressure or vibration under normal conditions of conveyance by air.

(3) A shipper shall 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 conveyance by air.

(4) A shipper shall 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 shall 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 NA-CATS-DG.

(6) No receptacle used for the conveyance of dangerous goods by air shall 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 conveyance of dangerous goods by air, is re-used by the shipper, all necessary measures shall be taken by the shipper to prevent contamination of subsequent dangerous goods conveyed therein.

(8) If, because of the nature of their former contents, uncleaned empty receptacles may present a hazard, the shipper shall ensure that such receptacles are tightly closed and treated according to the hazard that they constitute.

(9) A shipper shall ensure that no harmful quantity of any dangerous substance adhere to the outside of a package.

Responsibility of shipper

92.00.11 (1) A shipper shall ensure that dangerous goods offered for conveyance by air, are not dangerous goods identified as forbidden for conveyance by air in terms of regulation 92.00.2 and are -

- (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 NA-CATS-DG.

(2) A shipper shall 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 conveyed by air, is trained in accordance with the provisions of regulation 92.00.8.

Labelling and marking

92.00.12 (1) Any person who offers any package containing dangerous goods for conveyance by air, shall ensure that such package thus offered is labelled with the appropriate label or labels in accordance with the requirements and standards as prescribed in Document NA-CATS-DG.

(2) Any person who offers any package containing dangerous goods for conveyance by air, shall ensure that such package thus offered is marked with the proper shipping name, UN shipping number, class of hazard, subsidiary risk, packing group, packing instruction and any authorisation reference of the contents of the package in accordance with the requirements and standards as prescribed in Document NA-CATS-DG.

- (3) (a) Any person who offers any package containing dangerous goods for conveyance by air, shall ensure that

each packaging which is manufactured in accordance with a packaging specification as prescribed in Document NA-CATS-DG, is marked with the appropriate packaging specification marking as prescribed in Document NA-CATS-DG.

- (b) No packaging shall be marked with a packaging specification marking unless such packaging complies with the appropriate packaging specification as prescribed in Document NA-CATS-DG.

Dangerous goods transport document

92.00.13 (1) Any person who offers dangerous goods for conveyance by air, shall, unless otherwise provided for in Document NA-CATS-DG, complete and sign and provide the operator with a dangerous goods transport document and such other appropriate documents as prescribed in Document NA-CATS-DG.

(2) A dangerous goods transport document shall contain the information as prescribed in Document NA-CATS-DG as well as a declaration, signed by the person referred to in subregulation (1), indicating that the dangerous goods offered for conveyance 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 NA-CATS-DG;

- (c) in proper condition for conveyance by air in accordance with the requirements and standards as prescribed in Document NA-CATS-DG; and
- (d) not dangerous goods identified as forbidden for conveyance by air in terms of regulation 92.00.2.

Acceptance procedures

92.00.14 (1) The operator of an aircraft in which dangerous goods are to be conveyed, shall not accept such dangerous goods for conveyance by air -

- (a) unless the dangerous goods are accompanied by a completed dangerous goods transport document, except where Document NA-CATS-DG provides that such document is not required; and
- (b) until such operator has inspected the exterior of the package, overpack or freight container containing the dangerous goods in accordance with the acceptance procedures as prescribed in Document NA-CATS-DG.

(2) The operator referred to in subregulation (1) shall develop and use an acceptance checklist to ensure that the provisions of subregulation (1) regarding the acceptance of dangerous goods for conveyance by air, are complied with.

(3) The acceptance checklist referred to in subregulation (2), shall comply with the requirements as prescribed in Document NA-CATS-DG.

Information to be provided

92.00.15 (1) The operator of an aircraft in which dangerous goods are to be conveyed shall provide the pilot-in-command, as soon as practicable before departure of the aircraft, with the written information as prescribed in Document NA-CATS-DG.

(2) The operator referred to in subregulation (1), shall provide information to the crew members and employees concerned to enable such crew members and employees to carry out their duties with regard to the conveyance by air of dangerous goods, and such information shall include the information as prescribed in Document NA-CATS-DG.

Inspection for damage or leakage by operator

92.00.16 (1) The operator of an aircraft in which dangerous goods are to be conveyed, shall inspect the exterior of each package and overpack containing dangerous goods and each freight container or package containing radioactive materials to ensure that there is no damage to or leakage from such package, overpack and freight container, before loading such package, overpack and container in the aircraft or into a unit load device.

(2) The operator referred to in subregulation (1) shall 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) No damaged or leaking package, overpack, freight container or unit load device shall be loaded in an aircraft.

(4) If any package, overpack or freight container containing dangerous goods appears to be damaged or leaking after loading such package in an aircraft, the operator shall remove or arrange for the removal of such package from the aircraft and shall ensure that the remainder of the consignment is in a proper condition for conveyance by air and that no other package has been contaminated.

(5) Each package or overpack containing dangerous goods, or a freight container or package containing radioactive materials, shall be inspected by the operator for signs of damage or leakage upon unloading such package, overpack or freight container from the aircraft or unit load device, and if damage or leakage has occurred, the area where such package, overpack, freight container or unit load device were stowed in the aircraft, shall be inspected for damage or contamination.

(6) If a package, overpack or freight container containing radioactive materials is found to be damaged or leaking, the operator shall -

- (a) take all necessary precautions to restrict access to such package, overpack or freight 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 shall decontaminate the aircraft immediately.

(8) The operator referred to in subregulation (1) shall remove an aircraft from service immediately when such aircraft is contaminated by radioactive

materials and shall 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 NA-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, shall -

- (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.

Storage and loading

92.00.17 The operator of an aircraft in which dangerous goods are to be conveyed shall comply with the storage and loading provisions of this Part and the requirements and standards as prescribed in Document NA-CATS-DG.

Loading restrictions in cabin or on flight deck

92.00.18 Unless otherwise provided for in Document NA-CATS-DG, dangerous goods shall not be stowed in an aircraft cabin occupied by passengers or on the flight deck of an aircraft.

Separation and segregation

92.00.19 (1) The operator of an aircraft in which dangerous goods are to be conveyed shall 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 referred to in subregulation (1) shall ensure that a package containing poison or an infectious substance, is stowed in an aircraft in accordance with the requirements and standards as prescribed in Document NA-CATS-DG.

(3) The operator referred to in subregulation (1) shall 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 NA-CATS-DG.

Securing of dangerous goods

92.00.20 (1) The operator of an aircraft in which dangerous goods are to be conveyed, shall, when dangerous goods are loaded in the aircraft, protect such dangerous goods from being damaged, and shall secure such dangerous goods in the

aircraft in a manner which will prevent any movement in flight that could change the orientation of the packages.

(2) When securing packages containing radioactive materials, the operator shall ensure that the securing is adequate in order that the requirements regarding the separation of radioactive materials referred to in regulation 92.00.19(3) are complied with.

Loading in cargo aircraft

92.00.21 Unless otherwise provided for in Document NA-CATS-DG, a package or overpack containing dangerous goods and bearing a "cargo aircraft only" label, shall be loaded in a manner that any 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

92.00.22 (1) The operator of an aircraft involved in a dangerous goods accident or dangerous goods incident within Namibia, shall within 48 hours after such accident or incident has occurred, notify -

- (a) in the case of an accident, any air traffic service unit or the nearest police station; or
- (b) in the case of an incident, any air traffic service unit,

of such accident or incident, and such air traffic service unit or police station, as the case may be, shall immediately on receipt of the notification, notify -

- (i) the 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 outside Namibia, shall, as soon as practicable, notify -

- (a) the appropriate authority in the State or territory where the accident or incident has occurred, directly or through any air traffic service unit; and
- (b) the Director,

of such accident or incident.

(3) Any notification of a dangerous goods accident or dangerous goods incident referred to in subregulation (1) or (2) shall, in addition to the provisions of regulation 12.00.5(3)(a), contain the particulars as prescribed in Document NA-CATS-DG.

Dangerous goods accident and incident investigation

92.00.23 The investigator-in-charge shall investigate all dangerous goods accidents and dangerous goods incidents of which the Director is notified in terms of regulation 92.00.22(1), and Part 12 shall apply *mutatis mutandis* to such investigation.

Dangerous goods accident and incident information

92.00.24 In the case of a consignment for which a dangerous goods transport document is required in terms of this Part, the operator shall ensure that the information as prescribed in Document NA-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

92.00.25 The operator of an aircraft in which dangerous goods are conveyed within Namibia or outside Namibia shall, within 48 hours after the discovery of -

- (a) any undeclared or misdeclared dangerous goods; or
- (b) dangerous goods not permitted in terms of regulation 92.00.27,

on board the aircraft or in the baggage of a passenger or crew member, notify the Director or the appropriate authority thereof, as the case may be.

Retention of documents

92.00.26 The operator of an aircraft in which dangerous goods are conveyed, shall ensure that at least one copy of all documents pertaining to a flight on which dangerous goods are conveyed, including the -

- (a) dangerous goods transport document;
- (b) acceptance checklist, if completion of the checklist is required; and

- (c) written information provided to the pilot-in-command
in terms of regulation 92.00.15(1),

are retained for a period of 90 days, calculated from the date of such flight.

Dangerous goods carried by passengers or crew members

92.00.27 No passenger or crew member shall 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 NA-CATSDG.

Information to passengers

92.00.28 Any operator shall ensure that information regarding the types of goods that passengers are forbidden to carry on board an aircraft, is available to such passengers and such information shall 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) in aircraft boarding areas and baggage claim areas.