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OF THE

REPUBLIC OF NAMIBIA

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General Notice

MINISTRY OF WORKS, TRANSPORT AND COMMUNICATION

No. 251 1997

PROPOSED CIVIL AVIATION REGULATIONS :

PART 67 - PERSONNEL : MEDICAL REQUIREMENTS

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 medical requirements 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 Medical Requirements set out in Schedule 3. The proposed regulations represent Part 67 of the proposed structure.

The proposed regulations on Medical Requirements make provision for certain information to be contained in a document called Document NA-CATS-MR. 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 medical requirements.

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 Medical Requirements 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>
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SCHEDULE 2**Definitions**

In these regulations, unless the context otherwise indicates -

“appropriate authority” -

- (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;

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

“Document NA-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 the Act;

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

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

SCHEDULE 3
LIST OF REGULATIONS

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| 67.00.1 | Applicability |
| 67.00.2 | Classes of medical certificates |
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Applicability

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

(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) commercial microlight aeroplane pilot;
- (v) gyroplane pilot for commercial purposes;
- (vi) commercial glider pilot;
- (vii) airship pilot for commercial purposes;
- (viii) free balloon pilot for commercial purposes;
- (ix) flight engineer; and
- (x) powered paraglider pilot for commercial purposes;

(b) Class 2 -

(i) private pilot : aeroplane and helicopter;

(ii) student pilot; and

(iii) cabin crew member;

(c) Class 3 -

(i) air traffic controller; and

(d) Class 4 -

(i) microlight aeroplane pilot;

(ii) glider pilot;

(iii) gyroplane pilot for non-commercial purposes;

(iv) airship pilot for non-commercial purposes;

(v) free balloon pilot for non-commercial purposes;

(vi) hang glider pilot;

(vii) paraglider pilot;

(viii) powered paraglider pilot for non-commercial

purposes; and

(ix) 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) and a valid Class 4 medical certificate referred to in subregulation (1)(d).

(3) An air traffic service personnel member who holds a valid Class 3 medical certificate referred to in subregulation (1)(c), shall be deemed to hold a valid Class 4 medical certificate referred to in subregulation (1)(d).

(4) 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) and a Class 4 medical certificate referred to in subregulation (1)(d), as specified in regulation 67.00.6.

(5) Upon expiry of a Class 3 medical certificate referred to in subregulation (1)(c), 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 4 medical certificate referred to in subregulation (1)(d), as specified in regulation 67.00.6.

(6) The medical requirements and standards to be complied with by an applicant for, or the holder of, a Class 1, 2, 3 or 4 medical certificate shall be as prescribed in Document NA-CATS-MR.

Designation of body or institution

- (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; issue, amend, suspend or withdraw medical certificates and keep all books or documents regarding such examinations or tests; and
 - (c) subject to the provisions of regulation 67.00.9, advise the Director on any matter connected with such examinations, tests or aviation medical examiners and on the training of flight crew and cabin crew in first aid.
- (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-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

(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 NA-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;

(b) subject to the provisions of regulation 67.00.8, issue such medical certificate; or

(c) defer the issuing of such medical certificate pending an appropriate instruction from the designated body or institution.

Class 4 medical certificates

(1) Notwithstanding the provisions of regulation 67.00.4, any medical practitioner who is registered in terms of section 17 of the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act 56 of 1974), may perform a medical examination for the purpose of the issuing of a Class 4 medical certificate.

(2) The provisions of regulation 67.00.7(1) and (2) shall apply *mutatis mutandis* to an application for the issuing of a Class 4 medical certificate.

(3) The medical practitioner concerned shall, within 60 days from the date on which the medical examination has been performed, submit the 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 the verification of the application and the issuing of the medical certificate.

(4) An applicant who complies with the appropriate medical requirements and standards referred to in regulation 67.00.2(6), shall be entitled to the medical certificate.

(5) On receipt of the documents referred to in subregulation (3), the designated body or institution shall -

(a) verify the application concerned; and

- (b) if the applicant complies with the appropriate medical requirements and standards referred to in regulation 67.00.2(6), issue the medical certificate.
- (6) The designated body or institution may -
- (a) if medical conclusion requires 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 the medical certificate, depends on compliance with any special limitation,

endorse the medical certificate with such requirement or limitation.

Period of validity of medical certificates

- (1) A Class 1 medical certificate shall be issued for a period not exceeding -
 - (a) 12 calendar months, calculated from the last day of the calendar month in which the medical certificate is issued, where the applicant is less than 40 years of age

on the date on which the medical certificate is issued;
and

- (b) six calendar months in the case of an airline transport pilot : aeroplane and helicopter, a commercial pilot : aeroplane and helicopter, a commercial microlight aeroplane pilot, a gyroplane pilot for commercial purposes, a commercial glider pilot, an airship pilot for commercial purposes, a free balloon pilot for commercial purposes or a powered paraglider pilot for commercial purposes, calculated from the last day of the calendar month in which the medical certificate is issued, where the applicant is 40 years of age or more on the date on which the medical certificate is issued: Provided that a medical certificate may be issued for a period of 12 months to an applicant who is less than 60 years of age on the date on which the medical certificate is issued if -

- (i) the applicant has no identified medical condition or excessive risk factors for conditions leading to sudden incapacity; and
- (ii) the medical certificate is, for the latter six months of the period, endorsed with a special limitation referred to in subregulation (4)(b).

(2) A Class 2 and 3 medical certificate shall be issued for a period not exceeding -

- (a) 24 calendar months, calculated from the last day of the calendar month in which the medical certificate is issued, where the applicant is less than 40 years of age on the date on which the medical certificate is issued; and
 - (b) 12 calendar months, calculated from the last day of the calendar month in which the medical certificate is issued, where the applicant is 40 years of age or more on the date on which the medical certificate is issued.
- (3) A Class 4 medical certificate shall be issued for a period not exceeding -
- (a) 60 calendar months, calculated from the last day of the calendar month in which the medical certificate is issued, where the applicant is less than 40 years of age on the date on which the medical certificate is issued; and
 - (b) 36 calendar months, calculated from the last day of the calendar month in which the medical certificate is issued, where the applicant is 40 years of age or more on the date on which the medical certificate is issued.
- (4) Notwithstanding the provisions of subregulations (1), (2) and (3), 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

(1) An application for the issuing of a medical certificate shall be made on the appropriate form as prescribed in Document NA-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(6), shall be entitled to a medical certificate.

Issuing of medical certificate

(1) A medical certificate shall be issued by the designated aviation medical examiner concerned on the appropriate form as prescribed in Document NA-CATS-MR.

(2) The designated aviation medical examiner concerned shall, within 60 days from the date on which the medical certificate has been 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(6).

(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(6), cancel the medical certificate; or

- (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

- (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 NA-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 body or institution 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(6).

(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 body or institution with

proof that he or she has fully recovered from the decrease in medical fitness.

(3) The holder of a Class 4 medical certificate shall, after the medical certificate has been issued to him or her, on an annual basis complete and submit to the designated body or institution the medical declaration as prescribed in Document NA-CATS-MR.

Foreign medical assessments

(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's licence, air traffic service personnel member's licence or cabin crew member's 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 non-commercial 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 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

(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 67.00.8(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 67.00.5(6) or 67.00.8(4)(b) on his or her medical certificate; or
- (d) any endorsement made by a designated aviation medical examiner in terms of regulation 67.00.6(4) 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 his or her opinion, the decision or endorsement should be varied or set aside.

(3) The appellant shall submit a copy of his or her 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.

(4) The designated aviation medical examiner concerned or the designated body or institution, as the case may be, may, within 30 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.

(5) The Director may designate a panel of medical practitioners to assist him or her in adjudicating the appeal.

(6) The panel referred to in subregulation (5) shall consist of at least two medical practitioners who are registered in terms of section 17 of the Medical, Dental and Supplementary Health Service Professions Act, 1974, 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.

(7) 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.

(8) The Director may confirm, vary or set aside the decision or endorsement referred to in subregulation (1).

Period of validity of medical records

The records of a medical examination shall, for the purpose of issuing a medical certificate, be valid for 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

(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 67.00.11, the medical practitioner shall release to the Director such information for appropriate investigation and action.