



Republic of Namibia
Annotated Statutes

REGULATIONS

REGULATIONS MADE IN TERMS OF

Air Services Act 51 of 1949
section 22

Civil Air Services Regulations

RSA Government Notice R.449 of 1964

(RSA GG 752)

came into force on date of publication: 26 March 1964

as amended by

RSA Government Notice R.1799 of 1967 (RSA GG 1889)

came into force on date of publication: 10 November 1967

Government Notice 224 of 1995 (GG 1204)

came into force on date of publication: 1 December 1995

Government Notice 59 of 1998 (GG 1825)

came into force on date of publication: 31 March 1998

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Title and Savings

1. (1) These regulations may be cited as the Civil Air Services Regulations, 1964.

(2) Anything done or deemed to have been done in terms or by virtue of any provision of the Civil Air Services Regulations promulgated in Government Notice No. 427 of 24 February 1950, shall be deemed to have been done in terms or by virtue of the corresponding provisions of these regulations.

Interpretation of Terms

2. In these regulations the expression “the Act” means the Air Services Act, 1949 (Act No. 51 of 1949), and, unless the context otherwise indicates, any expression used in these regulations to which a meaning has been assigned in the Act, bears the meaning so assigned and -

“aerial work air service” means an air service other than those defined under paragraphs (iii), (iv) and (v) hereof;

“flying club” means a club constituted as a non-profit organization for the sole purpose of furnishing flying training or recreational flying to its own members;

“flying training air service” means an air service whereby flying training of any description is provided by any person other than a flying club;

“non-scheduled air transport service” means an air transport service other than a scheduled air transport service;

“scheduled air transport service” means an air transport service in connexion with which flights are undertaken with such a degree of regularity and frequency that they cannot reasonably be regarded as merely casual or isolated, and are undertaken between points which do not vary from flight to flight or which vary so slightly that each flight can reasonably be regarded as being undertaken between the same localities or traffic areas.

Classification of Air Services

3. The following classes of air service are hereby established -

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- Class I - Scheduled Air Transport Service.
- Class II - Non-scheduled Air Transport Service.
- Class III - Flying Training Air Service.
- Class IV - Aerial Work Air Service.

Functions of Secretary to the Commission

- 4. The secretary to the commission shall -
 - (a) issue any process required to be issued by or on behalf of the commission and any licence, certificate, document or thing granted or authorized by the commission under the Act or these regulations;
 - (b) cause to be given or published in the manner and form and containing the particulars prescribed in the Act or these regulations, such notices as may be required by the Act or these regulations to be so given or published;
 - (c) in writing, inform the applicant and every person who has made representations in support of or in opposition to an application of the date, time and place appointed for the hearing of such application.

[The word “representations” is misspelt in the *Government Gazette*, as reproduced above.]

Manner of Publication of Notices

- 5. Notice containing the information in the Act or these regulations prescribed, of any application for the grant, renewal, transfer, alteration, modification or amendment of a licence, or the conditions thereof, or for exemption from any provision of the Act or any condition of a licence, shall be published once in the *Gazette*.

Contents of Certain Notices of Application

- 6. (1) Notices of application for the transfer of a licence shall include -
 - (a) the name and address of the holder of the licence and the title under which the air service is operated;
 - (b) particulars of the licence in respect of which transfer is sought;
 - (c) the name and address of the person to whom it is proposed to transfer the licence.
- (2) Notices of application for the alteration, modification or amendment of a licence or the conditions thereof shall include -
 - (a) the name and address of the applicant;
 - (b) the name under which the holder of a licence is conducting the air service;
 - (c) particulars of the licence and of the alteration, modification, or amendment thereto or the conditions thereof which has been applied for.

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(3) Notices of application for exemption from the provisions of the Act or any condition of a licence shall include -

- (a) the name and address of the applicant and, if the holder of a licence, particulars of the licence and the name under which the air service is being conducted;
- (b) particulars of the provisions of the Act or the condition of a licence from which exemption is applied for.

Manner and Form of Application

7. (1) Applications for the grant, renewal, transfer, alteration, modification or amendment of a licence or the conditions thereof or for exemption from the provisions of the Act or any condition of a licence shall be made in writing to the Secretary for Transport in the form prescribed in Annex A, B, C, D or E hereto, as the case may be.

(2) Where transfer of a licence has been applied for the proposed transferee shall make an application in the form prescribed in Annex A, as if, he were an applicant for the grant of a licence.

(3) The sworn declarations to be submitted by the holder and the proposed transferee of a licence in terms of subsection (3) of section *fifteen* of the Act shall be in the form prescribed in Annex F hereto.

- (4) The original of the application shall be signed by -
 - (a) the applicant, if an individual;
 - (b) each partner if the application is on behalf of a partnership.
 - (c) the officer or officers duly authorized to execute documents on, its behalf if the applicant is a company or organization and a certified true copy of the authorizing resolution shall accompany the, application.

(5) Where an applicant wishes to operate more than one class of air service a separate application shall be submitted in respect of each such class of air service;

Form of Licence

8. A licence or a certificate, of transfer, alteration, modification or amendment of a licence or the conditions thereof shall be in the form prescribed in Annex G, H or I hereto, as the case may be.

Form of Operating Certificate

9. The operating certificate required to be issued pursuant to the provisions of subsection (1) of section *thirteen* of the Act shall be in the form prescribed in Annex J hereto.

Form of Summons

10. A summons issued pursuant to the provisions of section *eight* of the Act shall be in the form prescribed in Annex K hereto.

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Fees

11. The following fees shall be payable in respect of -

- (a) the issue, transfer or renewal of a licence for an -
 - (i) aircraft of 5 700kg and over N\$4000
 - (ii) aircraft under 5700kg N\$2000
- (b) furnishing of reasons in terms of section 3 (3) of the Act N\$250
- (c) the issue, transfer or renewal of an operating certificate for -
 - (i) an aircraft of 5700kg and over N\$3000
 - (ii) every additional aircraft of 5700kg and over N\$1000
 - (iii) an aircraft under 5700kg N\$2000
 - (iv) every additional aircraft under 5700kg N\$500
- (d) furnishing of a copy of a licence or operating certificate N\$100
- (e) the issue of an amended licence N\$600
- (f) Where a staff member of the Ministry incurs any additional expenses relating to travel and subsistence in order to provide a person requiring any licence, certificate or other document referred to in paragraph (a), (b), (c), (d) or (e) with such licence, certificate or other document, such person shall be liable for such additional costs, calculated in accordance with paragraph D iii/ii of the Public Service Staff Rules.

[section 11 substituted by RSA GN R.1799/1967, GN 224/1995 and GN 59/1998]

Insurance

12. (1) The claims of the nature or class against which and the minimum sums or extent to which every licensed air carrier, irrespective of the class of air service provided by him, shall insure and keep insured, shall be -

- (a) *passenger liability* - R6,000 per passenger seat for the total number of such, seats authorized by the certificate of airworthiness applicable to the aircraft concerned;
- (b) *third party liability* - R20,000 per aircraft of a maximum permissible all-up weight of 10,000 lb. or less and in respect of an aircraft of a maximum permissible all-tip weight in excess of 10,000 lb. this sum shall be increased by R2 for every 1 lb. increase in the maximum permissible all-up weight of the aircraft up to a maximum of 50,000 lb.

(2) For the purpose of paragraph (b) of subregulation (1) the maximum permissible all-up weight" aircraft" an aircraft shall be the maximum permissible all-up weight specified by the certificate of airworthiness applicable to that aircraft.

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ANNEXURES

To view content without printing, scroll down.

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Annexures A-K

REGULATIONS
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ANNEX A.

AIR SERVICES ACT, 1949 (ACT No. 51 of 1949), AS AMENDED.

APPLICATION FOR THE GRANT OF A LICENCE.

N.B.—(a) To be completed and submitted in ninefold—

- (i) by an applicant for a licence to conduct an air service; or
- (ii) by the proposed transferee in connexion with any application for transfer of a licence.

(b) A separate application must be submitted in respect of of each class of air service.

(c) Where a question cannot be answered in the space provided on this form, the information should be submitted as a separate memorandum and attached hereto.

1. Full name and address of applicant. _____
2. Name under which the applicant will operate. _____
3. Nationality. _____
(If applicant is a company, the name of every director of the company must be given and his or her nationality indicated)
4. Is ownership and effective control vested in South African citizens, and if so, is it the intention that it should continue to be so vested? _____
5. Method by which it is proposed to finance the air service or the various stages of development of the air service, and proof in terms of Section 4 (1) (b) of Act 51/1949 of the availability of sufficient capital for financing the enterprise or each stage of development of the enterprise together with statement of the amount of such capital. _____
6. Particulars and nature and class of insurance cover which the applicant has already provided or will provide in connexion with his operations. _____
7. Particulars of air service it is desired to provide:
 - (a) **Scheduled/*Non-scheduled Air Transport Service.*
 - (i) **The area to be served.* _____
 - (ii) *The route or routes *and towns to be served.* _____
 - (iii) **The aerodromes to be used/*Base or bases of operation.* _____
 - (iv) *Types and classes of traffic to be conveyed and assessment of potential traffic available.* _____
 - (v) *Frequency and timetables to which service will be operated.* _____
 - (vi) *Proposed tariff of charges or fares.* _____
 - (b) **Flying Training Air Service.*
 - (i) *Base or bases of operation.* _____
 - (ii) *Types of training to be provided.* _____
 - (iii) *Particulars of ground training equipment available or to be provided.* _____
 - (vi) *Proposed tariff of charges.* _____
 - (c) **Aerial Work Air Service.*
 - (i) *Particulars and description of types of work which the applicant proposes to undertake.* _____
 - (ii) *Proposed tariff of charges in respect of each such type of work.* _____

Delete if not applicable.

8. Expected date of commencement of air service or each phase thereof. _____
9. Applicant's previous experience, if any, in the operation of commercial air services. _____

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10. Aircraft to be used—
- (a) Number and types of aircraft owned by applicant_____
 - (b) Number and types of aircraft leased or to be leased by applicant_____
(The name of the lessor or proposed lessor and details of the lease or the proposed lease, as the case may be, to be given.)
 - (c) Number and types of aircraft to be purchased by applicant and estimated cost of each aircraft_____
11. Particulars of the organization which applicant has or proposes to set up for the purposes of the air service_____
12. Particulars of—
- (a) servicing, maintenance and repair facilities which the applicant will or does—
 - (i) himself provide_____
 - (ii) *arrange with another organization to supply_____
 - (b) passenger and other traffic handling facilities which the applicant will or does—
 - (i) himself provide_____
 - (ii) *arrange with another organization to supply_____
- *The name of such organization and its facilities etc., are to be given.
13. Personnel to be employed, classes of employment and numbers in each class in respect of—
- (a) aircrew members_____;
 - (b) aircraft maintenance engineers (licensed or unlicensed)_____;
 - (c) other categories_____
14. I/We enclose a schedule containing comprehensive particulars of the conditions or proposed conditions of service of each class of staff employed or to be employed by the applicant with special reference to—
- (a) rates and overtime rates of pay;
 - (b) travelling, subsistence and other allowances;
 - (c) benefits and privileges, including leave, insurance and similar provisions;
 - (d) normal hours of duty and an estimate of the number of flying hours per month which each member of an aircrew will be required to complete.
15. Particulars of the nature and extent of financial interest held by applicant in any other air service or organization financially interested in any air operation_____
16. Particulars of the nature and extent of financial interests in this application held by a holder of or applicant for a licence for any other air service, or by any other organization financially interested in any air operation_____
17. The applicant being a company, I/we enclose copies of the memorandum and articles of association thereof together with a certified copy of the resolution authorizing this application.
- I/We declare that the particulars herein given are correct to the best of my/our knowledge and belief.

Signature(s) of applicant(s):—

Place_____
Date_____

ANNEX B.

AIR SERVICES ACT, 1949 (ACT No. 51 OF 1949), AS AMENDED.
APPLICATION FOR THE RENEWAL OF A LICENCE TO
OPERATE AN AIR SERVICE.

N.B.— (i) To be completed and submitted in *ninefold*.

(ii) A separate application must be submitted in respect of each class of air service.

(iii) Where a question cannot be answered in the space provided in this form, the information should be submitted as a separate memorandum and attached hereto.

1. Name and address of applicant_____

2. Nationality_____
(If applicant is a company, the name of every director of the company must be given and his or her nationality indicated.)

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3. Name under which the air service is being operated_____
 4. Class of air service in respect of which renewal is sought and number and date of existing licence_____
 5. Particulars of material variations, if any, from the circumstances applying as at the date of application for the issue of the licence_____
 6. The applicant being a company, I/we enclose a certified copy of the resolution authorizing this application.
- I/We declare that the particulars herein are correct to the best of my/our knowledge and belief.
- Signature(s) of applicants(s):—

Place_____

Date_____

ANNEX C.

AIR SERVICES ACT, 1949 (ACT No. 51 of 1949), AS AMENDED.
APPLICATION FOR THE TRANSFER OF A LICENCE TO
OPERATE AN AIR SERVICE.

- N.B.—* (i) To be completed and submitted in *ninefold* by the intending transferor of a licence.
- (ii) Proposed transferee is to complete an application in the form prescribed in Annex A which may be submitted direct.
- (iii) Where a question cannot be answered in the space provided in this form, the information should be submitted as a separate memorandum and attached hereto.
- (iv) Sworn declarations by each of the intending transferor and the proposed transferee in terms of Section 15 (3) of Act 51/1949 to be attached.

1. Particulars of present holder of licence:—

- (a) Name_____
- (b) Address_____
- (c) Name under which the air service is being operated or was authorized to be operated_____

2. Number and date of licence of which transfer is sought_____

3. Name and address of proposed transferee of licence_____

I/We declare that the particulars herein are correct to the best of my/our knowledge and belief.

Signature(s) of applicant(s):—

Place_____

Date_____

ANNEX D.

AIR SERVICES ACT, 1949 (ACT No. 51 of 1949), AS AMENDED.
APPLICATION FOR THE ALTERATION, MODIFICATION OR
AMENDMENT OF A LICENCE TO OPERATE AN AIR
SERVICE.

- N.B.—* (i) To be completed and submitted in *ninefold*.
- (ii) Where a question cannot be answered in the space provided in this form, the information should be submitted as a separate memorandum and attached hereto.

1. Full name and address of applicant_____

2. Number and date of licence held_____

3. Name under which air service is operated_____

4. Particulars of the alteration, modification or amendment of the licence or the conditions thereof, applied for_____

5. Detailed reasons why such alteration, modification or amendment is sought_____

I/We declare that the particulars herein are correct to the best of my/our knowledge and belief.

Signature(s) of applicant(s):—

Place_____

Date_____

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ANNEX E.

AIR SERVICES ACT, 1949 (ACT No. 51 of 1949), AS AMENDED.
APPLICATION FOR EXEMPTION FROM PROVISIONS OF
ACT 51/1949, OR ANY CONDITION OF A LICENCE.

N.B.—To be completed and submitted in *ninefold*.

1. Full name and address of applicant. _____
2. Name under which air service is or is to be operated. _____
3. Detailed reasons as to why exemption is sought. _____

I/We declare that the particulars herein are correct to the best of my/our knowledge and belief.

Signature(s) of applicant(s):—

Place _____
Date _____

ANNEX F.

AIR SERVICES ACT, 1949 (ACT NO. 51 OF 1949), AS AMENDED.
SWORN DECLARATION IN TERMS OF THE PROVISIONS
OF SECTION 15 (3) OF ACT 51/1949.

I _____
of _____
being the *holder/proposed transferee of Licence No. _____
dated _____ in respect of the operation of
a _____ air service hereby make oath and
say—

(a) that the full particulars of the transaction of which the
proposed transfer of the abovementioned licence *to/by me
forms part or to which it is incidental are the following:—

_____; and

(b) that the full consideration passing *from/to me *to/from
the *holder/proposed transferee of the licence is the following:

*Holder/Proposed Transferee.

The deponent has acknowledged that *he/she knows and under-
stands the contents of this affidavit which was *sworn to/affirmed
before me at _____ on this _____
day of _____ 19____

Justice of the Peace.
Commissioner of Oaths.

*Delete whichever is not applicable.

ANNEX G.

REPUBLIC OF SOUTH AFRICA.
DEPARTMENT OF TRANSPORT.

AIR SERVICES ACT, 1949 (ACT No. 51 of 1949), AS AMENDED.
LICENCE.

No. _____
(This licence is issued without alteration or erasure and is to be
read in conjunction with any certificate of exemption, alteration,
modification or amendment, etc., issued pursuant to the provisions
of Act 51/1949).

of _____
operating as _____
has/have been authorized by the National Transport Commission to
operate a _____
air service for a period of _____ with
effect from _____ subject to the conditions
set out in the Annex hereto.

Issued at PRETORIA this _____
day of _____ 19____

Secretary, National Transport
Commission.

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ANNEX
CONDITIONS.

ANNEX H.
REPUBLIC OF SOUTH AFRICA.
DEPARTMENT OF TRANSPORT.
AIR SERVICES ACT, 1949 (ACT No. 51 of 1949), AS AMENDED.

TRANSFER OF LICENCE.

The transfer of Licence No. _____ dated _____
issued to _____
of _____
to _____ of _____
operating as _____, with effect
from _____, has been approved by the
National Transport Commission subject to the conditions set out in
the Annex hereto.
Issued at Pretoria this _____ day of _____ 19____

Secretary, National Transport
Commission.

ANNEX.
CONDITIONS.

Issued without alteration or erasure.

ANNEX I.
REPUBLIC OF SOUTH AFRICA.
DEPARTMENT OF TRANSPORT.
AIR SERVICES ACT, 1949 (ACT No. 51 of 1949), AS AMENDED.

CERTIFICATE OF ALTERATION, MODIFICATION OR
AMENDMENT TO A LICENCE.

I hereby certify that Licence No. _____
dated _____ issued to _____
of _____ operating as _____
in respect of the operation of an
air service has been altered, modified or amended by the National
Transport Commission as set out in the Annex hereto.
Issued at Pretoria this _____ day
of _____ 19____

Secretary, National Transport
Commission.

ANNEX.
Issued without alteration or erasure.

ANNEX J.
REPUBLIC OF SOUTH AFRICA.
DEPARTMENT OF TRANSPORT.
AIR SERVICES ACT, 1949 (ACT No. 51 of 1949), AS AMENDED.

OPERATING CERTIFICATE.

Issued in terms of Section 13 of Act 51/1949.

This is to certify that _____
of _____
to whom Licence No. _____, dated _____
has been issued for the provision of _____

has been found by the National Transport Commission to be adequate-
ly equipped and able to conduct safely the air service in question.

Issued at Pretoria this _____ day of _____ 19____

Secretary, National Transport
Commission.

Issued without alteration or erasure.

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ANNEX K.

REPUBLIC OF SOUTH AFRICA.

DEPARTMENT OF TRANSPORT.

AIR SERVICES ACT, 1949 (ACT No. 51 of 1949), AS AMENDED.

To the Messenger of the Court.

You are hereby required to summon

of
and

of
that they and each of them appear personally before this Commission
at on the
day of at
to testify and declare all they and each of them know concerning

and to produce the following books and/or documents for the inspection of the Commission

Serve on each of them a copy of this summons and return to this Commission what you have done thereon.

Dated at this
day of 19

*Chairman/*Secretary,
National Transport Commission.

* Delete if not applicable.
