

AVIATION

Carriage by Air Act 17 of 1946, as amended in South Africa to March 1978

Summary: This Act ([SA GG 3649](#)) gives effect to the Warsaw Convention that governs international air travel. It was brought into force in respect of both South Africa and South West Africa on 22 March 1955 by SA Proc. No. 65 of 1955 ([SA GG 5434](#)).

Applicability to SWA: Section 1 originally stated: “In this Act, ‘Union’ includes the Mandated Territory of South-West Africa and the port and settlement of Walvis Bay.” It was amended by Act 5 of 1964 to remove the reference to Union and to define “Republic” to include “any territory in respect of which Parliament is competent to legislate”.

Transfer of administration to SWA: The administration of this Act was transferred to SWA by the Executive Powers (Transport) Transfer Proclamation (AG 14/1978), dated **15 March 1978**. There were only two amendments to the Act in South Africa after the date of transfer and prior to Namibian independence – the *Carriage by Air Amendment Act 81 of 1979* ([RSA GG 6529](#)) and the *Transfer of Powers and Duties of the State President Act 97 of 1986* ([RSA GG 10438](#)) (section 7) – neither of which was made expressly applicable to SWA.

Section 3(1)(a) of the transfer proclamation excluded section 5 of the Act (which deals with the ratification of amendments to the Warsaw Convention by the State President) from the operation of section 3(1) of the General Proclamation, meaning that the administration of this section was not transferred to SWA.

Section 3(2) of the transfer proclamation excluded the reference to “Republic” throughout the Act from the operation of section 3(1)(c) of the General Proclamation, and specified that it should be read to include SWA as well as South Africa.

Amendments: The following pre-independence South African amendments were applicable to SWA –

- *Carriage by Air Amendment Act 5 of 1964* ([RSA GG 728](#))
- *RSA Proclamation R.294 of 1967* ([RSA GG 1892](#))
applies the Hague Protocol to “the Republic” from 17 December 1974
- *RSA Proclamation R.93 of 1974* ([RSA GG 4276](#))
applies the Guadalajara Convention to “the Republic” from 4 April 1974

Act 14/1992 ([GG 430](#)) amends sections 1, 3, 5 and 7 and substitutes certain expressions to make the Act consistent with an independent Namibia, and to provide for the conversion of sums in francs into Namibian currency in respect of claims against carriers.

Regulations: Regulations are authorised by section 8 of the Act, but no pre-independence regulations have been located and no post-independence regulations have been promulgated.

Notices: See GN 265/1998 ([GG 1982](#)), which deals with the conversion of sums into francs in terms of section 3(7).

Related international agreements: The schedule to the Act, as amended, contains the *Warsaw Convention* as amended and supplemented by the Hague Protocol and the Guadalajara Convention. However, Namibia has ratified the *Convention for the Unification of Certain Rules relating to International Carriage by Air (Montreal Convention), 1999* which supersedes the *Warsaw Convention* system. This ratification took place on 27 September 2001, according to the international depositary, the International Civil Aviation Organization (ICAO), and became binding on Namibia on 4 November

2003. Article 55 of the Montreal Convention, on the Relationship with other Warsaw Convention instruments) provides:

This Convention shall prevail over any rules which apply to international carriage by air:

1. between States Parties to this Convention by virtue of those States commonly being Party to –
 - (a) the Convention for the Unification of Certain Rules relating to International Carriage by Air signed at Warsaw on 12 October 1929 (hereinafter called the Warsaw Convention);
 - (b) the Protocol to amend the Convention for the Unification of Certain Rules relating to International Carriage by Air signed at Warsaw on 12 October 1929, done at The Hague on 28 September 1955 (hereinafter called The Hague Protocol);
 - (c) the Convention, Supplementary to the Warsaw Convention, for the Unification of Certain Rules relating to International Carriage by Air Performed by a Person other than the Contracting Carrier, signed at Guadalajara on 18 September 1961 (hereinafter called the Guadalajara Convention);
 - (d) the Protocol to amend the Convention for the Unification of Certain Rules relating to International Carriage by Air signed at Warsaw on 12 October 1929 as amended by the Protocol done at The Hague on 28 September 1955, signed at Guatemala City on 8 March 1971 (hereinafter called the Guatemala City Protocol);
 - (e) Additional Protocol Nos. 1 to 3 and Montreal Protocol No. 4 to amend the Warsaw Convention as amended by The Hague Protocol or the Warsaw Convention as amended by both The Hague Protocol and the Guatemala City Protocol, signed at Montreal on 25 September 1975 (hereinafter called the Montreal Protocols);
2. within the territory of any single State Party to this Convention by virtue of that State being Party to one or more of the instruments referred to in sub-paragraphs (a) to (e) above.

Air Services Act 51 of 1949, as amended in South Africa to March 1978

Summary: This Act ([SA GG 4201](#)) provides for the licensing and control of air carriers. It was brought into force on 1 March 1950 by SA GN 24/1950 ([SA GG 4336](#)).

Applicability to SWA: Section 24 states “The provisions of this Act and any amendment thereof shall apply in respect of any air services provided by the Railway Administration, and shall also apply to the Territory of South West Africa”, which is defined in section 1 to include “the Eastern Caprivi Zipfel referred to in section three of the South West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951).”

Transfer of administration to SWA: The administration of this Act was transferred to SWA by the Executive Powers (Transport) Transfer Proclamation (AG 14/1978), dated **15 March 1978**. There was only one amendment to the Act in South Africa after the date of transfer and prior to Namibian independence – the *Transfer of Powers and Duties of the State President Act 97 of 1986* ([RSA GG 10438](#)) – which was not made expressly applicable to SWA.

Section 3(1)(b) of the transfer proclamation excluded section 2(2) of the Act (which refers to bilateral agreements between South Africa and other countries) from the operation of section 3(1) of the General Proclamation, meaning that the reference to the “Government of the Republic” in this section was not to be construed as a reference to the Administrator-General. Section 3(1)(h) of the transfer proclamation excluded section 15 of the *Air Services Amendment Act 43 of 1973* from the operation of section 3(1) of the General Proclamation.

Section 3(2) of the transfer proclamation excluded the references to the “Republic” throughout the Act from the operation of section 3(1)(c) of the General Proclamation and provided that “Republic” should be deemed to include “the territory”.

Amendments: The following pre-independence South African amendment was applicable to SWA –

- *Air Services Amendment Act 6 of 1964* ([RSA GG 728](#)).

Act 51 of 1959 was also amended by the *Air Services Amendment Act 43 of 1973* ([RSA GG 3906](#)). However, *Act 43 of 1973* was never brought into force in respect of South Africa or South West Africa. Therefore, the amendments contained in it are not incorporated here. *Act 43 of 1973* was repealed in South Africa by the *Repeal of Laws Act 94 of 1981* ([RSA GG 7855](#)), which came into force on its date of publication: 28 October 1981. However, this repeal, which took place after the date of transfer, was not effective in respect of South West Africa.

The Act was also amended in South Africa by the *Legal Succession to the South African Transport Services Act 9 of 1989* ([RSA GG 11743](#)). In addition to being enacted after the date of transfer, the portions of *Act 9 of 1989* which amended this Act came into force only after Namibian independence, on 1 April 1990, in terms of section 37(2) read with section 3(1) of Act 9 of 1989; the date referred to in section 3(1) was set by *RSA Government Notice 578/1990* ([RSA GG 12364](#)) as being 1 April 1990.

Act 6/1991 ([GG 216](#)) amends the Act substantially to make it consistent with an independent Namibia (affecting sections 1, 2, 3, 4, 7, 8, 11, 13, 16, 17, 19, 20, 22, 24 and the substitution of certain words).

The Posts and Telecommunications Companies Establishment Act 17 of 1992 ([GG 447](#)) amends section 11.

Act 31/1998 ([GG 1991](#)) amends sections 4, 9 and 11 and repeals section 10.

The Road Traffic and Transport Act 22 of 1999 ([GG 2251](#)) amends section 1.

Regulations: Civil Air Services Regulations are contained in RSA GN R.449/1964 ([RSA GG 752](#)),⁴⁶ as amended by the following:

- RSA GN R.1799/1967 ([RSA GG 1889](#))
- GN 224/1995 ([GG 1204](#))
- GN 59/1998 ([GG 1825](#)).

In South Africa, the regulations were also amended by RSA GN R.2210/1987 (which substitutes section 11 on fees), but this amendment was made after the date of transfer with no specific reference to SWA, and so was not applicable to SWA.

Application: RSA GN 262/1950 ([RSA GG 4481](#)) provides that, in terms of section 2(1) of the Act, subject to the provisions of subsections 2(2) and (3), no person shall use an aircraft for the provision of any air service after 1 November 1950 except under and in accordance with the terms and conditions of a licence granted to that person or deemed to have been so granted.

Visiting aircraft are excluded from the application of section 2(1) of the Act in terms of modifications set forth in GN 58/1998 ([GG 1826](#)).

Aerodrome Ordinance 12 of 1963

Summary: This Ordinance ([OG 2487](#)) provides for the establishment, management and maintenance of airports.

Administration of law: Section 3(1) of the Ordinance was assigned to the administration of the Minister of Transport by GN 179/1986 ([OG 5254](#)).

After independence, in GN 98/1992 ([GG 455](#)) issued pursuant to section 3(1)(a) of the Assignment of Powers Act 4 of 1990, the President assigned the administration of the provisions of this law to the Minister of Works, Transport and Communication with effect from 17 July 1992. The assignment of administration included the administration of any provisions of the Ordinance or any regulations made

⁴⁶ These regulations repeal those contained in SA GN 427/1950 ([SA GG 4336](#)).

under it which confer or impose powers, duties and functions on the President - but excluded any provision conferring a power which is required to be exercised by proclamation in the *Gazette* or conferring a power to enter into international agreements.

Regulations: Regulations are authorised by section 6(1) of the Ordinance. **Aerodrome Regulations** are contained in GN 35/1965 ([OG 2610](#)), as amended by GN 114/1967 ([OG 2814](#)). However, although no repeals have been located, all of these aerodrome regulations appear to have been superseded by the Civil Aviation Regulations, 2001 which regulate aerodromes comprehensively. (This was confirmed by the Namibia Civil Aviation Authority in April 2021. See the entry below for the Civil Aviation Act 6 of 2016.) Thus, the obsolete 1965 regulations have not been included in the database of annotated laws. Note that several local authorities also have local aerodrome regulations.

Airports Company Act 25 of 1998

Summary: This Act ([GG 1958](#)) provides for the incorporation of a company to undertake the operation, management and control of certain aerodromes in Namibia. The Act came into force on 1 November 1998 (GN 261/1998, [GG 1981](#)). However, by virtue of section 19(2) of the Act, sections 5-13 and sections 15-18 came into force on 5 February 1999, in terms of GN 19/1999 ([GG 2045](#)), on the date of transfer to the Company of the aerodromes listed in the Schedule set by the Minister in terms of section 14(1). (This date of transfer was originally set as 5 November 1998 by GN 262/1998 ([GG 1981](#)), but this notice was withdrawn by GN 275/1998 ([GG 1993](#)).)

Amendments: The State-owned Enterprises Governance Act 2 of 2006 ([GG 3698](#)), which was brought into force on 1 November 2006 by Proc. 13/2006 ([GG 3733](#)) and later re-named the Public Enterprises Governance Act 2 of 2006, amends sections 1-11 and 14. (That statute has since been replaced by the Public Enterprises Act 1 of 2019.)

Regulations: Regulations are authorised by section 5(5), but none have yet been promulgated.

Notices: Charges set forth in GN 263/1998 ([GG 1981](#)) were withdrawn by GN 275/1998 ([GG 1993](#)).

Aerodrome and airport charges are contained in GN 20/1999 ([GG 2045](#)).

Cases:

Westair Aviation (Pty) Ltd & Others v Namibia Airports Company Ltd & Another 2001 NR 256 (HC)

Fire Tech Systems CC v Namibia Airports Co Ltd & Others 2016 (3) NR 802 (HC) (overview of establishment of company under Act in introduction to case concerning tender by Namibia Airports Company); aspects of the remedy ordered in this case overturned on appeal in *Namibia Airports Co Ltd v Fire Tech Systems CC & Another* 2019 (2) NR 802 (SC) (regarding unlawful grant of tender, High Court's *mero motu* grant of relief not appropriate where such relief was not requested by the litigants or ventilated in court; breach of administrative justice normally gives rise to public law remedies rather than private law ones and does not automatically give rise to delictual liability; courts "have a discretion not to set aside administrative acts where doing so will achieve no practical purpose")

Anhui Foreign Economic Construction (Group) Corp Ltd v Minister of Works and Transport & Others 2016 (4) NR 1087 (HC) (section 9(1)(b), and relationship between section 5(2)(a) of the Airports Company Act 28 of 1998 and section 7(1)(a) of the Tender Board Act 16 of 1996; Court finds that (1) the tender to Anhui was validly awarded by the Namibia Airports Company in accordance with the Airports Company Act and the Namibia Airports Company's Procurement Procedure, and (2) Minister's directive to discontinue all activities relating to the upgrading and expansion of the Hosea Kutako International Airport, purportedly given under section 9(1)(b) of the Airports Company Act, was invalid); overturned in part by *President of the Republic of Namibia & Others v Anhui Foreign Economic Construction (Group) Corp Ltd* 2017 (2) NR 340 (SC) (failure to follow procedures in Tender Board Act is fatal to the validity

of the purported award; requirements for acting under section 9 of the Airports Company Act 28 of 1998 were not met, so Minister's directive under that section was correctly set aside)

Four Three Five Development Companies (Pty) Ltd v Namibia Airports Company & Others 2017 (1) NR 142 (HC) (court finds no exceptional circumstances to justify departure from doctrine that statutory remedies must be exhausted before court engages in judicial review of administrative decision; the section 12 remedies provided in the statute are immediate, cost-effective, sufficient and practical, and not undermined by the alleged unlawfulness of the initial decision since they involve independent decision-makers; for a contrasting decision on exhaustion of statutory remedies, see *Viljoen v Chairperson of the Immigration Selection Board & Another* 2017 (1) NR 132 (HC)).

Namibia Airports Co Ltd v China State Engineering Construction Corporation 2019 (3) NR 791 (HC) (new board of directors successfully brings action to have award of contract by previous board of directors set aside on grounds that it was marred by irregularities; "self-review" is permissible; delay in launching review was not egregious); upheld on appeal in *China State Engineering Construction Corporation v Namibia Airports Co Ltd* 2020 (2) NR 343 (SC) (delay in seeking the "self-review" was unreasonable, but is condoned because "the manner in which the award was made does not meet the most basic tenets of transparency and accountability and judicious use of public funds" and "raises serious concerns of corporate ethics as to merit censure by granting condonation for the unreasonable delay in seeking self-review" (paras 61-62)).

Civil Aviation Act 6 of 2016

Summary: This Act ([GG 6047](#)) consolidates the laws relating to civil aviation and civil aviation offences. It establishes the Namibia Civil Aviation Authority (NCAA) and the Air Navigation Services in that Authority, and provides for a civil aviation regulatory and control framework. It implements several international aviation agreements applicable to Namibia. It also establishes the Directorate of Aircraft Accident and Incident Investigations and provides for the establishment of Namibia Register of Aircraft and the Civil Aviation Registry. It was brought into force with effect from 1 November 2016 by GN 260/2016 ([GG 6164](#)).

Repeals: The Act repeals the *Aviation Act 74 of 1962* and the *Civil Aviation Offences Act 10 of 1972*.

Amendments: The Abolition of Payment by Cheque Act 16 of 2022 ([GG 7995](#)), which was brought into force on 15 March 2023 by GN 47/2023 ([GG 8050](#)), amends section 26.

Regulations: Regulations made in term of the repealed Acts survive in terms of section 236(2) of the Act.

These pre-independence regulations made in terms of the *Aviation Act 74 of 1962* remain in force:

State Airport Regulations are contained in RSA GN R.1974/1963 ([RSA GG 674](#)), as amended by –

- RSA GN R.397/1964 ([RSA GG 748](#))
- RSA GN R.2027/1965 ([RSA GG 1319](#))
- RSA GN R.943/1967 ([RSA GG 1773](#))
- RSA GN R.1031/1970 ([RSA GG 2740](#))
- RSA GN R.2233/1970 ([RSA GG 2944](#))
- RSA GN R.331/1973 ([RSA GG 3799](#))
- RSA GN R.1258/1973 ([RSA GG 3983](#))
- RSA GN R.1564/1973 ([RSA GG 4017](#))
- RSA GN R.1677/1973 ([RSA GG 4023](#))
- RSA GN R.2443/1973 ([RSA GG 4124](#))
- RSA GN R.774/1975 ([RSA GG 4674](#))

RSA GN R.142/1976 ([RSA GG 4976](#))
 RSA GN R.1472/1976 ([RSA GG 5260](#))
 RSA GN R.2512/1976 ([RSA GG 5366](#))
 RSA GN R.2633/1977 ([RSA GG 5846](#))
 RSA GN R.441/1978 ([RSA GG 5915](#))
 GN 12/1988 ([OG 5487](#))
 GN 223/1995 ([GG 1204](#))
 GN 235/1997 ([GG 1739](#))
 GN 61/1998 ([GG 1825](#))
 GN 215/1998 ([GG 1942](#))
 GN 255/1998 ([GG 1972](#)).

However, although no repeal of these regulations has been located, they appear to have been superseded by the **Civil Aviation Regulations, 2001** discussed below in this entry, which regulate airports comprehensively. (This was confirmed by the Namibia Civil Aviation Authority in April 2021.) Thus, the obsolete 1963 regulations have not been included in the database of annotated laws.

Regulations regarding the Investigation of Aircraft Accidents are contained in GN 274/2020 ([GG 7383](#)), which repealed GN 82/2000 ([GG 2298](#)), which in turn replaced RSA GN R.120 of 26 January 1973 (RSA GG 3773).

Namibian Civil Aviation Regulations, 2001 (NAM-CARS) are contained in GN 1/2001 ([GG 2467](#)). These regulations came into force on 2 March 2001. They are amended by GN 57/2006 ([GG 3615](#)), GN 201/2006 ([GG 3741](#)), GN 80/2017 ([GG 6281](#)), GN 210/2018 ([GG 6696](#)), GN 293/2018 ([GG 6763](#)) – with the provision concerning the commencement of GN 293/2018 being amended by GN 369/2018 ([GG 6816](#)), GN 409/2019 ([GG 7086](#)), GN 112/2020 ([GG 7199](#)), GN 137/2021 ([GG 7567](#)), GN 90/2022 ([GG 7775](#)) and GN 294/2022 ([GG 7917](#)) – and by GN 410/2019 ([GG 7086](#)), GN 89/2020 ([GG 7157](#)), GN 236/2020 ([GG 7348](#)), GN 55/2023 ([GG 8056](#))⁴⁷ and GN 178/2023 ([GG 8119](#)) (see regulation 1 of GN 178/2023 for its commencement dates).⁴⁸

These regulations as amended repeal the *Air Navigation Regulations, 1976* contained in RSA GN R.141/1976 ([RSA GG 4975](#)), as amended; the *Rules of the Air, Air Traffic Services, Search and Rescue and Overflight Regulations, 1975*, contained in RSA GN R.1753/1975 ([RSA GG 4851](#)), as amended; the *Air Navigation Regulations, 1963* contained in RSA GN R.1779/1963 ([RSA GG 650](#)), as amended; and the Civil Aviation Security Regulations, 1996 contained in GN 181/1996 ([GG 1348](#)).⁴⁹

⁴⁷ Note that the list of previous amendments to the regulations in section 1 of GN 55/2023 is incorrect.

⁴⁸ GN 178/2023 lists GN 409/2020 as a previous amendment to the regulations, but in fact it only amends a commencement date in GN 293/2018.

⁴⁹ (1) The **Air Navigation Regulations, 1963** – which were amended after Namibian independence by GN 11/1988 ([OG 5487](#)) and GN 62/1998 ([GG 1825](#)) – were repealed by reg 139.01.37 of the initial regulations in GN 1/2001 ([GG 2467](#)). (That initial regulation has since been substituted.)

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

(3) The **Air Navigation Regulations, 1976**, made in terms of the *Aviation Act 74 of 1962* and contained in RSA GN R.141/1976 ([RSA GG 4975](#)), as amended by RSA GN R.1283/1976 ([RSA GG 5234](#)), RSA GN R.2380/1977 ([RSA GG 5804](#)), GN 225/1995 ([GG 1204](#)), GN 60/1998 ([GG 1825](#)) and GN 1/2001 ([GG 2467](#)), initially remained in force but have since been repealed. These were supplemented by Safety Directive No. DCA 97-1, published in General Notice 223/1997 ([GG 1639](#)), effective from 1 April 1997. There were initially some partial repeals of the 1976 regulations by individual provisions of the initial *Namibian Civil Aviation Regulations, 2001* contained in GN 1/2001 ([GG 2467](#)). The remaining *Air Navigation Regulations, 1976* and Safety Directive No. DCA 97-1 were both repealed in their entirety by GN 89/2020 ([GG 7157](#)), which also amended the *Namibian Civil Aviation Regulations, 2001*.

Note that the provision regarding the coming into force of Part 139 as substituted by GN 293/2018 has been amended several times. With the latest changes incorporated, the substituted Part 139 came into force as follows –

- Subpart 4 in relation to aerodromes in Category D, and Subpart 5 in relation to aerodromes in Category E, and any provision in Part 139 that refers to a Category D or E aerodrome, came into force on **31 March 2023**;
- all the other provisions of Part 139 came into force on **1 May 2020**.

Note that the amendments made by GN 236/2020 came into force 6 months after date of publication (with the publication date of 30 September 2020, this meant that they came into force from **30 March 2021**), with the *exception* of Part 21: Subparts 2, 3, 5, 6 and 7 and other provisions of Part 21 that make reference to type certification, which will be brought into force on a date set by the Minister by notice in the *Government Gazette*. No such date has been set as yet.

With respect to the amendments made by GN 55/2023, note that regulation 20 will come into force 18 months after the date of publication of GN 55/2023 (date of publication: 31 March 2023), making them effective as of **31 September 2024**.

With respect to the amendments made by GN 178/2023, note that Regulations 65.01.6 and 65.01.8 in Part 65, Regulation 66.01.12 in Part 66 and the regulations in Subpart 4 of Part 66 commence “after twelve months from the date of commencement of these regulations” (which was 26 June 2023), making them effective after **26 June 2024**.

Technical standards: Standards made in terms of the repealed Acts survive in terms of section 236(2) of the Act.

The following technical standards were issued in terms of Regulation 11.03.5 of the Namibian Civil Aviation Regulations, 2001 (listed in chronological order):

NAM-CATS-CCL Cabin Crew Licensing	GN 120/2002 (GG 2773), which states that the standards come into force on 1 September 2002
NAM-CAT-DO Design organisations for products and appliances	GN 50/2003 (GG 2939), which states that the standards come into force on 31 March 2003
NAM-CATS-MORG Manufacturing Organisations	GN 51/2003 (GG 2939), which states that the standards come into force on 31 March 2003
NAM-CATS-ARM Registration and marking	GN 52/2003 (GG 2939), which states that the standards come into force on 31 March 2003
NAM-CATS-OPS 98 Operation of powered paragliders	GN 53/2003 (GG 2939), which states that the standards come into force on 31 March 2003
NAM-CATS-MR Medical certification	GN 54/2003 (GG 2940), which states that the standards come into force on 31 March 2003
NAM-CATS-OPS 100 Operation of gyroplanes	GN 55/2003 (GG 2941), which states that the standards come into force on 31 March 2003
NAM-CATS-OPS 102 Operation of free balloons and airships	GN 56/2003 (GG 2941), which states that the standards come into force on 31 March 2003
NAM-CATS-AMO Aircraft maintenance organisations	GN 57/2003 (GG 2941), which states that the standards come into force on 31 March 2003
NAM-CATS-AH Licensing and operation of aerodromes and heliports (now repealed)	GN 58/2003 (GG 2941), as amended by GN 181/2016 (GG 6096), which brought the standards into force on 1 August 2016 <i>apparently repealed by NAM-CATS-Part 139-AH-2018 (NAM-CATS-AH); see note below</i>

(4) The **Civil Aviation Security Regulations, 1996**, made in terms of the *Civil Aviation Offences Act 10 of 1972* and contained in GN 181/1996 ([GG 1348](#)), initially remained in force but were repealed by GN 293/2018 ([GG 6763](#)).

NAM-CAT-OPS 133 Helicopter external-load operations	GN 59/2003 (GG 2944), which states that the standards come into force on 31 March 2003
NAM-CAT-OPS 105 Operation of parachutes	GN 60/2003 (GG 2944), which states that the standards come into force on 31 March 2003
NAM-CAT-OPS 106 Operation of hang gliders	GN 61/2003 (GG 2944), which states that the standards come into force on 31 March 2003
NAM-CAT-OPS 104 Operation of gliders	GN 62/2003 (GG 2944), which states that the standards come into force on 31 March 2003
NAM-CATS-ARO Aviation recreation organisations	GN 63/2003 (GG 2944), which states that the standards come into force on 31 March 2003
NAM-CATS-AIRS Aeronautical information services (now repealed)	GN 64/2003 (GG 2944), which states that the standards come into force on 31 March 2003 <i>repealed by 174 SOS.ANSO-P-174-NC-AMET (NAM-CATS-A-MET) and by 175 SOS.ANSO-P-175-NC-AIS (NAM-CATS-AIS)</i>
NAM-CAT-DG Conveyance of dangerous goods	GN 65/2003 (GG 2944), which states that the standards come into force on 31 March 2003
NAM-CAT-OPS 103 Operation of microlight aeroplanes	GN 66/2003 (GG 2944), which states that the standards come into force on 31 March 2003
NAM-CATS-GMR General maintenance rules	GN 67/2003 (GG 2945), which states that the standards come into force on 31 March 2003
NAM-CATS-ENVIRO Noise certification	GN 68/2003 (GG 2945), which states that the standards come into force on 31 March 2003
NAM-CATS-ATO Aircraft training organisations	GN 157/2003 (GG 3024), which states that the standards come into force on 1 August 2003
NAM-CATS-OPS Agricultural Operations	GN 158/2003 (GG 3024), which states that the standards come into force on 1 August 2003
NAM-CATS-AR Certification procedures for products and parts and aircraft worthiness	GN 159/2003 (GG 3025), as amended by GN 190/2016 (GG 6096), which brought the standards into force on 1 August 2016
NAM-CATS-AR Air Traffic Service Personnel Licensing	GN 160/2003 (GG 3026), which states that the standards come into force on 1 August 2003
NAM-CATS-OPS 91 General Operating and Flight Rules	GN 186/2003 (GG 3045) as amended by GN 70/2017 (GG 6273)
NAM-CATS-OPS 135 Air Transport Operations – Small Aeroplanes	GN 187/2003 (GG 3047), as amended by GN 183/2016 (GG 6096), which brought the standards into force on 1 August 2016, and as amended by GN 72/2017 (GG 6273) Note that the table of contents of GG 6273 gives the wrong number for these standards
NAM-CATS-OPS 121 Air Transport Operations – Large Aeroplanes	GN 257/2003 (GG 3112), as amended by GN 185/2016 (GG 6096), which brought the standards into force on 1 August 2016, and as amended by GN 71/2017 (GG 6273) Note that the table of contents of GG 6273 gives the wrong number for these standards.
NAM-CATS-ATS Airspace and Air Transport Services (now repealed)	GN 9/2004 (GG 3135), which states that the standards come into force on 23 January 2004 <i>apparently repealed by NAM-CATS Part 179 SAR (NAM-CATS-SAR) and also repealed on the same date by NAM-CATS Part 172 ATS (NAM-CATS-ATS Issue version 2020), as repeated in NAM-CATS Part 172 ATS (NAM-CATS-ATS Issue version 2021)</i>
NAM-CATS-AMEL Aircraft Maintenance Engineer Licensing	GN 54/2004 (GG 3179), which states that the standards come into force on 1 April 2004
NAM-CATS-OPS 127 Air Transport Operations – Helicopters	GN 55/2004 (GG 3180), as amended by GN 184/2016 (GG 6096) which brought the

NAM-CATS-OPS 136 Air Transport Operations – Free Balloons	standards into force on 1 August 2016 GN 182/2016 (GG 6096), which brought the standards into force on 1 August 2016
NAM-CATS-FCL 65 Air Traffic Services Licencing - Proficiency in Languages used for Radiotelephony Communications	GN 186/2016 (GG 6096), which brought the standards into force on 1 August 2016
NAM-CATS-FCL 63 Flight Crew Licencing -Proficiency in Languages used for Radiotelephony Communications	GN 187/2016 (GG 6096), which brought the standards into force on 1 August 2016
NAM-CATS-FCL 61 Air Transport Operations – Designation of Examiners (<i>subsequently re-issued</i>)	GN 188/2016 (GG 6096), which brought the standards into force on 1 August 2016 <i>re-issued in NAM-CATS-FCL 61 Reissue</i>
NAM-CATS-FCL 61 Flight Crew Licencing – Proficiency in Languages used for Radiotelephony Communications(<i>subsequently re-issued</i>)	GN 189/2016 (GG 6096), which brought the standards into force on 1 August 2016 <i>re-issued in NAM-CATS-FCL 61 Reissue</i>

Note: The [website](#) of the Namibia Civil Aviation Authority lists additional technical standards that have not been gazetted (last checked 30 October 2023), presented here in order by name and part number; only the most recent versions of the technical standards are listed:

[174 SOS.ANSO-P-174-NC-AMET](#) (**NAM-CATS-A-MET**; Aviation Meteorological Services - 15 July 2020) and [Appendices and Attachments](#) (dated 9 July 2023)

NAM-CARS, as amended by GN 89/2020 ([GG 7157](#)), provides for Part 174 – “Aviation Meteorological Services” (A-MET). This Part 174 provides for the issue of technical standards as NAM-CATS-A-MET. The Executive Director of Civil Aviation has, pursuant to this empowerment, issued technical standards relating to NAM-CAR Part 174 to be known as NAM-CATS-A-MET. These standards repeal NAM-CATS-AIRS published in GN 64/2003 ([GG 2944](#)), which was also repealed on the same date by [175 SOS.ANSO-P-175-NC-AIS](#) (NAM-CATS-AIS).

[175 SOS.ANSO-P-175-NC-AIS](#) (**NAM-CATS-AIS, Issue version: 2020**) (Aeronautical Information Services and Aeronautical Charts – 15 July 2020)

NAM-CARS, as amended by GN 89/2020 ([GG 7157](#)), provides for Part 175 – “Aeronautical Information Services & Aeronautical Charts” (AIS). This Part 175 provides for the issue of technical standards as NAM-CATS-AIS. The Executive Director of Civil Aviation has, pursuant to this empowerment, issued technical standards relating to NAM-CAR Part 175 to be known as NAM-CATS-AIS. These standards repeal NAM-CATS-AIRS published in GN 64/2003 ([GG 2944](#)), which was also repealed on the same date by [174 SOS.ANSO-P-174-NC-AMET](#) (NAM-CATS-A-MET).

[NAM-CATS Part 2 UOM](#) (**NAM-CATS-UOM**) (Units of Measurement - 15 July 2020)

NAM-CARS, as amended by GN 293/2018 ([GG 6763](#)), provides for Part 2 – “Units of Measurement to be used in Air and Ground Operations” (UOM). This Part 2 provides for the issue of technical standards as NAM-CATS-UOM. The Executive Director of Civil Aviation has, pursuant to this empowerment, issued technical standards relating to NAM-CAR Part 2 to be known as NAM-CATS-UOM.

[NAM-CATS-FCL \[Part\] 61 Reissue](#) (**NAM-CARS-FCL 61**) (Flight Crew Licencing-15 August 2018)

Pursuant to section 227 (read with section 236(2)) of the Act, the Executive Director may issue technical standards relating to the relevant parts of the Namibian Civil Aviation Regulations, 2001, as amended. Part 61 of the Civil Aviation Regulations of 2001 provides for the promulgation of Part 61 Technical Standards (i.e. NAM-CATS-FCL-61). The Technical Standards issued under Government Notices 188/2016 and 189/2016 ([GG 6096](#)) in terms of NAM-CARS Part 11 were not comprehensive. The Executive Director issued Aviation Notice 1/2017 (dated 27 October 2017) with a draft revised technical standard on Part 61 and thereafter industry consultations followed. The Executive Director re-issued NAM-CATS-FCL 61 via Aviation Directive NCAA-PEL-1/12/2017 effective from 3 January 2018, with some corrections issued through Aviation Directive NCAA-PEL-1/06/2018, effective from 25 June 2018. NAM-CATS-FCL-61 was then re-issued by the Executive Director.

NAM-CATS -Part 139 - AH - 2018 (NAM-CATS-AH) (Aerodromes - 25 August 2020)

NAM-CARS, as amended by GN 293/2018 ([GG 6763](#)), provides for Part 139 – “Aerodromes”. This Part 139 provides for the issue of technical standards as NAM-CATS-AH. The Executive Director of Civil Aviation has, pursuant to this empowerment, issued technical standards relating to NAM-CAR Part 139 to be known as NAM-CATS-AH. This standard states that it repeals “Civil Aviation Technical Standards NAM-CATS-AH ‘Licensing and operation of aerodromes and heliports’” in “Government Notice No. 2786 of 09 August 2002”. However, this appears to be an error: [GG 2786](#) dated 9 August 2002 contains *proposed* technical standard NAM-CAT-AH. The final NAM-CATS-AH on “Licensing and operation of aerodromes and heliports” was published in GN 58/2003 ([GG 2941](#)), as amended by GN 181/2016 ([GG 6096](#)).

NAM-CATS Part 140 (NAM-CATS-SMS) (Safety Management Systems – 18 January 2021)

NAM-CARS, as amended by GN 293/2018 ([GG 6763](#)), provides for Part 140 “Safety Management Systems and Related Matters”. This Part 140 provides for the issue of technical standards as NAM-CATS-60. The Executive Director of Civil Aviation has, pursuant to this empowerment, issued technical standards relating to NAM-CARS Part 140 (Safety Management Systems and Related Matters) to be known as NAM-CATS-SMS.

NAM-CATS Part 171 ATEL VOL 1, VOL 2, VOL 3, VOL 4 and VOL 5 (NAM-CATS-ATEL) (Aeronautical Telecommunications Services - 15 July 2020)

No repeals are made by these technical standards.

NAM-CATS Part 172 ATS (NAM-CATS-ATS, Issue version: 2021) (Air Traffic Services – 17 August 2021) and **Appendices**

NAM-CARS, as amended by GN 89/2020 ([GG 7157](#)), provides for Part 172 – “Air Traffic Services”. This Part 172 provides for the issue of technical standards as NAM-CATS-ATS. The Executive Director of Civil Aviation has, pursuant to this empowerment, issued technical standards relating to NAM-CAR Part 172 to be known as NAM-CATS-ATS. The 2020 issue of NAM-CATS-ATS repealed NAM-CATS-ATS “published under Government Notices No. 3135 of 23 January 2004”. However, this appears to be an error; it was probably intended to refer to NAM-CATS-ATS published in GN 9/2004 ([GG 3135](#)), dated 23 January 2004. Note that the 2004 version of NAM-CATS-ATS was also repealed on the same date by [NAM-CATS Part 179 SAR](#) (NAM-CATS-SAR). The repeal in [NAM-CATS Part 172 ATS](#) (NAM-CATS-ATS, Issue version 2020) is repeated in [NAM-CATS Part 172 ATS](#) (NAM-CATS-ATS, Issue version 2021).

NAM-CATS Part 173 FPD (NAM-CATS-FPD) (Flight Procedure Design Services - 15 July 2020)

NAM-CARS, as amended by GN 89/2020 ([GG 7157](#)), provides for Part 173 – “Flight Procedure Design Services” (FPD). This Part 173 provides for the issue of technical standards as NAM-CATS-FPD. The Executive Director of Civil Aviation has, pursuant to this empowerment, issued technical standards relating to NAM-CAR Part 173 to be known as NAM-CATS-FPD.

NAM-CATS Part 174 AMET (NAM-CATS-MET) and Appendices (Aviation Meteorological Services - 30 June 2021)

The Executive Director of Civil Aviation has, pursuant to section 227 of the Act, issued technical standards relating to NAM-CAR Part 174 (Aviation Meteorological Services) to be known as Document NAM-CATS-MET.

NAM-CATS Part 175 AIS (NAM-CATS-AIS, Issue version: 2021) (Aeronautical Information Services and Aeronautical Charts - 17 August 2021)

NAM-CARS, as amended by GN 89/2020 ([GG 7157](#)), provides for Part 175 – “Aeronautical Information Services & Aeronautical Charts” (AIS). This Part 175 provides for the issue of technical standards as NAM-CATS-AIS. The Executive Director of Civil Aviation has, pursuant to this empowerment, issued technical standards relating to NAM-CAR Part 175 to be known as NAM-CATS-AIS.

NAM-CATS Part 179 SAR (NAM-CARS-SAR) (Search and Rescue Services - 15 July 2020)

NAM-CARS, as amended by GN 89/2020 ([GG 7157](#)), provides for Part 179 – “Search and Rescue Services (SAR)”. This Part 179 provides for the issue of technical standards as NAM-CATS-SAR. The Executive Director of Civil Aviation has, pursuant to this empowerment, issued technical standards relating to NAM-CAR Part 179 (Search and Rescue Services) to be known as NAM-CATS-SAR. These Technical Standards repeal NAM-CATS-ATS “published under Government Notices No. 3135 of 23 January 2004”. However, this appears to be an error; it was probably intended to refer to NAM-CATS-ATS published in GN 9/2004 ([GG 3135](#)), dated 23 January 2004. This 2004 version of NAM-CATS-ATS was also repealed on the same date by [NAM-CATS Part 172 ATS](#) (NAM-CATS-ATS Issue version 2020), as repeated in [NAM-CATS Part 172 ATS](#) (NAM-CATS-ATS Issue version 2021).

Codes: The Enforcement Code of the Namibian Civil Aviation Regulations, 2001, issued in terms of Regulation 13.01.1, is contained in General Notice 28/2020 ([GG 7100](#)).

Notices: GN 296/2018 ([GG 6767](#)) identifies aviation participants and the dates on which such participants must have aviation security programmes in place.

GN 5/2021 ([GG 7446](#)) vests certain assets in the Namibia Civil Aviation Authority with effect from 31 July 2020.

Designations: The Executive Committee of the United Hang Gliding Association of Namibia is named as the designated body to give effect to regulation 149.01.2(1) of the Civil Aviation Regulations, 2001 (GN 98/2005, [GG 3447](#)).

Appointments: Members and alternate members of the Board of the Namibia Civil Aviation Authority are announced in GN 261/2016 ([GG 6164](#)). Board members are also announced in GN 5/2021 ([GG 7446](#)).

Related international agreements: Several international treaties are annexed to the Act:

Schedule 1: “Convention on International Civil Aviation, signed at Chicago, on 7 December 1944 (Chicago Convention)”. Note that the version of the Convention in the Schedule does not accurately reflect the amendments which have been agreed to, and not agreed to, by Namibia.

Convention on International Civil Aviation (Chicago Convention), 1944

Protocol relating to an Amendment to the Convention on International Civil Aviation [Final Paragraph, Russian Text], Montreal, 1977

Protocol on the Authentic Quadrilingual Text of the Convention on International Civil Aviation (Chicago, 1944), Montreal, 1977

Protocol relating to an Amendment to the Convention on International Civil Aviation [Article 83bis], Montreal, 1980

Protocol relating to an Amendment to the Convention on International Civil Aviation [Article 3bis], Montreal, 1984

Protocol relating to an Amendment to the Convention on International Civil Aviation [Article 56], Montreal, 1989

Protocol relating to an Amendment to the Convention on International Civil Aviation [Article 50(a)], Montreal, 1990

**Protocol relating to an Amendment to the Convention on International Civil Aviation [Final Paragraph, Arabic Text], Montreal, 1995*

**Protocol on the Authentic Quinquelingual Text of the Convention on International Civil Aviation, Montreal, 1995*

**Protocol relating to an Amendment to the Convention on International Civil Aviation [Final Paragraph, Chinese Text], Montreal, 1998*

**Protocol on the Authentic Six-Language Text of the Convention on International Civil Aviation (Chicago, 1944), Montreal, 1998*

***Protocol relating to an Amendment to the Convention on International Civil Aviation [Article 50(a)], Montreal, 2016*

***Protocol relating to an Amendment to the Convention on International Civil Aviation [Article 56], Montreal, 2016*

Note: See the entry for this Convention in the **Namlex Appendix** for a discussion of the differences between the international approach to the subsidiary documents issued in terms of the Convention and the approach embodied in the definition of this Convention in section 1 of the Act.

Schedule 2: “International Air Services Transit Agreement signed in Chicago on 7 December 1944”. Note that while this Convention may be part of Namibia’s domestic law, Namibia is *not* a party to the Agreement in terms of international law.

Schedule 3: “Convention on Offences and Certain Other Acts Committed on Board Aircraft, Signed at Tokyo, on 14 September 1963 (Tokyo Convention)”

Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo Convention), 1963

Schedule 4: “Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague, on 16 December 1970 (the Hague Convention 1970)”

Convention for the Suppression of Unlawful Seizure of Aircraft (Hague Hijacking Convention), 1970

Schedule 5: “Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal, on 23 September 1971 (Montreal Convention 1971)”

Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Sabotage Convention), 1971

Note that this Convention is generally referred to as the “Sabotage Convention”, whereas the “Montreal Convention” usually refers to the “Convention for the Unification of Certain Rules relating to International Carriage by Air (Montreal Convention), 1999”. Note also that the Protocol amending this Convention is presented separately in Schedule 6.

Schedule 6: “1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation done at Montreal on 23 September 1971”

Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Supplementary Protocol), Montreal, 1988.

COMMISSIONS

Commission of Inquiry into the Aviation Regulatory Practices of the Directorate: Civil Aviation in the Ministry of Works, Transport and Communication (Proc. 9/1997, [GG 1611](#)).

See also GN 153/1997 ([GG 1611](#)).

Commission of Enquiry into the Activities, Management and Operations of Air Namibia (Pty) Ltd (Proc. 18/2001, [GG 2616](#))

See also GN 194/2001 ([GG 2616](#)) and GN 230/2001 ([GG 2647](#)).

INTERNATIONAL LAW

African Civil Aviation Commission Constitution (AFCAC), 1969

The *Constitution of the African Civil Aviation Commission, 2009 (Revised Version)* will upon its entry into force abrogate and supersede the original *African Civil Aviation Commission Constitution, 1969* for its member states (Article 26 of the Revised Constitution). The Revised Constitution came into force provisionally on 11 May 2010 after signature by 15 AU member states, and will come into force definitively after ratification by 15 AU member states.

****Charter Establishing the SADC Aviation Safety Organisation (SASO), 2015***

Constitution of the African Civil Aviation Commission (AFCAC), 2009 (Revised Version)

Convention for the Suppression of Unlawful Seizure of Aircraft (Hague Hijacking Convention), 1970

Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Sabotage Convention), 1971

Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Supplementary Protocol), Montreal, 1988

Convention for the Unification of Certain Rules relating to International Carriage by Air (Montreal Convention), 1999

Convention on International Civil Aviation (Chicago Convention), 1944

Protocol relating to an Amendment to the Convention on International Civil Aviation [Final Paragraph, Russian Text], Montreal, 1977

Protocol on the Authentic Quadrilingual Text of the Convention on International Civil Aviation (Chicago, 1944), Montreal, 1977

- Protocol relating to an Amendment to the Convention on International Civil Aviation [Article 83bis], Montreal, 1980*
- Protocol relating to an Amendment to the Convention on International Civil Aviation [Article 3bis], Montreal, 1984*
- Protocol relating to an Amendment to the Convention on International Civil Aviation [Article 56], Montreal, 1989*
- Protocol relating to an Amendment to the Convention on International Civil Aviation [Article 50(a)], Montreal, 1990*
- *Protocol relating to an Amendment to the Convention on International Civil Aviation [Final Paragraph, Arabic Text], Montreal, 1995*
- *Protocol on the Authentic Quinquelingual Text of the Convention on International Civil Aviation, Montreal, 1995*
- *Protocol relating to an Amendment to the Convention on International Civil Aviation [Final Paragraph, Chinese Text], Montreal, 1998*
- *Protocol on the Authentic Six-Language Text of the Convention on International Civil Aviation (Chicago, 1944), Montreal, 1998*
- **Protocol relating to an Amendment to the Convention on International Civil Aviation [Article 50(a)], Montreal, 2016*
- **Protocol relating to an Amendment to the Convention on International Civil Aviation [Article 56], Montreal, 2016*
- Convention on International Interests in Mobile Equipment (Cape Town Treaty), 2001***
- Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment (Aircraft Protocol), 2001*
- Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo Convention), 1963***
- **Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft (Montreal Protocol), 2014*
- **Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation (Beijing Convention), 2010***