



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$3.54

WINDHOEK - 12 August 1997

No. 1632

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General Notice

MINISTRY OF WORKS, TRANSPORT AND COMMUNICATION

No. 206

1997

PROPOSED CIVIL AVIATION REGULATIONS :

PART 105 - RULES OF THE AIR AND GENERAL OPERATING

RULES : OPERATION OF PARACHUTES

The Ministry of Works, Transport and Communication recently initiated the project to update the current Namibian aviation legislation. There are two main reasons for updating the aviation legislation, namely, the current legislation does not adequately reflect the policies of Namibia for the aviation sector and does not reflect recent developments within SADC. The project further aims to enhance the safety of civil

aviation by ensuring that the Namibian legislation complies with the minimum standards prescribed by the International Civil Aviation Organization.

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

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

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

The Director : Civil Aviation invites all interested parties to comment on the proposed structure of the Civil Aviation Regulations, the proposed definitions associated with the proposed regulations, as well as the proposed regulations on the Operation of Parachutes set out in Schedule 3. The proposed regulations represent Part 105 of the proposed structure.

The proposed regulations on the Operation of Parachutes make provision for certain information to be contained in a document called Document NA-CATS-OPS 105. The compilation of the document does not form part of this project, but it is envisaged as a document that will contain all the technical standards regarding the operation of parachutes.

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

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Upon expiry of the aforementioned 90 day period, all comments which have been received will be evaluated for possible incorporation into the proposed regulations on the Operation of Parachutes 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 -

“aerodrome” means an aerodrome as defined in the Act, and for the purposes of Part 91 includes a heliport;

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

“automatic activation device” means an automatic altitude and descent-rate activated device designated to self activate a parachute;

“base jumps” means a parachute descent from an object other than an aircraft;

“controlled airspace” means an airspace of defined dimensions within which an air traffic control service is provided to IFR flights and to VFR flights in accordance with the airspace classification as prescribed in regulation 172.02.2;

“day” means the period between the end of morning civil twilight and the beginning of evening civil twilight;

“Document NA-CATS-OPS 105” means a document on the Namibian Civil Aviation Technical Standards relating to the operation of parachutes which is published by the Director in terms of the Act;

“emergency parachute” means a parachute assembly designed and intended

to be used by persons in an emergency;

“main parachute” means a parachute that is designed and intended to be used as the primary parachute for a parachute descent;

“night” means the period between the end of evening civil twilight and the beginning of morning civil twilight;

“parachute” means any device comprising a flexible drag, or drag and lift, surface from which load is suspended by shroud lines capable of controlled deployment from a packed condition;

“parachute assembly” means any parachute and its associated harness and container system, and other attached equipment for use by a person;

“parachute descent” means any descent made from an aircraft by a person with the prior intention of deploying a parachute;

“parachute drop zone” means a designated area of airspace in which parachute descents are intended to be made;

“parachute landing area” means an area of ground or water onto which parachute landings are intended to be made;

“parachute technician” means a person who certifies parachute equipment;

“reserve parachute” means an emergency parachute assembly designed and approved to be used as the secondary parachute after the failure of a main parachute;

“restricted area” means any area defined in regulation 91.06.20;

“student parachutist” means a person who is on the first level of training of the approved aviation recreation organisation;

“tandem master” means the person responsible for the direct control of a tandem parachute descent using a tandem parachute assembly when a tandem rider is being carried and who has been authorised by the approved aviation recreation organisation;

“tandem parachute descent” means a parachute descent involving a tandem rider and tandem master in a common tandem parachute assembly which is under the direct control of the tandem master;

“tandem pair” means a tandem master and tandem rider;

“tandem rider” means a person participating in a tandem parachute descent under the direct control of a tandem master using the secondary harness of a tandem harness system.

SCHEDULE 3
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SUBPART 1
GENERAL PROVISIONS

Applicability

- 105.01.1** (1) This Part shall apply to the operation of parachutes.
- (2) This Part shall not apply in respect of -
- (a) persons making emergency descents; or
 - (b) persons making base jumps.

Persons making parachute descent

- 105.01.2** Any person making a parachute descent shall -
- (a) be a *bona fide* member of an aviation recreation organisation approved by the Director in terms of Part 149;
 - (b) be authorised by such approved aviation recreation organisation to make such parachute descent;
 - (c) comply with the privileges and limitations of the authorisation referred to in paragraph (b);
 - (d) comply with the standards and procedures determined by such approved aviation recreation organisation;

- (e) comply with the currency requirements determined by such approved aviation recreation organisation.

Alcohol and drugs

105.01.3 No person shall make a parachute descent while under the influence of alcohol or a drug having a narcotic effect, to the extent where the safety of such person or other persons is likely to be endangered.

Securing of articles

105.01.4 No person making a parachute descent shall carry any article which is not part of the parachute assembly or normal apparel of a person making a parachute descent, unless such person secures such article to his or her person.

Hazard

103.01.5 No person shall make a parachute descent if such parachute descent constitutes, or is likely to constitute, a safety hazard to air traffic, persons or property in the air or on the ground, the aircraft concerned or its occupants.

Exit from aircraft

103.01.6 (1) The pilot-in-command, or a person on board the aircraft nominated by the pilot-in-command, shall give an instruction to proceed with the parachute descent, after approval has been received from the appropriate air traffic service unit or when the aircraft is positioned correctly.

- (2) Each person making a parachute descent shall only exit

from the aircraft and commence the parachute descent, on instruction of the pilot-in-command or the person on board the aircraft nominated by the pilot-in-command to do so.

Minimum parachute opening altitude

105.01.7 Each person making a parachute descent shall activate the main parachute at not less than 2 000 feet AGL, except for -

- (a) a student parachutist, who shall activate the main parachute at not less than 3 000 feet AGL; or
- (b) a person carrying out a tandem parachute descent, who shall activate the main parachute at not less than 5 000 feet AGL.

Parachute drop zone

105.01.8 (1) All parachute descents, except emergency and display parachute descents, shall be made within a parachute drop zone approved by the body or institution designated by the Director in terms of Part 149.

(2) A person may make a parachute descent outside a parachute drop zone, if the descent is authorised by the body or institution designated by the Director in terms of Part 149.

Parachute landing area

105.01.9 (1) Each person making a parachute descent shall land on a

parachute landing area authorised by the body or institution designated by the Director in terms of Part 149.

(2) Simultaneous parachute and aircraft movements may be conducted at aerodromes if the parachute landing area is located clear of -

- (a) any movement area in use;
- (b) the strip area of any runway in use;
- (c) the taxiway minimum separation distances; and
- (d) the approach and take-off area of any runway or heliport in use.

(3) A person shall not make a parachute descent into water unless -

- (a) the parachute landing area has a clearly defined perimeter; and
- (b) each person making the parachute descent has a motorised rescue tender stationed at the parachute landing area to retrieve him or her.

Ground signal

105.01.10 (1) A person making a parachute descent shall not land at an unattended aerodrome unless the ground signal, as prescribed in Document NA-CATS-OPS 105, is displayed.

(2) When parachute descents are being performed by night, the ground signal shall be illuminated.

Controlled airspace

105.01.11 Each person making a parachute descent in controlled airspace shall -

- (a) have an air traffic control clearance; and
- (b) within a CTA/E, coordinate the parachute descent with the appropriate air traffic service unit.

Descents onto attended aerodromes

105.01.12 Each person making a parachute descent onto an attended aerodrome shall -

- (a) have prior approval from the owner or operator of the aerodrome; and
- (b) land within the parachute landing area.

Descents onto other aerodromes

105.01.13 Each person making a parachute descent onto an aerodrome where no air traffic service is provided, shall -

- (a) have prior approval from the owner or operator of the aerodrome;

- (b) observe other aerodrome traffic operating within the parachute descent zone for the purpose of avoiding collision;
- (c) conform with or avoid the pattern of traffic formed by other aircraft operating within the parachute descent zone at the aerodrome; and
- (d) land within the parachute landing area.

Descents within restricted areas

105.01.14 A person shall not make a parachute descent within the restricted area of an aerodrome unless he or she has obtained the authorisation referred to in regulation 91.06.20.

Visibility and clearance from cloud

105.01.15 (1) Subject to the provisions of subregulation (2), no person shall make a parachute descent unless the visibility and distance from cloud is greater than the visibility and distance from cloud as prescribed in Document NA-CATS-OPS 105.

(2) A person may descend through cloud in a parachute descent zone at an attended aerodrome if he or she has an air traffic control clearance in Class C and D airspace.

Descent from unpressurised aircraft

105.01.16 Each person making a parachute descent from an unpressurised aircraft shall -

- (a) if between an altitude of 10 000 feet and FL130 for longer than 30 minutes, use supplementary oxygen; and
- (b) if between an altitude of FL130 to FL200, use the aircraft passenger oxygen system until immediately prior to exiting the aircraft.

Descent from pressurised aircraft

105.01.17 Each person making a parachute descent from a pressurised aircraft up to FL200 shall use supplementary oxygen during the period from immediately prior to depressurisation to immediately prior to exiting the aircraft.

Descent from above FL130

105.01.18 Each person making a parachute descent from above FL130 shall comply with the standards, procedures and training requirements determined by the body or institution designated by the Director in terms of Part 149, for high-altitude descents.

Descent from above FL200

105.01.19 Each person making a parachute descent from above FL200 shall, in addition to regulations 105.01.17 and 105.01.18, use individual supplementary oxygen during the dispatch and descent.

Descent from above FL250

105.01.20 No person shall make a parachute descent from above FL250 unless he or she has the prior written approval of the body or institution designated by the Director in terms of Part 149.

SUBPART 2
PARACHUTE EQUIPMENT

Main parachute

105.02.1 Each person or tandem pair making a parachute descent shall be equipped with a main parachute which complies with the requirements prescribed by the body or institution designated by the Director in terms of Part 149.

Reserve parachutes

105.02.2 Each person or tandem pair making a parachute descent shall be equipped with a reserve parachute assembly which has been -

- (a) approved by the body or institution designated by the Director in terms of Part 149;
- (b) inspected, re-packed and signed-off within the previous six months by a parachute technician authorised by such designated body or institution; and
- (c) where necessary, repaired in accordance with -
 - (i) the standards of such designated body or institution; and
 - (ii) the instructions of the manufacturer.

Night descents

105.02.3 Each person making a parachute descent by night shall be equipped with an illuminated altimeter.

Water descents

105.02.4 Each person making a parachute descent into water shall wear a serviceable, self-righting, flotation jacket capable of supporting the person and equipment.

Altimeter

105.02.5 Each person or tandem pair making a free-fall descent of more than 10 seconds shall -

- (a) be equipped with, and use, a serviceable altimeter of a type suitable for parachuting; and
- (b) prior to take-off, zero the altimeter to the parachute landing area height.

Automatic activation devices

105.02.6 Each student parachutist or tandem master making a parachute descent, and every person making a parachute descent from above FL130, shall, in addition to regulation 105.02.2, be equipped with an automatic activation device on the reserve parachute, which has been -

- (a) certified as compatible with the reserve parachute assembly on the parachute assembly packing-record by a parachute technician authorised by the body or institution designated by the Director in terms of Part 149;
- (b) calibrated in accordance with the manufacturer's operating instructions;
- (c) set to operate the reserve parachute at a minimum altitude of -
 - (i) for an individual parachute descent, 1 000 feet AGL or such lower altitude as predetermined and set within the automatic activation device by the manufacturer of such device for the category of use; and
 - (ii) for a tandem parachute descent, 2 000 feet AGL or such lower altitude as predetermined and set within the automatic activation device by the manufacturer of such device for use on tandem descents;
- (d) inspected by the parachute technician in accordance with the manufacturer's instructions; and
- (e) check calibrated within the previous six months.

Helmets

105.02.7 (1) Each tandem pair making a parachute descent shall wear protective headgear authorised by the body or institution designated by the Director in terms of Part 149.

(2) Each student parachutist making a parachute descent shall wear a serviceable, rigid, protective helmet of a type authorised by such designated body or institution.

Parachute descent near water

105.02.8 Each student parachutist making a parachute descent within one nautical mile of a coastline, harbour, lake or major river shall wear a serviceable, self righting, flotation jacket capable of supporting the person and equipment.

Tandem harness

105.02.9 Each tandem rider making a tandem descent shall wear a harness which is -

- (a) authorised by the body or institution designated by the Director in terms of Part 149; and
- (b) properly secured to the matching tandem master harness approved by such designated body or institution.

SUBPART 3
PARACHUTE MAINTENANCE

Parachute technician

105.03.1 Each parachute technician shall -

- (a) be a current *bona fide* member of the holder of an aviation recreation organisation approval issued in terms of Part 149;
- (b) be at least 18 years old;
- (c) be authorised as a parachute technician by the body or institution designated by the Director in terms of Part 149;
- (d) comply with the currency requirements determined by such designated body or institution;
- (e) comply with the privileges and limitations of his or her authorisation; and
- (f) comply with the operational standards and procedures determined by such designated body or institution.

Safety directives

105.03.2 A person shall not make a parachute descent unless the

parachute assembly complies with -

- (a) any applicable safety directive issued by the body or institution designated by the Director in terms of Part 149; and
- (b) all mandatory modifications or instructions issued by the manufacturer.

Parachute serviceability

105.03.3 (1) Any person who finds a parachute assembly to be unserviceable or not airworthy shall have the assembly -

- (a) re-inspected and returned to a serviceable and airworthy state; or
- (b) withdrawn from service.

(2) Each owner of a parachute assembly shall ensure that it is in a serviceable and airworthy condition before use.

Modification and repair

105.03.4 (1) A person shall not make a parachute descent with an emergency or reserve parachute, or harness and container system, which has been modified or repaired, in a manner that may affect the airworthiness of the parachute assembly, unless such emergency or reserve parachute has been re-inspected and re-assessed by a parachute technician authorised by the body or institution designated by the Director in terms of Part 149.

(2) A person shall not modify or repair a main parachute used by a student parachutist or a tandem pair without the written approval of the manufacturer.

Parachute assemblies

105.03.5 (1) Subject to the provisions of subregulations (2) and (3), no person shall make a parachute descent unless he or she has checked the state of serviceability of the parachute assembly by -

- (a) reference to the assembly packing record with the equipment;
- (b) a comprehensive external check; and
- (c) checking the correct setting of the applicable equipment.

(2) A student parachutist shall not make a parachute descent unless his or her parachute assembly has been checked in accordance with subregulation (1) by a person, authorised by the body or institution designated by the Director in terms of Part 149, to supervise the descent.

(3) A tandem rider shall not make a parachute descent unless the parachute assembly has been checked in accordance with subregulation (1) by the tandem master.

Parachute records

105.03.6 (1) Each owner of an emergency or reserve parachute

assembly, a student-parachutist parachute assembly or a tandem parachute assembly, shall maintain a permanent record of the assembly in -

- (a) a logbook; or
- (b) a separable log page, approved by the body or institution designated by the Director in terms of Part 149.

(2) The owner referred to in subregulation (1) shall make the record available for inspection when required by an authorised officer, inspector or authorised person.