



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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General Notice

MINISTRY OF WORKS, TRANSPORT AND COMMUNICATION

No. 229

1997

PROPOSED CIVIL AVIATION REGULATIONS :

PART 47 - AIRCRAFT : AIRCRAFT REGISTRATION AND MARKING

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 aircraft registration and marking 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 Aircraft Registration and Marking, set out in Schedule 3. The proposed regulations represent Part 47 of the proposed structure.

The proposed regulations on Aircraft Registration and Marking make provision for certain information to be contained in a document called Document NA-CATS-ARM. 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 aircraft registration and marking.

Comments or representations should be lodged in writing and should reach the Ministry not later than **90 days** from the date of publication of this notice. Correspondence should be addressed to:

The Director : Civil Aviation

Ministry of Works, Transport and Communication

Department of Transport

Private Bag 12003

WINDHOEK

Attention : Mr Louis Lourens

Telephone : 208-2159

Fax : 238-884

Upon expiry of the aforementioned 90 day period, all comments which have been received will be evaluated for possible incorporation into the proposed regulations on Aircraft Registration and Marking and if necessary, a workshop will be held to finalise the proposed regulations.

SCHEDULE 1
NAMIBIAN CIVIL AVIATION REGULATIONS STRUCTURE

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| <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 indicates otherwise -

“aircraft” means any machine which can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface;

“amateur-built aircraft” means an aircraft with a maximum all up mass of 2 700 kilograms or less, of which 51% or more of the airframe has been constructed and assembled by the owner thereof;

“appropriate authority” -

- (a) means any institution, body or person in a State or territory which, on behalf of that State or territory carries out the provisions of the Convention; or
- (b) if the Convention does not apply to a State or territory, means the institution, body or person in that State or territory which on behalf of the State or territory, performs the functions which are performed by an institution, body or person contemplated in paragraph (a),

and which is recognised as such by the Director;

“company” means a company as defined in section 1 of the Companies Act, 1973 (Act 61 of 1973);

“Document NA-CATS-ARM” means a document on the Namibian Civil Aviation Technical Standards relating to Aircraft Registration and Marking, which is published by the Director in terms of the Act;

“Master” means the Master as defined in section 1 of the Administration of Estates Act, 1965 (Act No. 66 of 1965);

“maximum certificated mass” means the maximum permissible mass shown in the flight manual or other document associated with the certificate of airworthiness at which an aircraft may commence its take-off run under standard atmospheric conditions at sea-level;

“Namibian registered aircraft” means any aircraft which is for the time being registered by the Director in terms of regulation 47.00.6;

“owner” includes a person who has the right of possession of the aircraft for 14 days or longer;

“production-built aircraft” means an aircraft with a maximum all up mass of 2 700 kilograms or less, which are -

- (a) produced from resale in the fully constructed condition; or
- (b) assembled from kits of which less than 51% of the airframe has been constructed and assembled by the owner thereof;

“register” means the register of Namibian aircraft referred to in regulation 47.00.14;

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

SCHEDULE 3
LIST OF REGULATIONS

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Applicability

- 47.00.1** (1) This Part shall apply to -
- (a) the registration of aircraft used in Namibia; and
 - (b) the nationality and registration marking of Namibian registered aircraft.
- (2) This Part shall not apply in respect of any -
- (a) hang glider;

- (b) paraglider;
- (c) unmanned free balloon;
- (d) captive balloon;
- (e) kite;
- (f) model aircraft;
- (g) foreign registered aircraft;
- (h) parachute; or
- (i) powered paraglider.

Requirement for aircraft registration

47.00.2 The owner of an aircraft shall, if the aircraft flies to, from, within or over Namibia, apply for the registration of the aircraft and hold a valid certificate of registration for such aircraft issued by -

- (a) in the case of an aircraft to be registered in Namibia, including any -
 - (i) amateur-built aircraft; and
 - (ii) production-built aircraft,

the Director; or

- (b) in the case of any other aircraft not to be registered in Namibia, an appropriate authority.

Requirement for aircraft marking

47.00.3 (1) The Director shall be responsible for the allocation of nationality and registration marks to be displayed on Namibian registered aircraft.

(2) Upon the registration of an aircraft in terms of regulation 47.00.6(1), the Director may, if the aircraft was previously registered in Namibia, allocate the same registration marks as were originally borne by such aircraft.

(3) No person shall use a Namibian registered aircraft unless such aircraft displays a nationality mark and a registration mark in the manner, and in accordance with the specifications as prescribed in Document NA-CATS-ARM.

(4) No person shall place on any Namibian registered aircraft any mark or symbol which modifies, confuses or purports to be the nationality or registration mark allocated and displayed in accordance with the specifications referred to in subregulation (3).

Nationality of aircraft

47.00.4 Aircraft registered on the register shall become Namibian registered aircraft and shall be deemed to have Namibian nationality.

Application for registration

47.00.5 (1) An application for the registration of an aircraft and the issuing of a certificate of registration shall be made to the Director in the appropriate

form as prescribed in Document NA-CATS-ARM.

(2) An application referred to in subregulation (1) shall be accompanied by -

(a) in the case of an aircraft which is imported into Namibia for the first time or returns to Namibia and has to be re-registered on the register -

(i) a certificate or notification of cancellation from the appropriate authority of the State or territory in which the aircraft was last registered;

(ii) the original of -

(aa) the last certificate of airworthiness issued by the appropriate authority of the last State or territory from which the aircraft is imported; or

(bb) the export certificate of airworthiness;

(iii) if the first of a type of aircraft is imported into Namibia and is to be registered on the register, the type acceptance certificate issued by the Director;

(iv) if the aircraft is to be registered in the name of an individual, proof of his or her identity;

(v) if the aircraft is to be registered in the name of a company -

(aa) a certified true copy of its most recent register of directors lodged with the Registrar of Companies in terms of the Companies Act, 1973;

(bb) proof of identity of the director authorised to act on behalf of the applicant; and

(cc) the authorising resolution concerned in the appropriate form as prescribed in Document NA-CATS-ARM;

(vi) if the aircraft is to be registered in the name of a trust -

(aa) a certified true copy of -

(A) the trust instrument; or

(B) the appropriate letter of appointment;

(bb) proof of identity of the trustee authorised to act on behalf of the applicant; and

- (cc) the authorising resolution concerned in the appropriate form as prescribed in Document NA-CATS-ARM;
 - (vii) if the aircraft is to be registered in the name of any other applicant -
 - (aa) a certified true copy of any other founding documents;
 - (bb) proof of identity of the person authorised to act on behalf of the applicant; and
 - (cc) the authorising resolution concerned in the appropriate form as prescribed in Document NA-CATS-ARM;
- (b) in the case of any amateur-built aircraft or production-built aircraft -
 - (i) the original special flight permit;
 - (ii) if the first of a type of aircraft is to be registered on the register, the type certificate issued by the Director;
 - (iii) if the aircraft is to be registered in the name of an individual, proof of his or her identity;

(iv) if the aircraft is to be registered in the name of an aviation recreation organisation approved under Part 149, a certified true copy of the certificate of approval; and

(c) the appropriate fee as prescribed in Part 187.

(3) The Director may exempt an applicant from the provisions of subregulation (2)(a)(ii) if the Director is satisfied that such exemption will not jeopardise aviation safety.

Registration and issuing of certificate

47.00.6 (1) An application in terms of regulation 47.00.5 is granted, the aircraft registered and a certificate of registration issued if -

- (a) in the case of an individual, the applicant is a resident of Namibia;
- (b) in the case of a juristic person, the applicant is registered and has its principal place of business in Namibia; and
- (c) the aircraft is not registered in any other State or territory.

(2) Registration of an aircraft and the issuing of a certificate of registration under this Part shall not confer or imply ownership of the aircraft.

(3) A certificate of registration shall be issued by the Director

on the appropriate form as prescribed in Document NA-CATS-ARM.

Duties of holder of certificate

47.00.7 The holder of a certificate of registration shall -

- (a) keep the original certificate of registration in a safe place and produce such certificate to an authorised officer, inspector or authorised person for inspection if so requested by such officer, inspector or person;
- (b) carry a certified true copy of the certificate of registration in the aircraft at all times;
- (c) notify the Director in writing if the particulars of the person referred to in regulation 47.00.5(2)(a)(v)(bb), (vi)(bb) or (vii)(bb), as the case may be, are changed.

Application for amendment of certificate

47.00.8 (1) If the holder of a certificate of registration desires to amend -

- (a) the name in which the certificate of registration was issued; or
- (b) the address on the certificate of registration, such holder shall apply to the Director for such amendment.

(2) An application referred to in subregulation (1) shall -

- (a) be made in the appropriate form as prescribed in Document NA-CATS-ARM; and
- (b) be accompanied by -
 - (i) if the aircraft is registered in the name of a company and the name of that company is changed, a certified true copy of the certificate of change of name of a company, approved by the Registrar of Companies in terms of the Companies Act, 1973; and
 - (ii) the appropriate fee as prescribed in Part 187.

Application for reissuing of certificate

47.00.9 (1) If a certificate of registration is lost, stolen, damaged or destroyed, the holder thereof or an aircraft maintenance organisation approved under Part 145 and which is responsible for the servicing and maintenance of the aircraft, may apply to the Director for the reissuing of the certificate of registration.

- (2) An application referred to in subregulation (1) shall -
 - (a) be made in the appropriate form as prescribed in Document NA-CATS-ARM; and
 - (b) be accompanied by the appropriate fee as prescribed in Part 187.

(3) A certificate of registration shall be reissued on the appropriate form as prescribed in Document NA-CATS-ARM.

Notification of transfer of right of possession of aircraft

47.00.10 (1) If the holder of a certificate of registration transfers to another person the right of possession of the aircraft specified in the certificate, such holder shall, within 14 days from the date of transfer notify the Director in the appropriate form as prescribed in Document NA-CATS-ARM.

(2) If the holder in whose name the aircraft is registered -

- (a) is an individual and has died and an executor has been appointed, the notification referred to in subregulation (1) shall be accompanied by a certified true copy of the letter of executorship issued by the Master in terms of the Administration of Estates Act, 1965 (Act 66 of 1965);
- (b) is an individual and the estate of such holder is sequestrated and a trustee has been appointed, the notification referred to in subregulation (1) shall be accompanied by a certified true copy of the certificate of appointment issued by the Master in terms of the Insolvency Act, 1936 (Act 24 of 1936);
- (c) is a company and such holder is liquidated or wound up, as the case may be, and a liquidator has been appointed, the notification referred to in subregulation (1) shall be accompanied by a certified true copy of

the certificate of appointment issued by the Master
in terms of the Companies Act, 1973.

(3) An application for registration by the person to whom the right of possession of the aircraft referred to in subregulation (1) is transferred, shall be made in terms of regulation 47.00.5 within 14 days from the date of transfer.

(4) A certificate of registration shall expire on the fifteenth day after the date on which the holder of the certificate of registration transfers to another person the right of possession of the aircraft.

(5) From the commencement of the fifteenth day after the date on which a certificate of registration expires, no person shall use the aircraft specified in the certificate unless, and until such time as

- (a) the aircraft is registered in the name of the person to whom the right of possession of the aircraft is transferred; and
- (b) such person holds a certificate of registration issued by the Director.

Application for cancellation of registration

47.00.11 (1) If the holder of a certificate of registration desires to transfer the aircraft for permanent use outside Namibia, such holder shall apply to the Director for the cancellation of the registration of such aircraft.

(2) An application referred to in subregulation (1) shall -

- (a) be made in the appropriate form as prescribed in Document NA-CATS-ARM; and
- (b) be accompanied by -
 - (i) if the holder in whose name the aircraft is registered -
 - (aa) is an individual and has died and an executor has been appointed, a certified true copy of the letter of executorship issued by the Master in terms of the Administration of Estates Act, 1965;
 - (bb) is an individual and the estate of such holder is sequestrated and a trustee has been appointed, a certified true copy of the certificate of appointment issued by the Master in terms of the Insolvency Act, 1936; or
 - (cc) is a company and such holder is liquidated or wound up, as the case may be, and a liquidator has been appointed, a certified true copy of the certificate of appointment issued by the Master in terms of the Companies Act, 1973; and

(ii) the appropriate fee as prescribed in Part 187.

(3) If a Namibian registered aircraft -

- (a) is destroyed, lost or stolen;
- (b) becomes permanently useless as an aircraft; or
- (c) is permanently withdrawn from use,

the holder of the certificate of registration concerned shall apply to the Director for the cancellation of such certificate of registration, and in addition, shall give provisional notice in writing to the Director within 30 days from the date on which such event occurred, of his, her or its intention to apply for such cancellation.

(4) An application referred to in subregulation (3) shall -

- (a) be made in the appropriate form as prescribed in Document NA-CATS-ARM; and
- (b) be accompanied by -
 - (i) the original of the last certificate of registration;
 - (ii) in the case of any amateur-built aircraft or production-built aircraft, the special flight permit issued by the Director in terms of Part 21;

- (iii) in the case of an aircraft other than amateur-built aircraft or production-built aircraft, the certificate of airworthiness issued by the Director in terms of Part 21;
- (iv) the airframe data plate of the aircraft;
- (v) if the holder in whose name the aircraft is registered -
 - (aa) is an individual and has died and an executor has been appointed, a certified true copy of the letter of executorship issued by the Master in terms of the Administration of Estates Act, 1965;
 - (bb) is an individual and the estate of such holder is sequestrated and a trustee has been appointed, a certified true copy of the certificate of appointment issued by the Master in terms of the Insolvency Act, 1936; or
 - (cc) is a company and such holder is liquidated or wound up, as the case may be, and a liquidator has been appointed, a certified true copy of the certificate of appointment issued by

the Master in terms of the Companies Act, 1973; and

(vi) the appropriate fee as prescribed in Part 187.

Cancellation of registration

47.00.12 (1) An aircraft shall remain registered on the register until the registration of such aircraft is cancelled by the Director.

(2) The Director shall cancel the registration of an aircraft, amend the register and issue a certificate of cancellation if the Director is satisfied -

(a) as to the occurrence of any of the events referred to in regulation 47.00.11(1) and (3); or

(b) that the certificate of registration has expired in terms of regulation 47.00.10(4) without having received an application referred to in regulation 47.00.11(2).

(3) A certificate of cancellation referred to in subregulation (2) shall be issued on the appropriate form as prescribed in Document NA-CATS-ARM.

Duration of certificate of registration

47.00.13 (1) A certificate of registration shall remain in force until -

(a) it expires in terms of regulation 47.00.10(4); or

(b) the registration of the aircraft in respect of which such

certificate of registration was issued, is cancelled by the Director.

(2) The holder of a certificate of registration which has expired, shall surrender the certificate of registration to the Director within 14 days from the date of expiry.

Register of Namibian aircraft

47.00.14 (1) The Director shall maintain a register of Namibian aircraft.

(2) The register shall contain the following particulars:

- (a) The full name and, if any, the trade name of the holder of the certificate of registration;
- (b) the postal address of the holder of the certificate of registration;
- (c) the date on which the aircraft was registered on the register for the first time;
- (d) particulars of the model, serial number and maximum certificated mass of the aircraft;
- (e) the nationality and registration mark of the aircraft;
and
- (f) the airworthiness category of the aircraft.

(3) The particulars referred to in subregulation (2) shall be recorded in the register within seven days from the date of registration, by the Director.

(4) The register shall be kept in a safe place at the office of the Director.

(5) A copy of the register shall be furnished by the Director, on payment of the appropriate fee as prescribed in Part 187, to any person who requests the copy.
