



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

---

N\$1.42

WINDHOEK - 20 August 1997

No. 1654

---

### CONTENTS

#### GENERAL NOTICE

No. 235	Proposed Civil Aviation Regulations: Part 13 - Procedures: Enforcement Procedures .....	1
---------	--	---

---

### General Notice

---

#### MINISTRY OF WORKS, TRANSPORT AND COMMUNICATION

No. 235

1997

#### PROPOSED CIVIL AVIATION REGULATIONS :

#### PART 13 - PROCEDURES : ENFORCEMENT PROCEDURES

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 Director : Civil Aviation invites all interested parties to comment on the proposed structure of the Civil Aviation Regulations, as well as the proposed regulations on Enforcement Procedures set out in Schedule 2. The proposed regulations represent Part 13 of the proposed structure.

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 Enforcement Procedures and if necessary, a workshop will be held to finalise the proposed regulations.

**SCHEDULE 1**  
**NAMIBIAN CIVIL AVIATION REGULATIONS STRUCTURE**

<p><b>DEFINITIONS</b></p> <p>Part 1 Definitions</p> <p><b>PROCEDURES</b></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><b>AIRCRAFT</b></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><b>PERSONNEL</b></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><b>RULES OF THE AIR AND GENERAL OPERATING RULES</b></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><b>CERTIFICATED AIRCRAFT OPERATORS AND OTHER FLIGHT OPERATIONS</b></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><b>ORGANISATIONS</b></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><b>AERODROMES AND HELIPORTS</b></p> <p>Part 139 Licensing</p> <p>Part 139 General standards</p> <p><b>AIR TRAFFIC SERVICES</b></p> <p>Part 172 Airspace and air traffic services</p> <p><b>AERONAUTICAL INFORMATION AND RELATED SERVICES</b></p> <p>Part 174 Meteorological information services</p> <p>Part 175 Aeronautical information services</p> <p><b>ADMINISTRATION</b></p> <p>Part 183 General</p> <p>Part 185 Offences</p> <p>Part 187 Fees</p>
---	--

**SCHEDULE 2**

13.00.1 Authority of authorised officers and inspectors

13.00.2 In-flight inspections

13.00.3 Authority of authorised persons

### Authority of authorised officers and inspectors

**13.00.1** (1) In addition to any specific power granted to or duty imposed on an authorised officer or inspector under any Part of the Regulations, such authorised officer or inspector may -

- (a) enter any premises for the purposes of inspecting any aircraft, aircraft factory, aerodrome, civil aviation related facility, aircraft component, aircraft equipment, licence, certificate, permit, approval, authorisation, register, book or document which he or she believes to be on such premises;
- (b) confiscate any thing, article, book, register, document, aircraft, aircraft component, aircraft equipment, licence, certificate, permit, approval or authorisation, which he or she reasonably believes relates to a contravention of the Act, the Regulations or a technical standard;
- (c) ground any aircraft which he or she reasonably believes to be unsafe, not duly registered or not airworthy;
- (d) close any aviation related facility which he or she reasonably believes does not comply with the Act, the Regulations or a technical standard;
- (e) require the pilot of an aircraft to furnish his or her name and address and any other particulars concerning his or her identity;

- (f) require any person on an aerodrome or in an aircraft, aircraft factory or civil aviation related facility to furnish his or her name and address and any other particulars concerning his or her identity and to furnish such information as is at his or her disposal concerning the identity of the pilot or owner of any aircraft, or the owner of any aerodrome, aircraft factory or civil aviation related facility;
- (g) require the owner or operator of an aircraft to furnish such information as may be necessary concerning the identity of the pilot of the aircraft at any time or during any particular period;
- (h) inspect an aircraft, or any part, component or equipment of such aircraft, for the purpose of ascertaining whether the provisions of the Regulations or a technical standard are being complied with;
- (i) ascertain the mass of any aircraft with or without load and, for the latter purpose, require any passengers or goods to be removed from such aircraft;
- (j) call upon any person required by the Regulations to be the holder of a licence, certificate, permit, approval or authorisation or, in the case of a flight crew member or an aircraft maintenance engineer, his or her logbook, for inspection within a reasonable time to be stipulated by such authorised officer or inspector; and

- (k) call upon the owner, operator or pilot-in-command of any aircraft to produce or cause to be produced for inspection any licence, certificate, manual, logbook or other document relating to the aircraft.

(2) If it appears to any authorised officer or inspector that any aircraft is intended or likely to be flown in such circumstances that the flight would involve a contravention of the Regulations or a technical standard, or be a cause of danger to persons in the aircraft or to persons or property on the ground, he or she may take such action to detain the aircraft or such other action as he or she may deem necessary for the purpose of causing the circumstances relating to the flight to be investigated or the aircraft to be inspected.

(3) If an aircraft has been detained pursuant to the provisions of subregulation (2), the aircraft shall not be operated until the Director, being satisfied that the Regulations are being complied with, approves, or until such alterations or repairs have been effected which the Director deems necessary to render such aircraft fit for flight.

### **In-flight inspections**

**13.00.2** (1) The Director may authorise an authorised officer or inspector to carry out, at any time, an in-flight inspection in any aircraft engaged in a commercial air transport operation.

(2) The owner, operator or pilot-in-command shall immediately take all reasonable steps to accommodate the authorised officer or inspector and to facilitate the carrying out of the in-flight inspection.



**Authority of authorised person**

**13.00.3** In addition to any specific power granted to or duty imposed on an authorised person under any Part of the Regulations, such authorised person may -

- (a) require the pilot of an aircraft to furnish his or her name and address and any other particulars concerning his or her identity;
- (b) require any person on an aerodrome or in an aircraft, aircraft factory or civil aviation related facility to furnish his or her name and address and any other particulars concerning his or her identity and to furnish such information as is at his or her disposal concerning the identity of the pilot or owner of any aircraft, or the owner of any aerodrome, aircraft factory or civil aviation related facility;
- (c) require the owner or operator of an aircraft to furnish such information as may be necessary concerning the identity of the pilot of the aircraft at any time or during any particular period;
- (d) call upon any person required by the Regulations to be the holder of a licence, certificate, permit, approval or authorisation or, in the case of a flight crew member or an aircraft maintenance engineer, his or her logbook, for inspection within a reasonable time to be stipulated by such authorised person;

- (e) call upon the owner, operator or pilot-in-command of any aircraft to produce or cause to be produced for inspection any licence, certificate, manual, logbook or other document relating to the aircraft; and
  
- (f) enter any premises for the purposes of inspecting any aircraft, aircraft factory, aerodrome, civil aviation related facility, aircraft component, aircraft equipment, licence, certificate, permit, approval, authorisation, register, book or document which he or she believes to be on such premises.