



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$1.98

WINDHOEK - 20 August 1997

No. 1656

CONTENTS

	<i>Page</i>
GENERAL NOTICE	
No. 237 Proposed Civil Aviation Regulations: Part 36 - Aircraft: Noise Certification	1

General Notice

MINISTRY OF WORKS, TRANSPORT AND COMMUNICATION

No. 237 1997

PROPOSED CIVIL AVIATION REGULATIONS :

PART 36 - AIRCRAFT: NOISE CERTIFICATION

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 noise certification 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 Noise Certification set out in Schedule 3. The proposed regulations represent Part 36 of the proposed structure.

The proposed regulations on Noise Certification make provision for certain information to be contained in a document called Document NA-CATS-ENVIRO. 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 noise certification.

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 Noise Certification 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>
---	---

SCHEDULE 2**Definitions**

In these regulations, unless the context otherwise indicates -

“aeroplane” means a power-driven, heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;

“aircraft”, for the purposes of these Regulations, means an aircraft as defined in the Act, including its engines, propellers, rotor, components, parts, equipment, instruments, accessories and materials;

“appropriate authority” -

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

if such 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;

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

“subsonic aeroplane” means an aeroplane incapable of sustaining level flight at speeds exceeding flight Mach number of one;

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

SCHEDULE 3
LIST OF REGULATIONS

36.00.1	Applicability
36.00.2	Noise standards
36.00.3	Recognition of foreign noise certification
36.00.4	Safety inspections and audits
36.00.5	Application for noise certificate
36.00.6	Issuing of noise certificate
36.00.7	Form of noise certificate
36.00.8	Period of validity of noise certificate
36.00.9	Cancellation or suspension of noise certificate and appeal
36.00.10	Transfer of noise certificate
36.00.11	Register of certificates

Applicability

36.00.1 This Part shall apply to -

- (a) subsonic jet aeroplanes;
- (b) supersonic aeroplanes;
- (c) propeller driven aeroplanes with a maximum certificated mass exceeding 5 700 kilograms;
- (d) propeller driven aeroplanes with a maximum certificated mass of 5 700 kilograms or less;
- (e) propeller-driven stol aeroplanes; and

- (f) helicopters.

Noise standards

36.00.2 Subject to the provisions of regulation 36.00.1, any person who applies in terms of Part 21 for -

- (a) the issuing of a type certificate;
- (b) the issuing of a type acceptance certificate;
- (c) any change to a type certificate;
- (d) any change to a type acceptance certificate; or
- (e) a standard category certificate of airworthiness,

shall comply with the appropriate noise standards as prescribed in Document NA-CATS-ENVIRO.

Recognition of foreign noise certification

36.00.3 The Director may recognise a noise certificate or an equivalent document issued by an appropriate authority, if the standards under which the noise certificate or equivalent document was issued by the appropriate authority, are not less stringent than the standards as prescribed in Document NA-CATS-ENVIRO.

Safety inspections and audits

36.00.4 (1) An applicant for the issuing of a noise certificate in terms of

the regulations in this Part, shall permit an airworthiness inspector to carry out such safety inspections and flight and ground tests which may be necessary to verify the validity of any application made in terms of this Part.

(2) The holder of a noise certificate issued under this Part, shall permit an airworthiness inspector to carry out such safety inspections and audits, including safety inspections and audits of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

Application for noise certificate

36.00.5 An application for the issuing of a noise certificate shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NA-CATS-ENVIRO; and
- (b) accompanied by -
 - (i) the appropriate fee as prescribed in Part 187; and
 - (ii) proof that the aircraft concerned complies with the noise standards referred to in regulation 36.00.2.

Issuing of noise certificate

36.00.6 An application in terms of regulation 36.00.4 is granted and a noise certificate issued if the applicant complies with the noise standards referred to in regulation 36.00.2.

Form of noise certificate

36.00.7 A noise certificate shall be issued on the appropriate form as prescribed in Document NA-CATS-ENVIRO.

Period of validity of noise certificate

36.00.8 (1) A noise certificate shall be valid -

(a) for the period for which the type certificate, type acceptance certificate or standard certificate of airworthiness held by the holder of the noise certificate is valid, and such holder complies with the appropriate noise standards referred to in regulation 36.00.2;

(b) until the noise certificate is surrendered by the holder thereof, or is suspended by an airworthiness inspector, or cancelled by the Director, in terms of regulation 36.00.9.

(2) The holder of a noise certificate which is suspended, shall forthwith produce the noise certificate upon suspension thereof, to the airworthiness inspector concerned for the appropriate endorsement.

(3) The holder of a noise certificate which is cancelled, shall, within 30 days from the date on which the noise certificate is cancelled, surrender such noise certificate to the Director.

Cancellation or suspension of noise certificate and appeal

36.00.9 (1) An airworthiness inspector may suspend for a period not exceeding 30 days, any noise certificate issued under this Part, if -

- (a) after a safety inspection and audit carried out in terms of regulation 36.00.4, it is evident that the holder of the noise certificate does not comply with the requirements prescribed in this Part, and such holder fails to remedy such non-compliance within 30 days after receiving notice in writing from the airworthiness inspector to do so;
- (b) the airworthiness inspector is prevented by the holder of the noise certificate to carry out a safety inspection and audit in terms of regulation 36.00.4; or
- (c) the suspension is necessary in the interests of aviation safety.

(2) The airworthiness inspector who has suspended a noise certificate in terms of subregulation (1), shall deliver a report in writing to the Director, stating the reasons why, in his or her opinion, the suspended noise certificate should be cancelled.

(3) The airworthiness inspector concerned shall submit a copy of the report referred to in subregulation (2), to the holder of the noise certificate which has been suspended, and shall furnish proof of such submission for the information of the Director.

(4) The holder of a noise certificate who feels aggrieved by the suspension of the noise certificate, may appeal against such suspension to the Director, within 30 days after such holder becomes aware of such suspension.

(5) An appellant shall deliver an appeal in writing, stating the reasons why, in his or her opinion, the suspension should be varied or set aside.

(6) The appellant shall submit a copy of the appeal and any documents or records supporting such appeal, to the airworthiness inspector concerned and shall furnish proof of such submission for the information of the Director.

(7) The airworthiness inspector concerned may, within 30 days of receipt of the copy of the appeal referred to in subregulation (6), deliver his or her written reply to such appeal to the Director.

(8) The Director may -

(a) adjudicate the appeal on the basis of the documents submitted to him or her; or

(b) order the appellant and the airworthiness inspector concerned to appear before him or her, either in person or through a representative, at a time and place determined by him or her, to give evidence.

(9) The Director may confirm, vary or set aside the suspension referred to in subregulation (1).

(10) The Director shall -

- (a) if he or she confirms the suspension in terms of subregulation (9); or
- (b) if a noise certificate is suspended in terms of subregulation (1) and the holder thereof does not appeal against such suspension in terms of subregulation (4),

cancel the noise certificate concerned.

Transfer of noise certificate

36.00.10 A noise certificate shall be transferred with the aircraft.

Register of certificates

36.00.11 (1) The Director shall maintain a current register of noise certificates issued in terms of the regulations in this Part.

- (2) The register shall contain the following particulars:
 - (a) The full name of the holder of the noise certificate;
 - (b) the postal address of the holder of the noise certificate;
 - (c) the date on which the noise certificate was issued;
 - (d) the number of the noise certificate issued;

- (e) the date on which the noise certificate is suspended, if applicable; and
- (f) in the case of a transfer of an aircraft -
 - (i) the date on which the noise certificate was transferred;
 - (ii) the full name and the trade name of the transferee, if any; and
 - (iii) the postal address of the transferee.

(3) The particulars referred to in subregulation (2) shall be recorded by the Director in the register within seven days from the date on which the noise certificate is issued, transferred or suspended, as the case may be.

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

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