



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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General Notice

MINISTRY OF WORKS, TRANSPORT AND COMMUNICATION

No. 238

1997

PROPOSED CIVIL AVIATION REGULATIONS :

PART 101 - RULES OF THE AIR AND GENERAL OPERATING

RULES : OPERATION OF UNMANNED FREE BALLOONS,

KITES AND REMOTELY PILOTED AIRCRAFT

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 the Operation of Unmanned Free Balloons, Kites and Remotely Piloted Aircraft set out in Schedule 2. The proposed regulations represent Part 101 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 the Operation of Unmanned Free Balloons, Kites and Remotely Piloted Aircraft 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,, ockets, 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

- 101.00.1 Applicability
- 101.00.2 Flight rules for kites and remotely piloted aircraft
- 101.00.3 Flight rules for captive and unmanned free balloons

Applicability

101.00.1 This Part shall apply to the operation of unmanned free balloons, kites and remotely piloted aircraft and contains -

- (a) in addition to the provisions of Part 91, the operating and flight rules relating to such operations; and
- (b) the exceptions to the general operating and flight rules prescribed in Part 91.

Flight rules for kites and remotely piloted aircraft

101.00.2 Except with the prior written approval of the Director and subject to such conditions as the Director may impose, the operation of kites and remotely piloted aircraft shall not -

- (a) take place higher than 150 feet above the surface;
- (b) take place closer than five nautical miles from the boundary of an aerodrome; or
- (c) commence or be carried out above a public road.

Flight rules for captive and unmanned free balloons

101.00.3 No captive or unmanned free balloon shall be flown in Namibia except with the prior written approval of the Director and subject to such conditions as the Director may deem necessary in the interest of aviation safety: Provided that at the time of granting such approval in respect of any such balloon, or at any time subsequently, the Director may exempt such balloon from any of the provisions of Subpart 6 of Part 91, or determine that such provision shall apply to such balloon subject to such modifications as the Director may deem fit.
