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General Notice

MINISTRY OF WORKS, TRANSPORT AND COMMUNICATION

No. 241

1997

PROPOSED CIVIL AVIATION REGULATIONS :

PART 172 - AIRSPACE AND AIR TRAFFIC SERVICES

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 airspace and air traffic services 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 Airspace and Air Traffic Services set out in Schedule 3. The proposed regulations represent Part 172 of the proposed structure.

The proposed regulations on Airspace and Air Traffic Services make provision for certain information to be contained in a document called Document NA-CATS-ATS. 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 airspace and air traffic services.

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 Airspace and Air Traffic Services 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 -

“advisory airspace” means an airspace of defined dimensions, within which an air traffic advisory service is provided;

“air traffic controller” means the holder of a valid air traffic service licence and valid rating which permits such holder to provide an air traffic control service;

“aerodrome control service” means an air traffic control service provided for the control of aerodrome traffic;

“aerodrome control tower” means an air traffic control unit established to provide an air traffic control service;

“aerodrome traffic” means all traffic on the manoeuvring area of an aerodrome and all aircraft in, entering or leaving an aerodrome traffic circuit;

“aerodrome traffic zone” means a controlled airspace at an aerodrome where aerodrome control, established for the protection of aerodrome traffic, is in operation as published in an AIP, AIC or NOTAM and designated as an aerodrome traffic zone;

“Aeronautical Information Circular” means a circular containing information which does not qualify for the origination of a NOTAM or for inclusion in the AIP, but which relates to flight safety, air navigation, technical, administrative or legislative matters, issued by or with the authority of the Director;

“Aeronautical Information Publication” means a publication containing aeronautical information of a lasting character essential to air navigation, issued by or with the authority of the Director;

“air traffic advisory service” means a service provided within advisory airspace to ensure separation, in so far as practical, between aircraft which are operating on IFR flight plans;

“air traffic control unit” means an aerodrome control tower, an approach control office or an area control centre or a combination thereof;

“air traffic control service” means a service provided for the purpose of -

- (a) preventing collisions -
 - (i) between aircraft, and
 - (ii) on the manoeuvring area between aircraft and obstructions; and
- (b) expediting and maintaining an orderly flow of air traffic;

“air traffic service” means an aerodrome control service, an approach control service, an area control service, a flight information service, an air traffic advisory service or an alerting service;

“air traffic service flight plan” means specified information on an intended flight or portion of a flight of an aircraft, which is provided to an air traffic service unit;

“air traffic service reporting office” means an air traffic service unit established for the purpose of receiving reports concerning air traffic services and flight plans submitted before the departure of aircraft from an aerodrome;

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

“airway” means a control area or a portion thereof established in the form of a corridor equipped with radio navigation aids;

“alerting service” means a service provided to notify and assist the appropriate organisations regarding aircraft in need of search and rescue aid and to assist such organisations as appropriate;

“altitude” means the vertical distance of a level, a point or an object considered as a point, measured from mean sea level;

“approach control office” means an air traffic control unit established to provide an air traffic control service in the controlled airspace for which it is responsible, to controlled flights arriving at or departing from one or more aerodromes;

“approach control service” means an air traffic control service for arriving or departing controlled flights in controlled airspaces;

“area control centre” means an air traffic control unit established to provide an air traffic control service to controlled flights in the control area for which it is responsible;

“area control service” means an air traffic control service for controlled flights in control areas;

“control area” means a controlled airspace extending upwards from a specified height above the surface without an upper limit, unless an upper limit is specified as published in an AIP, AIC or NOTAM and designated as a control area;

“control zone” means a controlled airspace extending upwards from the surface to a specified upper limit as published in an AIP, AIC or NOTAM;

“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;

“controlled flight” means any flight which is subject to air traffic control clearance;

“current flight plan” means the air traffic services flight plan, including changes, if any, brought about by subsequent clearances;

“Document NA-CATS-ATS” means a document on the Namibian Civil Aviation Technical Standards relating to Air Traffic Services, which is published by the Director in terms of the Act;

“flight information centre” means an air traffic service unit established to provide flight information service and alerting service;

“flight information region” means an airspace of defined dimensions within which flight information services and alerting services are provided;

“flight information service” means a service provided for the purpose of giving advice and information useful for the safe and efficient conduct of flights;

“IFR” means instrument flight rules;

“NOTAM” means a notice containing information concerning the establishment, condition or change in any aeronautical facility, service, procedure or hazard, the timely knowledge of which is essential to personnel concerned with flight operations, distributed by means of telecommunication by or with the authority of the Director;

“organisation” includes a natural person, trust, company, close corporation and voluntary association;

“pilot-in-command” means the pilot responsible for the operation and safety of the aircraft in flight, without regard to whether or not he or she is manipulating the controls;

“SIGMET information” means information issued by a meteorological watch office concerning the occurrence or expected occurrence of specified en-route weather phenomena which may affect the safety of aircraft operations;

“special VFR flight” means a VFR flight cleared by air traffic control to fly within a control zone under meteorological conditions below the visual meteorological conditions;

“terminal control area” means a control area established at the confluence of air traffic service routes in the vicinity of one or more major aerodromes as published in an AIP, AIC or NOTAM and designated as a terminal control area;

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

“VFR” means visual flight rules.

SCHEDULE 3
LIST OF REGULATIONS

SUBPART 1 : GENERAL

- 172.01.1 Applicability
- 172.01.2 Allocation of air traffic services

SUBPART 2 : DESIGNATION AND CLASSIFICATION OF AIRSPACE

- 172.02.1 Designation of airspace and aerodromes
- 172.02.2 Classification of airspace
- 172.02.3 Designation of control areas
- 172.02.4 Designation of flight information regions
- 172.02.5 Designation of advisory areas

SUBPART 3 : AIR TRAFFIC SERVICE UNITS

- 172.03.1 Air traffic control clearances
- 172.03.2 Responsibility for control
- 172.03.3 Transfer of responsibility for control
- 172.03.4 Reporting and investigation of accidents and incidents
- 172.03.5 Reporting of aeronautical information to the Director
- 172.03.6 Station standing instructions manual

SUBPART 4 : SEARCH AND RESCUE

- 172.04.1 Establishment and provision of search and rescue services
- 172.04.2 Search and rescue action

SUBPART 1**GENERAL****Applicability**

172.01.1 This Part shall apply to -

- (a) the allocation of air traffic services;
- (b) the designation and classification of airspace;
- (c) the designation of search and rescue regions; and
- (d) the provision of search and rescue services within those regions,

and matters related thereto.

Allocation of air traffic services

172.01.2 (1) The Director shall determine the portions of airspace and the aerodromes which shall be provided with air traffic services to -

- (a) prevent collisions between aircraft;
- (b) prevent collisions between aircraft on the manoeuvring area of the aerodrome concerned and obstructions on such area;
- (c) expedite and maintain an orderly flow of air traffic;

- (d) provide advice and information useful for the safe and efficient conduct of flights; and
- (e) provide search and rescue and related support services.

(2) The need for the provision of air traffic services shall be determined after consideration of -

- (a) the types of air traffic involved;
- (b) the density of air traffic;
- (c) the meteorological conditions; and
- (d) any other factor which may be relevant.

SUBPART 2
DESIGNATION AND CLASSIFICATION OF AIRSPACE

Designation of airspace and aerodromes

172.02.1 (1) The Director may designate a particular portion of the airspace or a particular aerodrome as a -

- (a) flight information region;
- (b) advisory area;
- (c) control area;
- (d) control zone; or
- (e) controlled aerodrome.

(2) A particular portion of the airspace or a particular aerodrome shall only be designated in terms of subregulation (1) -

- (a) after consultation with the National Airspace Committee instituted in terms of Part 11; and
- (b) in relation to the air traffic services that are to be provided.

(3) The Director shall publish the designation of a particular portion of the airspace or a particular aerodrome in accordance with the AIRAC cycle in the AIP, AIP Sup or NOTAM.

(4) The Director may, on a temporary basis, designate a particular portion of the airspace.

Classification of airspace

172.02.2 (1) The Director may classify airspace in accordance with the classes as prescribed in Document NA-CATS-ATS, for the purposes of providing air traffic services.

(2) The Director shall publish the classification of airspace in accordance with the AIRAC cycle in the AIP, AIP Sup or NOTAM.

Designation of control areas

172.02.3 (1) The Director shall, when designating a particular portion of the airspace as a control area in terms of regulation 172.02.1, prescribe the horizontal and vertical limits of such area.

(2) The lowest limit of designated control areas shall be at least 700 feet above the ground or water.

(3) Control zones and aerodrome traffic zones shall extend upwards from the surface of the earth.

Designation of flight information regions

172.02.4 The Director shall, when designating a particular portion of the airspace as a flight information region in terms of regulation 172.02.1, prescribe the borders of such region and make such designation in accordance with the requirements as prescribed in document NA-CATS-ATS.

Designation of advisory areas

172.02.5 The Director shall, when designating a particular portion of the airspace as an advisory area in terms of regulation 172.02.1, prescribe the horizontal and vertical limits of such area.

SUBPART 3**AIR TRAFFIC SERVICE UNITS****Air traffic control clearances**

172.03.1 The contents of an air traffic control clearance given by an air traffic control unit and the coordination of air traffic control clearances between air traffic control units, shall be as prescribed in Document NA-CATS-ATS.

Responsibility for control

172.03.2 (1) Only one air traffic control unit shall control a controlled flight at any given time.

(2) An air traffic control unit may transfer the responsibility for control of an aircraft or group of aircraft to another air traffic control unit: Provided that coordination between such air traffic control units are effected in terms of regulation 172.03.18.

Transfer of responsibility for control

172.03.3 (1) Where transfer of responsibility for control takes place between one air traffic control unit and any other air traffic control unit, the procedures as prescribed in the letter of procedure shall be complied with, to ensure safe coordination.

(2) The conditions and requirements for and the rules, procedures and standards connected with a transfer of responsibility for control referred to in subregulation (1) shall be as prescribed in Document NA-CATS-ATS.

Reporting and investigation of accidents and incidents

172.03.4 (1) An air traffic service unit shall report any accident or incident reported to or witnessed by such air traffic service unit, to the Director.

(2) The reporting and investigation of accidents and incidents by the air traffic service unit, shall be done in accordance with the requirements as prescribed in Part 12.

Reporting of aeronautical information to the Director

172.03.5 An air traffic service unit shall as soon as practicable after obtaining any aeronautical information, notify the Director of -

- (a) information on aerodrome aeronautical conditions, and any change thereto, which are relevant and applicable in its area of responsibility;
- (b) the operational and serviceability status of associated facilities, services and navigation aids within its area of responsibility;
- (c) any other information considered to be of operational significance; and
- (d) meteorological information as required for the safe and expeditious operation of flights.

Station standing instructions manual

172.03.6 The Director shall provide each air traffic service unit with a station standing instructions manual which shall -

- (a) set out the procedures for the operation of the air traffic service unit concerned; and
- (b) contain the information as prescribed in document NA-CATS-ATS.

SUBPART 4
SEARCH AND RESCUE

Establishment and provision of search and rescue services

172.04.1 The Director shall -

- (a) designate the search and rescue regions within which search and rescue services will be provided in Namibia, in accordance with the requirements as prescribed in Document NA-CATS-ATS;
- (b) designate an air traffic service unit to establish search and rescue services for one or more regions designated in terms of paragraph (a);
- (c) designate an appropriate area control centre to act as an aeronautical rescue coordination centre; and
- (d) designate an air traffic service unit to act as a rescue sub-centre under the auspices of the aeronautical rescue coordination centre.

Search and rescue action

172.04.2 (1) Search and rescue action shall be instituted automatically in respect of -

- (a) all flights between aerodromes where air traffic services are provided; and

- (b) all flights conducted in controlled airspace, excluding flights crossing an airway at right angles,

for which air traffic service flight plans are filed prior to departure.

(2) Search and rescue action shall be instituted in respect of all domestic and international flights to aerodromes where air traffic services are not provided, for which air traffic service flight plans are filed prior to departure and the pilot-in-command has specifically requested such search and rescue action.

(3) Search and rescue action shall be instituted in respect of flights for which air traffic service flight plans are filed in flight when such action is specifically requested by the pilot-in-command.

(4) Pilots-in-command of flights for which search and rescue action has been requested, who fail to comply with the search and rescue requirements, shall be responsible for any costs incurred by the air traffic service unit concerned for the provision of alerting services.

(5) Search and rescue action shall be undertaken in accordance with the requirements as prescribed in Document NA-CATS-ATS.