



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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N\$ 7.60

WINDHOEK - 11 June 2008

No. 4062

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## General Notice

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### MINISTRY OF WORKS AND TRANSPORT

No. 161

2008

#### PROPOSED AMENDMENT OF THE NAMIBIAN CIVIL AVIATION REGULATIONS, 2001: AVIATION ACT, 1962 (ACT NO. 74 OF 1962)

Pursuant to regulation 11.03.2 of the Namibian Civil Aviation Regulations, 2001 the chairperson of the Civil Aviation Regulations Committee hereby notifies the general public that the Minister of Works and intends, under section 22 of the Aviation Act 1962 (Act No. 74 of 1962) and after consultation with the Minister of Finance, to amend the Namibian Civil Aviation Regulations 2001 to the extend set out in the Schedule.

The Committee hereby invites interested parties to comment on the proposed amendments to the Regulations within 30 days commencing from the date of publication of this notice. The Committee will consider the comments and any representations received at the end of the stated period after which it will make recommendations to the Director who will in turn if satisfied, with the recommendations, submit them to the Minister for approval in terms of regulation 11.03.4.

Comments or representations should be lodged in writing and should reach the Ministry no later than 30 days from the publication of this notice and should be addressed to:

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## SCHEDULE

### Definition

1. In these regulations “the principal regulations” means the Namibian Civil Aviation Regulations Government Notice No. 1 of 2 January 2001 as amended by Government Notices No. 57 of 1 April 2006 and No. 201 of 20 November 2006.

### Amendment of the table of contents to the Schedule

2. The table of contents to the Schedule to the principal regulations is amended by the insertion after the title of "Part 141" of the following title “Part 142 Pilot training schools”

### Amendment of Part 11 of the principal regulations

3. Part 11 of the principal regulations is amended:
- (a) by the insertion after regulation 11.01.2 of the following regulation:

#### “Notification of differences to the ICAO

**11.01.3** The Director shall notify the International Civil Aviation Organisation of any differences between these regulations and the Standard and Recommended Practices specified in the Annexes to the Convention.”;

- (b) in regulation 11.03.1 by the insertion after subregulation (2) of the following subregulations:

“(3) Whenever an amendment is made to any of the Annexes to the Convention, the chairperson of the committee referred to in regulation 11.02.1 shall forthwith prepare a proposal for the amendment of any regulation or technical standard to incorporate such amendment to the Annexes.

(4) Where a regulation or technical standard has been adopted from the regulation or technical standard of another State and incorporated into a regulation or technical standard, and that State has amended its regulation or technical standard in order to give effect to an amendment to any Annex to the Convention, the chairperson of the committee referred to in regulation 11.02.1 shall forthwith prepare a proposal for amendment of the regulation or technical standard to incorporate such amendment.

(5) Subregulation (4) shall not be construed as preventing a regulation or technical standard from being amended pursuant to these regulations in order to give effect to an amendment to an Annex to the Convention, even if the State whose regulation or technical standard was adopted has not amended its

regulation or technical standard to give effect to the amendment to the Annex to the Convention.”;

- (c) in regulation 11.03.2 by the substitution for the opening paragraph of subsection (1) of the following paragraph:

“The chairperson of the committee referred to in regulation 11.02.1 shall, as soon as practical after receipt of the proposal or an amendment to an Annex to the Convention, an amendment to an adopted regulation or technical standard which has been incorporated into a regulation or technical standard”.

#### **Amendment of Part 61 of the principal regulations**

4. Part 61 of the principal regulations is amended:

- (a) in regulation 61.01 15 by the insertion of the following subregulation the existing regulation becoming subregulation (1):

“(2) The holder of a pilot licence issued under this Part shall satisfy the ICAO language proficiency requirements to the levels as prescribed in NAM-CATS-FCL 61.”;

- (b) in regulation 61.01.29 by the substitution for paragraph (a) of the following paragraph:

“(a) a pilot training school approved in terms of Part 142;”;

#### **Amendment of Part 63 of the principal regulations**

5. Part 63 of the principal regulations is amended in regulation 63.01 11 by the insertion of the following subregulation the existing regulation becoming subregulation (1):

“(2) The holder of a flight engineer licence issued under this Part shall satisfy the ICAO language proficiency requirements to the levels as prescribed in NAM-CATS-FCL 63.”;

#### **Amendment of Part 65 of the principal regulations**

6. Part 65 of the principal regulations is amended in regulation 65.01 8 by the insertion of the following subregulation to existing regulating becoming subregulation (1):

“(2) The holder of an air traffic service licence issued under this Part shall satisfy the ICAO language proficiency requirements to the levels as prescribed in NAM-CATS-FCL 65.”;

#### **Amendment of Part 121 of the principal regulations**

7. Part 121 of the principal regulations is amended:

- (a) by the insertion after regulation 121.01.17 of the following regulation:

“**Safety management**

**121.01.17A** (1) The operator shall establish a safety management system which shall enable both the operator and the Director to assess the operator's approach to safety and the risk to which his or her operation is open to.

(2) An operator's safety management system shall be incorporated into and become part of the operator's operations manual if approved by the Director.

(3) The Director may establish guidelines for safety management systems for large aeroplane operators in Document NAMCATS-OPS 121 and may require such guidelines to be incorporated into the operator's safety management system."

(b) in regulation 121.03.1 by the substitution for paragraph (b) of subregulation (2) of the following paragraph:

"(b) the training shall only be provided by a aviation training organisation or school approved in terms of Part 141 or 142, as the case maybe, or a foreign organization approved by the Director;"

(c) in regulation 121.05.12 by -

(i) the insertion of the following subregulations after subregulation (5):

"(6) The operator of a large aeroplane on which a flight data recorder is required to be fitted under this Part shall maintain up-to-date and sufficient documentation concerning flight data recorder parameter allocation, conversion equation, periodic calibration and other serviceability or maintenance information as prescribed in Document NAM-CATS-OPS 121".

(7) The operator of a large aeroplane on which a flight data recorder is required to be fitted under this Part shall, in the operations manual referred to in regulation 121.04.3, include instructions for the preservation of flight recorder records in the event that the aeroplane is involved in an accident or incident and the manual shall contain the requirements contained in Document NAM-CATS-OPS 121.";

(d) in paragraph (b) of subregulation (1) of regulation 121.06.3 by the deletion of the word "and" at the end of subparagraph (iv) and the insertion after subparagraph (v) of the following paragraph:

"(vi) accident prevention and safety management programmes;" (e) by the substitution for regulation 121.08.2 of the following regulation:

**"Establishment of standard operating procedures**

**121.08.2** (1) The operator of large aeroplane shall establish -

(a) standard operating procedures and instructions, for each aeroplane type, containing ground personnel and crew member duties for all types of operations on the ground and in flight; and

- (b) standard operating procedures and instructions to ensure that crew members do not perform any activities during the critical phases of the flight other than those required for the safe operation of the aeroplane.

(2) The standard operating procedures and instructions referred to in subregulation (1) shall be contained in the operator's operations manual in accordance with the requirements as prescribed in Document NAM-CATS-OPS 121".

- (f) by the substitution for regulation 121.08.41 of the following regulation:

**“Accident prevention, safety management programmes and flight safety documents system**

**121.08.41 (1)** The operator of a large aeroplane shall establish and maintain an accident prevention and flight safety programme, which shall provide for adequate inspection and reporting procedures to ensure that defective equipment are reported to the pilot in-command of the aeroplane before take-off.

(2) The procedures referred to in subregulation (1) shall be extended to include the reporting to the operator of all incidents or the exceeding of limitations which may occur while the crew are embarked on the aeroplane and of defective equipment found on board.

(3) The detailed matters to be included in the accident prevention and safety management programme shall be as prescribed in Document NAM-CATS-OPS 121.

(4) The operator of a large aeroplane of a certificated take-off mass in excess of 20 000 kg shall establish and maintain a flight data analysis programme as part of its accident prevention and flight safety programme.

(5) The operator of a large aeroplane may contract the operation of a flight data analysis programme to another party while retaining overall responsibility for the maintenance of such a programme.

(6) A flight data analysis programme shall be non punitive and contain adequate safeguards to protect the sources of the data.

(7) The operator of a large aeroplane shall prepare the accident prevention and safety management programme and the flight data analysis programme in accordance with the guidelines prescribed in Document NAM-CATS-OPS 121.

(8) The operator of a large aeroplane shall establish a flight safety documents system, for the use and guidance of operational personnel.

(9) The operator of a large aeroplane shall prepare the flight safety documents system in accordance with the guidelines prescribed in Document NAM-CATS-OPS 121.

- (g) by the substitution for regulation 121.13.2 of the following regulation:

**“Flight crew compartment security**

**121.13.2 (1)** If installed, the flight crew compartment door on all aeroplanes operated for the purpose of carrying passengers shall be capable of being locked from within the compartment in order to prevent unauthorised access, and means shall be provided by which cabin crew can discreetly notify the flight crew in the event of suspicious activity or security breaches in the cabin.

(2) All passenger-carrying aeroplanes of a maximum certificated take-off mass in excess of 45,500 kg or with a passenger seating capacity greater than 60 shall be equipped with an approved flight crew compartment door that is designed to resist penetration by small arms fire and grenade shrapnel, and to resist forcible intrusions by unauthorized persons and this door shall be capable of being locked and unlocked from either pilot's station.

(3) In all aeroplanes which are equipped with a flight crew compartment door in accordance with subregulation (2) -

- (a) this door shall be closed and locked from the time all external doors are closed following embarkation until any such door is opened for disembarkation, except when necessary to permit access and egress by authorized persons; and
- (b) means shall be provided for monitoring from either pilot's station the entire door area outside the flight crew compartment to identify persons requesting entry and to detect suspicious behaviour or potential threat.

#### **Amendment of Part 127 of the principal regulations**

8. Part 127 of the principal regulations is amended:

(a) by the insertion after regulation 127.01.17 of the following regulation:

##### **“Safety management**

**127.01.17A (1)** The operator shall establish a safety management system which shall enable both the operator and the Director to assess the operator's approach to safety and the risk to which his or her operation is open to.

(2) An operator's safety management system shall be incorporated into and become part of the operator's operations manual if approved by the Director.

(3) The Director may establish guidelines for safety management systems for helicopter operators in Document NAMCATS-OPS 127 and may require such guidelines to be incorporated into the operator's safety management system."

(b) in regulation 127.03.1 by the substitution for paragraph (b) of subregulation (2) of the following paragraph:

“(b) the training shall only be provided by a aviation training organisation or school approved in terms of Part 141 or 142, as the case maybe, or a foreign organization approved by the Director;”;

- (c) in regulation 127.05.13 by -
- (i) the insertion of the following subregulations after subregulation (5):

“(6) The operator of a helicopter on which a flight data recorder is required to be fitted under this Part shall maintain upto-date and sufficient documentation concerning flight data recorder parameter allocation, conversion equation, periodic calibration and other serviceability or maintenance information as prescribed in Document NAM-CATS-OPS 127.

(7) The operator of a helicopter on which a flight data recorder is required to be fitted under this Part shall, in the operations manual referred to in regulation 127.04.3, include instructions for the preservation of flight recorder records in the event that the helicopter is involved in an accident or incident and the manual shall contain the requirements contained in Document NAM-CATS-OPS 127.”;

- (d) in paragraph (b) of subregulation (1) of regulation 127.06.3 by the deletion of the word “and” at the end of subparagraph (iv) and the insertion after subparagraph (v) of the following paragraph:

“(vi) accident prevention and safety management programmes;”;

- (e) by the substitution for regulation 127.08.2 of the following regulation:

**“Establishment of standard operating procedures**

**127.08.2 (1)** The operator of a helicopter shall establish -

- (a) standard operating procedures and instructions, for each helicopter type, containing ground personnel and crew member duties for all types of operations on the ground and in flight; and
- (b) standard operating procedures and instructions to ensure that crew members do not perform any activities during the critical phases of the flight other than those required for the safe operation of the helicopter.

(2) The standard operating procedures and instructions referred to in subregulation (1) shall be contained in the operator's operations manual in accordance with the requirements as prescribed in Document NAM-CATS-OPS 127”.

- (f) by the insertion after regulation 127.08.37 of the following regulation:

**“Accident prevention, safety management programmes and flight safety documents system**

**127.08.37A (1)** The operator of a helicopter shall establish and maintain an accident prevention and flight safety programme, which shall provide for adequate inspection and reporting procedures to ensure that defective equipment are reported to the pilot in-command of the helicopter before take-off.

(2) The procedures referred to in subregulation (1) shall be extended to include the reporting to the operator of all incidents or

he exceeding of limitations which may occur while the crew are embarked on the helicopter and of defective equipment found on board.

(3) The detailed matters to be included in the accident prevention and safety management programme shall be as prescribed in Document NAM-CATS-OPS 127.

(4) The operator of a helicopter of a certificated takeoff mass in excess of 20 000 kg shall establish and maintain a flight data analysis programme as part of its accident prevention and flight safety programme.

(5) The operator of a helicopter may contract the operation of a flight data analysis programme to another party while retaining overall responsibility for the maintenance of such a programme.

(6) A flight data analysis programme shall be non punitive and contain adequate safeguards to protect the sources of the data.

(7) The operator of a helicopter shall prepare the accident prevention accident prevention and safety management programme and the flight data analysis programme in accordance with the guidelines prescribed in Document NAM-CATS-OPS 127.

(8) The operator of a helicopter shall establish a flight safety documents system, for the use and guidance of operational personnel.

(9) The operator of a helicopter shall prepare the flight safety documents system in accordance with the guidelines prescribed in Document NAM-CATS-OPS 127.

(g) by the substitution for regulation 127.13.2 of the following regulation:

**“Flight crew compartment security**

127.13.2 (1) If installed, the flight crew compartment door on all helicopters operated for the purpose of carrying passengers shall be capable of being locked from within the compartment in order to prevent unauthorised access, and means shall be provided by which cabin crew can discreetly notify the flight crew in the event of suspicious activity or security breaches in the cabin.

(2) All passenger-carrying helicopters of a maximum certificated take-off mass in excess of 45,500 kg or with a passenger seating capacity greater than 60 shall be equipped with an approved flight crew compartment door that is designed to resist penetration by small arms fire and grenade shrapnel, and to resist forcible intrusions by unauthorized persons and this door shall be capable of being locked and unlocked from either pilot’s station.

(3) In all helicopters which are equipped with a flight crew compartment door in accordance with subregulation (2) -

(a) this door shall be closed and locked from the time all external doors are closed following embarkation until any such door is opened for disembarkation, except when necessary to permit access and egress by authorized persons; and



- (b) means shall be provided for monitoring from either pilot's station the entire door area outside the flight crew compartment to identify persons requesting entry and to detect suspicious behaviour or potential threat.

**Amendment of Part 135 of the principal regulations**

9. Part 135 of the principal regulations is amended:

- (a) by the insertion after regulation 136.01.16 of the following regulation:

**“Safety management**

**135.01.16A** (1) The operator shall establish a safety management system which shall enable both the operator and the Director to assess the operator's approach to safety and the risk to which his or her operation is open to.

(2) An operator's safety management system shall be incorporated into and become part of the operator's operations manual if approved by the Director.

(3) The Director may establish guidelines for safety management systems for small aeroplane operators in Document NAM-CATS-OPS 135 and may require such guidelines to be incorporated into the operator's safety management system.”

- (b) **in regulation 135.03.1 by the substitution for paragraph (b) of subregulation (2) of the following paragraph:**

“(b) the training shall only be provided by a aviation training organisation or school approved in terms of Part 141 or 142, as the case maybe, or a foreign organization approved by the Director;”;

- (c) in regulation 135.05.12 by -

- (i) the insertion of the following subregulations after subregulation (5):

“(6) The operator of a small aeroplane on which a flight data recorder is required to be fitted under this Part shall maintain up-to-date and sufficient documentation concerning flight data recorder parameter allocation, conversion equation, periodic calibration and other serviceability or maintenance information as prescribed in Document NAM-CATS-OPS 135.

(7) The operator of a small aeroplane on which a flight data recorder is required to be fitted under this Part shall, in the operations manual referred to in regulation 5135.04.3, include instructions for the preservation of flight recorder records in the event that the aeroplane is involved in an accident or incident and the manual shall contain the requirements contained in Document NAM-CATS-OPS 135.”;

- (d) in paragraph (b) of subregulation (1) of regulation 135 06.3 by the deletion of the word “and” at the end of subparagraph (iv) and the insertion after subparagraph (v) of the following paragraph:

“(vi) accident prevention and safety management programmes;”;

(e) by the substitution for regulation 135.08.2 of the following regulation:

**“Establishment of standard operating procedures**

**135.08.2** (1) The operator of a small aeroplane shall establish

- (a) standard operating procedures and instructions, for each aeroplane type, containing ground personnel and crew member duties for all types of operations on the ground and in flight; and
  - (b) standard operating procedures and instructions to ensure that crew members do not perform any activities during the critical phases of the flight other than those required for the safe operation of the aeroplane.
- (2) The standard operating procedures and instructions referred to in subregulation (1) shall be contained in the operator’s operations manual in accordance with the requirements as prescribed in Document NAM-CATS-OPS 135”.

(f) by the insertion after regulation 135.08.39 of the following regulation:

**“Accident prevention, safety management programmes and flight safety documents system**

**135.08.39A** (1) The operator of a small aeroplane shall establish and maintain an accident prevention and flight safety programme, which shall provide for adequate inspection and reporting procedures to ensure that defective equipment are reported to the pilot in-command of the aeroplane before take-off.

(2) The procedures referred to in subregulation (1) shall be extended to include the reporting to the operator of all incidents or the exceeding of limitations which may occur while the crew are embarked on the aeroplane and of defective equipment found on board.

(3) The detailed matters to be included in the accident prevention and safety management programme shall be as prescribed in Document NAM-CATS-OPS 135.

(4) The operator of a small aeroplane shall prepare the accident prevention accident prevention and safety management programme in accordance with the guidelines prescribed in Document NAM-CATS-OPS 135

(5) The operator of a small aeroplane shall establish a flight safety documents system, for the use and guidance of operational personnel.

(6) The operator of a small aeroplane shall prepare the flight safety documents system in accordance with the guidelines prescribed in Document NAM-CATS-OPS 135.”

**Amendment of Part 139 of the principal regulations**

10. Part 139 of the principal regulations is amended:
- (a) in regulation 139.02.3 by the insertion after paragraph (n) of the following paragraph:
    - “(o) an aerodrome manual referred to is regulation 139.02.8A(4).”;
  - (b) in regulation 139.02.6 by the insertion after paragraph (b) of subregulation (2) of the following paragraph:
    - “(c) observe human factors principles to ensure optimum response by all existing agencies and personnel participating in emergency operations and the operator shall design its system in accordance with the guidelines prescribed in Document NAM-CATS-AH.
  - (c) by the insertion after regulation 139.02.8 of the following regulation

**“Safety management**

**139.02.8A (1)** The applicant shall establish a safety management system for the aerodrome which shall enable both the applicant and the Director to assess the applicant's approach to safety and the risk to which the aerodrome is open to.

(2) The purpose of a safety management system is to have in place an organized and orderly approach in the management of aerodrome safety by the aerodrome operator.

(3) The applicant shall prepare the safety management system in accordance with the guidelines prescribed in Document NAM-CATS-AH.

(4) As part of the certification process, the Director shall ensure that an aerodrome manual which will include all pertinent information on the aerodrome site, facilities, management including a safety management system, is included in the operations manual and is submitted by the applicant for approval prior to granting the aerodrome certificate

- (d) in regulation 139.03.3 by the deletion of the word "and" at the end of paragraph (1) and the insertion after paragraph (m) of the following paragraph:
  - “(n) a heliport manual referred to is regulation 139.03.8A(4).”;
- (b) in regulation 139.03.6 by the insertion after paragraph (b) of subregulation (2) of the following paragraph:
  - “(c) observe human factors principles to ensure optimum response by all existing agencies and personnel participating in emergency operations and the operator shall design its system in accordance with the guidelines prescribed in Document NAM-CATS-AH.

- (c) by the insertion after regulation 139.03.8 of the following regulation:

**“Safety management**

**139.03.8A (1)** The applicant shall establish a safety management system for the heliport which shall enable both the applicant and the Director to assess the applicant’s approach to safety and the risk to which the heliport is open to.

(2) The purpose of a safety management system is to have in place an organized and orderly approach in the management of heliport safety by the heliport operator.

(3) The applicant shall prepare the safety management system in accordance with the guidelines prescribed in Document NAM-CATS-AH.

(4) As part of the certification process, the Director shall ensure that a heliport manual which will include all pertinent information on the aerodrome site, facilities, management including a safety management system, is included in the operations manual and is submitted by the applicant for approval prior to granting the heliport certificate

**Insertion of Part 142 into the principal regulations**

- 11.** The following Part is inserted after Part 141 of the principal regulations:

**“PART 142  
ORGANISATIONS: PILOT TRAINING SCHOOLS**

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL**

- 142.01.1 Applicability
- 142.01.2 Requirement for certificate
- 142.01.3 Requirements for a pilot school certificate
- 142.01.4 Examining authority
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### **SUBPART 3 - TRAINING COURSE OUTLINE AND CURRICULUM**

- 142.03.1 Applicability
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- 142.05.1 Applicability
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- 142.05.5 Flight training
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- 142.05.9 Change of chief instructor
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- 142.05.11 Satellite bases
- 142.05.12 Enrolment
- 142.05.13 Graduation certificate

### **SUBPART 6 - RECORDS**

- 142.06.1 Training records

### **SUBPART 1: GENERAL**

#### **Applicability**

**142.01.1 (1)** This Part prescribes the training required for purposes of Parts 61, 121, 127 and 135, the requirements for issuing pilot school certificates, and associated ratings and the general operating rules applicable to a holder of a certificate or rating issued under this Part.

- (2) This Part does not apply in respect of -
  - (a) training conducted for familiarization purposes or training or instruction conducted in the interests of aviation safety as long as such training or

instruction is not for the issue, renewal, reissue, validation or revalidation of any licence, certificate or rating issued in terms of these the Regulations; and

- (b) tests or the verification of skill or proficiency conducted by examiners designated by the Director in terms of Part 61.
- (3) The Director may approve a pilot training school located outside Namibia.

### **Requirement for certificate**

**142.01.2** No person may operate as a certificated pilot school without, or in violation of, a pilot school certificate issued under this Part.

### **Requirements for a pilot school certificate**

**142.01.3** An applicant may be issued a pilot school certificate with associated ratings if the applicant -

- (a) completes the application for a pilot school certificate on a form and in a manner prescribed in Document NAM-CATS-PTS; and
- (b) meets the applicable requirements of this Part for the school ratings sought.

### **Examining authority**

**142.01.4 (1)** The Director may issue an examining authority to an applicant for a pilot school certificate or to the holder of a pilot school certificate for its pilot school certificate if the applicant or holder meets the requirements of Subpart 4.

(2) The examining authority issued by the Director under subregulation (1) authorises the pilot school to conduct such examinations as are specified in the authority issued by the Director.

(3) An applicant or pilot school that wishes to obtain an examining authority shall apply for such authority to the Director in the manner prescribed in Document NAM-CATS-PTS and the Director may issue an examining authority to the pilot school in the form prescribed in Document NAM-CATS-PTS.

### **Pilot school ratings**

**142.01.5 (1)** The ratings listed in subregulation (2) may be issued to an applicant for a pilot school certificate, provided the applicant meets the requirements of regulation 142.01.3.

(2) An applicant may be authorized to conduct any of the courses leading to the issuing of any of the pilot licences, ratings and certificates which may be issued under Part 61.

(3) The holder of a pilot school certificate is authorised to provide any pilot training required for purposes of Parts 121, 127, 135 and 136.

(4) The minimum curriculum for the certification and rating, special preparations and pilot ground school courses referred to in subregulation (2) and (3) shall be as prescribed in Document NAM-CATS-PTS.

**Application for issuance, amendment or renewal of certificate**

**142.01.6** (1) An application for an original certificate and rating, an additional rating or the renewal of a certificate under this Part must be made to the Director on a form and in a manner prescribed in Document NAM-CATS-PTS.

(2) An application for the issuance or amendment of a certificate or rating must be accompanied by -

- (a) the appropriate fee prescribed in Part 187; and
- (b) the manual of procedure referred to in regulation 142.02.10.

**Duration of approval and examining authority**

**142.01.7** (1) Unless surrendered, suspended, or revoked, a pilot school's certificate expires -

- (a) on the last day of the 12<sup>th</sup> month the certificate was issued;
- (b) except as provided in subregulation (2), on the date that any change in ownership of the school occurs;
- (c) on the date of any change in the facilities upon which the schools certificate is based occurs; or
- (d) upon notice by the Director that the school has failed for more than 60 days to maintain the facilities, aircraft, or personnel required for any one of the schools approved training courses.

(2) A change in the ownership of a pilot school does not terminate that school's certificate if, within 30 days after the date that any change in ownership of the school occurs -

- (a) application is made for an appropriate amendment to the certificate; and
- (b) no change in the facilities, personnel, or approved training courses is involved.

(3) An examining authority issued to the holder of a pilot school certificate expires on the date that the pilot school certificate expires, or is surrendered, suspended or revoked.

**Display of certificate**

**142.01.8** (1) The holder of a pilot school certificate must display that certificate in a place that is normally accessible to the public and is not obscured at that holder's principle place of business.

(2) The holder of a certificate shall make the certificate available for inspection on request by the Director, an authorised officer, inspector or authorised person.

**Safety inspections and audits**

**142.01.9** (1) An applicant for the issue of a pilot school certificate shall permit the Director, an authorised officer, inspector or authorised person to carry such safety inspections and audits which may be necessary to verify the validity of an application made in terms of regulation 142.01.6 and ongoing capability to meet the standards and requirements stipulated in this Part.

(2) The holder of a certificate issued under this Part shall permit the Director, an authorised officer, inspector or authorised person to carry such safety inspections and audits on its personnel, facilities equipment and records to determine the certificate holder's eligibility to hold the certificate, compliance with these regulations or the Act.

**Advertising limitations**

**142.01.10** (1) An advertisement by the holder of a pilot school certificate shall reflect the number of the pilot school certificate and indicate the nature of courses for which the certificate was issued.

(2) The holder of a pilot school certificate may not make any statement relating to its certificate and ratings that is false or designed to mislead any person contemplating enrolment in that school.

(3) The holder of a pilot school certificate may not advertise that the school is certificated unless the school clearly differentiates between courses that have been approved under the Part and those that have not been approved under this Part.

(4) The holder of a pilot school certificate must promptly remove -

- (a) all signs, from vacated premises, indicating that the school was certificated by the Director; and
- (b) all indications (including signs), wherever located that the school is certificated by the Director,

when its certificate has expired or has been surrendered, suspend or revoked.

**Business office and operations base**

**142.01.11** (1) The holder of a pilot school certificate must maintain a principal business office with a mailing address in the name shown on its certificate.

(2) The facilities and equipment at the principal business office must be adequate to maintain the files and records required to operate the business of the school.

(3) The principal business office may not be shared with or used by another pilot school, unless approval is granted by the Director

(4) Before changing the location of the principal business office or the operations base, the holder of a certificate must notify the Director of the new location, and the notice must be -

- (a) submitted in writing at least 30 days before the change of location; and



(b) accompanied by any amendment needed for the certificate holder's approved manual of procedure referred to in regulation 142.02.10.

(5) The holder of a certificate may conduct training at an operations base other than the one specified in its certificate if.

(a) the Director has inspected and approved the base for use by the certificate holder; and

(b) the course of training and any needed amendments have been approved for use at that base.

### **Training agreements between certificated schools**

**142.01.12** (1) A certificated pilot training school may enter into an agreement with another certificated pilot training school for the provision of training or any part of training approved under this Part subject to the approval of the Director.

(2) On completion of the training or any part of training conducted under subregulation (1), a copy of each student's training record shall be forwarded to the training school which requested the training and becomes part of the student's permanent training record.

### **Renewal of certificates and ratings**

**142.01.13** (1) A pilot school may apply for renewal of its school certificate and ratings at least 30 days before the pilot school's certificate expires provided the school meets the requirements prescribed in subregulation (2) for renewal of its certificate and ratings.

(2) A pilot school may have its certificate and ratings renewed for an additional 12 months if the Director determines the school's personnel, aircraft, facilities, airport, approved training courses, training records and recent training ability and quality meet requirements of this Part.

### **Transferability**

**142.01.14** (1) Subject to subregulation (2), a certificate issued under this Part shall not be transferable.

(2) A change in the ownership of the holder of a certificate shall be deemed to be a change of significance referred to in regulation 142.02.12.

### **Variation, suspension and revocation of certificate**

**142.01.15** (1) Subject to subregulations (3) and (4), the Director may by written notice to the holder of a certificate issued under this Part vary, suspend or cancel the certificate if the Director is satisfied that -

(a) the holder can no longer maintain adequate personnel, facilities or equipment to ensure adequate approved training;

(b) fails to comply with any condition of the certificate:

(c) fails to comply with the Act or these regulations

- (d) is convicted of an offence in terms of the Act or these regulations, or
  - (e) the variation, suspension or cancellation is necessary in the interests of aviation safety.
- (2) The notice referred to in subregulation (1) shall -
- (a) specify the reasons why the certificate is being varied, suspended or cancelled;
  - (b) request the holder to rectify the defect within the period specified in the notice;
  - (c) invite the holder to make any representations he or she may wish to make in relation to the variation, suspension or cancellation to the Director within the period specified in the notice; and
  - (d) be delivered to the holder by the quickest possible means available to the Director.

(3) If the holder makes representations to Director as requested the Director shall consider the representations and may confirm or revoke the variation, suspension or cancellation and advise the holder within the shortest possible time after receiving the representations.

(4) If the holder fails to comply with a notice issued in terms of subregulation (1) within the specified period, the Director shall confirm the variation, suspension or cancellation, and inform the holder in writing of the decision and the holder's right to appeal against the decision.

(5) The Director may disregard the procedures set out in subregulations (1) to (3) in circumstances where the immediate variation, suspension or cancellation of the certificate is necessary to prevent serious harm, injury or damage to my person or property or is in the interest of aviation safety in general.

(6) A person who is aggrieved by a decision made by the Director in terms of this regulation may appeal against that decision to the High Court of Namibia.

(7) An appeal in terms of subregulation (6) shall be made in the same manner and within the same periods that appeals in civil matters are made in cases arising from the magistrates courts established by the Magistrates Courts Act, 1944 (Act No of 1944).

(8) An appeal in terms of subregulation (6) shall not suspend the operation of a decision of the Director made in terms of this regulation unless the High Court determines otherwise.

(9) Regardless of subregulation (6), the Director may revoke or vary a decision made in terms of this regulation if the Director is satisfied that the reason for the initial decision no longer exists and that the continuation of operations will not endanger aviation safety.

#### **Loss of pilot school certificate**

**142.01.16** If pilot school certificate is lost, mutilated or destroyed, the holder shall within five days of such loss, mutilation or destruction notify the Director in

writing and may at the same time apply for issue of a duplicate certificate which the Director shall issue subject to payment of the fee set out in Part 187.

### **Register of certificates**

**142.01.17** (1) The Director shall maintain a register of all pilot training school certificates issued, amended or renewed in terms of this Part.

(2) The register shall contain the following particulars:

- (a) the full name of the holder of the certificate;
- (b) the postal address of the holder of the certificate;
- (c) the telephone and telefax number of the holder of the certificate;
- (d) the date on which the certificate was issued, amended or renewed;
- (e) the number of the certificate issued, amended or renewed;
- (f) the conditions of the certificate;
- (g) the nationality of the holder of the certificate; and
- (h) the date on which the certificate was cancelled, if applicable.

(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 certificate was issued, amended, renewed or cancelled, as the case may be.

(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 register.

## **SUBPART 2- PERSONNEL, AIRCRAFT AND FACILITIES REQUIREMENTS**

### **Applicability**

**142.02.1** (1) This Subpart prescribes -

- (a) the personnel and aircraft requirements for a pilot school certificate; and
- (b) the facilities that a pilot school must have available on a continuous basis.

(2) For the purpose of this Subpart, to have continuous use of a facility, including an airport, the school must have -

- (a) ownership of the facility including an airport for at least six months after the date the application for initial certification and on the date of renewal of the school's certificate is made; or

- (b) a written lease agreement for the facility or airport for at least six months after the date the application for initial certification and on the date of renewal of the school's certificate is made.

### **Personnel**

**142.02.2** (1) An applicant for a pilot school certificate shall engage, employ or contract -

- (a) a senior person identified as the accountable manager and compliance officer of the school concerned to whom contractual authority has been granted to ensure that all activities undertaken by the school are carried out in accordance with the applicable requirements prescribed in this Subpart and who shall in addition be vested with the following powers and duties in respect of the compliance with such requirements:
    - (i) unrestricted access to work performed or activities undertaken by all other persons as employees of, of and other persons rendering service under contract with, the school;
    - (ii) full rights of consultation with any such person in respect of such compliance by him or her;
    - (iii) powers to order cessation of any activity where such compliance is not effected;
    - (iv) a duty to establish liaison mechanisms with the Director with a view to ascertain correct manners of compliance with the said requirements and interpretations of such requirements by the Director, and to facilitate liaison between the Director and the school concerned; and
    - (v) powers to report directly to the management of the school on his or her investigations and consultations generally and in case contemplated in subparagraph (iii), and with regard to the results of the liaison contemplated in subparagraph (iv);
  - (b) competent persons who are responsible for quality assurance and safety management and who have direct access to the accountable manager and compliance officer referred to in subparagraph (i) on matters affecting training and aviation safety.
- (2) An applicant for a pilot school certificate shall meet the following personnel requirements:
- (a) the applicant must have adequate personnel to plan conduct and supervise the training covered by the application, including flight instructors, ground instructors, and a chief instructor for each approved course of training who is qualified and competent to perform the duties to which that instructor is assigned;
  - (b) if the school employs dispatchers, aircraft handlers and line service personnel, then it must instruct those persons in the procedures and responsibilities of their employment; and

- (c) each instructor to be used for ground or flight training must hold a flight instructor rating, ground instructor rating, as appropriate, with ratings for the approved course of training and any aircraft used in that course.

(3) The applicant shall establish a procedure for initially assessing and a procedure for maintaining the competence of those personnel involved in planning conducting or supervising the standard training covered by the application

(4) The applicant shall ensure that those personnel responsible for training or assessing students have a combination of competence and experience adequate for the level of for such training or assessment.

(5) An applicant for a pilot school certificate must designate a chief instructor for each of the school's approved training courses, who must meet the requirements of regulation 142.02.3.

(6) When necessary an applicant for a pilot school certificate may designate any instructor to be an assistant chief instructor for an approved training course, provided that person meets the requirements of regulation 142.02.4.

### **Chief instructor qualifications**

**142.02.3** (1) To be eligible for designation as a chief instructor for a course of training a person must meet the following requirements:

- (a) hold a commercial pilot licence or an airline transport pilot licence, and, except for a chief instructor for a course solely for a lighter-than-air rating, a current flight instructor licence. The licence must contain the appropriate aircraft category and class ratings for the category and class of aircraft used in the course and an instrument rating if an instrument rating is required for enrolment in the course of training;
- (b) meet the pilot-in-command recent flight experience requirements of Part 61;
- (c) pass a knowledge test on -
  - (i) teaching methods;
  - (ii) applicable provisions of the "Aeronautical Information Circulars";
  - (iii) applicable provisions of Part 61, 91 and of this Part; and
  - (iv) the objectives and approved course completion standards of the course for which the person seeks to obtain designation.
- (d) pass a proficiency test on instructional skills and ability to train students on the flight procedures and manoeuvres appropriate to the course;
- (e) except for a course of training for gliders, balloons or airships, the chief instructor must meet the applicable requirements in subregulations (2), (3) and (4); and
- (f) a chief instructor for a course of training for gliders, balloons or airships is only required to have 40 percent of the hours required in subregulations (2) and (4).

(2) For a course of training leading to the issuance of a private pilot licence or rating, a chief instructor must have -

- (a) at least 1,000 hours as pilot in command; and
- (b) primary flight training experience acquired as either flight instructor or an instructor in a military pilot flight training program, or a combination thereof, consisting of at least -
  - (i) two years and a total of 500 flight hours; or
  - (ii) 1,000 flight hours.

(3) For a course of training leading to the issuance of an instrument rating or rating with instrument privileges a chief instructor must have -

- (a) at least 100 hours of flight time under actual or simulated instrument conditions;
- (b) at least 1,000 hours as pilot in command; and
- (c) instrument flight instructor experience, acquired as either a flight instructor or an instructor in a military pilot training program, or a combination thereof, consisting of at least -
  - (i) two years and a total of 250 flight hours; or
  - (ii) 400 flight hours.

(4) For a course of training other than the one leading to the issuance of an instrument rating or a rating with instrument privileges, a chief instructor must have -

- (a) at least 2,000 hours as a pilot in command; and
- (b) flight training experience, acquired as either a flight instructor or an instructor in a military pilot flight training program, or a combination thereof, consisting of at least -
  - (i) three years and a total of 1,000 flight hours; or
  - (ii) 1,500 flight hours.

(5) To be eligible for designation as a chief instructor for a ground school course a person must have one year of experience as a ground school instructor at a certificated pilot school.

### **Instructor qualifications**

**142.02.4** (1) To be designated as an instructor for a course of training, a person must meet the following requirements:

- (a) hold a commercial or an airline pilot licence and a current flight instructor rating. The licence must contain appropriate aircraft category, class and instruments ratings if an instrument rating is required by the course of training for the category and class of aircraft used in the course;

- (b) meet the pilot-in-command recent flight experience requirements of Part 61;
  - (c) pass a knowledge test on -
    - (i) teaching methods;
    - (ii) applicable provisions of the "Aeronautical Information Circulars"
    - (iii) applicable provisions of Parts 61, 91 and this Part; and
    - (iv) the objectives and approved course completion standards of the course for which the person seeks to obtain designation;
  - (d) pass a proficiency test on the flight procedures and maneuvers appropriate to that course; and
  - (e) meet the applicable requirements in subregulations (2), (3) and (4). However, an instructor for a course of training for gliders, balloons or airships is only required to have 40 percent of the flight hours required in subregulations (2) and (4);
- (2) For a course of training leading to issuance of a private pilot licence or rating, an instructor must have -
- (a) at least 500 hours as a pilot in command; and
  - (b) flight training experience acquired as either a flight instructor or an instructor in a military pilot flight training program, or a combination thereof, consisting of at least -
    - (i) one year and a total of 250 flight hours; or
    - (ii) 500 flight hours.
- (3) For a course of training leading to the issuance of an instrument rating or a rating with instrument privileges, an instructor must have -
- (a) at least 50 hours of flight time under actual or simulated instrument conditions;
  - (b) at least 500 hours as pilot in command; and
  - (c) instrument flight instructor experience acquired as either a flight instructor instrument or an instructor in a military training program or a combination thereof, consisting of at least -
- (4) For a course of training other than one leading to the issuance of a private pilot certificate or rating, or an instrument rating with instrument privileges an instructor must have -
- (a) at least 1,000 hours as a pilot in command; and
  - (b) flight training experience acquired as either a flight instructor or an

instructor in a military pilot flight training program, or a combination thereof, consisting of at least -

- (i) one to one and half years and a total of 500 flight hours; or (ii) 750 flight hours.

(5) To be eligible for designation as an instructor for a ground school course a person must have six months of experience as a ground school instructor at a certificated pilot school.

### **Airports**

**142.02.5** (1) An applicant for a pilot school certificate must show that he or she has continuous use of each airport at which training flights originate.

(2) Each airport used for airplanes and gliders must have at least one runway or takeoff area that allows maximum certificated takeoff gross weight:

- (a) under wind conditions of not more than eight kilometres per hour;
- (b) at temperatures in the operating area equal to the mean high temperature for the hottest month of the year;
- (c) if applicable, with the powerplant operation, and landing gear and flap operation recommended by the manufacturer; and
- (d) in the case of a takeoff -
  - (i) with smooth transition from liftoff to the best rate of climb speed without exceptional piloting skills or techniques; and
  - (ii) clearing all obstacles in the takeoff flight path by at least 18 metres.

(3) Each airport must have a wind direction indicator that is visible from the end of each runway at ground level.

(4) Each airport must have a traffic direction indicator when the airport does not have an operating control tower.

(5) Each airport used for night training flights must have permanent runway lights.

### **Aircraft**

**142.02.6** An applicant for a pilot school certificate must show that each aircraft used by that school for flight training and solo flight meets the following requirements:

- (a) each aircraft must be registered as a civil aircraft in Namibia or in another state party to the Convention as may be approved by the Director;
- (b) each aircraft must be certificated with standard airworthiness certificate or a primary airworthiness certificate, unless the Director



determines that due to the nature of the approved course, an aircraft not having a standard airworthiness certificate may be used;

- (c) each aircraft must be maintained and inspected in accordance with the requirements under Part 43;
- (d) each aircraft used in flight training must have at least two pilot stations with engine-power controls that can be easily reached and operated in a normal manner from both pilot stations; and
- (e) each aircraft used in a course involving IFR en route operations and instrument approaches must be equipped and maintained for IFR operations. For training in the control and precision maneuvering of an aircraft by reference to instruments, the aircraft may be equipped as provided in the approved course of training.

### **Flight simulators, flight training devices and training aids**

**142.02.7** (1) An applicant for a pilot school certificate must show that each aircraft used by that school for flight training and solo flights meets the requirements set out in subregulations (2), (3) and (4).

(2) In the case of flight simulators, each flight simulator used to obtain flight training credit allowed for flight simulators in an approved pilot training course curriculum must -

- (a) be a full-size aircraft cockpit replica of a specific type of aircraft or make or model and series of aircraft;
- (b) include the hardware and software necessary to represent the aircraft in ground and flight operations;
- (c) use a force cueing system that provides cues at least equivalent to those cues provided by a three degree freedom of motion system;
- (d) use a visual system that provides at least a 45-degree horizontal field of view and a 30 - degree vertical field of view simultaneously for each pilot; and
- (e) have been evaluated, qualified and approved by the Director.

(3) In the case of flight training devices, each flight training device used to obtain flight training credit allowed for flight training devices in an approved pilot training course curriculum must -

- (a) be a full - size replica of instruments, equipment panels, and controls of an aircraft, or set of aircraft, in an open flight deck area or in an enclosed cockpit, including the hardware and software of the systems installed that is necessary to stimulate the aircraft in ground and flight operations;
- (b) need not have a force (motion) cueing or visual system; and
- (c) have been evaluated, qualified, and approved by the Director.

(4) In the case of training aids and equipment, each training aid, including

any audiovisual aid, projector, tape, recorder, mockup, chart or aircraft component listed in the approved training course outline, must be accurate and appropriate to the course for which it is used.

### **Pilot briefing areas**

**142.02.8** (1) An applicant for a pilot school certificate must show that the applicant has continuous use of a briefing area located at each airport at which training flights originate that is -

- (a) adequate to shelter students waiting to engage in their training flights;
- (b) arranged and equipped for the conduct of pilot briefings; and
- (c) except as provided in subregulation (3), for a school with an instrument rating or commercial pilot course, equipped with private landline or telephone communication to the nearest office of the Directorate: Civil Aviation..

(2) A briefing area required by subregulation (1) may not be used by the applicant if it is available for use by any other pilot school during the period it is required for use by the applicant.

(3) The communication equipment required by subsection (1) (c) is not required if the briefing area and the flight service station are located on the same airport, and area readily accessible to each other.

### **Ground training facilities**

**142.02.9** An applicant for a pilot school must show that -

- (a) each room, training booth, or other space used for instrumental purposes is heated, lighted and ventilated to conform to local building, sanitation and health standards; and
- (b) the training facility is so located that the students in that facility are not distracted by the training conducted in other rooms, or by flight and maintenance operations on the airport.

### **Manual of procedure**

**142.02.10** An applicant for a pilot school shall provide the Director with its manual of procedure which shall -

- (a) comply with the requirements in this Part; and
- (b) contain the information as prescribed in Document NAM-CATS-PTS.

### **Quality assurance system**

**142.02.11** (1) The holder of a pilot school shall establish one quality assurance system and designate one quality manager to monitor compliance with, and the adequacy of, procedures required to ensure the provision of approved training programmes. Compliance monitoring must include a feed-back system to the accountable manager to ensure corrective action as necessary.

(2) The quality assurance system must include a quality assurance programme that contains procedures designed to verify that all training programmes are being conducted in accordance with all applicable requirements, standard and procedures.

(3) The quality assurance system and the quality manager must be approved to the Director.

(4) The minimum standards for a quality assurance system shall be as prescribed in Document NAM-CATS-PTS.

### **Changes in quality management system**

**142.02.12** (1) If the holder of a pilot school desires to make any change in the quality assurance system referred to in regulation 142.02.11 which is significant to the showing of compliance with the appropriate requirements prescribed in this Part, including -

- (a) any particulars on the certificate
- (b) the identity of the accountable manager;
- (c) the identities of the persons referred to in regulation 142.02.2; and
- (d) the conditions of the certificate,

such holder shall apply to the Director for the approval of such change.

(2) The provisions of regulations 142.01.3 and 142.01.6 shall, subject to necessary changes required by the context, apply to an application for the approval of a change in the quality assurance system.

(3) An application for the approval of a change in the quality assurance system shall be granted by the Director if the applicant satisfies the Director, upon submission of appropriate proposed changes to its manual of procedures, that it will continue to comply with the provisions of this Part after the implementation of such approved change.

### **Safety management**

**142.02.13** (1) The holder of a pilot school certificate shall establish a safety management system which shall enable both the certificate holder and the Director to assess the holder's approach to safety and the risk to which his or her or its school is open to.

(2) The Director shall establish guidelines for safety management systems for holders of a pilot school certificates in Document NAM-CATS-PTS and shall require such guidelines to be incorporated into a holder's safety management system.

### **Duties of holder of certificate**

**142.02.14** The holder of a pilot school certificate shall -

- (a) hold at least one complete and current copy of its manual of procedure referred to in regulation 142.02.10, at each training facility specified in the manual of procedure;

- (b) comply with all the procedures detailed in the manual of procedure;
- (c) make each part of the manual of procedure available to the personnel who require those parts to carry out their duties; and
- (d) continue to comply with the appropriate requirements prescribed in this Part.

### **SUBPART 3: TRAINING COURSE OUTLINE AND CURRICULUM**

#### **Applicability**

**142.03.1.** This Subpart prescribes the curriculum and course outline requirements for the issuance of a pilot school certificate and ratings.

#### **Approval procedures for a training course**

**142.03.2** (1) An applicant for a pilot school certificate must obtain the Director's approval of the outline of each training course for which certification and rating is sought.

(2) An application for the approval of an initial or amended training course must be made to the Director in the manner prescribed in Document NAM-CATS-PTS.

(3) An application for the approval of an initial or amended training course must be submitted at least 30 days before any training under that course, or any amendment thereto, is scheduled to begin.

#### **Training course: contents**

**142.03.3** (1) Each training course for which approval is requested must meet the minimum curriculum requirements in accordance with the requirements prescribed in Document NAM-CATS-PTS.

(2) Except as provided in subregulations (4) and (5), each training course for which approval is requested must meet the minimum ground and flight training time requirement in accordance with the requirements prescribed in Document NAM-CATSPTS.

- (3) Each training course for which approval is requested must contain -
  - (a) a description of each room used for ground training, including the room's size and the maximum number of students that may be trained in the room at one time;
  - (b) a description of each type of audiovisual aid, projector, tape recorder, mockup, chart, aircraft component and other special aids used for ground training;
  - (c) a description of each flight simulator or flight training device used for training;
  - (d) a listing of the airports at which training flights originate and a description of the facilities, including pilot briefing areas, that are available for use by the school's students and personnel at each of those airports;

- (e) a description of the type of aircraft including any special equipment used for each phase of training;
- (f) the minimum qualifications and ratings for each instructor assigned to ground or flight training; and
- (g) a training syllabus that includes the following information -
  - (i) the prerequisites for enrolling in the ground and flight portion of the course that include the pilot certificate and rating (if required by this Part), training, pilot experience and pilot knowledge;
  - (ii) a detailed description of each lesson, including the lesson's objectives, standards and planned time for completion;
  - (iii) a description of what the course is expected to accomplish with regard to student learning;
  - (iv) the expected accomplishments and the standards for each stage of training; and
  - (v) a description of the checks and tests to be used to measure a student's accomplishments for each stage of training.

### **Special curricula**

**142.03.4** An applicant for a pilot school certificate may apply for approval to conduct a special course of pilot training for which a curriculum is not prescribed in this Part, if the applicant shows that the training course contains features that could achieve a level of pilot proficiency equivalent to that achieved by a training course prescribed in this Part or the requirements of Part 61.

## **SUBPART 4-EXAMINING AUTHORITY**

### **Applicability**

**142.04.1** This Subpart prescribes the requirements for the issuance of examining authority to the holder of a pilot school certificate or at any person who qualifies, and the privileges and limitations of that examining authority.

### **Examining authority qualification requirements**

**142.04.2** (1) A pilot school must meet the following prerequisites to receive initial approval for examining authority:

- (a) the school must complete the application for examining authority on a form and in a manner prescribed in regulation 142.01.4;
- (b) the school must hold a pilot school certificate and rating issued under this Part;
- (c) the school must have held the rating in which examining authority is sought for a least 24 consecutive months preceding the month of application for examining authority;

- (d) training course for which examining authority is requested may not be a course that is approved without meeting the minimum ground and flight training time requirement of this Part; and
  - (e) within 24 months before the date of application for examining authority, that school must meet the following requirements:
    - (i) the school must have trained at least 10 students in the training course for which examining authority is sought and recommended those students for a pilot, flight instructor, or ground instructor certificate or rating; and
    - (ii) at least 90 percent of those students passed the required practical or knowledge test, or any combination thereof, for the pilot, flight instructor, or ground instructor certificate or rating on the first attempt, and that test was given by -
      - (aa) an inspector; or
      - (bb) an examiner who is not an employee of the school.
- (2) A pilot school must meet the following requirements to retain approval of its examining authority:
- (a) the school must complete the application for renewal of its examining authority on a form and in a manner prescribed in Document NAM CATS-PTS;
  - (b) the school must hold a pilot school certificate and rating issued under this Part;
  - (c) the school must have held the rating for which continued examining authority is sought for at least 24 months preceding the month of application for renewal of its examining authority; and
  - (d) the training course for which continued examining authority is requested may not be a course that is approved without meeting the minimum ground and flight training time requirements of this Part.

### **Privileges**

**142.04.3** A pilot school that holds examining authority may recommend a person who graduated from its course for the appropriate pilot, flight instructor, or ground instructor licence or rating without taking the Directorate knowledge test or practical test in accordance with the provisions of this Subpart.

### **Limitations and reports**

**142.04.4** (1) A pilot school that holds examining authority may only recommend the issuance of a pilot, flight instructor, or ground instructor licence and rating to a person who does not take a Directorate knowledge test or practical test, if the recommendation for the issuance of that licence or rating is in accordance with the following requirements.

- (a) the person graduated from training course for which the pilot school holds examining authority;

- (b) Except as provided in this paragraph, the person satisfactorily completed all the curriculum requirements of that pilot school's approved training course. A person who transfers from one certificated pilot school to another certificated pilot school may receive credit for that previous training, provided the following requirements are met:
- (i) the maximum credited training time does not exceed one-half of the receiving school's curriculum requirements;
  - (ii) the person completes a knowledge and proficiency test conducted by the receiving school for the purpose of determining the amount of pilot experience and knowledge to be credited;
  - (iii) the receiving school determined (based on the person's performance on the knowledge and proficiency test required by paragraph (b)(ii) the amount of credit to be awarded, and records that credit in the person's training record;
  - (iv) the person who requests credit for previous pilot experience and knowledge obtained the experience and knowledge from another pilot and training course approved under this Part; and
  - (v) the receiving school retains a copy of the person's training record from the previous school;
- (c) tests given by a pilot school that holds examining authority must be approved by the Director and be at least equal in scope, depth, and difficulty to the comparable knowledge and practical tests prescribed under Part 61.
- (d) a pilot school that holds examining authority may not use its knowledge or practical tests if the school -
- (i) knows, or has reason to believe, the tests has been compromised; or
  - (ii) is notified by the Director that there is reason to believe or it known that the test has been compromised.
- (e) a pilot school that holds examining authority must maintain a record of all student pilot licences it issues, which consist of the following information:
- (i) a chronological listing, that includes -
    - (aa) the date the temporary student pilot licence was issued;
    - (bb) the student to whom the student pilot licence was issued, and that student's permanent mailing address and telephone number;
    - (cc) the training course from which the student graduated;

- (dd) the name of person who conducted the knowledge or practical test;
  - (ee) the type of student pilot licence or rating issued to the student; and
  - (ff) the date the student's application file was sent to the Director for processing for a pilot licence;
- (ii) a copy of the record containing each student's graduation certificate, student licence application, student pilot licence, suspended pilot licence (if applicable), and knowledge test or practical test results; and
  - (iii) the records required by paragraph (e) must be retained for one year and made available to the Director upon request. These records must be surrendered to the Director when the pilot school ceases to have examining authority;
- (f) except for pilot schools that have a pilot licence certification representative, when a student passes the knowledge test or practical test, the pilot school that holds examining authority must submit that student's licence application file and training record to the Director for processing for the issuance of a pilot licence.

## **SUBPART 5 - OPERATING RULES**

### **Applicability**

**142.05.1** This Subpart prescribes the operating rules applicable to a pilot school certificate under the provisions of this Part.

### **Privileges**

**142.05.2** (1) The holder of a pilot school certificate may advertise and conduct, approved pilot training courses in accordance with the certificate and any rating that it holds.

(2) A pilot school that holds examining authority for an approved training course may recommend a graduate of that course for the issuance of an appropriate pilot, flight instructor, or ground instructor certificate and rating, without taking an Directorate knowledge test or practical test, provided the training course has been approved and meets the minimum ground and flight training time requirements of this Part.

### **Aircraft requirements**

**142.05.3** The following items must be carried on each aircraft used for flight training and solo flights:

- (a) a pretakeoff and prelanding checklist; and
- (b) the operator's handbook for the aircraft, if one is furnished by the manufacturer, or copies of the handbook if furnished to each student using the aircraft.



**Limitations**

**142.05.4** (1) The holder of a pilot certificate may not issue a graduation certificate to a student, or recommend a student for a pilot licence or rating, unless the student has:

- (a) completed the training specified in the pilot school's course of training; and
- (b) passed the required final tests.

(2) Except as provided in subregulation (3), the holder of a pilot school certificate may not graduate a student from a course of training, unless the student has completed all of the curriculum requirements of that course.

(3) A student may be given credit towards the curriculum requirements of a course for previous pilot experience and knowledge, provided the following conditions are met:

- (a) if the credit is based upon a training course approved under this Part, the credit given to that student for the previous pilot experience and knowledge may be 50 percent of the curriculum requirements and must be based upon a proficiency test or knowledge test, or both, conducted by the receiving pilot school;
- (b) if the credit is not based upon a training course approved under this Part, the credit given to that student for the previous pilot experience and knowledge shall not exceed more than 25 percent of the curriculum requirements and must be based upon a proficiency test or knowledge test, or both, conducted by the receiving pilot school;
- (c) the receiving school determines the amount of course credit to be transferred under paragraph (a) or (b), based on a proficiency test or knowledge test, or both, of the student; and
- (d) credit for training specified in paragraph (a) or (b) may be given only if the previous provider of the training has certified in writing, or other form approved by the Director as to the kind and amount of training provided, and the result of each stage check and end-of-course test, if applicable, given to the student.

**Flight training**

**142.05.5** (1) No person other than a certificated flight instructor who has the ratings and the minimum qualifications specified in the approved training course outline may give a student flight training under an approved course of training.

(2) No student pilot may be authorised to start a solo practice flight from an airport until the flight has been approved by a certificated flight instructor who is present at that airport.

(3) Each chief instructor and an instructor assigned to a training course must complete, at least once every 12 months, an approved syllabus of training consisting of ground or flight training or both, or an approved flight instructor refresher course.

(4) Each certificated flight instructor who is assigned to a flight training course must satisfactorily complete the following tasks, which must be administered by the school's chief instructor or instructor.

- (a) prior to receiving authorization to train student in a flight training course, must -
  - (i) accomplish a review of and receive a briefing on the objectives and standards of that training course; and
  - (ii) accomplish an initial proficiency check in each make and model of aircraft used in that training course in which that person provides training; and
- (b) every 12 months after the month in which the person last complied with the requirements of paragraph (a)(ii), accomplish a recurrent proficiency check in one of the aircraft in which the person trains students.

### **Ground training**

**142.05.6** (1) Except as provided in subsection (2), each instructor who is assigned to a ground training course must hold a flight or ground instructor certificate, with the appropriate rating for that course of training.

(2) A person who does not meet the requirements of subregulation (1) may be assigned ground training duties in a ground training course, if -

- (a) the chief instructor who is assigned to that ground training course finds the person qualified to give that training; and
  - (b) the training is given while under the supervision of the chief instructor or an instructor who is present at the facility when the training is given.
- (3) An instructor may not be used in a ground training course until that instructor has been briefed on the objectives and standards of that course by the chief instructor or other instructor.

### **Quality of training**

**142.05.7** (1) Each pilot school must meet the following requirements:

- (a) comply with its approved training course; and
- (b) provide training of such quality that meets requirements of regulation 142.02.11 (4);

(2) The failure of a pilot school to maintain the quality of training specified in subregulation (1) may be the basis for suspending or revoking that school's certificate.

(3) When requested by the Director, a pilot school must allow the Directorate to administer any knowledge test, practical test, stage check, or end-of-course test to its students.

(4) When a stage check or end-of-course test is administered by the Directorate under the provisions of subregulation (3), and the student has not completed the training course, then that test will be based on the standards prescribed in the school's approved training course.

(5) When a practical test or knowledge test is administered by the Directorate under the provisions of subregulation (2) upon the areas of operation approved by the Director.

### **Chief instructor responsibilities**

**142.05.8** (1) Each person designed as a chief instructor for a pilot school shall be responsible for -

- (a) certifying each student's training record, graduation certificate, stage check and end-of-course test report and recommendation for course completion;
- (b) ensuring that each flight instructor or ground instructor passes an initial proficiency check prior to that instructor being assigned duties in the school's approved training course, and thereafter that the instructor passes a recurrent proficiency check every 12 months after the month in which the initial test was accomplished;
- (c) ensuring that each student accomplishes the required stage checks and end-of-course tests in accordance with the school's approved training course; and
- (d) maintaining training techniques, procedures, and standards for the school that are acceptable to the Director.

(2) The chief instructor or any other instructor must be available at the pilot school or, if away from the pilot school, be available by telephone, radio, or other electronic means during the time that training is given for an approved training course.

(3) The chief instructor may delegate authority for conducting stage checks, end-of-course tests, and flight instructor proficiency checks to an instructor.

### **Change of chief instructor**

**142.05.9** Whenever a pilot school makes a change of designation of its chief instructor, that school -

- (a) must immediately provide the Director with written notification of the change;
- (b) may conduct training without a chief instructor for that training course for a period not to exceed 60 days while awaiting the designation and approval of another chief instructor;
- (c) may, for a period not to exceed 60 days, have the stage checks and end-of-course tests administered by -
  - (i) training course's instructor, if one has been designated;
  - (ii) an inspector; or

- (iii) an examiner,
- (d) must, after 60 days without a chief instructor, cease operations and surrender its certificate to the Director; and
- (e) may have its certificate reinstated, upon -
  - (i) designating and approving another chief instructor;
  - (ii) showing it meets the requirements of regulation 142.01.13; and
  - (iii) applying for reinstatement on a form in a manner prescribed in Document NAM-CATS-PTS.

### **Maintenance of personnel, facilities, and equipment**

**142.05.10** The holder of a pilot school certificate may not provide training to a student who is enrolled in an approved course or training unless:

- (a) each airport, aircraft and facility necessary for that training meets the standards specified in the holder's approved course or training unless;
- (b) except as provided in regulation 142.05.9, each chief instructor or instructor meets the qualifications specified in the holder' approved course of training and the appropriate requirements of this Part.

### **Satellite bases**

**142.05.11** The holder of a pilot school certificate may conduct ground training or flight training in an approved course of training at a base other than its main operation base if -

- (a) an instructor is designated for each satellite base, and that instructor is available at that base or, if away from the premises, by telephone, radio, or other electronic means during the time that training is provided for an approved training course;
- (b) the airport, facilities, and personnel used at the satellite base meet the appropriate requirements of Subpart B of this Part and its approved training course outline;
- (c) the instructors are under the direct supervision of the chief instructor for the appropriate training course, who is readily available for consultation in accordance with regulation 142.05.8(2); and
- (d) the Director is notified in writing if training is conducted at a base other than the school's main operation base for more than seven consecutive days.

### **Enrolment**

**142.05.12** (1) The holder of a pilot school certificate must, at the time a student is enrolled in an approved training course, furnish that student with a copy of the following:

- (a) a certificate of enrolment containing -
  - (i) the name of the course in which the student is enrolled; and
  - (ii) the date of that enrolment,
- (b) a copy of the student's training syllabus;
- (c) a copy of the safety procedures and practices developed by the school that describe the use of the school's facilities and the operation of its aircraft. Those procedures and practices shall include training on at least the following information -
  - (i) the weather minimums required by the school for dual and solo flights;
  - (ii) the procedures for starting and taxiing aircraft on the ramp;
  - (iii) fire precautions and procedures;
  - (iv) redispach procedures after unprogrammed landings, on and off airports;
  - (v) aircraft discrepancies and approval for return-to-service determinations;
  - (vi) securing of aircraft when not in use;
  - (vii) fuel reserves necessary for local and cross-country flights;
  - (viii) avoidance of other aircraft in flight and on the ground;
  - (ix) minimum altitude limitations and simulated emergency landing instructions; and
  - (x) a description of and instructions regarding the use of assigned practice areas.
- (2) The holder of a pilot school certificate must maintain a monthly listing of persons enrolled in each training course offered by the school.

### **Graduation certificate**

**142.05.13** (1) The holder of a pilot school certificate must issue a graduation certificate to each student who completes its approved course of training.

(2) The graduation certificate must be issued to the student upon completion of the course of training and contain at least the following information:

- (a) the name of the school and the certificate number of the school;
- (b) the name of the graduate to whom it was issued;
- (c) the course of training for which it is issued;

- (d) the date of graduation;
- (e) a statement that the student has satisfactorily completed each required stage of the approved course of training including the tests for those stages;
- (f) a certification of the information contained on the graduation certificate by the chief instructor for that course of training; and
- (g) a statement showing the cross-country training that the student received in the course of training.

## **SUBPART 6- RECORDS**

### **Training records**

**142.06.1** (1) Each holder of a pilot school certificate must establish and maintain a current and accurate record of the participation of each student enrolled in an approved course of training conducted by the school that includes the following information:

- (a) the date the student was enrolled in the approved course;
- (b) a chronological log of the student's course attendance, subjects, and flight operations covered in the student's training, and the names and grades of any tests taken by the students; and
- (c) the date the students graduated, terminated training, or transferred to another school.

(2) The records required to be maintained in a student's logbook will not suffice for the record required by subregulation (1).

(3) Whenever a student graduates, terminates training, or transfers to another school, the student's record must be certified to that effect by the chief instructor.

(4) The holder of a pilot school certificate must retain each student record required by this section for at least one year from the date that the student -

- (a) graduates from the course to which the record pertains; or
- (b) terminates enrolment in the course to which the record pertains; or (c) transfer to another school.

(5) The holder of a pilot school certificate must make a copy of the student's training record available upon request by the student.

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